



An
Bord
Pleanála

Inspector's Report

ABP-306845-20

Development	Construction of waste transfer and recycling facility.
Location	Courtstown Industrial Estate, Courtstown, Little Island, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	18/07200
Applicant(s)	Country Clean Recycling Unlimited
Type of Application	Planning permission
Planning Authority Decision	Grant Permission s.t. conditions
Type of Appeal	Third Party and First Party
Appellant(s)	1. R&E Crowley, Clash Rd. 2. Little Island Community Association 3. Mark Scally Hayfield Manor Ltd. 4. Peter Sweetman & Associates 5. Country Clean Recycling Unlimited

Observer(s)

1. Glounthaune Tidy Towns
2. Michael Mulcahy Little Island Business Association
3. Ballymaloe Foods Ltd.
4. Elmarie & Charlie Mahon
5. Claire Daly & Others
6. Brendan McMahon & Alison Ryan
7. Marian Daly
8. Gerard Neary
9. Island Cross Resident Association
10. Bridie & Michael Rea
11. Ben Whooley
12. Clash Road Residents
13. Caitriona Power
14. Michael & Fiona Delargey

Date of Site Inspection

10th September 2020.

Inspector

Mary Kennelly

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1.0 Site Location and Description

- 1.1.** The appeal site, which has a stated area of 1.49 ha. is located in the Harbour Point Business Park, which forms part of Courtstown Industrial Estate in Little Island, Co. Cork. Little Island is located c.8km to the east of Cork City and is bounded to the north by the N25 and to the south and west by Lough Mahon and to the east by a channel separating it from Fota Island. The area is one of the principal employment centres in Cork and is home to several large industrial estates, business and commercial parks, and some residential development. The western part of the island is more developed than the eastern part with a large IDA Industrial Estate and the northern section is dominated by the Eastgate Business Park and the Euro Business Park. Access to Little Island is from two locations, one adjacent to Dunkettle roundabout and the other from the north via the R623. As part of the new upgrade to the Dunkettle Interchange, a new link road will be provided with the R623 regional road in Wallingstown, which will serve the western part of the island. Little Island is also served by a train station on the local suburban rail line.
- 1.2.** The Courtstown Industrial Estate is located at the eastern end of the island with the Harbour Point Business Park to the immediate south. Within Little Island, this area is accessed primarily by means of Ballytrasna Park to the north (which travels eastwards from the R623) and by Clash Road, which travels south from its junction with Ballytrasna Park. The lands to the north of Ballytrasna Park are largely undeveloped. The lands to the west of Courtstown Industrial Estate and the Harbour Point Business Park are also largely undeveloped, although a substantial portion of these lands comprise a former golf course. Clash Road forms the western boundary of the former golf club lands and contains linear housing development. The other main area of housing development is located along and to the south of Ballytrasna Road, where the neighbourhood centre is located. There is a public wastewater treatment plant located to the south.
- 1.3.** Access is gained to the industrial estate/business park from the north directly off Ballytrasna Road along Harbour Point Road, and from the south via Clash Road and Harbour Point Road. The estate is comprised mainly of individual warehouse type units which front directly onto Harbour Point Road. The units are largely in light industrial or warehouse/distribution use. The closest residential properties to the appeal site are located on Ballytrasna Park, c.350 metres to the north of the site.

- 1.4.** The appeal site comprises a single greenfield site which is located at the end of a short cul-de-sac. It has a stated area of 1.49ha. It is bounded to the east by a row of warehouse units, to the north by an agricultural field and to the west by the former golf course. The lands to the south are currently under construction as part of the Harbour Point Business Park. The site is accessed by means of a road which was granted by the P.A. under 07/4334, which runs between two units and splits off in two directions. The ground levels are reasonably level, but the site is elevated above the adjoining lands to the east and south.

2.0 Proposed Development

- 2.1.** The development comprises the construction of a new building (6,625sq.m) containing a waste transfer and recycling facility. It will also include the construction of a separate 2-storey administration block (178sq.m), an ESB Sub-station (36sq.m), 3 no. weigh bridges, 2 no. access ramps, a new exit gate and signage to the eastern boundary, new boundary treatments, supplementary planting inside the western boundary, an underground firewater containment tank, an underground diesel storage tank, a service yard and 23 no. car parking spaces. The proposed site drainage works will include 3 no. oil interceptors, 4 no. silt traps along with all associated site works. The 2 no. access ramps would be located adjacent to the northern and southern boundaries. The proposed development will require a Waste Licence and an Industrial emissions Directive Licence. The application has been accompanied by an Environmental Impact Assessment Report and a Natura Impact Statement.
- 2.2.** The facility will accept source separation waste, which is described as mixed non-hazardous material such as brown bin, glass packaging, cardboard and co-mingled packaging waste. In addition, it will accept residual municipal waste and skip waste from household and commercial sources. The waste will be sorted within the warehouse by means of manual sorting, mechanical treatment, crushing, grading, magnetic separation, sorting and baling. It will then be diverted to non-disposal waste management routes. The overall volume of waste accepted at the facility is proposed to be 95,000 tonnes per annum.
- 2.3.** Processing is expected to occur 12-hours per day, 6 days per week. Waste would be accepted at or dispatched from the facility between the hours of 05.00 and midnight,

Monday to Sunday inclusive. It is stated that no hazardous waste of any nature will be accepted and that the processes involved will be confined to separation, sorting and recycling, with no further treatment such as chemical treatment, incineration, pyrolysis or gasification.

2.4. The main elements of the proposed development are set out in Chapter 4 of the submitted EIAR. The proposed development comprises three main building elements. The principal structure is the warehouse (6,757m², 12.8m high), which will have two apex roofs and will occupy most of the site. The administration block will be located in the NE corner (214m² over two floors) and will accommodate operational offices, canteen and staff facilities. The ESB substation will be constructed in the SE corner of the site adjacent to the site entrance.

2.5. The Activity Description refers to the definitions of waste, disposal and recovery in the Waste Management Act 1996. The proposed 'Disposal' activities relate to D11, D12 and D13 as set out in the Third Schedule of the Act and the 'Recovery' activities relate to R3, R4, R5, R11 and R13 of the Fourth Schedule of the Act. Essentially, the waste will be sorted and processed indoors within the warehouse building, where the recyclable materials will be removed, and the residual waste will be sent to landfill. A description of the waste types that will be accepted is set out in Section 4.4 In general, these are

- Mixed municipal waste
- Mixed dry recyclable waste
- Wood
- Glass and glass packaging
- Bio-degradable waste
- C & D, bulky commercial and household skip waste
- Green garden waste

2.6. The waste will be visually inspected for the presence of any contaminated or hazardous material upon receipt. It will then be stored in separate areas/compartments within the building, which will have a negative air pressure, and either sent for recovery or disposal. The capacity of the proposed equipment for each waste stream is described in Section 4.6 of the EIAR, which also sets out the

methodology and nature of equipment to be used in processing and sorting the various waste streams. The processes involved are further described in Section 4.7.

- 2.7.** An Environmental Management System will be operated, which will be submitted to the EPA for approval. There will be a community Liaison Officer appointed as part of the environmental management of the site. Pest control measures will be employed, and a Pest Control Contractor will be appointed to undertake monthly site visits to monitor and control pests and vermin.
- 2.8.** There will be no discharges to surface waters during the construction or operation of the proposed facility. Surface water and foul water drainage will be connected to the municipal foul and storm drainage networks. The Materials Recovery Building has been designed to include a comprehensive odour treatment control system. This includes odour containment, odour extraction, capture and treatment. The building will also be fitted with fast-opening doors to enable the negative air pressure to be maintained and to prevent fugitive emissions from escaping and the entire system will be monitored by means of sensors. The building fabric and fans/louvres will also be attenuated to control noise emissions, which will also be monitored. The development would be accessed from Ballytrasna Road and the Harbour Point Business Park Road by means of a one-way system for HGVs within the site.
- 2.9.** The application is accompanied by an EIAR. The proposed facility will be the subject of an industrial emissions licence and a waste licence from the Environmental Protection Agency. It is stated that these licences will be sought from the agency for the proposed activities.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to Grant Permission subject to 33 no. conditions. The planning authority carried out an Appropriate Assessment and an Environmental Impact Assessment, the findings of which are set out in the decision. Most of the conditions were of a standard type, but others were specific to the development. The relevant conditions may be summarised as follows:

Condition 2 Prior to commencement of development, the applicant shall obtain as necessary a waste facility permit and shall comply with any conditions attached therein.

Reason to comply with all statutory requirements.

Condition 3 (a) Construction hours

(b) Waste receipt hours – 0600-2000 Mon-Sat only

(c) Waste dispatch hours – 0500-2000 Mon-Sat only

Deviation only in exceptional circumstances with prior approval of P.A.

Condition 4 (a) Waste receipt limited to 95,000 tonnes per annum

(b) No waste other than that specified in application

Condition 5 Risk assessment and safety review in respect of internal vehicular movements and delivery areas with modifications to same if deemed necessary.

Condition 6 HGV access to site prohibited during peak hours 0730-0900 and 1600-1730. Staff vehicles access to site prohibited during peak hours 0800-0900 and 1630-1730 – in the interests of traffic management.

Condition 8 Mobility Management Plan prior to occupation.

Condition 10 Works to be supervised by Ecological Clerk of Works to prevent water pollution and protect water quality in the catchment of the Blackwater River SAC.

Condition 28 Liaison officer to monitor environmental emissions

Condition 30 Detailed measures to demonstrate that in the processing of waste that priority is given to ensuring high quality single waste stream suitable for direct reprocessing, recycling/reuse at authorised facilities.

Reason To ensure that the activity improves the quality and adds value to the output materials generated at the site.

Condition 31 Special contribution €6,730.37 – capacity enhancement works at N25 interchange.

Condition 32 Special contribution €126,389.18 – implementation of Little Island Transportation Study including sustainable transport objectives.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial report of the Planning Officer (7/2/19) notes the location and planning history of the site. It is noted that the site is zoned for Industry and that although large scale waste recovery facilities will not normally be permitted in industrial areas, such proposals will be considered where there is a specific requirement in the Waste Management Plan and in Strategic Employment Areas. It is pointed out that there is an identified need in the Southern Region WMP for such a facility to be located in a sustainable location within the Cork Gateway, and with good transport links. In this respect, it is stated that Little Island enjoys a strategic location on the N25 and stands to benefit from the upgrade to the Dunkettle interchange. It was further pointed out that the WMP requires that future authorisations of pre-treatment capacity in the region must take account of the authorised and available capacity in the market and it must be demonstrated that the treatment is necessary and that the proposed activities will improve the quality and add value to the output materials generated on the site. In general, it was considered that the proposed development complies with the zoning and policy framework for the area provided that it would not negatively impact on the residential amenities of the area and subject to compliance with the southern region waste management plan requirements. The need for further information was identified in respect of the SRWMP requirements as outlined above.

The Area Planner reviewed the EIAR and the Technical reports from the other departments and considered that the EIAR was generally satisfactory but that further information would be required in order for the P.A. to fully assess the proposal and to come to a reasoned conclusion on the significant effects on the environment. The outstanding matters mainly relate to issues regarding traffic and transport and residential amenity, particularly in relation to HGV movements.

It was noted that the site is located within the screening zones of two Natura sites, namely Cork Harbour SPA and Great Island Channel SAC. The Area Planner noted that the applicant had submitted an AA Screening Report which had concluded that there would be no risks to the European sites. However, as a land drain had been identified on the site which may discharge to the estuary, and as additional

information was required in respect of matters such as storm water storage, storage of oils and fuels etc, it was considered that further information would be required in order to screen out the need for appropriate assessment.

Deferral was therefore recommended pending the receipt of further information on the matters outlined above. The Senior Executive Planner (7/02/19) noted and endorsed the contents of the AP's report. The large volume of objections, which were summarised in the AP's report, was also noted. Further information was recommended (as summarised in 3.3 below).

3.2.2. Other Technical Reports

Area Engineer – FI requested regarding stormwater attenuation tank on site, which should be designed for a 1:100-year storm event and be capable of catering for all surface water associated with the proposed development. SW outflow to be restricted to greenfield rate.

Water Services – No objection.

Environmental Health – (29/01/19) Notes the nature of the proposed activity at the site and the fact that it will operate under licence from the EPA. The conclusions of the noise impact assessment in the EIAR were accepted but concern was raised regarding the absence of a vibration impact assessment. Notwithstanding the conclusions of the EIAR regarding negligible impact on air quality and odour during the operational phase, it was recommended that this issue be reviewed by a professional with specialist knowledge and expertise in this area. Concern was raised regarding the lack of information regarding how Irish Water views the proposed development. Further information is required regarding a waste management plan for each of the activities at the site, a construction and demolition waste management plan, noise, air quality and odour issues and wastewater treatment. Information also required regarding storage/containment of oil and fuel during construction and details of the wheel wash.

Archaeology – no objection subject to condition requiring monitoring of ground works.

Traffic and Transport – the EIAR traffic and transport assessment had not adequately addressed the impact of the proposed development, particularly in relation to the baseline and to the impact of HGVs. Further information was

recommended relating to establishment of a baseline; assessment of impact on baseline situation; the likely road impact; model validation; cumulative impact; construction impact; residual impact; mitigation and compliance with TII's Traffic and Transportation Assessment Guidelines.

Ecology – Heritage Officer (7/02/19) – concurred generally with the conclusions of the EIAR in respect of biodiversity impact and satisfied that site does not support habitats of high ecological value and does not have the potential to support species of conservation concern. The proposal to retain the treeline and hedgerow habitats was welcomed but FI was required in respect of proposed planting in these areas. The primary issue of concern was identified as the potential impact on the European sites by reason of the management of surface water and the discharge of surface water, wastewater and process water. It was agreed that the application site did not support habitats likely to be favoured by roosting or foraging birds that would be qualifying interests of the SPA. No concerns were raised in respect of displacement or disturbance. In respect of the drainage issues, it was noted that there is a land drain at the northern end of the site which discharges to industrial lands to the east, but it was unclear whether it discharges to the estuary. It was concluded that given the scale and nature of the development, the proximity to the estuary and the presence of the land drain, mitigation measures would be required to minimise risks to estuarine habitats including qualifying interests of the SAC, and which may be used as feeding and roosting grounds for qualifying interests of the SPA. As such, in the absence of these mitigation measures, AA cannot be screened out.

FI (Ecology) required as follows –

- Appropriate Assessment - Given the scale and nature of the development, its proximity to Cork Harbour, the existence of a land drain on the site, it was considered that mitigation measures will be required to avoid the risk of significant adverse impacts on the Qualifying interests of both Great Island Channel SAC and Cork Harbour SPA. Thus, the need for Appropriate Assessment cannot be screened out and a NIS was requested. This NIS must address details of proposed disposal/management of surface water, waste water and process water from the site, details of the onsite surface drainage system, details of SUDs measures to be implemented, details for the safe storage of potentially toxic contaminants on site, and details of measures to be implemented to control the risks of impact to water quality in the adjoining

estuary which may arise during the construction and post-construction phases.

- Inadequate landscaping plan submitted - FI requested in the form of a Landscape Plan to include details of measures to be implemented to protect existing hedgerows and trees on site, proposed boundary planting and measures for ongoing management and maintenance of new planting and existing hedgerows.

3.2.3. Prescribed Bodies

Environmental Protection Agency – Should the Agency decide to grant a licence in respect of the proposed activity, it will incorporate conditions that will ensure that appropriate National and EU standards are applied and that Best Available Technologies will be used in carrying out the activities. The Agency cannot issue a Proposed Determination until planning permission has been granted.

Environmental Health and emergency Planning HSE – potential impact should have included proposed nearby residential development in terms of impact on air quality, amenity, water and traffic and mitigation measures should address same.

South Waste Region – stated that decisions need to take account of existing authorised and available capacities. The focus should also be on the quality of the pre-treatment proposed if the facility is going to improve the quality of the recyclate produced.

Irish Water – No observations.

3.2.4. Third Party Observations

Over a hundred submissions received, which have been summarised in the P.A. reports. The main issues raised can be grouped under the following headings:

- EIAR inadequate.
- Appropriate Assessment not adequately addressed. Damage to SAC.
- EPA Licence – applicant's previous record of non-compliance and issues with existing WWTP (odours, capacity and non-compliance with EPA licence).
- Environmental and pollution risk – air, noise, vermin and fire hazard.
- Traffic congestion and lack of capacity on road network.

- Residential amenity – hours of operation, proximity to residential properties and zoned land. Refusal of permission at Churchfield under 18/37771 for similar development on grounds of impact on residential amenity.
- Business environment – proposed use not in keeping with business uses in Harbour Point
- Inappropriate location – Bottlehill site much more suitable. Site is too small for proposed development.
- Waste Policy – inadequate reference to policy on waste and Southern Region Waste Management Plan.
- Project splitting – no reference to existing facility granted at Little Island – 15/4926. Proposal should have been submitted to ABP as a Strategic Infrastructure Development application.

3.3. Further information was requested on 7th February 2019 regarding the following matters:

- **Hours of operation** - Further consideration of the proposed operational hours given the potential impact on residential amenity, particularly in relation to HGV movements and refuse trucks travelling through residential areas early in the morning and late at night.
- **Air quality and Odour** – clarification is required regarding the height of the stack and the odour emission concentration achieved following mitigation.
- **Noise and vibration** – noise impact assessment should be revisited to take account of potential impacts on residentially zoned lands to NW (Site LI-X-02 as an additional receptor). A Vibration impact assessment should also be carried out.
- **Waste policy** - Details of authorised and available capacity in the market, justification for the need for the development and that it will improve the quality and add value to the output materials generated in accordance with Policies E1 and E2 of the SRWMP.

- **Waste management** - FI regarding detailed waste management plan for each of the site development activity, details of storage of oil/fuels, wheel washes and silt fencing.
- **Wastewater** – confirmation from IW required that they have no objection to the proposed connection to the public water and wastewater infrastructure.
- **Stormwater** - Design a storm water attenuation tank on site for a 1:100-year event. Confirmation that outflow will be restricted to greenfield rate. Details to be provided of connection to public drain.
- **Traffic and Transport** - Establish a baseline for traffic and transport and submit validated baseline modelling with reference to TII's Project Appraisal Guidelines with respect to junction modelling. Provide a Construction Phase TIA. Demonstrate that any potential impact on the N25 would not result in increased traffic hazard. Submit forecast year assessments (with reference to guidelines). Provide a detailed TIA regarding the increase in HGVs on the Little Island access road network. Provide cumulative impact analysis of the project. Submit mitigations proposals for both the construction and operational phases.
- **Ecology** - As mitigation measures cannot be ruled out to minimise impacts on the estuarine habitats which are qualifying interests of the SAC and may be used as feeding/roosting grounds for bird species of the SPA, it will be necessary to submit an NIS. A landscape plan is required to include measures to protect existing hedgerows and trees on site as well as proposed planting along the boundaries.

3.4. Response to FI submitted 5th November 2019

3.4.1. The response was re-advertised on 10th December 2019.

3.4.2. **Hours of operation** – Processing is proposed to occur 12 hours a day, 6 days a week (5am to midnight) but is dependent on volumes of waste available for processing. Impact assessment has been carried out on basis of 24 hours/7 days a week as continuous operation is best practice and waste to be processed within 24 hours of arrival to avoid accumulation on site. However, revisions now proposed with Waste receipt 0600 to 2000 Mon-Sat, Waste dispatch 0500 to 2000 Mon-Sat and internal activities 24 hours/7days (i.e. waste processing, cleaning, maintenance etc.)

Note 5am start for dispatch to coincide with shipping vessel departure times from Port of Cork. Reduced hours reflect schedules for waste collection vehicles and catchments served. Note volume of waste delivered during early morning and late evening times will be relatively small with c.90% of deliveries between 1000 and 1530 hours, due to logistics involved.

- 3.4.3. Waste policy** – A Waste Needs Report (by SLR Consulting) is enclosed at Attachment 2.
- 3.4.4. Waste management plan** – A Waste Management Plan for each of the activities involved in the site development works is enclosed at Attachment 3, and has been prepared in accordance with Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects. Fuel and oil storage and containment are addressed in the CEMP enclosed at Attachment 4. Cross sections have been submitted (RKA Drg. 1028 Rev. PL – Proposed Site Sections during Construction) which include details of wheel washes and silt fencing (Attachment 5).
- 3.4.5. Air quality and odour** – A Manufacturer's Guarantee is enclosed at Attachment 6 in response to the request for evidence of this nature. It is confirmed that the height of the proposed stack is 17 metres, (RKA Drg.s 1011 Rev.PL1 and 1012 Rev.PL1)
- 3.4.6. Noise and vibration impact** – A detailed response is provided in respect of vibration impacts during the construction and operational phases. In brief, it is considered that potential Construction Phase impacts include the use of rock breaking equipment and piling, which would normally be tolerated up to 12mm/s and 6mm/s during the daytime period, respectively. It is proposed to conduct vibration monitoring at the nearest sensitive locations and mitigation measures will be implemented, including cessation where guidance thresholds are breached. It is not anticipated that the operation of equipment during the operational phase will result in any appreciable vibration impact at off-site receptors.
- 3.4.7.** Access to the Lands zoned LI-X-02 to conduct noise monitoring was not provided by the adjoining owners and a steel fence had been erected which prevented boundary monitoring from being undertaken. Furthermore, construction works were ongoing on the site to the south of the appeal site which dominated the ambient noise levels during the noise survey in 2019. As a result, noise monitoring carried out in 2017 at the southern site boundary as part of the EIAR (NMP1) was included in the

assessment of the likely impact on the ambient noise environment in the SE corner of LI-X-02. It was concluded that the SE corner of the residentially zoned lands is not likely to be an area of low background noise due to extraneous noise sources. The facility would be licensed by the EPA, which will set appropriate noise limits.

- 3.4.8. Wastewater and stormwater drainage** – Confirmation of Irish Water’s acceptance of the proposed connection to the public water and wastewater infrastructure is enclosed at Attachment 8. Information relating to stormwater attenuation and runoff is enclosed at Attachment 9. This indicates that the overall area to be attenuated is 10,535m² and that the applicant has divided the site into three drainage areas, each with its own attenuation tank. The outflow has been restricted to greenfield rate and the attenuation tanks serve a dual purpose as they also act as fire water retention. Surface water will pass through a silt trap and a class 1 bypass retention separator. Surface water will discharge to a 600mm surface water pipe on the public road.
- 3.4.9. Traffic and Transport** – an updated Traffic and Transport Assessment is enclosed at Attachment 10.
- 3.4.10. Ecology** – A Natura Impact Statement is enclosed at Attachment 11. A landscape plan is enclosed at Attachment 12.

3.5. Planning Authority Assessment of FI Response

- 3.5.1. Hours of operation** – the revised hours were noted and the statement that only 10% of the deliveries would be before 10am and after 3.30pm. Given that the Traffic and Transportation Report recommended a condition restricting HGV and staff arrivals and departures to exclude peak commuter hours, this would further restrict traffic nuisance. It was further noted that the 5am start time was to facilitate dispatch in accordance with shipping schedules and that it would only be occasional, the revised hours of operation were considered to be acceptable.
- 3.5.2. Waste policy** – the Waste Needs Report was considered to be acceptable and adequately addressed the policy requirements in the SRWMP.
- 3.5.3. Waste management plan** – Environment Report (17/12/19) was satisfied with the submissions in respect of storage and containment of oil/fuel and the cross sections of wheel washes and silt fencing. However, the submission regarding the C & D Waste Management Plan was unsatisfactory as it did not have a control sheet.

Deferral was recommended on this issue. However, the Area Planner considered that this matter could be addressed by means of condition.

- 3.5.4. Air quality and odour** – the manufacturer’s guarantee was acceptable. The height of the stack at 17m was noted.
- 3.5.5. Noise and vibration** – The submission regarding vibration impacts and mitigation was considered to be acceptable. The noise impact on the nearby residential lands has been addressed in the noise impact assessment but the applicant does not propose to design in noise mitigation beyond the potential EPA licence requirements as there is no approved layout for the lands. The Planner’s report also notes that the nearest residentially zoned land to the site is 60m, that there is industrially zoned land and a proposed distributor road located between the two sites, and the residentially zoned land has a requirement for a landscape buffer. It was further noted that the Board had refused permission for the housing development and agreed that in the absence of an approved layout it was difficult for the applicant to address noise mitigation/monitoring in this respect. It was concluded that provided noise levels remain within the noise parameters, impacts will be avoided, and the EIAR has demonstrated that this can be achieved.
- 3.5.6. Wastewater and stormwater** – The Area Engineer has no objection to the stormwater proposals subject to conditions. The Environment Officer, (25/11/19) however, was not satisfied with the response to the request relating to the Irish Water connection. RFI was requested seeking a copy of a “Connection Agreement”, whether in principle or not, clearly showing the agreement in respect of a waste facility, together with a copy of the application to IW and its response. Details of any IW requirements regarding plant, equipment or controls to be installed prior to acceptance of discharge to the public sewer also to be provided.
- 3.5.7.** A further Environment Report (31/01/20) noted that IW had written to the P.A. advising that it was aware of the fact that the application is in respect of a waste facility. It was noted that the proposed development will discharge to the public sewer and convey wastewater to Carrigrennan WWTP. Although there were capacity issues at the plant in 2018, it was noted that the plant is owned and operated by Irish Water and regulated by the EPA. As such, it was considered that third party submissions in respect of odour and the WWTP are matters for the EPA and Irish Water. It was concluded that no objection was raised subject to conditions.

3.5.8. Traffic and Transportation – The Traffic and Transportation section considered that the information submitted is satisfactory subject to conditions. The Planner's report noted that in relation to the impact on the N25, data had been provided for the local network and the potential increased queuing on the N25, using what was considered to be robust trip generation rates, and that the predicted impact was considered to be low. However, the Planner's Report considered that a special contribution should be levied towards elements of the Little Island Transportation Study to assist in the overall reduction in car-based traffic in the area, to offset the potential impact. It was further considered that a condition should be attached restricting all traffic from peak hours as recommended by the Traffic Engineer.

3.5.9. Ecology – The Planner's report noted that the Ecologist considered the information provided in the NIS to be adequate to carry out an Appropriate Assessment. The Ecologist (12/02/20) carried out an Appropriate Assessment and noted that the NIS had addressed the primary issue of concern, namely the risk to water quality in Cork Harbour, which would have the potential to negatively affect the qualifying interests of the two European sites. It was noted that an indirect link to the harbour had been identified. The risks were identified as arising from the construction phase (potential release of silt or toxic contaminants to the marine environment) and the post-construction phase (arising from surface water and wastewater discharges to the marine environment). A detailed CEMP was submitted which set out the details of measures to minimise the risk of construction activities on water quality. A surface water management plan was also submitted which set out the proposed measures for management, attenuation and disposal of surface water, disposal of foul water and process water and the diversion of internal floor drainage for the building through a hydrocarbon interceptor before discharge to the public sewer.

3.5.10. In conclusion, the County Ecologist was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of any European site, in view of the conservation objectives. She was satisfied that there would be no direct loss of habitats, no increase in volumes of surface water run-off and hence no risk of interference with hydrological conditions or sediment patterns in the harbour and no risk of spread of invasive species. The mitigation measures were considered to be satisfactory and the proposal to discharge surface water, wastewater and process water to the public system under EPA licence was acceptable. Activities associated with construction and operation of

the project were considered to have no potential risk of disturbance to species of bird that are qualifying interests.

- 3.5.11.** The landscape plan was also considered to be satisfactory. Permission is recommended subject to conditions requiring landscaping to be carried out in accordance with the Landscape Plan and all works to be supervised by an Ecological clerk of Works.

4.0 Planning History

The following planning history on the appeal site is specifically noted:

P.A. Ref. 07/10229 – planning permission was granted on this site to Healy Blue Bins for the construction of a waste transfer and recycling station, office, truck garage, ESB substation, buried diesel tank and associated site works including wheel wash and weighbridge. The annual intake of waste was stated as 20,000 tonnes p.a. and the operational hours as 24 hours, 7 days a week. Delivery was restricted by condition to 0700 – 1900 hours, Mon-Fri, with limited deliveries allowed outside of these hours. The permission was extended for a further five years under Ref. 12/5221, which expired on 10th January 2018.

P.A. Ref. 17/7428 – Application withdrawn for construction of a waste transfer and recycling facility which included a Bring Centre open to the public. Apart from the bring facility, the application was similar in content to the current proposal.

The following planning history on adjacent sites is of relevance:

P.A. Ref. 07/4334 – permission granted for upgrading and extension of existing access road to include provision of entrance gates, surface water sewer, foul sewer, watermain, site levelling, lighting and fencing.

304271-19 - P.A. Ref. 18/6021 – Permission for residential development of 75 dwelling units was refused on the site to the northwest (19ha). The proposed development had included a creche, the creation of a new vehicular access road along the eastern boundary via Ballytrasna Park and the diversion/undergrounding of existing MV (10kV/20kV) ESB electrical cables. The application was refused by the Board (and the P.A.) on the grounds of insufficient density, at less than 20 dw/ha, as it would fail to provide for an acceptable efficiency in serviceable land usage given the proximity to the built-up area of Little Island and to established social and

community services in the immediate vicinity and that it would be contrary to Ministerial Guidelines on density. Permission was refused on 15/08/19. This site forms part of a larger parcel of land zoned LI-X-02 and is located c. 150m north of the northern boundary of the appeal site.

PA Ref 19/05276 – permission granted for 5 no. warehouse/light industrial units in four buildings on a site to the south. This site lies to the south of the adjoining site which comprises the EZ Living warehouses and BWG Valu Centre). An appeal against the decision was lodged (306551) but was withdrawn prior to determination). This is a substantial development of 19,000sq.m on a site of 6.8ha, with warehouse units of 17m in height. Permission was granted in May 2020 subject to conditions, one of which restricted HGV movements at peak hours to one in either direction.

5.0 Policy Context

5.1. National Waste Policy and Legislative Context

- 5.1.1. The Waste Framework Directive (2008/98/EC)** – this directive imposes obligations on Member States including the application of the waste hierarchy in respect of waste prevention and waste management policy. The Waste Management Act 1996 and the EC (Waste Directive) Regulations 2011 provides the legislative framework within Ireland.
- 5.1.2. Waste Management: Changing Our Ways (DELG 1998)** – sets out the Government’s policy on integrated waste management. There are five tiers in the waste hierarchy, namely prevention and minimisation, re-use, recycling, recovery and disposal. The emphasis is on prevention and minimisation, followed by re-use, recycling and recovery, and finally, disposal.
- 5.1.3. A Resource Opportunity – Waste Management Policy in Ireland (DECLG, 2012)** – encourages a move away from landfill and the implementation of technologies and approaches to reduce waste, whilst maximising the resources that can be recovered from waste. It refers to the five tiers in the waste hierarchy and provides a range of measures for each tier. Sustainable alternatives to Ireland’s dependency on landfill are required to enable the elimination of landfill within the next decade.

5.2. National Planning Framework

- 5.2.1.** Section 9.2 states that Ireland is advancing its development as a Circular Economy and Bioeconomy where the value of all products, materials and resources is maintained for as long as possible and waste is significantly reduced or even eliminated. In terms of implementation (Section 10) it is stated that Ireland must plan for adequate capacity and systems to manage waste, including municipal and construction and demolition waste in an environmentally safe and sustainable manner and remediation of waste sites to mitigate appropriately the risk to environmental and human health.

5.3. Waste Management Plan for the Southern Region 2015-2021

- 5.3.1.** This WMP sets out three strategic targets in relation to prevention of waste, recycling and landfilling. Long term goals include increasing the rate of recycling to 60%. Specific reference is also made to the need for a Materials Recovery Facility or a Mechanical Biological Treatment to be developed at a sustainable location within the Cork gateway at an early date, with good transportation links. The following policies are of note:
- 5.3.2. Policy E1** – Future authorisations by the local authorities, the EPA and An Bord Pleanála of pre-treatment capacity in the region must take account of the authorised and available capacity in the market while being satisfied that the type of processing activity being proposed meets the requirements of E2.
- 5.3.3. Policy E2** – the future authorisation of pre-treatment activities by the local authorities over the plan period will be contingent on the operator demonstrating that the treatment is necessary and the proposed activities will improve the quality and add value to the output materials generated at the site.

5.4. Regional Planning for the Southwest Region 2010-2022

- 5.4.1. Policy RTS 08** seeks to encourage the delivery of an effective and efficient waste management service in line with the Waste Management Acts and promote local authorities to review their respective Waste Management Plans during the lifetime of the guidelines. The RPG also encourages the development of a Materials Recovery

Facility or a Mechanical Biological Treatment in a sustainable location to serve Cork (5.6.17).

5.5. Cork County Development Plan 2014

5.5.1. The Plan identifies Little Island as a **Strategic Employment Area**. There are five such areas in the county. The relevant policies relating to SEA's, industry and waste management are as follows:

5.5.2. Specific Objective EE 4-1 is to promote the development of SEAs for large scale development where such development is compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour. Lands in such areas must also be protected from inappropriate development which may undermine their suitability as Strategic Employment Centres.

5.5.3. Industrial areas are not normally considered suitable for large scale waste recovery unless a specific requirement is identified in the Waste Management Plan (6.4.10). However, the provision of strategic large-scale waste treatment facilities will be considered in 'Industrial Areas' designated as Strategic Employment Areas (11.7.4)

Objective EE 4-4 Industry - seeks to promote the development of 'Industry' at appropriate locations through the Local Area Plans with good access to the National Road Network without the need to travel through urban areas, with access to public transport and facilities for walking and cycling and areas of generally low environmental sensitivity. It also seeks to protect existing industrial development from inappropriate development which would adversely affect the industrial operation or its sustainable future development.

Objective WS 7-1 - Waste Management – seeks to support the policy measures and actions outlined in 'A Resource Opportunity 2012' and to encourage the delivery of an effective and efficient waste management service in line with Waste Management Acts and the relevant Waste Management Plan for the County/Region.

Objective ZU 3-7 – Appropriate Uses in Industrial Areas –

ZU 3-7(a) Industrial areas to be promoted as the primary location for uses including manufacturing, medium-large scale warehousing and distribution, waste materials treatment, recovery and transport operating centres, but not office-based industry or

retailing. Waste Transfer Stations may be allowed on industrial sites with warehousing and distribution.

ZU 3-7(b) It is stated that the provision of strategic large-scale waste treatment facilities in industrial areas will be considered in Strategic Employment Areas designated in LAPs subject to the requirements of national policy, regional waste management policy and the objectives set out in local area plans.

Objective GI 6-1 Landscape – site is located within an Area of High Landscape Value – this objective seeks to protect the scenic amenities of Cork's built and natural environment and to ensure that new development meets high standards of siting and design. Skylines and ridgelines will also be protected and proposals necessitating the removal of large amounts of trees, hedgerows and historic walls will be discouraged.

5.6. Cobh Municipal District Local Area Plan 2017

- 5.6.1.** Little Island is designated as a Main Town in this Municipal District. Section 3.1.5 sets out the main characteristics of Main Towns with the types of facilities normally found there. At 3.1.6 it is stated that the Plan seeks to make the most of previous investment in built fabric and infrastructure in the town and to establish main towns as the principal location for future investment in housing, jobs, infrastructure, social and community facilities. Little Island is one of the key employment locations in the Metropolitan Cork area and the main vision for the area is to promote a high-quality workplace environment for the existing and future workforce population and for limited residential expansion. The overall policy for the area is to reaffirm Little Island's function as a strategic centre of general business development while protecting the amenity enjoyed by the existing residential communities.
- 5.6.2.** In terms of future growth, it is stated (3.7.15) that given its proximity to Cork City and the mixed character of employment development that is located there, the potential of Little Island will be best achieved by continuing to provide for mixed employment development. It is envisaged that higher density office uses would be located closer to the railway station, but that areas less well located would be best suited to lower density manufacturing, storage and distribution/logistics uses.
- 5.6.3.** The site is zoned for Industry – **Objective LI-I-02**. This zoning relates to 13.6ha of land. The specific development objective for the LI-I-02 zone is -

Industrial estate/or warehousing and distribution with provision for local access road. Minimum 20-metre wide tree planted buffer along northern and western boundary of site. This area is known to be an important feeding location for a number of species of bird for which the Cork Harbour SPA is designated (including Oystercatcher, Curlew and Black-tailed Godwit). Consideration of implications for these species will be integral to the assessment of new development proposals for this area. It may be necessary to retain a proportion of this zone as undeveloped land to ensure that sufficient undisturbed field feeding habitat remains available to maintain the favourable conservation status of populations of this species.

Little Island is described (3.7.40) as an industrial location of strategic importance for industry where good access to the distribution network is a key factor. Provision has been made in the Plan to reserve four areas for industrial development, one of which is a large area of 64ha (to the north of Ballytrasna Park) and the remaining two are c 6-7ha each and located to the west of Clash Road. The lands to the west and south of LI-I-02 (which include the former Golf Club lands) are zoned for Mixed Use development (LI-X-01) and Residential (LI-X-02). There is also a Distributor Road (LI-U-02) planned to run N-S to the west of the zone and E-W to the south.

5.7. Natural Heritage Designations

The site is not located in or close to any European sites. The closest European sites are the Great Island Channel SAC which is located c. 0.4km to the east of the site and the Cork Harbour SPA which is located c. 0.4km to the south-east of the site.

5.8. EIA Screening

The development proposed comprises a class of development for which an EIAR is required to be submitted. The application is accompanied by an EIAR prepared by OES Consulting.

6.0 The Appeal

6.1. Third Party Grounds of Appeal

The following is a summary of the main issues raised in the third-party grounds of appeal:

- **Regional Waste Policy Framework** – The proposed development contravenes the Southern Regional Waste Management Plan, which covers 9 counties. The data shows that the authorised capacity for the treatment of waste is substantial. This plan requires priority to be given to higher value material in the waste that is collected and processed, and that there is sufficient capacity in the authorised market for the treatment of waste. This has not been established as evidenced by the need for Condition 3 of the P.A. decision and by the comments made by the Regional Waste Co-ordinator in the submission to the P.A. She expressed doubt regarding the value of the waste based on segregation, bulking and pre-treatment alone and queried whether outlets had been established for the output. She also seemed to erroneously believe that the waste would be restricted to C & D waste. The P.A. condition makes the determination of the suitability of the waste a post-decision matter which is inappropriate as the L.A. has an obligation to prevent over-capacity in the system. The Needs Assessment Report is also criticised as having no basis for the predicted growth rate and the rate of intake (upon which it was based) was wrongly attributed to Cork alone. Furthermore, the EPA has stated that the municipal waste generated in Ireland in 2017 grew by less than 1%. Thus, there is no need or justification for the development.
- **County Development Plan** – A grant of permission would materially contravene the County Development Plan in several respects. Objective EE 4-1 requires that development in a Strategic Employment Area to be compatible with relevant environment, nature and landscape protection policies in and around Cork Harbour and seeks to protect these lands from development which might undermine their suitability as a Strategic Employment Area. It is considered that the nature, scale and intensity of the development is such that it does not meet this objective. At 6.4.10, the relationship between SEAs, lands zoned Industrial and waste management is

described. It indicates that waste management projects are only suitable in these areas where the impacts are limited to the local areas. The impacts cannot be considered local as the waste is transported in and out of Little Island. Large scale waste management projects are not normally allowed in industrial areas unless specifically required by the Waste Management Plan, which is not the case here. Such projects are only allowed in SEAs where they are considered to be 'Strategic' and are subject to the requirements of National Policy, future Regional Waste Management Plans and the objectives of LAPs. However, this project cannot be regarded as 'strategic' as the developer did not seek that it be considered as Strategic Infrastructure, and there is no such requirement for a large-scale WM facility identified in either the Cork WMP 2004 or the Southern Region WMP 2015.

- **Cobh Municipal District Local Area Plan** – Proposed development fails to address policy objectives of Cobh Municipal District LAP. Little Island is not just an employment centre but also has a significant residential population and the aim of the LAP is to ensure that the industrial development does not detract from the amenity of the residents. The proposal will detract from residential amenity by reason of noise, odour and traffic. The proposed development does not fit in with the zoning on the site (LI-I-02) as would result in an influx of rats and seagulls. This is one of four sites zoned for industry on LI. There is no mention of waste management facilities in the LAP, except in relation to Bring sites. The nearby site to the north is zoned LI-X-02 which is for medium density residential and mixed-use development. This site is intended to accommodate up to 250 residential units and a hotel. Surely the proposed development is incompatible with such development proposals. Furthermore, LI-GO-02 envisages 250 units within Little Island. The proposed development is wholly incompatible with the zoning objectives for the site and area, having regard to the scale, intensity, nature of development by reason of the odour, noise and general disturbance that the development would generate and the depreciation in property values.
- **Unsuitability of the site and area** – The nearest house is 289m away but the nearest residentially zoned land is only 60m away. There are over 100 existing residential properties within 500m of the site and a further 250 units are planned. In addition, there are numerous industries nearby which are

wholly unsuited to having a waste management facility such as this in the vicinity. Such industries produce or store/distribute food such as Ballymaloe Relish, Pallas Foods, BWG Value Centre, Catering Supplies Ltd, Happy Days Ice Cream, DB Shenker, Keuhne Nagle, all of which are within 270m of the site. The comment in the EIAR regarding Population and Human Health wherein it is stated that industrial lands do not depend on the quality of the surrounding environment to function effectively is disputed. The WWTP at Carrigrennan is unsuitable also as it does not have the ability to remove nutrient from municipal waste. There are more suitable sites elsewhere.

- **Noise and vibration** – The failure to design in mitigation for noise impact on future development of zoned lands is unacceptable. The residents of Courtstown (380m away) and Clash Road (480m away) are expected to “just put up with it”. The community has been denied the right to public participation on the issue of mitigation of operational noise as the P.A. has left this to a “post decision consent approval”. There is no specific mitigation proposed for vibration impacts, apart from that for the protection of the developer’s own machinery and equipment. The construction noise limit is too liberal at 70dBA at the façade of dwellings. This does not account for rock removal and it should be at the boundary of the property, not at the façade. There is no mitigation with regard to the impact on non-residential properties.
- **Odour and air quality** – The modelling of odour impact is restricted by the lack of information regarding the nature of the waste process and the quality of the output. Future residential development is not taken into account in the assessment of odour impacts. Cumulative impacts from the development and the existing WWTP have not been assessed. The effects of the development on the outfall from the nutrient rich leachate is not addressed in the EIAR and the WWTP does not have the facility or capacity to remove nutrient. These matters have not been adequately addressed.
- **Opening hours and hours of construction** – Acceptance of waste in an emergency outside of the permitted hours is unsatisfactory as it is unclear what constitutes an emergency. Who would monitor or agree such a scenario? The 5am start would not be occasional but once a fortnight. The internal operations would still proceed on a 24/7 basis.

- **Fire Risk** – The fire risk associated with such facilities is much greater than with other activities and has very serious consequences. Fires in such facilities tend to burn for a long time and emit toxic fumes. The site is also located close to several SEVESO sites, which creates further hazards.
- **Traffic management** – Little Island suffers from severe traffic congestion which occurs on the N25 (within the 120kph zone) and on the R625, as well as the local road network. Courtstown Industrial Park Road is in a terrible state with huge potholes and raised manholes. The proposed development would exacerbate both the congestion with long queues and the state of the road, which would have serious implications for the quality of life of residents and for the safety of pedestrians, cyclists and vehicle users. It is submitted that there will be 8 trucks per hour and 8 articulated trucks per hour, (50 trucks a day), which will be required to operate within the 5.5-hour window (10am to 3.30pm). However, as there is only one weighbridge and no room for queuing on site, and given the time it takes to load a truck (20-35 minute), it will not be possible to function without queuing on the external roads. The P.A. solution, by prohibiting traffic and HGVs from entering the site during peak hours, does not address the problems as HGVs can still enter Little Island and “park up” until it is time to enter the site. This would result in queuing on the local roads to the detriment of the amenity and air quality of the area.
- **Traffic safety** – no risk assessment or safety review of traffic movements within the site has been undertaken and the P.A. has conditioned this. It is submitted that the site is too small and confined, with the warehouse occupying the majority of space within the boundary, to accommodate the truck traffic associated with the development without the need to queue on the local road network.
- **Environmental Impact Assessment** - The EIAR is inadequate and deficient. The P.A. did not carry out an adequate EIA of the project. There has been a lack of proper assessment on Environmental and Human Health impacts, which is contrary to Directive 2011/92 as amended by the 2014 Directive.
- **Appropriate Assessment** - The NIS is inadequate and the P.A. did not carry out an adequate Appropriate Assessment of the project as required by the

Habitats Directive. The LI-I-02 zoning objective states that the impact on a bird species known to forage on the zoned lands must be integral to the assessment of any development. However, the foraging requirements of the species were not taken into account in the NIS. This leaves uncertainty regarding the impact on the Conservation Objectives of Cork Harbour SPA and other European sites with regard to foraging grounds. It is also contrary to Policy Objective RCI 9-5(b) of the CDP. It is essential that an Appropriate Assessment is carried out which establishes that the integrity of these sites and/or habitats or species of high conservation value will not be adversely affected. In respect of the wetlands habitats to the south of the development, the NIS notes that

“a single wetland site is unlikely to meet all of the ecological requirements of a diverse assemblage of waterbirds. Although some water bird species will be faithful to specific habitats within the SPA, many will at times also use habitats situated within the immediate hinterland of the site or in areas ecologically connected to the SPA”.

This proves that the development may have an effect on Cork Harbour SPA which requires mitigation measures on both the construction and operational phases of the development.

- **Procedural difficulties** - although advertised as an activity requiring a waste licence for the EPA, no such application has been made to the EPA and the P.A. has attached a condition requiring the developer to obtain a permit from the Local Authority. Thus, the proposed development, if granted, cannot be properly enforced within the waste facility permitting regime.
- **Waste management framework** – it falls outside this framework and has not been subject to Strategic Environmental Assessment. The absence of information on the quality or destination of output is contrary to waste policy and to the intentions of the Waste Framework Directive (2008/98/EEC).

6.2. First party grounds of appeal

The first party appeal is against Condition No. 2 and Condition No. 3 of the planning authority decision. The appellants seek to modify each of these conditions which relate to the requirement to obtain a waste permit and to the hours of operation of

the facility. The following is a summary of the main issues raised in the first party grounds of appeal.

6.2.1. Condition No. 2

Condition No. 2 states

Prior to the commencement of development, the applicant shall obtain as necessary a waste facility permit and shall comply with any condition attached therein.

- The requirement to obtain a waste facility permit or licence pertains to the operation of the facility and not the construction. It is therefore unreasonable to require this prior to commencement of development rather than prior to the operation of the facility.
- The securing of a permit/licence could be a protracted process, which is reliant on the issuing authority, and could therefore materially affect the timeframe for the development and is outside of the control of the applicant.
- The condition is contrary to the Development Management Guidelines as it fails to meet several of the criteria. Firstly, it is not necessary, as the facility cannot become operational without obtaining a licence/permit. Secondly, it is neither reasonable nor related to planning as it would restrict the ability to construct the development as granted.
- The condition relates to matters that are the subject of more specific controls under other legislation and/or are regulated by other statutes. It is entirely wrong to force a developer to apply for some other licence, approval or consent.
- The condition is ultra vires and should be altered to “prior to the operation” of the facility rather than prior to commencement of development.

6.2.2. Condition No. 3

This condition regulates the hours of construction as well as the hours of operation for both receipt and dispatch of waste as follows:

- a) Construction hours shall be between 0700hrs and 1900hrs Monday to Friday, 0800hrs and 1400 hrs on a Saturday and not at all on a Sunday or Bank Holiday.

- b) Waste receipt at the proposed facility shall be between 0600hrs and 2000hrs Monday to Saturday and not at all on Sundays or Bank Holidays.
- c) Waste dispatch at the proposed facility shall be between the hours of 0500hrs and 2000hrs Monday to Saturday and not at all on Sundays or Bank Holidays.

Deviation from these times (site development works and operation) shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

It is accepted that the constraints set out in parts (a) and (c) of Condition 3 above should be applied, but objection is raised to the restrictions set out in Condition 3(b). It is requested that this be modified to reflect the practicalities of running a waste management facility. Specifically, the waste collection business operates 6 days a week and any interruptions to this causes knock-on effects for the collection, storage and processing of waste. Thus, the developer is seeking modification of the condition to allow for receipt of waste on bank holidays but will accept the restriction on Sundays. The following examples of specific problems that would be encountered have been provided -

- Collection of domestic waste and recycling – requires collecting of waste 6 days a week on 52 weeks of the year. Domestic waste is collected on a fortnightly rotation with recycling waste. However, in the event that waste cannot be collected on a bank holiday, some residents would not have their waste collected for a month. This would be unacceptable and create a public health risk.
- Commercial waste collection - this is also carried out on a 6-day rotation. Restaurants, bars and nightclubs are extremely busy on bank holidays and generally do not have the capacity to store waste from Saturday, Sunday and Monday on their premises. This would be unacceptable and give rise to a public health risk.

The developer has investigated alternative options such as extending the daily collection periods prior to a bank holiday, but found this to be unworkable due to logistics, availability of equipment and limitations on staff working hours. It is stated that the operation and management of the facility will be regulated such that the potential impacts on Little Island are minimised or eliminated throughout the year, including bank holidays. It is therefore sought that condition 3(b) be modified to exclude the restriction on Bank Holidays on the grounds that it is unreasonable and

would give rise to unintended consequences which would give rise to public health issues and a nuisance to residents.

6.3. Third party Observations on Grounds of Appeal

14 no. observations have been received from third parties. In general, the points raised in the third-party appeals are endorsed and reinforced. However, the following additional points have been made: -

- **Industrial policy** - Although the site is zoned industrial, the appropriate use for the site is for light industry, logistics and warehouse/distribution having regard to the industrial policies in the CDP, particularly ZU 3-7(b), the historical evolution of the zoning at this location, (whereby it is intended as an expansion of the Harbour Business Park), the nature of the existing uses and businesses on the adjoining and neighbouring sites, (which are predominantly light industrial/logistics uses), and the zoning of the special policy lands (LI-X-02) for mixed use/residential/business/open space on the adjacent site to the north. Thus, the site is zoned for 'Industrial Estate/Warehousing' and not for 'General Industry' as defined in 6.4.7 of the CDP. In the context of the policy framework, the proposed development for a waste transfer station should be refused as the site is not one which has been identified as one that would be suitable for such a use, notwithstanding its industrial zoning and location within a Strategic Employment Area.
- **Restricted nature of site** - The site is a backland site wedged between a business park and lands zoned for mixed use and as such, is unsuitable for the proposed development, having regard to the nature, scale and intensity of the use. The proposed development represents overdevelopment of a restricted site as the warehouse occupies most of the site. Thus, there is no room for trucks to wait/queue and this will result in spill-over parking on the local road network. The site is too small, too steep and too elevated to accommodate the building. The layout does not address the need for a 20m landscape buffer on the western boundary and nor the need for a landscaping screen on the eastern boundary.
- **First party appeal** – given that there is doubt over the adequacy of the site layout, the development should not be permitted to proceed in advance of the grant of a licence as there may be further modifications required. Condition 2

should remain unaltered. The developer's objection to Condition 3 demonstrates that the traffic patterns and generation associated with the use means that it is inherently unsuitable for this site given the mixed-use nature of the receiving environment.

- **Premature due to Inadequate Traffic Infrastructure** – Traffic congestion on Little Island is very problematic and has not been resolved by the recent road widening. The nature of the proposed use is such that it will result in traffic transiting across the island delivering waste as well as additional traffic and HGVs entering and leaving the island through the two entry/exit points. The excessive traffic congestion will mean that waste trucks with smelly loads will be in traffic queues, emitting odour nuisance throughout the island. The HGVs and waste trucks idling on the roads will result in noise nuisance and vibration to the residential properties along the routes.
- **Impact on environment and residential amenities** – the nature of the existing businesses with a high prevalence of food production units, together with the high level of existing and future residential development, means that the proposed waste transfer station is wholly unsuited to the area as it will give rise to unacceptable impacts on the environment in terms of noise nuisance, odour nuisance, adverse air quality and excessive volume of HGV traffic.
- **Transfer of biowaste to Incheera** – the bio-waste recovery unit at Incheera on the western side of the island is located 3.5 miles away. Biowaste from the proposed development will be transported across the island to this plant for the production of electricity. However, the plant at Incheera was permitted on the basis that trucks would enter/exit that site from Dunkettle interchange only. It will not be possible for the Courtstown development to do the same without traversing residential roads.
- **Inadequate assessment of alternatives** –Cork County Council has an alternative site at Bottlehill which would be much more suitable. The 'Do-Nothing' alternative ignores this fact. Other alternatives were ruled out on the basis of impact on residential amenity and inadequate road network to cater for traffic generation. Same constraints apply here. Not all alternatives examined e.g. plethora of industrial sites at Ringaskiddy and even on the western side of Little Island.

- **Applicant has poor track record** – the applicant's Churchfield Site (North Cork City) is the subject of several fines for non-compliance with the EPA Licence. This does not bode well for the future of the Little Island site.
- **Wastewater treatment plant** – the WWTP is non-compliant with its licence. Although remediation is currently proposed, the proposed development would be premature until this is upgraded. The combination of odours from the wwtp and the proposed development would be excessive and detrimental to residential amenity and to tourism/cultural activities on nearby Fota Island.
- **Proximity to ecologically sensitive sites** – Harper's Island is a nature reserve for wild birds and is located near the site. There are two designated European sites in proximity also. The proposed use is incompatible with the objectives to preserve these sites.
- **Pollinator Plan** – Glounthaune Tidy Towns has a Pollinator Plan which seeks to improve biodiversity by addressing the decline in bees, butterflies and insects. The proposed development would have a detrimental effect on this by reason of emissions.

6.4. Planning Authority Response to Grounds of Appeal

The Planning Authority responded to the grounds of appeal on the 29th May 2020. The P.A. has referred the Board to the technical reports on file which it is stated sets out the Council's justification for the decision made.

6.5. First Party Response to Grounds of Appeal

- 6.5.1. Strategic waste facility and need for development** – the development is under the threshold for SID and is not considered to be strategic. It is considered to be 'Medium-scale' and the need has been clearly established in the Needs Assessment Report (which was produced by one of Ireland's foremost waste experts). The Southern Waste Co-Ordinator has accepted that the need for the facility is consistent with the policies in the SRWMP and that the additional need for pre-treatment facilities in Cork has been demonstrated. Given that much of the waste collection system in Ireland is dependent on the private sector, any needs capacity assessment must take the lack of access to all facilities by all operators in the region

into account, as well as competition between operators. It should be noted that the rate of waste generation will continue to grow irrespective of the expected rate of recycling, and that Cork City is expected to grow by 40%.

- 6.5.2. Quality of output of waste** – the facility will be a critical cog in the supply chain for adding value to the waste/recycling material. Segregation and pre-treatment both add value with further value being added subsequently. The proposed facility is a high-quality modern design based around industry best practice and Best Available Techniques. The design of the facility, the modern equipment and the processes to be used will add value to individual waste streams reflective of the current market for recyclables. The applicant's response to P.A, Condition 30 will include details of operational procedures and the Environmental Management System to control and demonstrate (by records) how the quality will be improved and value added to the individual waste streams at the plant. Details of the outlet streams are provided.
- 6.5.3. Poor track record** – the concerns raised regarding the lack of resolution of the details of the waste output relates to the management of waste handling activities within the facility in order to maximise the value of recovered streams. It does not have any bearing on the environmental performance of the plant which will be controlled by licence. The prosecution in 2015 relating to the applicant's site at Churchfield Cork City, arose from problems with odour which had been caused by the processing of waste from a competitor who had suffered a fire at their premises. This fire had caused a serious loss of capacity within Cork region to process waste and resulted in an increased waste volume which gave rise to the odour problem. The applicant has since installed an upgraded negative air pressure system and odour control system and has passed the last five EPA annual site inspections, with no non-compliances.
- 6.5.4. Compliance with planning policy and zoning objective** – The ecological requirement is addressed by the Appropriate Assessment Screening Report and the NIS, as well as the Biodiversity section of the EIAR. The assessments were based on field surveys and evaluation of habitat significance in accordance with recognised methodologies. It has been found that the development site does not contain suitable habitat for bird species for which Cork Harbour SPA is designated. The residential element of the special policy zone - LI-X-01/LI-X-02 is separated from the application site by the mixed-use element, which includes a provision for 22 acres of open space and link roads, which will shield the future housing from the industrial uses. In

addition, the proposed development includes a 20m landscape buffer to shield the proposed development. This buffer is at the highest point of the site, which ensures maximum shielding of the site. The EIAR demonstrates that there will be no adverse environmental impacts on the adjoining lands. Notwithstanding the various claims of non-compliance with LI-GO-02 and LI-X-02 policy objectives by reason of noise, odour and general disturbance, no evidence to support these claims has been provided by the appellants.

- 6.5.5. Suitability of site** – the environmental effects will not extend into the wider area by virtue of movement of waste and recycling. The location was chosen for its immediate access to the national road network and the capacity of the Dunkettle interchange at 95,000 vehicles per day means that it can cater for the transport needs of the development.
- 6.5.6. Scale of building excessive for waste handling volume** – the size is influenced by the nature of the development and the need to carry out all waste activities indoors. It has been designed as a state-of-the-art modern facility and the building will accommodate all loading and unloading of vehicles and an enhanced segregation process.
- 6.5.7. Noise mitigation** – the applicant carried out baseline noise measurements and impact assessment in accordance with recognised standards and EPA guidance and methodologies. The findings and methodologies used are set out in the EIAR, Volume 1, Chapter 8. The facility is designed to achieve compliance with expected noise limit values at existing noise sensitive receptors. This will be a requirement of commencement of operations and will not have to be deferred pending any other development taking place. In terms of vibration, all equipment is selected with vibration control in mind and will be professionally installed and maintained to ensure that there will be no nuisance to properties in the vicinity.
- 6.5.8. Odour control** – a comprehensive assessment of potential odour impacts was carried out as part of the EIAR. It concluded that the proposed plant would have negligible impact on surrounding population with regard to Carbon monoxide, oxides of Nitrogen, Sulphur dioxide, total particulates and odours. It was found that odour levels at the site boundaries and at residential properties would be within the odour limits. Due to the distance from the WWTP (>750m) and the low level of odour

potential, it was considered that an assessment of cumulative impact was not necessary.

6.5.9. EMS and pest control – an EMS is a live management system based on the actual operating characteristics of a facility or activity, and is typically prepared after commencement of a use. If it was prepared in advance it would be of a generic type with little site-specific value. Similarly, effective Pest Control Management plans tend to be site specific and are designed based on actual conditions at a facility. The Licence/permit will require the implementation of a documented EMS, which will be routinely inspected as part of the licence enforcement. The EIAR outlines the procedures for pest control. Owing to the fully controlled nature of the facility, seagulls are not an issue.

6.5.10. Wastewater treatment – all wastewater will be directed to the municipal WWTP at Carrigrennan, Little Island, via the existing IW network. IW has raised no objection to connection (subject to normal connection agreements) and has confirmed that capacity is available for the treated discharges. The process is a dry one and relatively small volumes of water will be used for washing down. The wash water thus generated is not a “nutrient rich leachate” as alleged by the appellant and will not require any pre-treatment before entry to the WWTP.

6.5.11. Compliance with hours of operation – an emergency situation would arise where the applicant is requested to collect waste from a location in an emergency situation (by the Local Authority, Emergency Services or Government Agency) and deliver it to an authorised site in the interest of public safety. This would require prior written permission from the consenting authority (L.A. or EPA). All waste entering/leaving the site would have to be weighed and as such, would be monitored.

6.5.12. Traffic management – in response to the claim that there would be 8 trucks and 8 artics arriving at the facility between 10am and 3.30pm, and which would lead to queuing on the road network, this is based on a miscalculation. The appellant’s calculations are claimed to be overestimated in several respects by 100%. The correct calculation will see 120 trucks loaded over a 30-hour period, i.e. 4 per hour and that two trucks would be loaded simultaneously. Furthermore, all trucks are weighed using electronic means and there is no delay regarding paperwork. The Applicant’s Engineering Design team has prepared a facility layout which is capable of dealing effectively and efficiently with the proposed throughput, taking account of

the requirement that all materials will be fully handled internally within the building envelope, without queuing. Internal traffic management comes under Health and Safety legislation and operational traffic management is addressed through the normal risk assessment process, in accordance with Safety, Health & Welfare at Work Act 2005, associated regulations and guidance from the H.S.A. This aspect of operations will be inspected, audited and monitored by the HSA.

6.5.13. Appropriate Assessment – The site does not contain any habitats that are suitable for bird species for which the Cork Harbour SAC is designated. The comment regarding the wetland habitats to the south of the site relates to the foraging habits of bird species in the area, and not specifically to the development site. The findings of the NIS and the EIAR Biodiversity Assessment are based on best scientific knowledge including detailed reviews of relevant NPWS documents. Most species are typically dependent on intertidal mud and sandflats. The habitats in the vicinity of the site are not of sufficient value to the species for which the sites have been designated. The NIS concluded that taking all matters into account and provided that the mitigation measures are adopted, the proposed waste transfer station will not adversely affect the integrity and conservation status of either Great Island Channel SAC or Cork Harbour SPA in view of the sites' conservation objectives.

6.5.14. Environmental Impact Assessment – the applicant submitted an EIAR and the planning authority carried out an Environmental Impact Assessment as stated in the first schedule of its decision. The EIA conducted by the PA had concluded that subject to the implementation of the mitigation measures set out in the EIAR, and subject to compliance with the conditions set out in the P.A.'s decision, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable.

6.6. Submission from the Environmental Protection Agency

In response to a referral from the Board, a submission was received from the Environmental Protection Agency, dated 7th July, 2020. The following is a summary of the main points made in the submission.

- That a Waste Licence was issued to Country Clean Recycling Unlimited Company, Courtstown Industrial Estate, Courtstown, Little Island, Co. Cork on

30th January 2014, (Ref Waste Licence W0257-01), for waste disposal and waste recovery activities.

- The Licence was amended on 27th November 2015 to incorporate the requirements of an Industrial Emissions Licence.
- That the licence related to the recovery or a mix or recovery and disposal of non-hazardous waste with a capacity exceeding 75 tonnes per day.
- Noted that the application is accompanied by an EIAR and that the agency as part of its consideration of any licence review will ensure that the licence review is subject to an EIA and that consultation on the licence application and EIAR shall be undertaken with the Board under s.87 of the EPA Act and that the Board will be requested to provide the documentation relating to the EIA undertaken.
- That should a licence review be received by the Agency, all matters to do with emissions to the environment, the licence review and the EIAR will be considered by the agency.
- Noted that the agency cannot issue a proposed determination on a licence until a planning decision has been made.

7.0 Planning Assessment

7.1. The following are considered to be the main issues in the planning assessment of this appeal:

- Legal and procedural issues
- Need for development and benefit
- Compliance with planning policy and suitability of site
- Issues of Amenity
- Traffic and Transportation
- Ecology and biodiversity
- First party appeal against Condition 2
- First party appeal against Condition 3

- Other Issues

7.2. Legal and procedural issues

- 7.2.1.** The appellants have submitted that the EIAR is inadequate and deficient, particularly in relation to consideration of alternatives and cumulative impacts, and the assessment of Environmental and Human Health impacts. One appellant claimed that the planning authority failed to carry out an adequate EIA of the project as required by the EIA Directive and that an adequate Appropriate Assessment was not carried out in accordance with the requirements of the Habitats Directive. It should be noted that both an EIAR and a NIS were submitted to the planning authority. I have outlined my consideration of these issues under Sections 8 and 9, respectively, below and have considered the contents and adequacy of the submitted documentation. I am satisfied that the planning authority carried out an Environmental Impact Assessment and an Appropriate Assessment, including Screening for Appropriate Assessment, of the project in accordance with its statutory duties, and has recorded this as part of its formal decision.
- 7.2.2.** The observation that the site/proposal had not been the subject of a Strategic Environmental Assessment was also raised. The requirement for such an assessment derives from the SEA Directive (2001/42/EC) which came into force in 2001. It requires that competent authorities must subject plans and programmes to an environmental assessment, where they are likely to have a significant effect on the environment. 'Plans' and 'Programmes' are defined in Article 2 of the Directive as those which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption through a legislative procedure by Parliament or Government, and which are required by legislative, regulatory or administrative provisions. As the current proposal constitutes a 'project' as opposed to a 'plan or programme', it is subject to the requirements of the EIA Directive (as amended).
- 7.2.3.** Criticism was made by third parties to the lack of a licence or permit and the fact that this will not be resolved until after the decision on the planning application, which would raise enforcement issues and exclusion of the public from the process. the proposed development would also require a licence from the EPA. The EPA advised the Board (7th July 2020) that a Waste Licence had previously been issued (2014) to

the developer at this location, which was subsequently amended in 2015. The licence is for a waste recovery, or mix of recovery and disposal, of non-hazardous waste with a capacity of 75 tonnes per day. (This equates to c.27,300 tonnes p.a.). The EPA further advised that should an application for a licence review be submitted in relation to the site, it would be subject to an EIA and that consultation would be undertaken between the Board and the Agency. It was pointed out, however, that in this event, all matters relating to emissions to the environment pertaining to the licence review and the EIAR will be considered by the Agency. It was stated that a decision cannot be issued regarding a proposed determination on a licence until after a planning decision has been made.

7.2.4. It is, therefore, the case that the assessment of emissions to the environment would be undertaken by the EPA under the licencing process, (which incorporates public consultation), and that this cannot take place until after the planning process is complete. In addition, the Board is precluded from attaching conditions that relate to the control of emissions or mitigate the impact on the environment. However, the monitoring of any such conditions attached to a Licence issued by the EPA, would be the responsibility of the EPA, and any conditions attached to a planning permission would be the responsibility of the planning authority. It is further noted that the Office of Environmental Enforcement has responsibility for the implementation and enforcement of environmental legislation including licences issued by the EPA.

7.2.5. Several third parties raised concerns regarding previous enforcement matters (including prosecutions), relating to a site in North Cork City (Churchfield), where the applicant operates a waste facility. The applicant has stated that the prosecution at this site (in 2015) arose from odour issues relating to an increase in the volume of waste being processed. This in turn had arisen from a serious loss of capacity in the Cork region following a fire at a competitor's facility. However, it is stated that the design of the building on that site and the odour control system in place have been upgraded in the meantime, with no non-compliances following EPA annual inspections over the last five years. It is considered that the proposed development is an entirely separate entity which will be assessed on its own merits and will be required to operate within the terms of any licence issued by the EPA.

7.3. Need for development

- 7.3.1.** The government's policy on waste management, which was initially set out in 1998 in 'Waste Management Changing our Ways', and more latterly in policy documents such as 'A Resource Opportunity – Waste Management in Ireland' (DoECLG 2012), promoted the concept of a waste hierarchy comprising 5 tiers, namely, 'Prevention, Minimisation, Re-use, Recycling and Disposal'. The overarching goal is to minimise or eliminate the need for landfill, on which Ireland has been overly dependent, and to increase the rate of recycling and quality of the output. Much progress has been achieved in the past two decades in diverting waste from landfill by putting in place technologies and approaches to reduce waste, while at the same time maximising the quality of the resources that can be recovered from waste.
- 7.3.2.** The Southern Region Waste Management Plan (2015-2021) sets out a framework for managing our waste in a sustainable and self-sufficient manner. It sets out the background, the present position regarding waste management in the region and the implementation strategy, which includes waste projections and infrastructure planning. The strategic targets are to prioritise prevention, increase recycling and eliminate/minimise landfilling. Excluding landfills, much of the authorised waste capacity in the region is effectively pre-treatment, which includes activities such as dismantling, sorting, crushing, compacting, repackaging, separating etc. The Plan seeks to improve the quality of waste along the entire treatment supply chain. It is stated that Pre-treatment capacities are typically the first destination for wastes and are vital in extracting and generating high-quality outputs for onward treatment. Policies E1 and E2 (Chapter 16) seek that in authorising further pre-treatment capacity in the region, account must be taken of the authorised and available capacity in the market and requires that the waste operator can demonstrate that the treatment is necessary and that the proposed activities will improve the quality and add value to the output materials generated at the site.
- 7.3.3.** Authorised and available capacity – the Needs Assessment Report has reviewed the existing and planned waste facilities in Cork and has established the available capacities at each of the relevant facilities. The assessment was confined to Cork City and County as the proposed development is designed to manage wastes arising in these locations only. It was found that in respect of active facilities operating under waste permits, most of the larger facilities were operating above or close to capacity

in 2017, with 97% of the available capacity used up in 2017. The corresponding figures for 2015 and 2016 were 77% and 87% respectively. In respect of the EPA Licensed Waste Transfer and Recycling Facilities, it was noted that 72% of the capacity of these facilities was used in 2017, with corresponding figures for 2015 and 2016 of 48% and 60%. The overall situation in terms of both types of facilities showed that the growth in waste inputs for these years grew by c.20%. Although it was acknowledged that growth may not have continued at that rate, even a 5% or 10% growth rate would use up the existing spare capacity within 3 years (Figure 2-1 Needs Assessment Report). There is also a need for contingency planning.

- 7.3.4.** The Needs Assessment Report also examined planned waste treatment capacity in the area. There are four facilities planned that would be subject to EPA licences. These are Little Island Bioenergy Ltd., Indaver - Ringaskiddy, Bottlehill, and Forge Hill Recycling (upgraded). However, none of these facilities are transfer stations, which it was considered would not address the need for additional waste transfer and pre-treatment capacity in Cork. It was pointed out that waste delivered to each of these facilities will require transfer and/or pre-treatment. A transfer station is required for split vehicles, as the truck must empty each compartment separately and must be weighed between each unloading operation, and this must be carried out at the company's own transfer station. A transfer station is also required for segregation, bulking and baling of recyclable waste and skip waste which necessitates transfer and sorting in the first instance. Transfer of organic (brown bin) waste is also necessary as there are few facilities which process this type of waste. The Needs Assessment Report concluded that most of the waste collected by the developer must be delivered to a waste transfer and recycling facility as an initial step in the waste management and recycling process.
- 7.3.5.** Improving quality of output - It is stated that the proposed facility is designed to improve the quality and add value to the waste streams, and that Best Available Technology will be used in this regard. Details of the equipment to be used is provided at 2.8 of the report. In addition to segregation, value will be added in preparing single stream materials for sufficient transport and further handling. This includes chipping wood waste, baling cans, paper, card, plastics etc.
- 7.3.6.** It is considered that the applicant has demonstrated that there is available authorised capacity for a waste transfer and recycling facility in Cork and that the proposed development would improve the quality of the output. I note that the P.A. planning

Dept. liaised directly with the Regional Waste Co-ordinator and was satisfied that there is a need for additional capacity, although it was felt that there was still a need for clarity regarding the quality of the output. This matter was addressed by means of Condition 30 of the P.A. decision. This required the submission (for agreement) of detailed measures to demonstrate that in the processing of waste at the site, priority is given to ensuring high quality single waste stream suitable for direct reprocessing, recycling/reuse at authorised facilities. It is considered that the waste output will be of an improved quality, but this condition will prioritise this issue, and ensure that the processing adds value to the waste output, which is appropriate.

- 7.3.7.** It is clear that the level of waste produced in the City and County is growing and that as the population of the City is expected to grow significantly in the coming decades, the need to invest in the appropriate infrastructure is necessary. The type of facility is one which is required to serve the local needs of the area, as the type of waste to be handled is collected locally and is generally transferred to local facilities for further processing. It is considered, therefore, to be an important element in the waste hierarchy as it facilitates increasing recycling levels and the quality of recyclable materials. This is in accordance with the policies and objectives of the Southern Region WMP. It is considered that the need for the development has been demonstrated.

7.4. Compliance with planning policy and suitability of site

7.4.1. Strategic Employment Area

Little Island is designated as a Strategic Employment Area, which is at the top of the employment hierarchy, and is described in the Cobh MDLAP as “an industrial area of strategic importance for industry where good access to the distribution network is a key factor”. CDP Objective 4-1 seeks to protect these areas from inappropriate development which would undermine their suitability as Strategic Employment Areas. It is acknowledged that the main vision for Little Island is to facilitate the continued business and industrial development of the strategic employment area but also to ensure that future industrial development does not adversely impact the amenities of the existing residential population (LI-GO-06). It is considered that the

proposed development would be consistent with these objectives, provided that the waste management facility is operated in a manner which does not adversely affect the amenity of surrounding lands. The applicant has stated that the proposal is designed as a modern state of the art facility which will not adversely affect the amenities of neighbouring lands, and that the location was chosen for its proximity to the national and regional road network. This issue of amenity will be examined in more detail below.

7.4.2. Nature of industrial area

The site is located on lands zoned '**Industry**' in the Cork County Development Plan 2014. The CDP **Objective EE 4-4 'Industry'** promotes the development of industry at appropriate locations with good access to the national road network for heavy goods vehicles, access to public transport and generally areas of low environmental sensitivity. '**Industrial Areas**' are described (6.4.7) as those with medium/large scale process-oriented employment and production including manufacturing, repairs, warehousing, distribution, open storage and transport operating centres and can include activities that cause localised noise, vibrations, smells, fumes and smoke. As a result, industrial areas are generally unsuitable in areas close to those requiring higher development standards. It is noted that 'Industrial Areas' (6.4.10) are considered to be suitable for "small/medium scale waste management and recovery operations where impacts are limited to the local area".

7.4.3. The site is located in an industrial area which has excellent access to the national road network and to the regional road network serving the city and its environs. The lands immediately to the north and south of the site are also zoned 'Industrial'. The site is located within the Courtstown Industrial Estate, which is zoned 'Existing Built-up Area'. The predominant use of the estate is warehousing and distribution. The businesses within the estate include EMC Flextronics Logistics, Johnston Logistics, Lucey Transport, Spillane Bros. Transport, Kuehne & Nagel Logistics and DB Schenker Freight Services. There are other businesses within the estate including Ballymaloe Foods, Higgins Catering and Hairy Baby T-shirts, but the overall character of the estate is one of medium-large scale warehouses with transport related uses predominating. Harbour Business Park has recently been developed to the south of the industrial estate. Although much of this new park remains to be developed, there are several new large-scale warehouses which are occupied by EZ Living Distribution Centre and BWG Value Centre (food distribution).

- 7.4.4.** It is noted that the CDP differentiates between 'Industrial Areas' and 'Business Development Areas' and 'Enterprise Areas'. The 'Business Development Zones' are identified for employment uses (such as software development, research etc.) that are inappropriate in town centres and require environmental standards higher than those in business and industrial areas. 'Enterprise Zones' are identified as the primary locations for employment uses such as light-industry, wholesale, non-retail trading uses, car-showrooms and small-medium scale manufacturing, repairs, warehousing, distribution uses, but they are ones which require a good quality physical environment and specifically exclude waste management activities. However, there are no Business Development Zones within Little Island and the Enterprise Zones are not proximate to the appeal site or to Courtstown Industrial Estate.
- 7.4.5.** Having regard to the foregoing, therefore, it is considered that the appeal site is located within an industrial area, as defined and described in the CDP (6.4.7). Some third parties have argued that, having regard to the nature of the uses in the vicinity of the site, the zoning of the site should be regarded as 'Light Industrial' and one which is sensitive to inappropriate uses, rather than 'General Industry' (as envisaged by 6.4.7). The uses referred to include several food companies such as Ballymaloe Foods, Pallas Foods etc. They have also argued that the zoning of the 'Special Policy Area' to the south and west renders the site unsuitable for 'General Industry'. However, I would not agree with this viewpoint for the reasons set out below.
- 7.4.6.** Firstly, the area is a long-established industrial estate which is predominantly occupied by large scale distribution centres/logistics companies with some manufacturing and repairs, and in turn, is located within an overall area which is recognised as an industrial area of strategic importance for industry where good access to the distribution network is a key factor. Although there may be some uses that are at the more 'light-industrial/more sensitive' end of the spectrum, the zoning cannot be described as a Business Development Zone. Furthermore, planning permission was previously granted and extended for a waste transfer station on the site and had received a licence from the EPA.
- 7.4.7.** The lands to the south and west are zoned Special Policy Area, which includes a large section of residential development. However, these lands comprise two zonings, LI-X-01 and LI-X-02. The former is a 32.4 hectare site which comprises the former golf course lands and some agricultural fields. It is designated as Mixed-use

which will include business uses, a hotel, a link road and a significant area of open space. The LI-X-02 site is zoned for residential development and is c.60m from the appeal site and is separated from it by the remainder of the LI-I-01 industrial zoned lands and a Distributor Road designation (U-05). The appeal site is also separated from the special policy area lands by existing landscape screening along the boundary with the former golf course and a required 20m wide landscaped buffer along the western boundary of the site.

7.4.8. In conclusion, it is considered that the nature of the area within which the site is situated is, therefore, consistent with the definition of 'Industrial Area' as set out in 6.4.7 of the CDP. As such it is suitable in principle to small/medium scale waste management and recovery operations where impacts are limited to the local area.

7.4.9. Compliance with Zoning objectives

The zoning objective for **Industrial** lands is **ZU 3-7** in the County Development Plan, which states

(a) Promote the development of industrial areas as the primary location for uses that include manufacturing, repairs, medium to large scale warehousing and distribution, bioenergy plants, open storage, waste materials treatment and recovery and transport operating centres. The development of inappropriate uses, such as office-based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses.

(b) The provision of strategic large-scale waste treatment facilities including waste to energy recovery facilities will be considered in 'Industrial' areas designated as Strategic Employment Areas in the local area plans subject to the requirements of National Policy, future Regional Waste Management Plans and the objectives set out in the local area plans.

7.4.10. It is clear from Objective ZU 3-7 that the treatment and recovery of waste, as well as transport operations, are permissible uses within the Industrial zone, and that a waste transfer station, specifically, may be suitable in industrial areas where warehousing and distribution uses are prevalent. The site is clearly located within such an area. The proposed waste management facility is one which could be described as medium in scale, as it primarily serves the Cork City and County area

where municipal waste would be collected and brought to the centre and dispatched to waste processing centres in the general locality or baled up for transport abroad, via the Port of Cork. Although a distinction is made between such operations and “strategic large-scale waste treatment facilities, such as waste-to-energy recovery facilities”, (ZU 3-7(b)), it is considered that the proposed development does not fall within this category. The traffic volumes would be much lighter as it is designed to serve the Cork City and County areas and does not serve a strategic function. The impacts would largely be confined to the local area with small refuse trucks delivering waste to the facility and no need for the larger trucks to travel for long distances through urban or residential areas, given the proximity to the national road network.

7.4.11. The Zoning Objective LI-I-02 for the appeal site specifies ‘Industrial estate and/or warehousing and distribution’. The site is a greenfield site located at the end of a short cul-de-sac (between two industrial/warehouse units) and has the benefit of a previous planning permission for a waste transfer station (with a smaller intake). The form of development proposed is set out in Chapter 4 of the submitted EIAR which indicates that the materials to be accepted at the facility would include source separation waste (i.e. brown bin waste, glass packaging, cardboard and co-mingled packaging waste) along with residual municipal waste and skip waste from household and commercial sources. Hazardous wastes will not be accepted at the facility. These wastes are proposed to be diverted to non-disposal waste management routes, by means of manual sorting, mechanical treatment, crushing, grading, magnetic separation and baling and the residual waste will be forwarded onwards for export / disposal.

7.4.12. Waste sorting and processing will be confined to the interior of the warehouse with no activities proposed in external areas and no open storage of waste. Municipal waste will be stored under negative pressure and bio-degradable waste will be stored in enclosed food waste skips. Concern has been raised regarding the suitability of the site given its restricted and backland nature, which it is feared will result in queuing onto the local road network. However, the applicant in the response to the grounds of appeal has clarified that it is designed as a state of the art modern facility with an efficient layout which will mean that all materials will be handled within the building and there will be no queuing outside the warehouse. It is considered, therefore, that the proposed development of a waste transfer and recycling facility is

consistent with the zoning objectives for the site and that the form of development proposed is acceptable in principle.

- 7.4.13.** In conclusion, it is considered that the development of a waste transfer station at this location, as currently proposed, is supported by the planning policy for the area given the industrial nature of the site and surrounding area, the proximity of the site to the national and regional road network, the nature and scale of the development proposed and the industrial zoning of the site. It is further considered that the proposed development would not interfere with the mixed-use zoning of the adjoining lands to the west and that the ecological issues outlined in the LI-I-02 Zoning Objective in the LAP are not relevant to the subject site.
- 7.4.14.** It is therefore considered that the proposed development would not materially contravene the development plan for the area as asserted by third party objectors and would be consistent with the development plan and local area plan policies and objectives for the site and for the overall area.

7.5. Issues of Amenity

- 7.5.1.** The proposed use raises a number of issues with regard to amenity. In particular, concerns have been raised regarding the nature of the material that is proposed to be accepted at the site, the quality of the output, the inadequacy of mitigation or the determination of limits/measures after the decision has been made, and the failure to mitigate for future residential development and non-residential development. The concerns relate to noise emissions, vibration impacts, emissions to the air and the generation of odours from the operation of the facility. The proposed operation of the facility is stated to be 24 hours a day 7 days a week, with restrictions of intake of waste and dispatch of output, and therefore noise and odour emissions from the site, and from traffic associated with the use, are of relevance in terms of the consideration of impact on amenity.
- 7.5.2.** In undertaking an assessment of amenity issues, regard needs to be had to the fact that the proposed development would require a licence from the EPA. It is therefore the case that the assessment of emissions to the environment would be undertaken under the licencing process and that the Board is precluded from attaching conditions that relate to the control of emissions or mitigate the impact on the

environment. The Board is, however, authorised to refuse permission on the basis of environmental considerations.

- 7.5.3.** It is noted that the application is accompanied by an EIAR, which includes several appendices that are relevant to consideration of the amenity impacts of the proposed development. These include the following:

Appendix 6.3 Construction Environmental Management Plan

Appendix 8 Noise Impact Assessment Report

Appendix 9 Air and Odour Quality Assessment

Appendix 14.1 Transportation Assessment Report

Consideration of impacts relating to amenity arising from emissions from the development are considered in more detail in the sections below under the heading of Environmental Impact Assessment, and particularly under the headings of Population and Human Health, Noise and Vibration and Air Quality and Odour, and this assessment should be read in conjunction with this section.

- 7.5.4.** The location of receptors in the vicinity of the site, and which could be impacted by the proposed development, comprise commercial and industrial sites that bound the appeal site to the east and those located within the wider Courtstown Industrial Estate and Harbour Point Business Park, and residential properties, the closest of which are located to the east (behind Kuehne Nagle), to the north west (Ballytrasna Park) and west of the site (Clash Road) at a distance of c.320 metres at the closest point. There is a construction site to the south of the site which comprises a recently permitted expansion of Harbour Point Business Park. The commercial site which most closely adjoins the appeal site includes a vacant industrial unit to the east. Uses within the wider estate/business park area comprise a mixture of warehousing, transport/distribution and generally light industrial uses. The former golf course to the west and the agricultural lands to the north west are zoned for mixed use development with a substantial residential element in the section furthest from the site (LI-X-02), which is also separated from the site by a distributor road designation.
- 7.5.5. Noise and vibration** – The first party has responded to the objections on this issue by stating that the proposed facility has been designed to comply with the ‘expected’ noise limit values at existing Noise Sensitive Locations. It is stated that the submitted EIAR addresses the impact of the proposed development on the ambient

environment, and that the activities will be in accordance with the relevant quality standards, and will comply with the emission limit values specified in any EPA licence that is issued. It is acknowledged that for a facility that will be the subject of a licence such as that proposed, the operation will have to comply with emission limit values set out in any licence granted by the EPA and that the majority of these limits will be measured on site or at the point of discharge / emission from the site.

7.5.6. Chapter 8 (together with Appendices 8.1/8.2/8.3) of the submitted EIAR set out the likely noise impact of the proposed development and includes noise survey data from five off site locations. It is noted that the NSLs at Ballytrasna Park and Clash Road are dominated by traffic noise and that the other NSLs are quieter locations. It was found, however, that the location of the site is not generally a quiet area, (as defined by the EPA Guidance Document), although the area to the south of the business park is more rural in character. The noise assessment acknowledges that a full assessment of the noise impact arising from the proposed development is not possible as there is uncertainty with regard to the final specification of some of the equipment to be used on the site, as well as the final building layout. However, a review of a similar operation in Cork, where the air handling unit is located externally, was made in order to inform the assessment of impacts.

7.5.7. The operational noise sources were identified as arising from traffic-related noise, internal noise break-out and the odour handling unit. Most noise sources arise from within the building, and although there are some vehicular movements on site, these would be intermittent, typical of the area which has a high volume and frequency of HGV traffic, and would be screened. It was concluded that the increase in traffic flow would be in the order of 5%, which would not have a significant impact on ambient noise levels. The internal noise break-out would give rise to average noise levels of 85dB(A) when all equipment is operational. However, this would be mitigated by a combination of distance from sensitive receptors (320m), intervening landform and development and by fast closing doors, which form part of the negative air pressure environment, and the proposed siting of the odour handling unit internally. It was noted that tonal and high frequency noise was also attenuated by distance and enclosure. The annual compliance monitoring data for a similar facility in Cork showed that an unscreened development was complaint at 40-50 metres distance. As the proposed development will be at a much greater distance from sensitive receptors and will be screened/mitigated, it was concluded that the existing

background level would not be exceeded and that there would be no significant impact on the nearest NSLs.

- 7.5.8.** Construction noise impacts were found to be unlikely to have a significant effect on the nearest NSL, but impacts would in any case be short term and intermittent. It is noted that rock breaking was included in the assessment and that screening by topographical features and buildings were not taken into account, thereby providing a worst-case scenario. In terms of vibration impacts, the first party response to the appeal stated that the machinery and equipment would be carefully selected to minimise any vibrations from the site with integral anti-vibrational measures, and that operational impacts were not anticipated. Monitoring would be introduced for vibration impacts during construction as part of the CEMP. Should vibration impacts be detected, works will cease and mitigation will be introduced.
- 7.5.9.** The noise impact on the nearby residential lands (Special Policy Area Zoning) has been addressed in the noise impact assessment, but the applicant was unable to gain access to the residentially zoned lands to establish ambient noise levels at this location. However, a monitoring location at the site's southern boundary has been used instead which is stated to be 112m from the residential lands. The applicant does not propose to design in noise mitigation beyond the potential EPA licence requirements as there is no approved layout for the lands. The P.A. Planner's report noted that the nearest residentially zoned land to the site is 60m, that there is industrially zoned land and a proposed distributor road located between the two sites, and that the residentially zoned land has a requirement for a landscape buffer. It is considered that given the additional effects of attenuation by reason of distance and intervening land uses, that the facility would be fully compliant with the limit values at 50m distance, and the screening effects of topography and landscaping would further reduce the noise levels.
- 7.5.10.** Noise emissions will be specified in the Industrial Emissions licence that will be required to be obtained from the EPA. I would agree with the P.A.'s view that provided the noise levels remain within the licence parameters, impacts will be avoided. The noise assessment in the EIAR has demonstrated that this can be achieved.
- 7.5.11. Odour and air quality impacts** – Odour is addressed in Chapter 9 and Appendix 9.1 of the EIAR. It is noted that 17 sensitive receptors in the vicinity of the site were

identified, which included both residential and commercial receptors. A baseline odour assessment (sniff survey) was carried out in March 2018. No significant contributory odours were detected and the baseline was described as ambient, non-distinct and neutral. Baseline data in the vicinity of the site was also collected for PM₁₀, SO₂, NO₂, CO and Benzene and was found to be well within the limit values for these pollutants. Potential impacts would arise from dust and traffic during the construction phase and from activities including acceptance, sorting, processing and dispatching of municipal solid waste and the acceptance and storage of food separated household and commercial waste. Concerns have been raised by third party appellants and observers regarding the control of odour at the facility.

7.5.12. The odour control system proposed to be installed at the site is detailed at Appendix 9.1 of the submitted EIAR. The system proposes the maintenance of a negative air pressure in the building and is stated to be designed to include odour containment, odour capture, odour extraction and odour treatment. This involves the processing of waste within a sealed building which would be negatively extracted to a dust and odour treatment system. All waste handling will be carried out indoors. The waste intake buildings will be fitted with rapid-acting roller shutter doors which would be interlocked and fitted with air curtains to maintain odour containment. The building would also be fitted with absolute pressure controlled fresh air intake louvres to control the negative air pressure. The odour treatment plant would comprise a Reverse Jet Pulse Filter, followed by a plasma injection and a carbon filtration system. The treated air would then be exhaust to atmosphere via a 17m vent. The odourous air would be de-odourised to a threshold concentration of less than 250O_{ug}/m³ on the exhaust, which will ensure that odours will not exceed the recommended EPA guidance levels at ground level.

7.5.13. The facility's air treatment unit is designed to achieve an odour level of less than or equal to the normal EPA limit of 1.50 O_{uE}/m³ for the 98th percentile at the nearest receptor. The predicted levels for each receptor are set out at Table 1-2 and the receptor locations are shown in Fig. 1-1 of Appendix 9.1. Odour dispersion modelling from the proposed stack has been undertaken and this indicates that the maximum odour impact will be at location R7, where the predicted odour level would be below the limit at approximately 1.30 O_{uE}/m³. This receptor is the vacant industrial unit immediately to the east. The values for the other receptors are well below this level

with the next highest value being 0.73 O_{uE}/m³, (R5 and R6). The air treatment system would be fitted with a SCADA monitoring system.

- 7.5.14.** I note that the P.A. employed the services of an independent professional expert (AWN) to review the air quality and odour assessment contained in the EIAR. The conclusions of the AWN report were that provided that the odour control system can reach the emission concentrations as proposed, the odour impacts outside the site boundaries will be within the appropriate guidance.
- 7.5.15.** The cumulative impact of odours from the wastewater treatment plant at Carrigrennan has been raised by third parties. The applicant has stated in response, that the WWTP is located a considerable distance from the appeal site and that given the low level of odour that is anticipated from the proposed facility, there is no need to assess the cumulative impact of the two facilities. I would agree that the predicted odour emissions from the proposed facility are low and are unlikely to contribute cumulatively to any odour issue arising from the operation of the municipal wastewater treatment plant.
- 7.5.16.** Having regard to the information presented, I am satisfied that best practice would be employed and that odour issues could be managed. The likelihood of the proposed development having a significantly negative impact in terms of odour levels at adjacent commercial / industrial sites or at residential receptors is considered to be unlikely. Odour emissions will in any event be specified in the licence that will be required to be obtained from the EPA and, given the licensable nature of the activity, I am satisfied that the waste management facility can be regulated and monitored on an on-going basis.
- 7.5.17. Opening hours** – The application, as submitted stated that processing is expected to occur 12-hours per day, 6 days per week, with waste accepted at or dispatched from the facility between the hours of 05.00 and midnight, Monday to Sunday, inclusive. In response to FI request, the hours were reduced from midnight to 8pm. The P.A. decision (Cond. 3(a) and (b)) restricted the proposed opening hours to 0600 to 2000 hours Monday to Saturday for the intake of waste material and 0500 to 2000 hours Monday to Saturday for the dispatch of material. These hours would effectively be further restricted by Condition 6 which prohibits HGV traffic accessing the site between 0730 and 0900 hours and 1600 and 1730 hours, and staff accessing the site between 0800 and 0900 hours and 16.30 and 17.30 hours.

- 7.5.18.** Concerns have been raised by third parties regarding the 5am time slot, and the restrictions imposed by Condition 6, which it was feared could give rise to trucks queuing on the local road network prior to 0900 hours. However, the applicant has clarified that the 5am time slot is required in order for trucks to meet the Port of Cork schedule for the departure of a ship, (which would be relatively infrequent), and that there is no logistical reason why trucks would need to queue on the local road network at any time of the day. Waste will be collected in waste trucks which will be out on the city's and county's streets from early in the morning until late morning, with the majority of traffic (90%) requiring access to the site after 10am. It was stated that the scheduling of operations at the facility is such that there would be no need for these trucks to access the site before 10am. The trucks will be parked overnight at the applicant's facility in Mallow and will proceed straight to the collection routes at 7.30am, but would not access the facility until full loads were achieved. Given the early start for these drivers, they will finish work in the early afternoon. There is no need, therefore for these trucks to queue on the local roads, which would result in inefficient use of resources.
- 7.5.19.** It is considered that the hours of operation as conditioned by the planning authority are appropriate given the nature of the proposed operations and the particular issues of scheduling as outlined above. Notwithstanding this, the issue of exclusion of bank holidays raised in the first party appeal will, however, be addressed below.
- 7.5.20. Health and safety** - In response to issues of pest control, the applicant has advised that an Environmental Management Scheme will be in place and this will include a Pest Control Management Scheme. It is further stated that the facility will be designed as a 'state-of-the-art' operation which will be fully controlled with all waste handling activities being conducted indoors. It is therefore stated that there will be no issues with seagulls, rodents or any other pests. I would agree that the issue of pest control will be managed as part of the environmental management of the facility and will be subject to monitoring on an ongoing basis. Third parties had also raised the issue of fire risk. It should be noted, however, that the proposed development incorporates a large fire water detention tank under the proposed warehouse, which is designed to mitigate any such risk.

7.6. Traffic and Transportation

- 7.6.1.** Traffic and transportation are addressed in Chapter 14 and Appendix 14.1 of the EIAR. It was concluded that the traffic generation at the facility is predicted to be modest and will not have a material or significant effect on the road network. However, the P.A. requested further detailed information regarding, inter alia, the baseline, the modelling carried out and the predicted impacts in respect of both the construction and operational phases, with particular emphasis on the HGV content of the traffic and whether any potential impact of the development on the N25 would give rise to a traffic hazard, given the tendency for queues to form on the national road during peak hours. In response to this request, further information was submitted to the P.A. on 5th November 2019, and is contained in Attachment 10 of the RFI.
- 7.6.2.** The access to the site from the wider road network is proposed to be via the N25 at Junction 2, and the R623 which runs from Junction 2 through An Cromptán roundabout to a traffic signal-controlled junction with Ballytrasna Park (L2985). This road is described as a moderately trafficked single carriageway road. The site is accessed from the industrial estate road serving Courtstown Estate and Harbour Point Business Park, via a priority junction with Ballytrasna Park. The TTA submitted as part of the EIAR assessed the impact on the junction of the R623 with Ballytrasna Park and the junction of Ballytrasna Park with the industrial estate road using a LinSig model and a PICADY model, respectively. The traffic generation is set out in Table 14.1 and is described as representing a very robust trip generation. It predicts an additional 46 PCUs at peak hour during the operational phase, and includes a breakdown of the type of vehicle and the frequency of trips. It includes 20 domestic refuse trucks per day, 30 skip lorries per day.
- 7.6.3.** The analyses of the two junctions found that the priority junction with the industrial estate road would operate well within capacity with no queuing anticipated, and that there would be adequate capacity remaining at the signal-controlled junction with the R623 in the opening and design years. The additional information submitted in November 2019 included further data collection and analysis which examined the impacts on the N25 eastbound, N25 westbound, An Cromptán roundabout and the R623/Ballytrasna Park. It was established from the various assessments and LinSig modelling that, using robust estimates of traffic generated at peak hours, neither the

operational nor the construction traffic is likely to have a significant effect on the operation of the N25 or the associated link roads. It was stated that this further analysis confirmed the EIAR conclusions that traffic impact arising from the proposed development would be imperceptible to existing road users.

7.6.4. The traffic impact assessment for the morning peak found that on the N25 West-bound off ramp to Little Island, there would be a 1.4% increase in predicted traffic flows, amounting to approx. 5.6m to 9m additional queue length. The corresponding figures for the N25 East-bound off ramp to Little Island were 1.6% increase, with a 1-2m increase in queue length. It was pointed out that the site is forecast not to generate peak hour traffic due to the proposed scheduling of the operations at the facility which include proposals to park HGVs at the developer's facility in Mallow. These trucks would leave Mallow at 7.30am and collect waste from around the county, and would not arrive at the facility in Little Island until after 9am, and would leave before the PM rush hour. Hence, there would be little or no increase in the HGV traffic during the AM or PM peak hours. Notwithstanding this, the assessments were stated to be robust as the hourly traffic flows were applied directly to the peak hours. The percentage of HGV content was set out in the additional information, Table RFI 6. It was assumed that there would be a maximum of four additional HGVs in any 1 hour period, which would give rise to a predicted increase of 3.6% in the AM peak at An Cromptán roundabout and 3.7% at Ballytrasna junction, with a corresponding increase of 6.1% and 6.4% respectively, in the PM peak. The developer considered the predicted increase to be insignificant in the context of the industrial character of the area and the road network which is well trafficked.

7.6.5. The overall conclusion was that the proposed development would not generate a significant volume of traffic and that the impacts on the operation and capacity of the local roads network, including the N25, would not be significant. The forecast increase in traffic flows were considered to be imperceptible during the construction and operational phases of the development. The P.A. (second Transport report, Feb. 2020) generally agreed with and accepted the conclusions. It was accepted that any potential impact on the N25 would not be likely to result in an increased traffic hazard. However, having regard to the sensitive nature of the Little Island location (which suffers from high levels of peak hour congestion) and to the predicted increased queue lengths at An Cromptán, and to the applicant's advice regarding proposed scheduling of operations, it was decided that HGV traffic should be

restricted from entering/departing during the morning and evening peak hours. Furthermore, with regard to construction traffic, it was requested that a Construction Traffic Management Plan be submitted and that construction traffic be restricted to outside peak hours.

- 7.6.6.** It is considered on the basis of the foregoing, that the nature and volume of the traffic predicted to be generated by the proposed development is such that it is not likely to give rise to any significant effects on the wider road network surrounding the site. However, this is predicated on the applicant's proposed scheduling of operations which would avoid any impact on the network during peak hours. As such, the proposed restrictions by the P.A. are considered appropriate and it is noted that the applicant is happy to abide by these restrictions as it accords with the logistics and proposed scheduling arrangements of the proposed operation.
- 7.6.7.** Concerns have been raised by third parties regarding the adequacy of details submitted regarding the internal HGV circulation arrangements. Some third parties consider that the site is too small and restricted and that the scale of the building is such that the layout is inadequate to cater for the traffic movements within the confines of the site, which it is feared will result in trucks queuing on the local roads. The issue of internal circulation is addressed in Section 4.17 of the EIAR. The application was accompanied by several drawings which clearly show the paths through the site for each of the truck types that will be visiting the site. There will be a one-way system for HGV deliveries with a separate entrance and exit. The proposed truck traffic paths are shown on Drawing Nos. 1018 (domestic refuse and food refuse trucks), 1019 (Dry recycling trucks and skip trucks), 1020 (articulated refuse and food trucks) and 1021 (articulated bales). The drawings indicate the entry point, weighbridges, circulation paths and exit points for each of the seven truck types. The applicant in the response to the grounds of appeal has also stated that there would be no delays as a computerised system would be in place which would ensure efficient operations on the site, with no need for queuing within or outside the site.
- 7.6.8.** The P.A. decision included a condition (No. 5) which requires an independent risk assessment and safety review to be carried out in relation to internal vehicle movements and delivery areas, which will be subject to modification if necessary. It is not clear whether an Autotrack assessment has been carried out. However, the submitted drawings indicate that the trucks can be accommodated within the site and the building, with adequate manoeuvring and circulation space. In these

circumstances, it is considered that the P.A. condition is appropriate and would ensure that the details of the internal HGV circulation can be finalised prior to construction of the building. It is further noted that the applicant has advised that the HGVs will be parked overnight at the applicant's facility in Mallow and will go directly to the routes for collection of waste materials, only entering the site when there is a full load. It is considered that on the basis of the information provided, there is unlikely to be an issue with queuing or parking of trucks on the local road network.

7.7. Ecology and biodiversity issues

- 7.7.1.** Issues raised in the third party appeals and observations related to potential impacts on the European sites in the vicinity and on sensitive sites such as Harper's Island and Fota Island, the need to comply with the ecological element of the zoning objective for the site and the potential impact on the pollinator plan for the Glounthaune area. It should be noted, however, that the appeal site is located 0.4km from the nearest European site and that it has been established that there are no watercourses within the site and there is no hydrological link to the European sites. The potential impacts on any European sites will be addressed in more detail in the section headed Appropriate Assessment below.
- 7.7.2.** The concerns regarding potential impacts on Harper's Island, which is a bird sanctuary, and on Fota Island, which also includes a nature reserve and zoo, are not specified. However, it is assumed that the potential impacts relate to noise, odour and general nuisance. As discussed in the previous sections, the proposal is designed as a modern facility where all waste handling will be conducted indoors, within a building with negative air pressure, and Best Available Techniques will be used. It is not anticipated that the operation of the facility will give rise to nuisance in terms of any significant increased levels of noise, odour or traffic and it will be subject to a licence from the EPA, the terms of which it will have to abide by on an ongoing basis. It is not anticipated, therefore, that the proposed development would have any undue impact on the ecology or amenity of Harper's Island or Fota Island. Similarly, the potential impacts on the pollinator plan for Gounthaune are not specified, but the operation of the facility is unlikely to adversely affect this project for the same reasons as outlined above.

7.7.3. The zoning objective for **LI-I-02** includes the following

This area is known to be an important feeding location for a number of species of bird for which the Cork Harbour SPA is designated (including Oystercatcher, Curlew and Black-tailed Godwit). Consideration of implications for these species will be integral to the assessment of new development proposals for this area. It may be necessary to retain a proportion of this zone as undeveloped land to ensure that sufficient undisturbed field feeding habitat remains available to maintain the favourable conservation status of populations of this species.

The Biodiversity Chapter of the EIAR describes the site as “unmanaged, recolonising bare ground and grassy verge habitats”. It should be noted that the desktop and field surveys of the site have established that the habitats within the site are of low ecological value and that it is unlikely that the birds that occur in the SPA would occur close to or within the appeal site due to the absence of suitable habitat. No evidence of any protected species was found during the field surveys. However, it was noted that bats are likely to forage in the mixed broadleaf woodland along the boundary and possibly in buildings in the general vicinity of the site.

7.7.4. The first party has also stated that the reference in the zoning objective to ‘wetland habitats’ to the south of the site relates to the foraging habits of bird species (such as intertidal mud flats and sand flats) in the area rather than the development site itself. It is re-iterated that the habitats found in the vicinity of the site, which are examined in detail in the submitted EIAR and NIS, are not of sufficient value to the species for which the European sites have been designated. It is noted that the NIS concluded that provided the mitigation measures are adopted and implemented, the proposed development will not adversely affect the integrity of either Great Island Channel SAC or Cork Harbour SPA in view of the sites’ conservation objectives.

7.7.5. It is noted that the submitted documentation indicates that the ecological value of the habitats on the site is low, that there is no evidence of any protected species within the site and that there is no hydrological connectivity to a sensitive site. The surface water run-off will be collected and adequately treated during the construction and operational phases prior to discharge to existing municipal drainage systems. Appropriate mitigation measures will be implemented as part of the Construction and Environmental Management Plan to protect any flora and fauna species of value that

may occur within the site and to prevent any pollution or contamination of any watercourses in the area. The construction works will also be monitored by an Ecological Clerk of Works. It is considered, therefore, that subject to the implementation of the proposed mitigation measures, there will be no significant impacts on the biodiversity and ecology of the site and surrounding area. This issue will, however, be examined in more detail under the headings of EIA and AA below.

7.8. First party appeal against Condition 2

7.8.1. Condition 2 of the P.A. decision reads as follows:

Prior to the commencement of development, the applicant shall obtain as necessary a waste facility permit and shall comply with any condition attached therein.

7.8.2. The first party appellant believes that the requirement to obtain a waste facility permit before commencement of development is too restrictive, is unnecessary and unreasonable and is a requirement of another regulatory code, which renders it ultra vires. The remedy sought is to require the permit to be obtained prior to operation of the facility instead of prior to construction.

7.8.3. The Development Management Guidelines (DoEHLG, 2007), provides guidance on the drafting of planning conditions. The basic criteria include the need to be 'necessary', 'reasonable' and 'enforceable' and conditions are also required to be 'relevant to planning'. It is considered that the condition fails to comply with these criteria as the requirement to obtain a waste facility permit or licence is not a requirement under the planning code but one which is required under other codes. It is therefore considered to be ultra vires and unenforceable. It is also considered to be unnecessary and unreasonable as what is being sought is regulated under different legislation, and cannot operate without obtaining the licence or permit, and is outside of the control of the applicant. It would also prevent the construction of the building, as the requirement is to obtain the licence/permit prior to commencement of construction. I do not consider it appropriate that the wording should be altered to "prior to operation" as the condition is ultra vires and fails to comply with the Development Management Guidelines.

- 7.8.4. It is considered, therefore, that should the Board be minded to grant permission for the proposed development, no condition requiring a waste permit/licence to be obtained should be attached to any such permission.

7.9. First party appeal against Condition 3

- 7.9.1. Condition 3 relates to restrictions on hours of construction and hours of operation. It has three sub-parts, the first relates to construction hours, the second to hours during which waste can be received at the facility and the third, hours during which waste can be dispatched from the facility. There is no objection to the constraints set out in 3 (a) and 3 (c), but objection is raised to the restrictions set out in Condition 3(b). This states that

“waste receipt at the proposed facility shall be between 0600hrs and 2000hrs Monday to Saturday and not at all on Sundays or Bank Holidays.”

- 7.9.2. Modification is requested to allow for waste collection on bank holidays, which it is stated would reflect the practicalities of running a waste management facility, as the waste collection business operates 6 days a week and any interruptions to this causes knock-on effects for the collection, storage and processing of waste. The appellant has provided examples of specific problems that would be encountered -

- Collection of domestic waste and recycling – requires collecting of waste 6 days a week on 52 weeks of the year. Domestic waste is collected from households on a fortnightly rotation, with recycling waste. However, in the event that waste cannot be collected on a bank holiday, some residents would not have their waste collected for a month, due to scheduling restrictions. This would be unacceptable and create a public health risk.
- Commercial waste collection - this is also carried out on a 6-day rotation. Restaurants, bars and nightclubs are extremely busy on bank holidays and generally do not have the capacity to store waste from Saturday, Sunday and Monday on their premises. This would be unacceptable and give rise to a public health risk.

- 7.9.3. The grounds of appeal state that alternative options have been investigated such as extending the daily collection periods prior to a bank holiday. However, it was found that this would be unworkable due to logistics, availability of equipment and

limitations on staff working hours. It is stated that the operation and management of the facility will be regulated such that the potential impacts on Little Island are minimised or eliminated throughout the year, including bank holidays. It is therefore sought that condition 3(b) be modified to exclude the restriction on Bank Holidays on the grounds that it is unreasonable and would give rise to unintended consequences which would give rise to public health issues and a nuisance to residents.

- 7.9.4.** It is clear from the information provided that the restriction on bank holidays would create serious logistical problems which would be likely to have effects on the environment and on public health within the catchment area. The route that would be followed by the refuse trucks would be from the N25 through An Cromptán to Ballytrasna Park junction and onwards to the junction with Courtstown Industrial Estate. The only residential properties along the route are along Ballytrasna Park, with a small number of houses close to the R623/Ballytrasna junction, opposite the petrol station and. Ballytrasna Road is a wide road with a mixed-use character and is tree-lined for much of its length. The road is regularly traversed by HGV and other commercial traffic. There are several entrances to industrial estates and business parks interspersed with several housing estates, one-off houses and agricultural lands. There are c.12-14 individual houses which front directly onto the road, but most of the houses are sited on generous plots and are set well back from the road frontage. The industrial, business and residential estates are generally laid out such that the individual buildings do not address the road, and they are generally screened by masonry walls and landscaping.
- 7.9.5.** Having regard to the nature and character of the route, it is considered, therefore, that the transit of refuse trucks on a bank holiday along this road is unlikely to result in a significant level of nuisance. The adverse effects on the amenity of households elsewhere in the city/county where waste would remain uncollected for long periods of time would be disproportionate to the relatively slight reduction in amenity on bank holidays. It is therefore considered that, should the Board be minded to grant permission for the proposed development, a condition with similar wording should be attached but the collection of waste should be permitted on bank holidays.

7.10. Other Issues

7.10.1. Landscaping of the site – Concerns were raised by third parties regarding the poor level of proposed landscaping along the eastern boundary and whether it would be possible to achieve the 20m buffer required by the zoning objective for the site. The eastern boundary has an existing treeline/hedgerow, which it is unclear if it is proposed to retain. It is noted from the submitted landscaping plan that there will be a concrete retaining wall along much of the eastern, northern and southern boundaries and that it is proposed to erect a temporary tree protection fence. However, it is considered that details of how these trees are to be retained and protected should be required as a condition of any permission.

7.10.2. The requirement for the landscape buffer relates to the northern and western boundary of the LI-I-02 site of 13.6ha, as opposed to the appeal site. The proposed development shows a proposed landscape buffer of approximately 20 metres depth along the western boundary of the appeal site, which also provides screening to the site to the north-west. The western boundary of the site is with the former golf course, and there is a wide and dense planting strip on the western side of this boundary. Although outside of the appeal site, it is likely that much of this landscaping feature will be retained in any future development of the golf course lands. It is noted that it is also proposed to retain an existing hedgerow and treeline along the northern boundary, part of which will reinforce the screening between the proposed development and the existing industrial lands to the north-east. The boundary treatment along the southern boundary will include a retaining wall and a hedgerow with a continuous line of trees. The proposed landscaping and boundary treatment is generally considered to be acceptable, subject to appropriate worded conditions, particularly in respect of the need for screening along the southern part of the eastern boundary.

7.10.3. Site drainage and wastewater treatment – Concerns have been raised regarding the drainage on site and in particular, the inability of the municipal WWTP at Carrigrennan to remove nutrient from the leachate. However, the first party in its response to the grounds of appeal pointed out that the processing of waste is essentially a dry process and that leachate runoff will be kept to a minimum. Municipal waste will be processed as soon as it arrives, so there will be no leachate from its storage. Thus, the issue of nutrient-rich leachate does not arise. It is stated

that the process water will be directed off site to connect with the existing public foul drainage network.

7.10.4. Transport of biowaste to Incheera – this issue was raised by some third parties, as there was concern that trucks would be traversing the island with biowaste which would be malodourous and would adversely affect the amenities of the island. I note from the TTA (Table 14.1) that food waste will be removed by articulated truck at a frequency of 3 trucks per week. A description of the logistics and manoeuvring of trucks on site (EIAR) also indicate that the food waste trucks would reverse onto the site to be weighed on the western weighbridge and would drive straight out once loaded, and that the loading will be conducted indoors. It is not stated where the food waste will be transferred to, but the processes outlined in the submitted documents would be unlikely to give rise to any significant nuisance or loss of amenity to the surrounding land users.

7.11. Conclusion on proper planning and sustainable development

7.11.1. It is considered that subject to compliance with appropriate planning conditions, and to the implementation of the mitigation measures set out in the submitted documents, including the EIAR and NIS, the proposed development of a waste transfer and recycling facility on the site would constitute appropriate and sustainable development which would be in accordance with the planning policy framework for the area and would align with national and regional waste management policy, enabling increased rates of resource recovery and reduced dependence on landfill. It is further considered that the proposed development would not seriously injure the amenities of the area, would not be prejudicial to public health, would not give rise to significant adverse environmental impacts and would be acceptable in terms of transport and road safety. I am satisfied, therefore, that the proposed development would be in accordance with the proper planning and sustainable development of the area.

8.0 Environmental Impact Assessment

8.1. Introduction

- 8.1.1. The proposed development is described by the applicant as a sorting and transfer facility only with no disposal of waste proposed at the site or in the surrounding area. It is the applicant's position that there is no specific category in Part 2 of Schedule 5, of the Planning and Development Regulations 2001 (as amended) relating to waste sorting and transfer. The applicant has stated that the closest category within the Schedule was chosen, which is 11(b), as it includes a threshold for an annual intake of waste, albeit for disposal. This requires the submission of an EIAR for

Installations for the disposal of waste with an annual intake of greater than 25,000 tonnes not included in Part 1 of the Schedule.

- 8.1.2. An EIAR has been prepared and submitted on this basis under the provisions of the 2014 EIA Directive and in accordance with the current Planning and Development Acts and Regulations (as amended) and with the European Communities (EIA) Regulations and the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 8.1.3. The development relates to a waste transfer station for the recovery of mixed wastes up to an annual capacity of 95,000 tonnes. The European Courts have determined that 'disposal' includes 'recovery' for the purposes on the EIA Directive. Thus, it is considered that the proposed development falls above the threshold intake of 25,000 tonnes p.a. and it therefore requires a mandatory EIAR. Furthermore, notwithstanding the applicant's submission, the nature of the application is such that it requires a licence from the EPA and given the fact that an EIAR has been submitted, it is a requirement that the Board consider the content of this document and make an assessment of the potential direct and indirect effects of the project under each of the individual factors of the environment and make a reasoned conclusion regarding these effects.
- 8.1.4. I have carried out an examination of the information presented by the applicant, including the EIAR, and the submissions made during the course of the application and appeal. A summary of the submissions made by the Planning Authority, prescribed bodies, appellants and observers has been set out at Section 6 of this report. The main issues raised specific to EIA can be summarised as follows:

- The EIAR is inadequate and deficient. Although details of how it was considered to be deficient were not specified, several objectors raised the issues outlined below.
- That the cumulative impacts of the proposed development, particularly with regard to odours are not adequately addressed in the submitted EIAR. Specific reference is made to odours arising from the municipal WWTP at Carrigrennan. It is asserted that the lack of a facility for nutrient removal at Carrigrennan means that the nutrient enriched leachate from the facility will have an adverse impact on the outfall from the WWTP and the cumulative impact of this has not been assessed.
- That consideration of reasonable alternatives in the EIAR is inadequate. The 'Do nothing' alternative ignores the fact that Bottlehill would be a much more appropriate location for this facility. It is submitted that not all alternatives were examined such as Bottle Hill and the plethora of industrial sites at Ringaskiddy. The alternatives that were examined were ruled out on the basis of impact on residential amenity and inadequate road network. These issues and constraints are equally relevant here.

These issues are addressed below under the relevant headings, and as appropriate in the reasoned conclusion and recommendation. I am satisfied that the EIAR has been prepared by competent experts.

- 8.1.5.** The information contained in the EIAR and supplementary information, in general, adequately identifies and describes the direct and indirect effects of the proposed development on the environment. As will be outlined in the sections below, I note that there is no specific assessment of cumulative impacts of the proposed development, although some sections of the EIAR include a cumulative impact assessment of that topic and cumulative impact assessment has been included in the FI submitted to the P.A. In addition, the interactions between topics and factors is examined in Chapter 16. While I note the comments made by the first party regarding the fact that the operation of the site will be the subject of licence which will set emission limit values, this does not in my opinion mean that some form of cumulative assessment would not be beneficial. I note the provisions of Article 94 of the Planning and Development Regulations which states that the EIAR shall contain the information specified at Paragraph 1 of Schedule 6 and '*any specific information*

specified at Paragraph 2 of schedule 6 relevant to the specific characteristics of the development or type of development concerned and to the environmental features likely to be affected and methods of assessment'. The information specified at Paragraph 2 includes at 2(e)(v) 'the Cumulation of effects with other existing or approved developments, or both, taking into account any existing environmental problems...'.

- 8.1.6.** In the case of the proposed development, it is noted that the activity will need to be the subject of a licence by the EPA and that the relevant emission limit values will be set and enforced as part of any such licence. It is further noted that the particular circumstances of the site, the proposed activity and its location are such that the potential cumulative impacts arising on sensitive residential receptors located outside of the industrial estate/business park lands can be adequately assessed. It is therefore my opinion that a cumulative assessment of impacts under each of the listed factors of the environment is not essential and that the omission of such an assessment does not mean that the submitted EIAR does not meet the requirements of the EIA Directive or Article 94 of the *Planning and Development Regulations, 2001*, as amended.

8.2. Assessment of reasonable alternatives

- 8.2.1.** Schedule 6(1)(d) of the Planning and Development Regulations 2001 (as amended) requires that an EIAR shall include an outline of the main alternatives studied by the developer and an indication of the main reasons for his or her choice taking into account the effects on the environment. Chapter 15 of the EIAR outlines the main alternatives studied together with the main reasons for the options chosen and the options rejected. The alternatives examined include a number of alternative locations, alternative site layouts and building designs, alternative process designs and the 'Do nothing Scenario'. The appellants believe that insufficient alternative locations were examined, that the constraints relating to the alternatives examined are equally applicable to the subject site and do not accept the conclusions of the 'Do Nothing Scenario' as it did not factor in the existence of Bottlehill.
- 8.2.2.** The 'Do Nothing Scenario' took account of the need for waste processing and recycling infrastructure in the region and the national and regional waste policy to reduce the dependence on landfill and/or export of waste for disposal outside the

country, whilst maximising the capacity for waste separation, recycling, recovery and reuse. It also noted the RPG for the Southwest region which identified a need for a Materials Recovery Facility or Mechanical Biological Treatment facility within the Cork Gateway. I would agree that should the project not go ahead, the need for such a facility would remain unfulfilled. The site would either remain undeveloped or would be likely to be developed for industrial purposes, including warehouse and distribution uses, which would have a similar impact in terms of activities. It is also noted that the site did have the benefit of a planning permission for a similar development, albeit at a smaller scale.

- 8.2.3.** Two main alternative locations were considered, firstly in Ringaskiddy and secondly in Ballincollig. A number of alternative locations were examined in Ringport Business Park in Ringaskiddy. Problems encountered included difficulty in finding a site of an appropriate size with adequate road access infrastructure. Further locations were examined to the west of Old Post Office Road, but these were ruled out on the basis of proximity to residential development (on and within 50m of the boundary). Further sites in Ringaskiddy were ruled out on the basis that the route for the M28 runs through them and others due to the inability to negotiate with local landowners for land use and access arrangements. It was concluded that the land that was potentially available to the applicant was assessed as not suitable for a waste facility.
- 8.2.4.** A site within the Ballincollig Commercial Park was also examined but was ruled out for several reasons. These included the existing built-up nature of the commercial park, which is surrounded on all sides by residential development, and an existing baseline of high levels of traffic and wait times on the approach roads. The zoning of the site was Existing Built Up Area, which was considered to be less suitable than Industrial/business zoned lands.
- 8.2.5.** It is stated that the possibility of developing other sites within the Cork City Environs was also explored, such as the Sunbeam Industrial Estate. However, the applicant states that it was unable to secure a commercial land agreement on a site which would result in fewer environmental impacts than the selected Little Island site. The applicant also examined alternative designs in terms of site layout, building height and landscaping. An earlier proposal also included a public bring facility, which has since been omitted from the proposed development. Other potential processes such as chemical, combustion, gasification and pyrolysis have also been rejected in favour of mechanical separation of non-hazardous waste.

8.2.6. It is not a requirement of EIA that every possible option be examined. It is considered that the applicant has demonstrated that a variety of alternative sites and locations were examined but were ruled out on the basis of inability to secure access and/or use of these sites and that the environmental effects would be greater at those locations. At Section 15.4.5 of the EIAR, the reasons for choosing the preferred site are outlined. These include the industrial zoning, the previous permission for a waste facility granted in 2008, the low ecological value of the site which is not proximate to any ecologically sensitive sites, the industrial environment in which the site is situated together with the large separation distance from residential properties, and the proximity and accessibility of the site to the national road network and the N25, as well as the adequate capacity of the local road network. The conclusions on the alternatives considered and the preferred site are reasonable.

8.3. Assessment of Effects

8.3.1. Population and Human Health

The location of the site and nature of the proposed development is such that there are potential impacts for population and human health during the construction phase of the development due to noise and other emissions to air and more significantly during the operational phase where emissions to air, in particular noise and odours, and landscape and visual impacts have the potential to negatively affect surrounding populations and human health. In addition, the nature of the proposed use is such that there is a risk of fire that would potentially adversely impact on surrounding populations and property and discharges from the site on foot of fire-fighting.

Chapter 11 of the EIAR addresses the potential impacts on population and human health, including socio-economic impacts, environmental impacts and effects on quality of life and amenity. I would agree that the receiving environment is predominantly industrial and business in terms of land uses, as Little Island is a strategic employment and industrial location. However, it does have a reasonable residential population, and the Local Area Plan emphasises the need to ensure that industrial and commercial development do not adversely affect the amenities of this population. The closest residential properties are 320m to the east, 370m to the northeast and 450m to the south and west. There is one hotel (2km to the northwest) and one school (2.5km to the north). The industrial units within Courtstown and

Harbour Point Business Parks are predominantly industrial or comprise warehouse and distribution uses. The EIAR considers that the receptors in the surrounding land uses are not ones which depend on the quality of the surrounding environment to function. It is acknowledged, however, that many of the businesses are food related, and as such, would be more sensitive to issues such as nuisance related to pests and air quality.

Construction phase impacts on population and human health would arise from construction noise and dust primarily. The nature of the construction activity is such that subject to mitigation in the form of a construction and environment management plan it is considered that construction phase impacts on population and human health would be temporary moderate negative.

Regarding operational phase impacts, as detailed at section 8.3.3 of this report below under the heading of Land, Soil, Water, Air and Climate, the proposed activity on the appeal site will be the subject of a licence from the EPA which will contain emission limits in relation to noise, dust and odours as well as pest control, which must be complied with in the development. As noted in 8.1 above, the submitted EIAR does not specifically address the issue of cumulative impacts under the heading of noise, dust and odours. However given the licenced nature of the activity proposed on site and the location of the site and relationship to sensitive receptors, an accurate assessment of the potential cumulative impacts on the environment and the resulting likely impact on population and human health can be undertaken.

On the basis of the information presented, it is considered likely that the proposed development would not be likely to have any significant impact in terms of noise, dust or odours or pest nuisance on the main population centres of Little Island or on closer residential properties to the appeal site. Impacts arising at the site boundaries and the potential impact on the premises bounding and in close proximity to the site would also be subject to licence and the EIAR has demonstrated that these impacts can be satisfactorily controlled. The proposed development will not give rise to landscape or visual impacts as the development will integrate into its surroundings and it will not alter the character or use of the surrounding lands, due to the siting, design, landscape screening and distance effects in views from the surrounding area. The traffic likely to be generated would not contribute significantly to the road network surrounding the site and the proposed mitigation measures will minimise any impacts during peak hours.

Fire risk is not specifically addressed in the EIAR, but is addressed in the further information submitted to the P.A. on 5th November 2019 (Attachment 9). The applicant has provided details of the surface water management system including the fire water retention system, which has been designed in accordance with the EPA's most recent guidelines for such matters. It comprises an attenuation tank (Tank C) under the building which is designed to act as a fire water retention tank. It is stated that the guidelines require the fire-water run-off to be retained within the site and can be provided as part of the site's drainage system. In addition, the drainage from the floor which normally connects directly to the foul sewer will be diverted to the detention storage tanks in the event of a fire. It is also clear that the minimisation of fire risk has been factored into the design of the proposed facility as it will not accept any hazardous waste and there are no processes other than mechanical separation, sorting and baling of waste, all of which will take place within the building. The issue of major accidents is addressed at 13.4.4 of the EIAR, however, where it is stated that electricity will be the primary power source, not natural gas will be utilised on site and no hazardous or contaminated material will be accepted at the facility, reducing the risk of inflammable and incendiary materials to be processed on site. Furthermore, waste will be processed and moved off the site efficiently, thereby preventing a build-up of material that could amount to a fuel source. As it is a licensable activity, the operation of the site will be under strict monitoring, safety and management requirements.

Overall, on the basis of the information presented, I do not consider it likely that there could be a significant permanent negative impact on population and human health arising from the proposed development. Cumulative impact on population and human health arising from the proposed development in conjunction with existing, planned or proposed development are not likely to arise.

8.3.2. Biodiversity

Chapter 5 of the EIAR relates to Biodiversity. Field surveys were conducted on 24/11/16 and 29/12/16. It is stated that although the surveys were conducted in the sub-optimal winter period, having regard to the character of the receiving environment and the nature of the project, the data was adequate to establish a baseline and to assess the impacts. A map illustrating the habitats that occur within the site is provided at Fig. 5.1, EIAR Volume III.

Most of the site is categorised as GS2 Dry meadows and grassy verges, with the next most prevalent habitat being ED3 (Recolonising Bare Ground), which is located in the south-east corner, adjacent to the entrance. There is a thin strip of Scrub (WS1) that runs around the eastern, northern and north western boundaries of the site and a small area of Dense bracken (HD1) along the central portion of the northern boundary. There are hedgerows (WL1) along the northern and eastern boundaries comprising mainly ivy, hawthorn and trees such as Ash, Willow and Birch. A mature Treeline habitat (WL2) defines the western boundary (with former golf course) comprising conifers and broadleaves which lies adjacent to a mixed broadleaf woodland. These treelines and hedgerow habitats present nesting and foraging opportunities for common passerine birds and possibly bat species, and are described as of local importance of a higher value. The EIAR indicates that there are no high impact invasive species within the site. However, there were small patches of butterfly bush which represents a medium risk and this will be mitigated in accordance with the NRA Guidance.

In terms of species of fauna, rabbits, foxes and hares are likely to occur, but the only evidence of any species found on site was rabbit activity. There would be potentially suitable habitat for bats within the mixed broadleaf woodland on the boundary and in buildings. Overall, the evaluation of habitats was that they are of low value to mammals and no protected species were recorded on site. The birds recorded during the field surveys are listed in Table 5.4 of the EIAR. No bird species of high conservation concern were considered likely to occur on the site.

The proposed development will result in the removal of most of the areas of the existing vegetation on site, apart from the hedgerows and treelines along the boundaries. It was found that there would be no habitat loss for species associated with the SAC and SPA, as there are no suitable habitats within or close to the site. The loss of habitat for mammals and birds would be at a local scale, but would be of low ecological value and of local importance. Local displacement would be likely for common birds and mammals, but there are no suitable breeding grounds in the vicinity. Thus, the impact on bird and mammal species in terms of habitat loss and disturbance would be imperceptible negative. The impact of the proposed development in terms of loss of species and habitats on site is considered likely to be very limited and I therefore agree with the conclusion of the EIAR that the overall

impact on biodiversity within the site arising from the proposed development would be a permanent imperceptible negative impact.

The site is not located within any designated site. Table 5.1 of the EIAR sets out the designated sites in the vicinity of the site including a brief site description and the distance and direction from the subject site. There are two European sites within 0.4km (to the south east), namely Great Island Channel SAC (which also includes a pNHA) and Cork Harbour SPA. The other designated sites include Rockfarm Quarry pNHA approx. 0.6km to the south west on Little Island, Douglas River Estuary pNHA, which is sited c.2.3km to the west, Dunkettle Shore pNHA, c.3km to the north-west and Glanmire Wood pNHA, c. 4.3km to the northwest. The European designated sites are removed from the footprint of the site and there are no direct pathways, such as watercourses, for pollutants between the development site and either of these designated sites. The other designated sites are also sufficiently removed and ecologically isolated from the development that potential impacts are not foreseen.

The potential impacts on the qualifying interests of the two European sites, namely Great Island Channel SAC and Cork Harbour SPA, are set out in Table 5.6 of the EIAR. Birds that occur within the SPA are stated as being most unlikely to occur within or close to the site due to an absence of suitable habitat. The habitats for which Great Island SAC was designated comprise Estuaries, sandflats and mudflats. These habitats are well removed from the footprint of the site and it is stated that there are no direct pathways between the site and these habitats. It was concluded in the EIAR that considering the scale and extent of development, together with the absence of suitable habitat within the site, no potential adverse impacts on the European sites were foreseen. Reference is also made to the Screening Assessment for Appropriate Assessment that was submitted with the application (Appendix 5.2), and to the conclusions of this assessment that the proposed development is not likely to have a significant effect on the conservation objectives of the Great Island Channel SAC or the Cork Harbour SPA.

The P.A. Ecologist, however, in screening for appropriate assessment, noted that there is a land drain at the northern end of the site which discharges to the industrial lands to the east, and it was unclear whether there was any discharge from this drain to the estuary. It was considered that given the scale and nature of the development, the proximity of the site to Cork Harbour and the existence of the land drain, a Stage 2 Appropriate Assessment would be required. As discussed in more detail in section

9.0 of this report below, I would accept the conclusions reached by the Planning Authority in the screening assessment, that the appeal site has an indirect hydrological connection to Cork Harbour and that it is not possible to rule out the likelihood of any significant effects on the European sites identified above by virtue of their not being a clear pathway between the appeal site and these sites, and that a Stage 2 Appropriate Assessment is necessary.

The further information submitted in November 2019 included a Natura Impact Statement (Attachment 11). The P.A. accepted the conclusions of this report that the proposed development, by itself or in combination with other plans or projects would not adversely affect the integrity of any European site, in view of the Conservation Objectives for those sites. This matter will be discussed in more detail in Section 9.0 of this report.

However, I would accept the overall conclusions of the EIAR in respect of biodiversity, as amended and clarified by the additional information, that the site of the proposed development does not support habitats of high ecological value, that the habitats that would be lost would not give rise to a significant negative ecological impact, and that there would be no significant adverse direct or indirect or cumulative impact on the flora and fauna of the site and its surroundings. Following the implementation of appropriate mitigation, as set out in the EIAR and supporting documentation, there will be no residual impacts of any significance. The proposals to retain the existing vegetation along the boundaries and to supplement the treelines and hedgerows with further planting, as set out in the Landscaping Plan submitted with the FI in November 2019, (Attachment 12), is also appropriate.

8.3.3. Land, Soil, Water, Air and Climate

Land and Soils

The site comprises a vacant site within an industrial estate. Although a greenfield site, it is zoned industrial, and as such, will not result in the loss of agricultural land use. The lands to the west and northwest are zoned for mixed use and residential use. However, the proposed development will be designed and operated to a high standard and will be subject to licence from the EPA. I would agree with the conclusions of the EIAR that the proposed development would not adversely affect the neighbouring industrial lands or the potential to develop the non-industrial lands adjacent to the site.

The depth to bedrock varies from c.3m to 10m across the site. However, excavations are envisaged to be generally 2.5m deep apart from around the entrance to facilitate the firewater tank. There will be minimal impact on soils or sub soils arising only from the excavation of the site for the construction of the new buildings. Construction phase mitigation in the form of a Construction and Environmental Management Plan is proposed. This includes standard best practice measures to minimise areas of exposed ground, manage excavated soils, prevent run-off and contamination of ground and surface water bodies including diversion/cut-off drains and silt fencing and measures to collect run-off from disturbed ground. A buffer zone will be implemented around the drainage ditch at the northern end of the site. The construction phase will be subject to environmental monitoring in accordance with a Construction Method Statement and an Ecological Clerk of works will be employed to supervise site works.

On completion of the development, the site will be impermeable and there will be no emissions to the ground either from direct or indirect sources. It is proposed to connect to the municipal water supply with a modest daily demand, and as such, there will be no need for abstraction of water. Site drainage is designed to divert and control any potential spills and leaks which have the potential to enter soils or groundwater. The operational phase will therefore have negligible variation to the hydrology, soils or geology of the site.

The conclusions of the EIAR that the proposed development would have an insignificant impact on the soil, hydrological and geological features of the site during both construction and operation, that the mitigation measure would prevent any degradation of groundwater, and that the potential impact on land use would be negligible, minor and short-term, are considered to be reasonable. Cumulative impacts on land, soils and geology arising from the proposed development in conjunction with existing, planned or proposed development are not likely to arise.

Water

The appeal site is located within the River Lee, Cork Harbour and Youghal River Catchment area. Surface water bodies in the area include Lough Mahon, which together with the outer sections of the outer River Lee Estuary, forms the upper section of Cork Harbour. Lough Mahon is a large water body stretching from Blackrock to Passage West and incorporates the Douglas River estuary. It is

bounded by several of Cork City's suburbs. Surface water flowing into Lough Mahon includes freshwater flow from the River Lee into the tidal estuary which is mixed with tidal seawater from the lower harbour. The EIAR notes that the water quality of Cork Harbour is classified as moderate, but the water quality of Lough Mahon has improved significantly since the cessation of the discharge of untreated sewage into the Lee Estuary and Lough Mahon, as part of the previous phase of the Cork Main Drainage Project. This resulted in the municipal WWTP at Carrigrennan, to the south of the site, which was completed in 2004. The water quality of Lough Mahon is now classified as 'intermediate'. At a more local scale, there are no rivers or streams within the immediate vicinity of the site. There is, however, a drainage ditch on the northern boundary which is associated with agricultural improvements.

There will be no direct discharges to surface waters arising from the proposed development during either construction or operation of the project, with no discharges to ground during the operational phase. All surface water run-off and process water will be controlled and directed to the proposed site drainage network, which in turn will discharge to the existing public storm and foul sewer connection. Process wastewater (from waste handling areas) will be monitored in accordance with the terms of the EPA licence. Surface water from the external hard standing areas will pass through an interceptor before discharge, as will runoff from the internal floor of the building and from the roof. The leachate will be kept to a minimum. Mitigation measures for the protection of surface waters and the hydrological environment are outlined in the EIAR (Chapter 7) and in the draft CEMP (Appendix 6.3).

The P.A. sought further information on storm water attenuation, to be designed for a 1 in 100 event and for run-off to be at the existing greenfield rate, and sought evidence of agreement of Irish Water for the development to connect to the public wastewater system. Further details regarding the storage of oil and fuels during construction and details of the wheel wash and silt fencing proposals were also sought, together with measures to prevent spillages and water pollution. In response, the applicant provided further details in the form of a CEMP (Attachment 4), Drawings of wheel wash/silt fencing (Attachment 5), a letter from Irish Water (21/03/19) stating that a connection can be facilitated subject to a connection agreement being put in place (Attachment 8) and details regarding the stormwater attenuation system and fire water detention tank (Attachment 9).

These details (5 Nov. 19) were generally considered to be satisfactory to the P.A. subject to conditions. However, an outstanding issue remained in respect of the wastewater treatment and, in particular, whether IW was aware of the nature of the development. A further letter was submitted to the P.A. from IW (4/12/19) which confirmed there was no objection to the proposed waste transfer facility. The P.A. Engineer raised an issue regarding the discharge from the municipal WWTP, which had been deemed non-compliant (in 2018) with respect to removal of Total Phosphorous and Total nitrogen, but also confirmed that the plant has capacity in terms of remaining PE. The P.A. Engineer concluded that as the WWTP is owned and operated by Irish Water and that discharges from the plant are controlled by the EPA, there was no objection to the proposed development. I also note from the first party response to the grounds of appeal (9/04/20) that the nature of the waste to be processed, (which is largely dry, bulky solids), and of the operations of the facility are such that the amount of leachate generated will be minimal. Thus, the issue of nutrient rich leachate being discharged to the WWTP does not arise, and hence any limitations of the plant regarding nutrient removal are not relevant.

A review of the flood risk associated with the site has concluded that the site is not at risk of fluvial, coastal or pluvial flooding. This consisted mainly of a review of the OPW CFRAMS Preliminary Flood Risk Assessment Maps, (38 and 39), which are included at Appendix 7.1 of EIAR. The planning authority accepted that the site is outside of any flood risk zone and that a flood risk assessment is not required.

I would agree that the impacts on the hydrological environment arising from the proposed development during both construction and operational phases, with the implementation of mitigation measures as proposed in the EIAR and amended and clarified in the further information, will be insignificant. Cumulative impacts on the water environment arising from the proposed development in conjunction with existing, planned or proposed development are unlikely to arise.

Air - Noise

The nature of the proposed development with the storage, sorting, segregation and baling of non-hazardous municipal waste for transfer to other locations for recycling, recovery and disposal is such that emissions to air in the form of noise, dust and odours are potentially significant impacts arising.

Chapter 8 of the EIAR, together with appendices 8.1, 8.2 and 8.3 of the EIAR and Attachment 4) of the Further Information submitted on 5/11/19, address the issues of noise and vibration impact. This issue was addressed under Section 7.5 of my planning assessment above. It was noted that the noise monitoring results established that the area is not generally a quiet area, although the area to the south of the business park is more rural. The nearest residential receptors are 320m and are separated from the site by industrial buildings, landform and a 45ha golf course. The non-industrial lands to the northwest contain a residential element which is located c.60m at its closest to the site. The remainder of the lands are industrial. The construction phase is unlikely to result in significant impacts in terms of noise and vibration. It is stated that construction noise will comply with best practice guidance and mitigation measures are set out in Attachment 4, Section 4.4. Noise and vibration will be monitored during the construction phase. Likely impacts would not be significant and would be short term and intermittent.

Operational noise sources are traffic-related, air handling unit and internal noise break-out. As discussed at 7.5 above, the process will be carried out within the building which will be fitted with fast closing doors and a negative air pressure, and the air handling unit will be internally fitted. Thus, the noise levels generated within the building will be largely contained within the structure. Traffic noise on site will be intermittent and the proposed development is likely to generate an increase of less than 5% traffic flow on the adjoining road network, which is not likely to contribute to any significant impact on ambient noise levels. I would agree with the EIAR assessment that the operational noise levels arising from the proposed development would be attenuated by the design and operation of the proposed development, together with the substantial distances to sensitive receptors and the screening provided by intermediate structures and landforms.

It is further considered that the nature of surrounding uses is such that cumulative noise is not likely to be a significant element in the overall noise impacts and certainly not at the closest residential NSLs identified. A potential operational phase noise level of 73 dB(A) at 4 metres and 63 dB(A) at 12 metres, as cited in the submitted noise assessment, would not be likely to result in a significant impact on adjoining premises, given the layout of the surrounding sites and nature of these adjoining uses. Operation hours will be restricted and noise control measures will be employed. As with odour, noise emissions will be specified in the Industrial

Emissions licence that will be required to be obtained from the EPA. It is considered that with the implementation of noise mitigation measures, including appropriate noise limits, the proposed development would have a significant adverse impact on the receiving environment. Cumulative impacts regarding noise and vibration as a result of the proposed development in conjunction with existing, planned or proposed developments are not likely to arise.

Air – Odours and dust

The nature of the waste materials proposed to be accepted at the site and the activities proposed to be undertaken on site are such that there is potential for the release of odours. Air quality and odour impacts are addressed in Chapter 9 of the submitted EIAR and I have addressed this issue under 7.5 of my planning assessment. The odour control system proposed to be installed at the site is detailed at Appendix 9.1 (EIAR). It is noted that the system proposes the maintenance of a negative air pressure in the building, and a letter submitted with the RFI (Attachment 6) confirmed that the system is designed to achieve odour emission concentration of less than 300 odour units per cubic metre. This will enable the achievement of the odour impact indicated in the EIAR of 1.50 OUE/m³ for the 98th percentile at the nearest receptor, in accordance with normal EPA limits. Odour dispersion modelling from the proposed stack has been undertaken, and this indicates that the maximum odour impact will be at location R7 where the predicted odour level would be below the EPA limit at 1.30 OueM³.

The operational phase mitigation measures include the design of and enclosed/sealed nature of the building, within which all waste handling activities will occur; the negative air pressure system with rapid close doors and air curtains to prevent uncontrolled egress of odours; the treatment of extracted air by means of a system which incorporates a process specific dust and carbon filter with a plasma injection prior to exhaustion of the treated air through a 17m high stack. Construction phase mitigation measures include the incorporation of a detailed traffic management plan and dust management plan into the final CEMP which are generally in accordance with best practice measures (set out in Appendix 9.1). It is considered that, following the implementation of mitigation measures, no residual impacts in terms of odour or dust are anticipated during construction or operation of the facility. Odour emissions will be subject to emission levels in the licence that will

be required to be obtained from the EPA. In this respect, I am satisfied that the proposed development can be regulated and monitored on an on-going basis.

The analysis presented in the EIAR does not make any reference to cumulative odour impacts. However, there are no existing operations in the vicinity of the site that have a significant odour impact. Third party objectors have raised the issue of odour from the Carrigrennan WWTP. However, as previously discussed, there is sufficient capacity at the WWTP and Irish Water has advised that it has no objection (in principle) to the proposed development discharging wastewater and process water to the municipal plant. It has also been established previously, that whether the WWTP has the capacity to remove nutrients such as phosphorous and nitrogen is not a material issue in this case as the facility will not produce a nutrient-rich leachate. The proposed development is not likely to give rise to any significant odour emissions and as such, any odour nuisance arising from the WWTP at Carrigrennan is a separate matter and would not amount to a cumulative impact.

On the basis of the information presented, the likelihood of the proposed development having a significant negative impact in terms of odour levels at adjacent commercial / industrial sites or at residential receptors is therefore considered to be limited. Accordingly, no cumulative impacts are likely to arise.

Climate and vulnerability to natural disasters and major accidents

Climate issues and the effects on climate change have been considered in the EIAR under the headings of Air Quality (Chap 9 and App 9.1) and Material Assets (Chap 13). It included an assessment of the potential impacts on greenhouse gases and the vulnerability of the project to the consequences of climate change and major accidents/disasters.

At 13.4.3 (EIAR) it is stated that as all waste handling will occur indoors with a short turn-around, there will be no potential for the waste to generate any gaseous emissions. Furthermore, the leachate generated would be minimal and due to the nature of the operations and to the low wind speeds, the likelihood of wind-blown dust being carried long distances or in elevated concentrations is minimised. The proposed development will not produce significant impacts on local air quality or produce emissions that would have the potential to impact local climate.

It is stated in the EIAR (Appendix 9.1) that the proposed development would, however, have an impact on climate arising from emissions of Oxides of nitrogen,

Sulphur dioxide, Carbon monoxide and Carbon dioxide. It states that these emissions will be mitigated by using efficient operation of vehicles, appropriate scheduling of activities to minimise duration, the shutting off of equipment during periods of inactivity. Further mitigation measures will be incorporated into the CEMP.

Overall, on the basis of the information presented, it is considered that the impact of the proposed development on climate and the contribution to greenhouse gas emissions would be negligible.

The vulnerability of the proposed facility to risks of natural disasters and major accidents is considered at 13.4.4 of the EIAR. The proposed development is not at risk of fluvial, coastal or pluvial flooding. The proposed operations will utilise electricity as its primary power source, with no use of natural gas on site. Hazardous and contaminated waste materials will not be accepted on site, reducing the potential for flammable and incendiary materials to be processed on site. The material will be processed quickly and moved off site efficiently to avoid the build-up of material that could become a fuel source. These measures will reduce the potential for major accidents arising on site and as the facility will be subject to a waste licence, will be obliged to operate under strict health and safety requirements. I would agree with the overall conclusion that the proposed development would not give rise to a risk of a major accident or natural disaster.

8.3.4. Material Assets, Cultural Heritage and the Landscape

Material Assets

Traffic - The proposed development would have the potential to result in increased traffic flows to and from the site. This issue is addressed in Chapter 14 and Appendix 14.1 of the submitted EIAR and in the RFI submitted to the P.A. on 5th November 2019 (Attachment 10). I have also addressed this issue in some detail in section 7.6 of my planning assessment above. It was concluded in the analysis presented in the EIAR and supplementary information, that the proposed development would not generate a significant increase in traffic and that it would not have a material effect on the surrounding road network. Analysis of the main junctions along the route, included an examination of Junction 2 of the N25, An Crompán roundabout, the signal-controlled junction of R623 and Ballytrasna Road and the priority junction at the entrance to the industrial estate. It was predicted that an additional 46 PCUs would be generated at peak hour during the operational phase, which it was stated

was based on very robust trip generation data, with an additional 4 HGVs in any one hour. This would result in a slight increase in traffic flows on the surrounding road network. The impact on the junction capacities was not considered to be significant, particularly in the context of the industrial character of the area and the road network which is well trafficked.

The P.A. had requested the submission of FI in respect of a number of matters including cumulative impact. This is addressed at Section 7 of the revised Traffic Management Plan (Attachment 10 to the RFI). It was concluded that the percentage impact of the proposed development would be considerably less if the greater overall traffic volumes (from permitted and existing development) were included. The P.A. Engineer accepted this statement on the basis of the conservative nature of the peak hour trip generation and the predicted impact of the proposed development, which is very low. It was agreed that the operational impact of the proposed development would not be significant, with or without cumulative impact, but localised conditions could nonetheless result in some impact, given the existing local congested network.

The P.A. Roads Engineer accepted that any potential impact on the N25 would not be likely to result in an increased traffic hazard, but given the high levels of peak hour congestion on the approach to/from Little Island, it was decided that HGV traffic should be restricted from entering/departing during the morning and evening peak hours. Regard was had in particular to the predicted increase in queue lengths at the An Cromptán roundabout and to the applicant's advice regarding proposed scheduling of operations, which includes parking of HGVs at Mallow overnight and no requirement to access the site during peak hours. The restriction was also extended to employees. The applicant is agreeable to these restrictions.

The forecast increase in traffic flows during the construction phase of the development was considered to be imperceptible. However, the P.A. requested that a Construction Management Plan be submitted, and that construction traffic be restricted to outside peak hours. Conditions were also attached regarding the need to carry out a risk assessment and safety review in respect of the manoeuvring and circulation of trucks within the site. It is considered that conditions requiring the submission of similar details and the imposition of similar restrictions would be appropriate should the Board be minded to grant permission.

On the basis of the information provided, and subject to implementation of mitigation measures and compliance with conditions such as those imposed by the P.A. in its decision, it is considered that the impact of the proposed development in terms of traffic will be slight negative during the construction and operational phases of the development. Cumulative impacts regarding traffic and transportation as a result of the proposed development in conjunction with existing, planned or proposed development are not likely to arise.

The nature of the proposed development may be considered to have potential impacts on the ***use and value of surrounding sites*** and lands, however as detailed under the heading of Air, the proposed development is not considered to be a clear source of nuisance to local amenities, would be subject of licence from the EPA and is not therefore considered likely to have significant negative impacts on the surrounding properties.

Some additional ***employment*** would potentially be generated at the site on foot of the proposed development. Information presented in the EIAR (Population and Human Health) indicates that the numbers employed on site would be c.30 staff. The proposed development would therefore have a permanent slight positive impact on socio economic activity and employment.

Cultural Heritage

The proposed development requires the excavation of foundations for the construction of the proposed new buildings and the installation of the surface water attenuation system. The construction works will result in the reduction of ground levels by between 1metre and 3 metres across the site. There is the potential, therefore, to impact on any ***archaeological material*** that may be present on the site.

There is no record of any monuments or archaeological features within or in close proximity to the site and the closest recorded monument to the site is c. 800m from the site boundary. No protected structures or other features are located on or in close proximity to the site and no significant cultural heritage associations with the site are apparent. There would be no likely physical or visual impacts on known Recorded Monuments in the vicinity. Regard also needs to be had to the existing developed nature of the site and surrounding lands which may have disturbed any features where historically may have been present.

No specific mitigation measures relating to cultural heritage or archaeology are proposed to be implemented. However, as there is always a chance of hitherto unknown archaeology lying beneath the surface, and due to the scale of the proposed development, it is considered appropriate that monitoring of ground works by a suitably qualified archaeologist, under licence, be required as a condition of any permission.

On the basis of the information available and having regard to specifically to the location of the site and the nature of the proposed development, it is not considered likely that the proposed development would have any impact on archaeological, architectural or other cultural heritage features. Cumulative impacts on the archaeological, architectural or cultural heritage features of the area arising from the proposed development in conjunction with existing, planned or proposed development are unlikely to arise.

Landscape

The site is located within an existing developed industrial area and is bounded to the north-east and east by existing industrial developments. The lands to the north and west are undeveloped at present but are zoned for industrial, residential and mixed use development. The lands to the south comprise the Harbour Point Business Park, which is currently being developed/expanded. There are some large warehouse units within 200m of the appeal site, and a further 5 large warehouse units (17m in height with a combined floor area of 19,000m²) have recently been permitted (19/05276) on the 6.8ha site to the south of BWG Valu centre. However, Little Island is situated within the upper reaches of Cork Harbour and occupies a strategic location on the coast of Lough Mahon. As the site is located on the eastern side of the island, and is close to the harbour, there are potential impacts on sensitive locations in the wider landscaper such as Fota Island, Belvelly, Harper's Island and parts of Glounthaune, notwithstanding the industrial and mixed character of the local area.

The EIAR (Chapter 12) includes a Landscape and Visual Impact Assessment which includes an assessment of the impact from 7 viewpoints. The Landscape Sensitivity is described as 'Medium' and the Scale/magnitude of the landscape effects is also 'Medium'. It was considered that the quantity of change to be imposed on the landscape is of medium and neutral significance, reflecting the capacity of the

landscape to absorb industrial development without significant impacts on the local/wider harbour landscape settings. This assessment seems reasonable.

The Viewpoints included four local locations, to the north (Ballytrasna Park), to the west (Clash Road), to the south (Castlelake) and to the east (Business Park), which were between 2.5 and 5.0 km from the site. The views from the west, south and east were either not changed (as not visible) or the impacts would be medium-neutral.

The only view that would have a high impact was Ballytrasna Park, due to the sensitivity of the VP5 viewpoint location (residential). I would generally agree with this analysis. However, the proposed building would not dominate the view at this location and would be mitigated by distance over agricultural fields and by the existing boundary vegetation, existing adjacent industrial buildings and by the proposed landscape planting along the northern boundary.

The viewpoints from the wider landscape included one from Glounthaune (VP1), from N25 at Harper's Island (VP6) and from the Scenic Route S53 Cobh-Belvelly (R624), Viewpoint 7. These viewpoints are more sensitive as they involve views across the harbour. However, the impacts in the operational phase would not represent a significant intervention in the landscape and would not be significant, as they would be mitigated by distance and by existing/proposed landscape screening. The proposed warehouse building, notwithstanding its substantial scale would also integrate into the existing industrial estate/business park. The scale of the permitted development (19/05276), in particular would mask views and dilute the visual impact of the proposed waste transfer station from the sensitive sites of Fota, the S53 Scenic Route Cobh-Belvelly and from Glounthaune.

Overall, I agree with the conclusion reached at section 12.8 of the submitted EIAR that while the proposed development by reason of its scale and form represents a significant intervention in the business park environment at a local level, the landscape and visual impacts would be mitigated by a combination of existing screen vegetation to the north and west, the location of the development amongst existing development of a similar typology and scale, and due to the diminishing effect of distance in views from the southern shorelines of the inner harbour. Further mitigation of residual impacts are proposed in the form of landscape screening along the boundaries of the site. Cumulative impacts on the landscape and visual amenities of the area arising from the proposed development in conjunction with existing, permitted or planned development are not likely to arise.

8.4. Interactions

Chapter 16 of the EIAR deals with interactions between the factors considered above. Interactions between noise, human beings and biodiversity were considered. It was found that significant effects would not be likely to occur due to a combination of the nature and character of the existing environment, the distance between the site and residential developments and the mitigation measures proposed.

Interactions between air quality, human health and biodiversity were also considered. However, significant effects were not likely to occur due to the nature of the activities on site, the character of the environment of surrounding lands and the mitigation measures proposed as part of the development. Furthermore, the proposed facility would be required to obtain a licence from the EPA prior to commencement of operations at the site.

Interactions were further considered between landscape and visual impacts and human health. However, it was considered that the proposed development would not give rise to significant adverse impacts on amenity or on the landscape due to the nature of the environment within which the development would be absorbed, the mitigating effect of distance and the proposed landscaping mitigation measures. Interactions between water quality and ecology were also considered. There are no watercourses within the site or in the immediate vicinity. Although there is an agricultural land drain at the northern end of the site, this will be protected during construction. The operation of the development will not affect the hydrology or water quality on and surrounding the site and site drainage has been designed to divert and control any spills or leaks and therefore prevent any contamination of soils or groundwater. It was, therefore, found that there would be no adverse impacts on the local hydrological features and as a result, there would be no impact on the flora and fauna which avail of the natural water resources.

It is considered that the interactions generally indicate that the impacts will be neutral due to the planned mitigation measures which are proposed for the construction and operational phases of the development. I am satisfied that the interactions between the environmental factors have been adequately addressed and I am in general agreement with the conclusions presented in the EIAR.

8.5. Cumulative impacts

Cumulative impacts were considered in the assessment of various aspects of the environment, either in the EIAR or in the supplementary documentation. I have also considered cumulative impacts in my assessment. In relation to the concerns regarding cumulative impacts arising from the operation of the proposed development with the Wastewater Treatment Plant at Carrigrennan, this plant is operated by Irish Water and is licensed by the EPA. I note that the plant is listed in the IW Investment Plan 2020-2024 for “upgrade to reduce phosphorous and to protect environment and quality of receiving waters.” It is considered, however, that the proposed development, by reason of the nature of the operations and the proposed mitigation measures, is not likely to contribute to any odour issues arising from the WWTP.

In relation to landscape and visual impacts, it is noted that the development which has recently been granted to the south of the site is of a considerably larger scale and should this development proceed, together with the integrating effects of the existing industrial development, is likely to ameliorate any impacts arising from the proposed development. The cumulative impacts of traffic and transport have also been considered by the developer and by the planning authority, as discussed above. I am satisfied that subject to the mitigation measures and conditions proposed, cumulative impacts from the proposed development with existing, permitted and planned development in the area will not arise.

8.6. Reasoned Conclusion

Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submission from the Planning Authority, prescribed bodies, appellants and observers in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Emission of **dust and odours** from the development will be mitigated by the conducting of all waste handling activities within the building which will operate under negative pressure and will include the installation of an odour abatement system within the building.

- Emission of **noise** that will be mitigated by the undertaking of activities within the buildings, by the significant separation between the site and the nearest noise sensitive locations (c.320 metres at the closest point), by the proposed hours of operation and by the attenuation resulting from the nature of the site boundaries and surrounding buildings.
- **Landscape and visual impacts** in terms of the upper sections of buildings which may remain visible above screen planting which will be mitigated by the context of the industrial/business park environment, the distance from the development and the existing and proposed landscape screening including a 20 metre wide buffer on the western boundary.
- **Traffic and transport impacts** on peak hour congestion on the local road network which will be mitigated by the developer's scheduling and logistics arrangements and will be avoided by the restriction on HGV traffic during the morning and evening peaks for the construction and operational phases of the development.

I am therefore satisfied that the proposed development would not have any unacceptable direct or indirect effects on the environment.

9.0 **Appropriate Assessment**

9.1. **Introduction**

- 9.1.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be carried out by the competent authority for any plan or project not directly connected with or necessary for the management of a European site but likely to have a significant effect on the site in view of the site's conservation objectives. The proposed waste transfer station at Courtstown Industrial Estate is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

9.2. **Appropriate Assessment - Screening**

- 9.2.1. The first step required under Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site, in view of the site's

conservation objectives. This is referred to as Stage 1 (Screening) of the Appropriate Assessment process. The screening stage is intended to be a preliminary examination. If the possibility of significant effects cannot be excluded on the basis of objective information, without extensive investigation or the application of mitigation, a plan or project should be considered to have a likely significant effect and Appropriate Assessment (AA) must be carried out. Following an initial screening of the proposed development the local authority determined that in the absence of mitigation or further details, the possibility of significant effects on the integrity of a European site(s) could not be excluded and that Stage 2 Appropriate Assessment would be required. The developer submitted a Natura Impact Statement on the 5th November 2019.

- 9.2.2.** The NIS, prepared by Mr. Brendan Kirwan and Dr. Patrick Crushell, of Wetlands Surveys Ireland Ltd., includes the screening assessment for the Appropriate Assessment.
- 9.2.3.** The appeal site is located within an existing industrial estate. The proposed development comprises the construction of the following buildings and ancillaries
- Waste transfer and recycling station (warehouse)
 - Site administration office
 - ESB sub-station
 - Wheelwash facility
 - Two weighbridges
 - Drainage works including 3 no. oil interceptors, 4 no. silt traps, an underground firewater containment tank and an underground diesel storage tank.
- 9.2.4.** The waste processing facility will handle non-hazardous wastes on the site with a throughput of up to a maximum of 95,000 tonnes per annum. Materials to be accepted include mixed municipal waste, mixed dry recyclable material, wood, glass and glass packaging, bio-degradable waste, construction and demolition waste, bulky commercial and household skip waste and garden green waste.
- 9.2.5.** The site is not located in or close to any European sites. The closest European sites are the Great Island Channel SAC (001058) which is located c.0.4km to the south-east of the site, and Cork Harbour SPA (004030) which is located c. 0.4km to the

south-east of the site. The likely zone of influence is considered to be the zone immediately around the construction site and extending to the European sites that are hydrologically connected to the site. These are the only European sites within a 15km radius of the site. There are no natural watercourse within or in close proximity to the site of the proposed development, or no artificial drainage channels, but a dry drainage ditch exists along the northern site boundary. Although this drainage channel does not discharge directly to the SAC, it has been identified as a pathway for potential construction related impacts which may result in negative impacts on qualifying habitats and species and affect the conservation objectives of Cork Harbour SPA and Great Island Channel SAC in the absence of the application of mitigation measures (See Table 1 below).

- 9.2.6.** Screening for AA concluded that, considering the potential hydrological connectivity between the proposed development, the characteristics and scale of the proposed development and its proximity to the Great Island Channel SAC and the Cork Harbour SPA, significant impacts on these European sites cannot be ruled out. Taking account of the precautionary principle and in the absence of appropriate mitigation, the proposed development has the potential impact on the qualifying interests of these two European Sites and should therefore be subject to Appropriate Assessment.
- 9.2.7.** Based on my examination of the Screening for AA, NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, hydrological connection and functional relationship between the proposed works and the European sites and their conservation objectives, I would conclude that the proposed development (alone) may affect two European sites. The significance of these effects is uncertain and therefore, I would agree with the precautionary approach taken by the applicant that Appropriate Assessment is required to determine if adverse effects on the sites' integrity can be ruled out.
- 9.2.8.** I can confirm that the sites screened in for Appropriate Assessment are the sites included in the NIS prepared by the project proponent and are as follows;
- Great Island Channel SAC [001058]
 - Cork Harbour SPA [004030]

I am satisfied that no other European sites could be potentially adversely affected due to the large separation distances involved. These two sites and a description of their qualifying interests and conservation objectives are set out in the Appropriate Assessment Screening Report submitted with the application, and are summarised in Table 1 below.

Table 1: Appropriate Assessment Screening summary matrix: European Sites for which there is a possibility of significant effects (or where the possibility of significant effects cannot be excluded without further detailed assessment)

Site name: Great Island Channel SAC Cork Harbour SPA Conservation Objectives/Qualifying Interest	Is there a possibility of significant effects in view of the conservation objectives of the European site?		
	Habitat Loss	Water quality and water dependant habitats	Disturbance
Great Island Channel SAC [001058]			
To maintain the favourable condition of mudflats and	No	Yes	N/A

Site name: Great Island Channel SAC Cork Harbour SPA Conservation Objectives/Qualifying Interest	Is there a possibility of significant effects in view of the conservation objectives of the European site?		
sandflats not covered by seawater	Habitats >0.7kms downstream	Temporary Construction related pollution and sediment release- could result in deterioration of habitats and smothering of mudflats and impact in-fauna	
To restore the favourable condition of Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>)			
Cork Harbour SPA [004030]			
To maintain the favourable conservation condition of the following Special Conservation Interest bird species: Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Oystercatcher, Golden Plover (Annex I), Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit (Annex I), Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed gull, Common Tern (Annex I) (Breeding)			No - based on an absence of suitable habitat and current nature of activities on and surrounding the site
To maintain the favourable conservation condition of	No	Yes - Temporary	

Site name: Great Island Channel SAC Cork Harbour SPA Conservation Objectives/Qualifying Interest	Is there a possibility of significant effects in view of the conservation objectives of the European site?		
wetland habitat in the SPA as a resource for the regularly occurring migratory waterbirds that use it	Wetland habitats >0.4kms downstream	Construction related pollution and sediment release-could result in deterioration of habitats and smothering of mudflats and impact in-fauna	

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9.2.9. The habitats for which the Great Island Channel SAC site is designated are intertidal mudflats and Atlantic salt meadows, neither of which occur in close proximity to the site. It is noted at 3.5.2.1 of the Screening Report that the SAC site is removed from the footprint of the appeal site and hence no direct habitat impacts will occur. It is further noted that given that the habitats identified within the project site are of low ecological importance, and the site's location with a sub-urban industrial setting, there is no potential for habitat or species fragmentation. There are no natural watercourse within or in close proximity to the project site, and no artificial drainage channels. However, a dry drainage ditch exists along the northern site boundary. Although this does not discharge directly to the SAC, it provides a potential pathway that cannot be ruled out, as it occurs with a catchment area that drains towards the harbour.

9.2.10. It is noted at 3.5.2.2 that the majority of Special Conservation Interests of the Cork Harbour SPA are confined to wetlands, intertidal or coastal habitat types, and that none of those species for which the site is selected are likely to occur or interact with the proposed development site, due to the presence of habitats on that site, mainly rank grassland and encroaching scrub. There are no natural watercourses within or

adjacent to the site that could provide a potential pathway to the SPA. However, there is a dry drainage channel along the northern boundary, which could provide a potential pathway, as the site occurs with a catchment area that drains towards the harbour. The habitats to the south-east of the proposed development may potentially be utilised by feeding/roosting bird species listed as SCIs for the site. However, it was considered that based on the absence of suitable habitat and the current background levels of activity at the site, disturbance impacts on bird species for which the site is designated are not foreseen.

- 9.2.11.** Having regard to the foregoing, it has been established that the potential for adverse impacts on Great Island Channel SAC and Cork Harbour SPA cannot be ruled out and a Stage 2 Appropriate Assessment is required. I concur with this conclusion.

9.3. The Natura Impact Statement.

- 9.3.1.** The application is accompanied by a NIS which describes the proposed development, the project site and the surrounding area. The proposed development is located wholly outside of any European site. The NIS considers the two European sites which are within a possible zone of influence of the proposed development. The potential for adverse effects on the conservation objectives of those sites are identified and in-combination effects with other plans and projects examined. The NIS details mitigation measures, largely based on best practice for construction close to watercourses, designed to prevent significant levels of suspended sediments or construction related pollutants entering the Cork Harbour system, as well as the design of the site drainage system for both phases of the development.
- 9.3.2.** A description of the proposed project, construction methods, general programme and sequencing of works is provided in the NIS. A general description of the baseline ecological conditions at the proposed development site is presented in the NIS.
- 9.3.3.** The NIS was informed by the following studies, surveys and consultations:
- A desk top study.
 - A review of the Site Specific Conservation Objectives for the SPA together with supporting documentation which presents detailed abundance and distribution data relating to waterbird species.

- A multi-disciplinary ecological survey of the proposed development area including habitat survey, mammal survey and survey for invasive species and bird survey conducted in November and December 2016 (Chapter 5 of EIAR).

9.3.4. The conservation objectives, targets and attributes as relevant to the identified potential significant effects are examined and assessed in relation to the aspects of the project (alone and in combination with other plans and projects). Mitigation measures are included, and clear, precise and definitive conclusions reached in terms of adverse effects on the integrity of European sites.

9.3.5. The NIS concluded that, subject to the implementation of the recommended mitigation measures, the proposed development alone or in combination with other plans and projects, would not result in adverse effects on the integrity of the European sites, Cork Harbour SPA and Great Island Channel SAC. I am satisfied that the information is sufficient to allow for a complete assessment of the proposed development in view of the requirements of Appropriate Assessment and precise and definitive findings can be reached as to the implications of the proposed development on the integrity of Cork Harbour SPA and Great Island SAC.

9.4. Appropriate Assessment of implications of the proposed development

9.4.1. The proposed development is located wholly outside any European Site. The absence of any natural watercourses or artificial drainage channels within the site reduce the risk of downstream water quality impacts, as there is no direct link to the SAC. The dry drainage channel identified on the northern boundary will be upgraded to discharge to the public storm sewer. Having regard to the physical characteristics of the proposed development site, its location in proximity to Cork Harbour and the nature of the land-use in the immediate area, the potential impacts identified relate to downstream water quality during the construction and operational phase of the proposed development, on the basis of the potential hydrological connectivity between the site and the European sites.

9.4.2. The potential for water quality impacts arising from the proposed development, however, need to be considered in the context of uncontrolled surface water and waste water discharges during the operational phase, and during the construction phase, where in an uncontrolled scenario, the release of sediment and /or construction related pollution emissions such as concrete or hydrocarbons into the

harbour may (temporarily) adversely affect water quality and water dependant habitats locally and downstream within Great Island Channel SAC and Cork Harbour SPA.

Great Island Channel SAC

9.4.3. Stretching from Little Island to Middleton, with its southern boundary being framed by Great Island, Great Island Channel SAC is approx. 400m distant from the proposed works. The SAC is designated for two habitats that are listed on Annex I of the Habitats Directive, namely Tidal mudflats and sandflats and Atlantic salt meadows. The Conservation Objectives for the SAC are as follows:

- To maintain the favourable conservation condition of **mudflats and sandflats not covered by seawater at low tide** in the Great Island Channel SAC, as defined by the following:
 - Habitat area (723 ha) is stable or increasing subject to natural processes
 - Conserve the community complex comprised of mixed sediment to sandy mud with polychaetes and oligochaetes in line with mapped distribution (NPWS 2014).
- To restore the favourable conservation condition of **Atlantic Sea Meadows (*Glauco-Puccinellietalia maritima*)** in Great Island Channel SAC as defined by the following (summary):
 - Habitat area is stable or increasing subject to natural processes (for sub sites as mapped)
 - Physical structure in terms of sediment supply, creek and plans and flooding regime is maintained subject to natural processes
 - Vegetation structure in terms of zonation, height and cover is maintained
 - Vegetation composition is maintained in terms of typical species and sub communities and no significant expansion of common cordgrass (*Spartina anglica*)

Cork Harbour SPA

9.4.4. There are significant overlaps between the SAC and *wetlands* habitats designated for the **Cork Harbour SPA**, the extent of which is greater than that of the SAC. The Conservation Objective for Wetland Habitat for Cork Harbour SPA is as follows:

- The permanent area is stable and not significantly less than the area of 2587ha (other than that occurring from natural patterns of variation)

Potential adverse effects

9.4.5. No direct adverse effects

Due to the confined nature of the works and the distance of the proposed development from the conservation interest habitats of the SAC and SPA, there will be no impact on the conservation objectives related to habitat *area*.

Indirect adverse effects

9.4.6. The NIS identifies the possibility of indirect impacts related to temporary increased sediment loading or a pollution event that may occur through the construction works or the run-off of harmful pollutants from the development which may potentially adversely impact water quality of water dependant habitats.

9.4.7. Whilst good water quality is not listed as a requirement to meet the conservation objectives for these habitats, the possibility of sediment run-off or a pollution event arising from the proposed development could negatively impact the conservation objectives. The threat of water quality impacts on the intertidal mud flats and sand flats downstream of the site is considered to be low, but in the absence of mitigation measures, cannot be ruled out. Having regard to the hydrological and topographical characteristics of the site, this risk is considered to be quite low. The Atlantic salt meadows habitat is located c.2.5km to the north-east of the development at its closest. Significant adverse effects are not considered to be likely given the distance combined with the nature of the receiving environment and the nature and scale of the proposed development.

Disturbance of Special Conservation Interest bird species

9.4.8. Cork Harbour SPA is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl, for which it is amongst the top ten sites in the country. Of particular note is that the site supports internationally important populations of Black-tailed Godwit and Redshank, while a further 20 non-breeding waterbird species occur in numbers of national importance. The Annex I species Common Tern has a breeding population at the site. The Conservation Objectives for special conservation interest (SCI) bird species are as follows:

- To maintain the favourable conservation condition of the following waterbirds; Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Oystercatcher, Golden Plover (Annex I), Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit (Annex I), Curlew, Redshank, Black-headed Gull, Common Gull and Lesser Black-backed gull as defined by the following: the long term population trend is stable or increasing and no significant decrease in range, timing or intensity of use of areas by birds other than that occurring from natural patterns of variation.
- To maintain the favourable conservation of breeding Little Tern as defined by the following (summary): no significant decline in the breeding population abundance, productivity, or distribution of breeding colonies. No significant decline in prey biomass, no barriers to connectivity. Human activities should occur at levels that do not adversely affect the breeding common tern population.

9.4.9. Given the distance between the proposed development area and the nearest point to the SPA (400 metres downstream), there is no possibility of any direct disturbance of concentrations of birds which could affect the range, timing or intensity of use of areas within the SPA.

9.4.10. The conservation objectives supporting document (NPWS, 2014) notes that several of the listed waterbird species may at times use habitats situated within the immediate hinterland of the SPA or in areas outside of the SPA but ecologically connected to it. The reliance on these habitats varies from species to species and from site to site. Significant habitat changes or increased levels of disturbance within these areas could result in the displacement of one or more of the listed waterbird species from areas within the SPA, and/or a reduction in their numbers.

9.4.11. A desk top review of the bird surveys taken in the area indicate that large numbers of water birds are known to occur in the Great Island Channel to the south and south east of the site, which is part of the SPA. The southern shore of Little Island is used as a feeding area for many species of bird such as Black-tailed Godwit with other species found to roost there including Oystercatcher, Grey Plover and Dunlin. Bird surveys undertaken to inform the proposed development indicate that the abundance of birds on the site was relatively low. The site of the proposal and the lands in

proximity to the site do not provide habitat that would support any concentrations of foraging or roosting SCI bird species. Bird species for which the SPA is designated are highly unlikely to interact with the proposed development site, due to the absence of suitable habitat within or immediately surrounding the site. Therefore, the approach to survey is considered proportionate to the development.

- 9.4.12.** The likelihood of significant adverse effects on the SCIs of Cork Harbour SPA in the absence of mitigation are presented in Table 5.2.5 of the NIS (excluding Common Tern). No suitable habitat was found to occur for Common Tern, which is confined to coastal habitats. There is no possibility of disturbance of breeding terns as they breed on artificial structures further downstream within the SPA and largely forage in marine waters. This table includes the principal supporting habitats associated with each species and assesses the potential for significant effects and the likely significant impacts for each species. Individual birds including Grey Heron and Cormorant and various gull species are likely to be present occasionally. However, they would occur in low numbers at this location and any temporary disturbance from the area due to construction activities would not have any adverse effect on the SPA population in view of the conservation objectives.
- 9.4.13.** It is noted that the type of habitat that supports these species is not generally available within or in close proximity to the subject site. Most species are dependent on intertidal mud and sand flats, which occur downstream. A deterioration of water quality in the harbour may potentially affect the dietary requirements of some species, but the majority of the SCIs have a wide range of dietary requirements and are not highly specialised, with the exception of Cormorant and Red Breasted Merganser, (which are piscivorous, and therefore unlikely to be affected by a deterioration of water quality downstream of the site).
- 9.4.14.** No wetlands occur within or adjacent to the site, but in the absence of mitigation measures, the proposed development could adversely affect the wetlands that occur to the south of the site. In respect of these wetland habitats to the south, it is stated that although some waterbirds remain faithful to specific habitats, a single wetland site is unlikely to meet all of the ecological needs of the diverse assemblage of birds, and many species will use habitats within the immediate hinterland or in areas ecologically connected to the SPA.

9.5. Mitigation measures

- 9.5.1.** Mitigation measures have been proposed which will minimise the potential for water quality impacts that may arise during the construction and operational phases of the development. These are presented in Section 4.5 of the NIS. Temporary measures to be employed during construction include use of best practice in construction management, which will include surface water management measures, the details of which will be set out in a Construction Environmental Management Plan. All construction related activity will be confined to the footprint of the site. Material stockpiles will be protected from washout during rain and material to be removed will be disposed of in accordance with statutory regulations. A project ecologist/ ecological clerk of works will be appointed for the duration of works to ensure compliance of measures.
- 9.5.2.** Permanent measures during the operational phase include a Surface Water Management Plan which will ensure no direct discharges to surface water or ground water during either phase, as well as the control and direction of all run-off, process water and foul water to the site drainage network which will connect to the municipal drainage network. Run-off from the floor of the building will pass through an interceptor prior to discharge to the foul sewer and foul water will be cleaned of petrochemical contamination by passing through a 4000-litre full retention separator. Surface water from the roof will also pass through a class 2 interceptor before discharge to the storm sewer. The dry drainage channel will be upgraded so that it discharges to the public storm sewer, prior to discharge to the harbour, and a silt trap and interceptor will be installed within the channel.

9.6. In-combination effects

- 9.6.1.** In-combination effects with other plans and projects are examined in the NIS. Possible in-combination effects with other plans and projects that were considered included the Cork County Development Plan and individual planning applications in the vicinity of the site were also examined. Given the lack of any significant residual effects from the proposed scheme (after the application of mitigation measures), the timing and phasing of other projects, the possibility of in-combination effects that could adversely affect the conservation objectives of Great Island Channel SAC and Cork Harbour SPA is ruled out.

- 9.6.2.** I am satisfied that based on the scientific information available for this assessment, the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of Great Island Channel SAC in light of its conservation objectives for both mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows, and that there is no doubt as to the absence of such effects. Similarly, the proposed development would not adversely affect the conservation objective related to wetlands for Cork Harbour SPA.

9.7. Appropriate Assessment Conclusions:

Having carried out screening for appropriate assessment of the project, it was concluded that the proposed waste transfer and recycling facility at Courtstown Industrial Estate may have a significant effect on Great Island SAC and Cork Harbour SPA in the absence of the application of best practice mitigation measures. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

- 9.7.1.** Following Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA or Great Island SAC in view of the site's Conservation Objectives. No reasonable scientific doubt remains as to the absence of such effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project alone and in combination with other projects, proposed mitigation measures and the effectiveness of those measures.
- Clear precise and definitive conclusions regarding the lack of adverse effects on the integrity of Great Island Channel SAC in light of the conservation objectives for mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows.

- 9.7.2.** Clear precise and definitive conclusions regarding the lack of adverse effects on the population or distribution of any Special Conservation Interest bird species of Cork Harbour SPA.

10.0 Recommendation

10.1. I recommend that permission be granted for the proposed development based on the reasons and considerations set out below.

11.0 Reasons and considerations

In coming to its decision, the Board had regard to the following:

- (a) national policy with regard to the sustainable management of resources and the development of waste infrastructure,
- (b) the policies and objectives of the Southern Region Waste Management Plan 2015 – 2021,
- (c) the policies set out in the Regional Planning Guidelines for the south West Region 2010-2022,
- (d) the policies of the planning authority as set out in the Cork County Development Plan 2014-2020 and in the Cobh Municipal District Local Area Plan 2017
- (e) the location of the proposed development, in an area which is zoned industrial and is designated as a Strategic Employment Area, and Objective 3-7 which provides for waste transfer stations in industrial sites with warehousing and distribution,
- (f) the characteristics of the site and of the general vicinity,
- (g) the distance to dwellings and sensitive receptors from the proposed development,
- (h) the Environmental Impact Statement submitted,
- (i) the Natura Impact Statement submitted,
- (j) the submissions made in conjunction with the planning application and appeal
- (k) the inspector's report and recommendation.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment and an environmental impact assessment in respect of the proposed development.

Environmental Impact Assessment

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

- (a) the nature, scale and location of the proposed development,
- (b) the environmental impact statement and associated documentation submitted in support of the application,
- (c) the submissions from the applicant, the planning authority, the observers and the prescribed bodies in the course of the application, and
- (d) the Inspector's report.

It is considered that the environmental impact statement, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board completed an environmental impact assessment in relation to the proposed development and concluded that, by itself and in combination with other existing and proposed development in the vicinity, and, subject to the implementation of the mitigation measures proposed, the effects of the proposed development on the environment would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment Screening (Stage I)

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Natura Impact Statement (including an Appropriate Assessment screening statement) submitted with the application, submissions made in connection with the application and appeal including those made by the appellants and observers and in the Inspector's report. In completing the screening exercise, the Board accepted and adopted the report of the Inspector in respect of the identification of the European sites which could potentially be affected and concluded that, by itself or in combination with other development in the vicinity, the proposed development would

not be likely to have a significant effect on any European site in view of the sites' conservation objectives with the exception of Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) and that these were the only two sites requiring a Stage II Appropriate Assessment.

Appropriate Assessment (Stage II)

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that Great Island Channel Special Area of Conservation (Site Code 001058) and Cork Harbour Special Protection Area (Site Code 004030) are the European sites for which there is a likelihood of significant effects.

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the sites' conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment. In completing the assessment, the Board considered, in particular, the:

- i. likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects,
- ii. mitigation measures which are included as part of the current proposal and
- iii. conservation objectives for these European sites

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European sites. In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European sites in view of the site's conservation objectives.

Conclusion on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development of a waste processing and transfer facility would constitute a sustainable development location on appropriately zoned lands and would subject to

mitigation measures proposed in the EIS and NIS and with the planning conditions outlined, align with national and regional waste management policy, enabling increased rates of resource recovery. It is further considered that the development would not seriously injure the amenities of the area or the amenity of the local environment, would not be prejudicial to public health and would not result in adverse significant environmental impacts and would be acceptable in respect of transport and road safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 5th day of November 2019 and by the further plans and particulars received by An Bord Pleanála on the 9th day of April 2020, 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 shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation measures set out in the Environmental Impact Assessment Report and the Natura Impact Statement shall be implemented in full.

Reason: To protect the environment and the European sites.

3. The waste transfer and recycling facility shall be limited to the handling of 95,000 tonnes of waste or recyclable materials annually on this site, which shall not be exceeded unless authorised by a prior grant of permission. No waste shall be brought to this site other than those types indicated in the submissions by the applicant in connection with the planning application and appeal.

Reason: In the interests of the protection of the environment and the amenities of the area.

4. All segregation, handling and processing of waste material shall take place within the main building on the site. No waste shall be stored outdoors and there shall be no unloading or depositing of waste materials outside the building. Any organic material shall be transported to and from the site in sealed containers.

Reason: In the interests of amenity and of public health.

5. Prior to commencement of development, detailed measures shall be submitted to and agreed in writing with the planning authority to demonstrate that in the processing of waste at the site, priority is given to ensuring a high quality single waste stream is achieved suitable for direct reprocessing, recycling, or reuse at authorised facilities.

Reason: To ensure that the waste output is of an adequate quality.

6. Waste shall only be received at the facility between the hours of 0600 and 2000, Monday to Saturday, and not at all on Sundays. Waste shall only be dispatched between the hours of 0500 and 2000, Monday to Saturday and not at all on Sundays or Bank Holidays.

Deviations from these times shall only be permitted in exceptional circumstances and where prior written agreement has been received from the planning authority.

Reason: In the interests of the protection of the environment and the amenities of the area.

7. HGVs shall not be permitted to access the development during the peak hours of 0730 to 0900 or to leave during the peak hours of 1600 to 1730. Staff starting and finishing times shall be such that access to the development by staff shall be outside of the hours 0800-0900 and 1630-1730.

Reason: In the interests of traffic management.

8. An independent risk assessment and safety review shall be carried out by a suitably qualified person in relation to the internal vehicle movements and delivery areas, with modifications if required as a result of the risk assessment. Details shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of traffic safety

9. A mobility management plan commensurate with the development's operational characteristics shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of traffic management.

10. Details of the materials, colours and textures of all the external finishes, signage, and external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

11. (a) The signage scheme for the facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This shall arrive at an attractive, consistent and coherent signage scheme with appropriately dimensioned signs.

(b) With the exception of the signage scheme agreed under (a) above, no advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001-2016, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

12. The landscaping scheme shown on Drawing no. 16498-2100 as submitted to the planning authority on the 5th day of November 2019 shall be carried out within the first planting season following the substantial completion of the external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of 5 years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of the protection of visual, residential and environmental amenities.

13. The construction of the development shall be managed in accordance with a Construction and Environment Management Plan (CEMP), which shall outline the project specific environmental measures that are to be put in place and procedures to be followed for the scope of construction (including demolition) works, both permanent and temporary, for the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan must demonstrate the adoption and use of the best practicable means to protect the environment and to safeguard amenities of the area.

Reason: In the interest of amenities, public health and safety.

14. Prior to the commencement of development on site, a detailed invasive species management plan shall be submitted to, and agreed in writing with, the planning authority.

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

15. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

16. Hours of site development works shall be between 0700 and 1900 hours Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: In order to safeguard the amenities of property in the vicinity.

17. During the construction phase of the proposed development, the noise level shall not exceed 55 dB (A) rated sound level (that is, corrected sound level for the tonal or impulsive component) at any point along the boundary of the site between 0800 and 2000 hours and shall not exceed 45dB(A) at any other time. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To safeguard amenities of property in the vicinity.

18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority and the Department of Heritage, Regional, Rural and Gaeltacht Affairs in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) submit a copy of the geophysical survey report to the Department of Heritage, Regional, Rural and Gaeltacht Affairs,

(c) agree in writing details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. The developer shall pay to the planning authority a financial contribution as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000 (as amended) in respect of (a) works for the provision of capacity enhancement works at the N25 interchange and (b) works for the provision of implementation of the Little Island Transportation Study including sustainable transport objectives. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs that are incurred by the planning authority and are not covered in the General Development Contribution Scheme and which will benefit the proposed development.

20. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Mary Kennelly
Senior Planning Inspector

29th September 2020