



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-320580-24**

<b>Development</b>	Construction of Waste Transfer and Recycling Centre
<b>Location</b>	Courtstown Industrial Estate, Courtstown, Little Island, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	18/07200
<b>Applicant(s)</b>	Country Clean Recycling Unlimited
<b>Type of Application</b>	Planning permission
<b>Planning Authority Decision</b>	Grant permission s.t. conditions
<b>Type of Appeal</b>	First Party and Third Party
<b>Appellant(s)</b>	<ol style="list-style-type: none"><li>1. R&amp;E Crowley, Clash Road</li><li>2. Little Island Community Association</li><li>3. Mark Scally, Hayfield Manor</li><li>4. Peter Sweetman &amp; Associates</li><li>5. Country Clean Recycling Unlimited</li></ol>
<b>Observer(s)</b>	<ol style="list-style-type: none"><li>1. Glounthaune Tidy towns</li></ol>

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**

10<sup>th</sup> September 2020, 4<sup>th</sup> of April 2025

**Inspector**

Mary Kennelly

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## 1.0 Introduction

- 1.1. This report is an addendum report to the Inspector's report in respect of ABP-306845-20 dated 29<sup>th</sup> September 2020.
- 1.2. On the 28<sup>th</sup> April 2021 the Board decided to refuse planning permission under Reference ABP.306845-20. That decision was quashed by Order of the High Court and the case was remitted back to the Board for a new decision. A new case file was created Reference 320580-24. Section 131 Notices were issued to each of the parties to the appeal on the 8<sup>th</sup> November 2024, inviting the parties to the appeal to provide any comments on the planning application the subject of the appeal and on the updated Cork County Development Plan 2022-2028.
- 1.3. Following receipt of submissions in response to these notices, the Board decided to return the file to the original Inspector for an addendum report. This report considers the submissions made on foot of the request for observations.

## 2.0 Responses to the Section 131 Notices served on 8<sup>th</sup> November 2024

### 2.1. Response from Applicant/ First Party Appellant

#### ***National Waste Management Policy***

- 2.1.1. National Waste Management Plan for a Circular Economy - The application/appeal was decided when the Southern Region Waste Management Plan 2015-2021 was in place. This has recently been superseded by the National Waste Management Plan for a Circular Economy 2024-2030. This Plan replaces the three Regional Waste Management Plans and sets out a framework for the prevention and management of waste in Ireland for the period 2024-2030. It is a statutory requirement under Section 22 of the Waste Management Act that local authorities individually or jointly make a waste management plan for non-hazardous waste for each functional area.

#### ***Planning Policy***

- 2.1.2. National Planning Framework – Managing waste is a critical component of the NPF as set out in Section 1.3 'Shared Goals – National Strategic Outcomes' which emphasises the importance of conserving and enhancing our natural resources as

well as 'our capacity to create beneficial uses from products previously considered waste, creating circular economic benefits'.

In addition, **NPO56** states:

Sustainably manage waste generation, invest in different types of waste treatment and support circular economy principles, prioritising prevention, reuse, recycling and recovery, to support a healthy environment, economy and society.

2.1.3. Cork County Development Plan 2022-2028 – it is pointed out that the statutory plans in place at the time of the Board's decision were the Cork CDP 2014 and the Cobh Municipal District LAP 2017, which have both expired. The relevant policies of the new Cork County Development Plan (2022-2028) are highlighted and may be summarised as follows:

- Strategic Employment Locations – there are 4 areas within the Cork Metropolitan area identified in the Core Strategy (2.16.5) and Cork MASP for large-scale employment development, one of which is Little Island. At **Section 8.7.10**, the P.A. commits to protect Strategic Employment Locations from inappropriate development that may undermine their suitability as Strategic Employment Locations or give rise to potential conflicts between different land uses.

**Policy Obj. EC-2** Support economic and employment development in appropriate locations in the Main Towns and Strategic Employment Locations.

**Policy obj. EC8-3 Strategic Employment Locations:** seeks to promote the development of Strategic Employment Locations suitable for large scale industrial developments at ....Little Island... and to protect lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment Locations.

- Role of Little Island – it is described as the largest employment centre in the County with over 5,000 jobs. At **8.7.13** it is described as a 'long-established SLA, although acknowledging that the traditional heavy industry role has changed in recent times to include more small and medium sized business uses, offices and retail warehousing and the main vision is to promote a high-quality workplace environment and an expansion of the residential offering.

- Waste Management Policy

**Policy Obj. BE 15-14 Waste Prevention and Management** – seeks to support policy measures and actions outlined in Waste Action Plan for a Circular Economy (2020-2025) and Southern Regional Waste Management Plan 2015-2021, or any successor plans, and to support circular and climate resilient economy principles and associated strategic infrastructure, prioritising prevention, reuse, recycling and recovery, and to sustainably manage all waste by ensuring the provision of adequate waste recovery, recycling and disposal facilities for the county.

At **15.12.13** it is noted that suitable locations for waste treatment facilities....will be considered in 'Industrial Areas' designated as Strategic Employment Locations.

- Industrial Area policy – Land-use zoning policy for industrial lands is set out at **18.3.40**.

**Policy Obj. ZU 18-16 Industrial Areas** promotes the development of industrial areas as the primary location for uses that include heavy industry, manufacturing, repairs, medium to large scale warehousing and distribution, biomedical, pharmaceutical, bioenergy plants, open storage, waste materials treatment, port related facilities/activities, 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.

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 Locations in this Plan subject to the requirements of National Policy, future Regional Waste Management Plans and the objectives set out in this Plan.

### ***Review of Planning Authority's decision Ref. 18/07200***

2.1.4. An outline of the main issues identified in the Planner's initial reports is provided focussing on the items of further information that were requested. These related primarily to:

- Hours of operation having regard to residential amenity
- Provide details of the authorised and available pre-treatment capacity in the market, demonstrate that the treatment is necessary and that the type of processing/treatment would improve the quality and add value to the output materials as required by Policies E1 and E2 of the Southern Region WMP.
- Details of proposed waste management plan for each individual activity.
- Details of bunding and containment measures for oil and fuel during construction to meet the requirements of the water pollution prevention guidelines and oil storage guidelines.
- Notwithstanding the conclusions of the Noise Impact Assessment that there would be no significant adverse noise related effects on nearby residents, the potential for vibration impacts on the Noise Sensitive Locations to be addressed also.
- A storm-water attenuation tank for a 1:100 storm event shall be designed by a Chartered engineer to cater for all the surface water from the proposed development with a greenfield discharge rate. Details to be submitted of the design and calculations including the drainage layout within the site and the connection to the public drainage system.
- Revised Traffic and Transport assessment required including establishment of a baseline, a detailed impact assessment of the increase in HGVs on LI access roads and demonstrate that any potential impact on N25 would not result in increased traffic hazard. A construction phase TIA and further mitigation measures for both construction and operational phases required.
- Submit a NIS, having regard to the proximity to Cork Harbour and to a land drain on site, and the mitigation measures required to minimise risk of

negative impacts on estuarine habitats, including those that are Qualifying Interests of the Great Island Channel SAC, and which may be used as feeding/roosting grounds by species of bird which are Qualifying Interests of Cork Harbour SPA. The NIS to include details of proposed disposal/management of surface water, wastewater and process water from the site, details of SUDs measures, details of proposals for safe storage of toxic contaminants and of all measures to control risks of impact to water quality in the adjoining estuary during operational and construction phases.

- 2.1.5. It was noted that the planning authority deemed the response to the Further Information Request appropriate and proceeded to issue a Notification of a Grant of Permission subject to conditions. It was noted that there were no further comments from the Engineering, Environment, Heritage or Traffic and Transport directorates.

***Review of Inspector's Assessment (Ref. 306845)***

- 2.1.6. The main issues addressed in the Inspector's Report were listed and it was noted that following a detailed assessment of these issues, a recommendation for permission was made.

***Response to Grounds of Appeal***

***Current CDP and principle of development***

- 2.1.7. It is submitted that notwithstanding the adoption of a new development plan for the area, the planning policy relating to this development has not materially changed in terms of the broad set of aims and objectives.

- 2.1.8. The site is located on a site zoned 'industrial' and within a designated 'Strategic Employment Location' and as such, the proposal is deemed to be suitable at this location and in accordance with Obj. ZU 18-16. The site is located within an established warehouse and distribution centre and is acceptable in principle.

***Waste policy/management***

- 2.1.9. It is submitted that the proposal complies with waste management policy and has established that there is a need for the development as set out in the Needs Assessment document submitted with FI to the P.A. Furthermore, it is noted that the Senior Executive Planner had sought confirmation from the Regional Waste Co-Ordinator with respect to the need for additional waste treatment facilities which was



confirmed. Since the Board's previous decision, the National Waste Management Plan for a Circular Economy 2024-2030 has been adopted, which illustrates the increasing trajectory of waste generation in a national context and that waste treatment facilities are required to cater for the ongoing demand for waste treatment in a satisfactory manner which will contribute towards a circular economy.

#### Residential amenity

- 2.1.10. It is submitted that in the original assessment of the proposal, it was noted that the former golf course allows for an adequate separation distance from existing residential and that the noise and odour assessments had confirmed that with mitigation, there would be no significant adverse impacts.
- 2.1.11. In terms of future residential development, the lands zoned LI-X-01 in the current CDP permits a medium density residential development with high quality public open space including a buffer between such development and the industrial lands. Reference is made to the current LRD application by Ruden Homes on part of this site (P.A. Ref. 24/5328, ABP.321632-25). The applicant for the Waste Transfer Station (Country Clean) has made an observation on this LRD application and requested that 'a substantial and adequate buffer' be incorporated within the proposed layout as the Zoning Objective for LI-X-01 requires a 'buffer between the development and adjoining industrial uses'. It was noted that this formed part of the P.A.'s FI request on that LRD application (Item 5(d)), as it had come to the P.A.'s attention that the Board's decision to refuse the Waste Transfer Station had been quashed by the High Court. The P.A. had noted that the 'Masterplan' indicated residential development in very close proximity to the industrial site and sought that this be revised to incorporate a 'substantial buffer along the entire southern site boundary'.

#### Traffic

NRB consulting engineers assessed the traffic impacts in detail at Further Information stage and in conjunction with the information set out in the EIAR, it was concluded that 'The proposed development would not generate a significant volume of traffic and the impacts arising on the operation and capacity of the local roads network, including the N25, are similarly likely not to be significant. The forecast increase in traffic flows can reasonably be

categorised as likely to be imperceptible to existing road users during the construction phase and operational phase.'

- 2.1.12. The P.A. agreed with this analysis and deemed that the proposed development would not have a significant impact on the existing road network or road users.

#### Ecology/AA

- 2.1.13. An Appropriate Assessment (Screening Report) and a Natura Impact Assessment were submitted and were deemed to be satisfactory to the P.A.'s ecologist.

#### Environmental Impact Assessment

- 2.1.14. An EIAR was submitted with the application with minor clarifications submitted at Further Information stage, which were deemed satisfactory on review.

## **2.2. Responses from Third Party Appellants/Observers**

- Ballymaloe Foods Ltd., Courtstown Industrial Estate, Little Island
- Ben Whooley, Castlewood, Little Island
- Brendan McMahon & Alison Ryan, Clash Road, Little Island
- Bridie & Michael Rae, Lower Courtstown, Little Island
- Caitriona Power, Clash Road, Little Island
- Clash Road Residents Group, Clash Road, Little Island
- Elmarie & Charlie Mahon, Courtstown, Little Island
- Rachel & Eamonn Crowley, Clash Road, Little Island
- Michael and Fiona Delargey, The Fairways, Little Island
- Marian Daly, Lower Courtstown, Little Island
- Gerard Neary, Courtstown, Little Island
- Little Island Community Association
- Island Cross Residents Association
- Little Island Business Association
- Glounthaune Tidy Towns

## ***Changes in Waste Management which undermine justification for development***

### ***2.2.1. Waste Management policy has changed***

- *Fails to comply with NWMPCE* - The Southern Region Waste Management Plan (SRWMP) 2015-2021 has been replaced by the National Waste Management Plan for a Circular Economy (NWMPCE) 2024-2030. The proposed development does not comply with the NWMPCE as the annual capacity of 95,000t is considerably higher than the 50,000t p.a. threshold for 'regional' waste recycling facilities and is closer to the 100,000t p.a. capacity for 'national' facilities. The assumptions in the Inspector's report indicated that this was to be a 'local' facility.
- *Authorised capacity not adequately demonstrated* - CDP Policy BE15-15 requires compliance with SRWMP and states that the local authority intends to support the development of Bottlehill for such uses. The proposal does not comply with this requirement. The SRWMP indicated that the authorised capacity for the treatment of waste was substantial and that local authorities in the region had not co-ordinated authorisation activities, resulting in over-authorisation of capacity. It was also stated that local authorities will have to work with operators to improve the quality and value of the material collected and processed.
- *Improvement of quality of output not adequately demonstrated* - Reference is made by Little Island Community Association (LICA) to a submission made to the P.A. on 12/02/20 (on foot of this planning application) by the Regional Co-Ordinator of the Southern Waste Region (point No. 20). It is alleged that the Regional Co-Ordinator was "not convinced that the proposal reflected the requirement in the SRWMP to 'improve the quality and value of waste collected and processed'", and several paragraphs from this letter are quoted to substantiate this point. [*However, the Board should note that the correspondence from the Regional Waste Co-Ordinator dated 12/02/20 was in the form of an email which reads (in its entirety) as follows: "Priority should be given to producing high-quality single waste stream suitable for direct reprocessing, recycling/reuse at authorised facilities".*]

LICA asserts that the ‘compromise’ by the P.A. was to attach condition No. 30 (requiring the submission 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), which indicates that the P.A. was not satisfied that the quality of output would be sufficiently improved. As such, it is submitted that the proposed development fails to comply with the NWMPCE and the National Circular Economy Action Plan.

#### **2.2.2. Findings of Needs Assessment disputed**

- The Waste Needs Report (SLR, May 2019) had noted that there had been an increase in municipal waste generation of 20% over the period 2015-2017 and predicted that even assuming a future growth rate of 5% p.a., the existing capacity would be exhausted within 3 years, which justified the need for the development. The report had also provided information regarding the available capacity at the time and of the recent rapid rate of growth in waste generation to corroborate the prediction. It is asserted (by McCutcheon Halley Consultants on behalf of Ballymaloe Foods) that the Inspector’s Report had relied on these conclusions to justify the need for the development, but that due to the passage of time, these assumptions are no longer reliable, and that waste capacity has not been exhausted.
- Reference is made to the CSO statistics for Municipal Waste generated between 2001 and 2021, published by the CSO and EPA in 2023, which it is claimed indicate a lower annual rate of growth than assumed in the SLR report, with a decrease of 1.3% between 2020 and 2021. It is submitted that a decision on the current proposal should be deferred until the waste needs report is updated to reflect the CSO statistics and the national policy to break the link between economic and waste growth and avoid providing excess capacity which might undermine attempts to reduce waste generation.

#### **2.2.3. Inadequate spatial analysis of waste needs**

- The Waste Needs Report isolates Cork County and City from its waste management region and then further analyses intake and capacities of municipal waste facilities that are not restricted to Cork. Although the Waste

Needs report is based on Metropolitan Cork, it is implied that the proposal should be located in Little Island in order to meet a requirement for a 'local facility'.

**2.2.4. Inadequate consideration of alternatives**

- There is inadequate spatial analysis in the consideration in the EIAR of alternative sites within Little Island.
- Inadequate consideration given to the alternative of developing the Bottlehill site for waste management purposes.
- Developer should be required to use its competitor's spare capacity. There are existing facilities at Rossmore Civic Amenity (Carrigtwohill) and Greenstar Civic Amenity (Sarsfield Court near Glanmire) with better access to national road network.

**2.2.5. Need for storage capacity of baled waste not justified**

- On the basis of the GFA of the proposed building (>6,800m<sup>2</sup>) and of the area allocated for 'baled waste municipal storage' (25%), combined with the height of the building (>12m), the LICA assumes that the volume of waste that could be stored in the building is c.20,000m<sup>3</sup>. This demonstrates that the Inspector did not consider the function of the proposed development or its role within the Waste Management Plan.

***Changes in Planning Policy (Cork County) vision, SELs, Industrial policy, waste policy, climate action, transport***

- 2.2.6. It is claimed that the vision for Little Island has changed from one seeking to resist housing development in order to avoid potential conflicts with industry which might undermine the objectives of the strategic employment area, and to ensure that future industrial development would not adversely affect the amenities of existing residential development to the following:

"Promote a high-quality workplace environment for existing and future workforce populations along with an expansion of the residential offering and supporting facilities".

It is submitted that this change seems to represent a move from a segregationist approach to a sustainable one because new employment uses are less likely to generate significant noise/odour nuisance and due to the significant benefits arising from people being able to live and work within walking/cycling distance of their employment. Some third parties have interpreted the change and implying that any employment uses which might be 'poor neighbours' with respect to existing/proposed residential development should be located within the larger industrial zones where they would be buffered from housing areas by more compatible business uses.

- 2.2.7. Notwithstanding the 'Industrial' zoning of the site, criticism is made of the Inspector's Report for relying on the mere fact that the site is zoned for industrial use, and it is stated that there should be no reliance on the 'principal uses' listed for the zone without examining the specifics of the location in terms of more sensitive uses adjoining the site.

***Changes in zoning provisions in local area***

- 2.2.8. The site is located within an industrial zone with a Zoning objective LI-I-02, which has been significantly reduced in area from 13.6 ha in the 2017 LAP to 3ha in the 2022 CDP. This means that the lands immediately to the north of the subject site are no longer zoned industrial but now form part of a new zone 'Special Policy' (LI-X-01) which incorporates the lands to the north-west which were formerly zoned for Mixed Use (LI-X-02). The Special Policy Zone seeks the development of these lands for Medium Density Residential with a Neighbourhood Centre and requires a Framework Plan or Masterplan to guide the development. The lands to the immediate west of the application site are zoned LI-RR-01 Reserved Residential.
- 2.2.9. It is submitted that in light of these rezonings, the proposed development is incompatible with the zoning objectives for the adjoining sites. It is further pointed out that the zone within which the established industrial uses to the east of the site lie has been changed from 'Existing Built-Up Area (ZU 3-1) to Existing Mixed Use/General Business/Industry (ZU 18-10) and the lands to the south of the Industrial Zone to Business and General Employment (LI-B-03). It is stated that this is reinforced by LI-GO-06 which seeks to ensure that future industrial development does not negatively impact on amenity of existing/future residents. It is considered

that these zoning objectives require a buffer between the existing industrial/business zones and the existing/proposed residential zones.

- 2.2.10. The total area in Little Island designated as Industrially zoned lands and the distribution of such areas has changed in the new CDP. When the matter was previously considered by the Board, there were 4 parcels of land zoned for industry totalling 91ha and now there are 5 areas parcels with a total of 107ha, including a large tract of land (27ha) on the western side of the island (LI-I-05). This site is more easily accessible from the M8/N25, has existing heavy industry and would be more suitable than the current site.

### ***Changes in planning status on lands in vicinity***

- 2.2.11. There is a current LRD application (P.A. Ref. 24/5328) for 172 houses, a neighbourhood centre and a distributor road on the lands zoned Special Policy (LI-X-01). The P.A. FI request (Item 5(d)) required that the masterplan be revised to incorporate a substantial buffer along the entire southern boundary and stated that it may be necessary to address the potential for impacts on amenities in the event that permission for the Waste Transfer Station is granted by the board. The third-party submission concluded that the proposed waste transfer station is inappropriate due to the request for the increased buffer as it was considered that it would compromise the achievement of the objectives of the LI-X-01 zone with regard to amenity and density, as required by the Compact Settlement Guidelines.
- 2.2.12. It was also noted that the developer (Country Clean) had submitted an observation on the LRD application (24/5328) objecting to the indicative layout for the proposal including the absence of a proposed buffer zone as required by LI-X-01.

It is submitted that the proposed development would be an inappropriate development and an incompatible use next to the proposed residential development and neighbourhood centre, which is considered to be 'badly needed'.

### ***Traffic***

- 2.2.13. Accessibility to national route network – the subject site is the least accessible industrially zoned site to the national route network on Little Island.
- 2.2.14. Traffic congestion – notwithstanding the changes to the Dunkettle Interchange, the R623 is more heavily trafficked now than in 2020. Congestion and long queues can

form in peak periods. If any blockages occur on the Dunkettle Interchange, the traffic on Little Island comes to a standstill. Since the Board's previous decision, permission has been granted for a Lidl Distribution Centre on Little Island which is likely to further impact traffic associated with the development.

2.2.15. Traffic safety – inadequate room on site to handle trucks queuing on the road network. Notwithstanding the restriction on the hours of operation, there is nothing to stop the trucks from queuing within Little Island.

2.2.16. ***Ecology/Adequacy of AA/NIS***

2.2.17. EX-situ Foraging Area - The site of the proposed development is a known foraging area for several water bird species associated with the Cork Harbour SPA as reflected in the zoning objective (LI-I-02) and this matter has not been adequately considered. The unsuitability of the habitats on the site for these bird species is disputed as anecdotally people have seen birds on the land.

2.2.18. Inadequate NIS - There have been no proper seasonal bird surveys. The conclusions of the NIS are disputed which stated that the single wetland to the south is unlikely to meet all of the ecological requirements of a diverse assemblage of birds. It is claimed that this does not meet the test of 'beyond all reasonable doubt'. Inadequate cumulative assessments have been carried out regarding other zoned industrial lands and their impact on the foraging area for birds. The AA carried out by the planning authority has gaps and omissions and was not done in accordance with Article 6(3) of the Habitats Directive. In addition, Articles 6(2) and 12 are not considered at all.

2.2.19. Proximity to Ecologically sensitive sites – the site is only 400m from Lough Mahon which is designated as an SAC and an SPA. It is also close to Harper's Island which attracts migratory birds and the estuary and mudflats near the site are used as a stop-over for these birds.

2.2.20. Risk of water contamination not adequately addressed - It is disputed that the drain on the site was tracked by the developer and in all likelihood, it leads to the SAC and SPA. The leachate from waste is high in nutrients, BOD and COD. Notwithstanding the developer's claim that there would be no leachate, it is asserted that wet organic waste will inevitably produce leachate, which will be discharged to the WWTP. The municipal WWTP is currently non-compliant and is ineffective at treating BOD and



Phosphorous. In addition, stormwater overflows are discharging untreated effluent into receiving waters. The Inspector dismissed the potential for the Waste Transfer Station to generate nutrient rich run-off to the WWTP but without scientific justification.

- 2.2.21. Water Framework Directive – Lough Mahon is at risk of not achieving WFD objectives as it is under pressure from the high nutrient levels and urban wastewater from the WWTP. In addition, the accidental emissions to the waterbody via the surface water system is putting the waterbody at risk.

### ***Inadequacy of EIA/EIAR***

- 2.2.22. It is claimed that a proper EIA has not been carried out as there are deficiencies in the noise assessment, odour assessment, ecological assessment, water assessment, impacts on geology and absence of a proper assessment of environmental and human health. Furthermore, it is claimed that there has been no cumulative assessment carried out and that the assessment of alternatives is inadequate.

### ***Other matters***

- 2.2.23. Procedural – Little Island Community Association has requested an oral hearing and has claimed that inadequate time has been given to respond to the S131 Notice. It should be noted however, that the oral hearing request was invalid as it was received outside of the time allowed for such requests.
- 2.2.24. Waste Framework Directive – It is queried whether the P.A. had granted permission subject to a waste permit or a waste licence. It is claimed that the Inspector erroneously assumed that a Waste Licence had already been granted. Concern is also raised regarding the first party appeal against Condition 2 requiring the applicant to apply for a licence, as the applicant may not apply for a licence following a grant of permission. It is submitted that a grant of permission that would facilitate the construction or operation of a Waste Transfer Station in the absence of a licence would be contrary to EU law and would breach the EIA Directive and the Waste Directive.

*For clarity, the current application/appeal, if granted, is likely to require a Licence from the EPA and the EPA will not deal with the matter unless a planning permission has been granted for the facility.*

- 2.2.25. Fire Risk inadequately addressed – it is submitted that the fire risk associated with the proposed development has not been adequately addressed. Reference is made to fires that have occurred at waste facilities countrywide. It is submitted that a waste transfer station should be listed as a SEVESO site. The fire risk and consequences of same are considered to be greater at this site due to the presence of SEVESO sites in the area.
- 2.2.26. No hydrogeological investigation carried out – the construction of the development will involve the excavation of rock and the effects of this have not been adequately addressed in terms of vibration and contamination of ground water and habitats. In terms of the operational phase, the risks of groundwater pollution from leakage from underground tanks has not been addressed.
- 2.2.27. Inappropriate noise limits – the construction noise and vibration limits are overly liberal, at 70dB at the facades of dwellings. It is submitted that the restriction should apply to the boundaries of properties, not facades. No noise impact assessment was carried out in respect of business premises. No noise limits have been imposed for the operational phase.
- 2.2.28. Odour impacts – it is submitted that the nature of the waste output has not been considered and that the likelihood of a failure of the door system has not been factored into the odour impact assessment. Future dwellings have not been included in the odour modelling. The proposed 20 metre buffer is inadequate. No cumulative assessment of odour from the proposed development together with odour from the WWTP has been considered.
- 2.2.29. Churchfield – reference was made to the developer's existing recycling centre at Churchfield in Cork City in the context of a non-compliance incident reported in June 2024 regarding an issue with the interlocking doors. It was claimed that the applicants had not resolved the issue.

## 2.3. Response from Planning Authority

- 2.3.1. It was pointed out that a new County Development Plan had been adopted since the previous decision on this site and the extent of residential zoning on neighbouring land to the north-west has been expanded and comes closer to the subject site than was previously the case. In the previous Plan, the lands immediately to the north of the subject site was also zoned industrial, which buffered the subject site from the residentially zoned lands.
- 2.3.2. The adjoining lands to the northwest is zoned 'Special Policy Objective' (LI-X-01), for Medium A density Residential development in addition to a small-scale local neighbourhood centre. This represents a higher density that previously envisaged under the former Plan. The lands to the west are zoned LI-RR-01 which forms part of a Residential Reserve for Medium Density A residential development combined with business development.
- 2.3.3. With regard to the Transitional zoning objective (Objective ZU-18-5), consideration will need to be given to impacts on these neighbouring lands arising from emissions associated with the development, together with appropriate mitigation.
- 2.3.4. In addition, the original EIAR dates from 2018 (as updated in the response to the request for further information). Since then, further developments have been granted/applied for in Little Island and any cumulative assessment may need updating. An application for 172 residential units with a creche and commercial units is pending on lands to the northwest within LI-X-01 Special Policy Area under reference 24/5328, (Further information requested Sept. 9<sup>th</sup> 2024 – Reply awaited).

## 2.4. Response from Prescribed Bodies

### ***Environmental Protection Agency (11/11/24)***

- 2.4.1. The proposed development may require a Waste Licence under the Waste Management Act or an Industrial Emissions Licence under Class 11 of the EPA Act.
- 2.4.2. It is noted that the planning application was accompanied by an **EIAR**. Should the agency receive a licence application for the development, the applicant will be required to submit the associated EIAR to the Agency as part of the licence application and the following matters will apply:

- The EIAR will be considered and assessed by the Agency and the Agency will ensure that before a licence is granted, the licence application will be made subject to an Environmental Impact Assessment as respect matters which come within the functions of the Agency and in accordance with Section 40(2A) and Section 42 (1G)(a) of the Waste Management Act and Section 83(2A) and Section 87 (1G)(a) of the EPA Act.
- Consultation on the licence application and EIAR will be carried out in accordance with Section 42 (1B) to (1H) of the Waste Management Act and Section 87 (1B) to (1H) of the EPA Act, as appropriate.
- All observations from the planning authority will be taken into account as part of the Agency's assessment and before making a decision in relation to the licence application.
- The Board will also be required to provide the documentation relating to the EIA it has carried out to the Agency under Section 173A(4)/173B(4) of the Planning and Development Act 2000 (as amended).
- All matters to do with emissions to the environment from the activities proposed, the licence application documentation and the EIAR will be considered and assessed by the Agency.
- Where the Agency is of the opinion that the activities, as proposed, cannot be carried on or cannot be effectively regulated under a licence, then the Agency cannot grant a licence for such an activity.
- Should the Agency decide to grant a licence in respect of the activity, as proposed, it will incorporate conditions that will ensure that appropriate National and EU standards are applied, and that Best Available Technology will be used in the carrying on of the activities.

2.4.3. It is pointed out that, in accordance with Section 42(1D)(d) of the Waste Management Act/Section 87(1D)(d) of the EPA Act, the Agency cannot issue a Proposed Decision/Determination on a licence which addresses the development above until a planning decision has been made.

### 3.0 Changes to policy/ legislative frameworks since Board Decision

#### 3.1. Waste Management

- 3.1.1. Section 5.0 of my Inspector's Report (29/09/2020) sets out the national, regional and local waste policy and legislative context and planning policy that was in force at the time. In the intervening period, there has been much change in policy and legislative frameworks governing waste management and the circular economy has become integrated into the climate change agenda. A new Development Plan has also been adopted for the area.

#### 3.2. National Policy and Legislation

- 3.2.1. The **Whole of Government Circular Economy Strategy** was published in **2021** which sets out the national policy framework for a transition to a circular economy and to reduce Ireland's circularity gap in comparison with other EU Member States. The overall approach to waste management is to embrace the circular economy more comprehensively and to support the principles of the circular economy in terms of reducing waste generation, minimising waste going to landfill and maximising waste as a resource. Thus, the overarching aims are prevention, preparation for reuse, recycling and recovery which are prioritised in that order, over the disposal of waste.
- 3.2.2. The **Climate Action and Low Carbon Development (Amendment) Act 2021** was enacted in 2021 with a commitment to a legally binding target to reduce greenhouse gas emissions by 51% and increase the share of electricity generated from renewable sources to 80% by 2030 and to achieve net zero emissions no later than 2050, including emissions generated by the circular economy.
- 3.2.3. The **Circular Economy and Miscellaneous Provisions Act 2022** provides a statutory framework for moving from a focus on managing waste, to a much greater focus on adapting patterns of production and consumption; preventing waste generation; and extending the productive life of all goods and products.
- 3.2.4. The **National Circular Economy Strategy (2022)** sets a course for Ireland to transition across all sectors toward circularity.

- 3.2.5. **Climate Action Plan 2024** (subject to annual reviews) – sets Carbon Emission Budgets and Sectoral Emission Ceilings, including a ceiling for waste management. In terms of the Circular Economy, measures are included to reduce that amount of municipal waste going to landfill and introduces targets for recycling, food waste reduction and single-use plastics. The recycling targets are to recycle 65% of Municipal Waste by 2035, 70% of Repackaging Waste by 2030 and 55% of Plastic Packaging by 2030.
- 3.2.6. **Waste Action Plan for a Circular Economy** - sets out the Government policy commitment to meeting EU targets and provides a roadmap for the circular economy in Ireland. Objectives include ensuring that waste remains in use longer by rewarding circularity and discouraging waste. It also commits to replacing the Regional Waste Management Plans with a single National Waste Management Plan for a Circular Economy.
- 3.2.7. **National Waste Management Plan for a Circular Economy (NWPCE) 2024-2030**  
– This plan is presented in five volumes and recognises Climate Change as a key driver for both behavioural change and improved waste management practices. It contains targets, policies, actions and key deliverables required to accelerate the transition to a circular economy with reduced climate impact. The Plan ambition is to achieve 0% total waste growth per person over the life of the plan and to increase recycling rates. Volume I sets out the current situation and identifies key challenges and Volume II sets out the responses to these challenges. Volume III sets out the delivery roadmap for the responses and contains key deliverables.

### 3.3. **Regional Policy**

- 3.3.1. **Regional Spatial and Economic Strategy for the Southern Region 2019-2031**  
**RPO 107** – It is an objective to support innovative initiatives that develop the circular economy through implementation of the Regional Waste Management Plan for the Southern Region 2015-2021 and its successor.
- RPO 108** - It is an objective to support the work of local authorities, the Regional Waste Management Office and all state bodies in the Region to implement the EU Action Plan for the Circular Economy- Closing the Loop to ensure sustainable patterns of consumption and production in the areas of:

- Product Design
- Production processes
- Consumption
- Waste management
- From waste to resources: boosting the market for secondary raw materials and water reuse in line with the EU Raw Material Initiative

### 3.3.2. **Southern Regional Waste Management Plan 2015-2021**

This plan has been replaced by the National Waste Management Plan for a Circular Economy 2024-2030, as discussed above.

### 3.4. **Cork County Development Plan 2022-2028**

- 3.4.1. **Cork County Development Plan 2022-2028** has replaced the Cork County Development Plan 2014 and the Cobh Municipal District Local Area Plan 2017. The relevant policies are contained principally in Volume 1 (Main Policy Material) and Volume 4 (East Cork).
- 3.4.2. **Cork County Development Plan (2022)** is presented in six volumes. **Volume I** contains the **Main Policy Material** and **Volume 4** provides the policy objectives for **South Cork**, which includes **Little Island**. The relevant chapters of Volume I are the Core Strategy (Chapter 2), Economic Development (Chapter 8), Biodiversity and Environment (Chapter 15) and Zoning and Land-use (Chapter 18).

#### **Cork CDP 2022 - Volume I- Main Policy Material**

- 3.4.3. **Little Island** is identified as a '**Strategic Employment Location**' within Cork MASP in the Core Strategy (2.16.4 – 2.16.8) and noted as being suitable for Foreign Direct Investment as well as development by indigenous enterprises. The designation of Little Island as one of four 'Strategic Employment Locations' in the county is expanded upon in **Chapter 8 (sections 8.7.10 – 8.7.14)**. The relevant policy objectives are -

**EC:8-2 Employment Strategy** – Support economic and employment development in appropriate locations in the Main Towns and Strategic Employment Locations and otherwise in accordance with the Employment Network of the County (Table 8.4)

### **EC:8-3 Strategic Employment Locations –**

- a. Promote the development of Strategic Employment Locations suitable for large scale industrial developments at Carrigtwohill, Little Island, Ringaskiddy and Whitegate where any such development must be sensitively designed and planned to provide for the protection of any designated sites. Any development must be compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour and the protection of residential amenity.
- b. Protect lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment Locations.

**8.7.10 - Strategic Employment Locations** suitable for large scale employment development, i.e. large stand-alone uses which require significant amounts of land. In recognising the strategic employment role of these locations, the County Development Plan also commits to protecting them from inappropriate development that may undermine their suitability as Strategic Employment Locations or give rise to potential conflicts between different land uses.

**8.7.13 - Little Island** is a long-established Strategic Employment Centre although its traditional focus on heavy industry / manufacturing and warehousing / logistics has changed in more recent times to include more small and medium sized business uses, offices and retail warehousing. Previous Development Plans and Local Areas Plans have resisted calls for an expansion of residential land use on Little Island in recognition of its strategic employment role, the fact that the environment associated with such uses is not always conducive to a high standard of residential amenity (24/7 activity, HGV traffic, noise, light or odour concerns associated with industrial processes etc.) and the need to minimise the potential for conflict between strategically important employment use and local residents. The main vision for the area in this Plan is to promote a high-quality workplace environment for the existing and future workforce population, along with an expansion of the residential offering and supporting facilities.

**8.7.14** The policy in this Plan is to reaffirm Little Island's function as a strategic centre of employment while protecting the amenity enjoyed by existing and future residential communities. Little Island also has approximately 105.5 ha of Industrial



land available for development and approximately 55.5 ha of Business land available for development.

- 3.4.4. Waste management is addressed in **Chapter 8** at section **8.8** which states that the planning authority supports the transition to a circular economy which will contribute to Cork County developing a sustainable, low carbon and competitive economy. However, the main policy objectives relating to waste management are contained in **Chapter 15 – Biodiversity and Environment**. The relevant policy objectives are -

**BE 15-14 Waste Prevention and Management**

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

**BE 15-15 Waste Prevention and Management of Waste Facilities**

- a) The expansion of existing waste facilities and the creation of new waste facilities shall comply with the criteria of the Southern Region Waste Management Plan set out above and be assessed through the development management process.
- b) Support the sustainable development of Bottlehill facility for specialised and appropriate uses primarily associated with achieving the aims of the circular waste economy.

- 3.4.5. In addition, the following sections of Chapter 15 address the planning authority's approach to waste management and the circular economy

**15.12.1/2 Waste** - Emphasises the importance of the **Circular Economy** concept and the need to develop more effective policies on waste prevention, choice of material and recycling and to improve our waste management practices in order to reduce our greenhouse gas emissions arising both from the management process itself and through energy consumption.

**15.12.3-15.12.10** sets out the evolution of the waste management policy at a national level, referencing the **Southern Region Waste Management Plan 2015-2021**, the **Waste Action Plan for a Circular Economy (2020-2025)** and the forthcoming **National Waste Management Plan for a Circular Economy** and notes that the overarching aim of the waste policy framework is to discourage wasting of resources and rewarding circularity.

**15.12.11-15.12.13 Cork's Recycling and Waste Infrastructure** – The Council will continue to encourage the provision of recycling infrastructure where it is considered necessary and will assess requirements for recycling facilities on a case-by-case basis as part of the development management process and the provision of strategic large scale waste treatment facilities to support the aims of the European Green Deal and National Policy will be considered in 'Industrial Areas' designated as Strategic Employment Areas.

- 3.4.6. **Chapter 18** provides information about the various land use zones and highlights any changes in approach compared with the previous Plan. It notes that the previous zones '**Existing Built-Up Areas**' which included a wide mix of uses with no specific zoning have been replaced with two different zones namely, '**Existing Residential/Mixed Residential and Other Uses**' and '**Existing Mixed/General Business/Industrial Uses**'. It is stated that the intention is to distinguish between areas that are predominantly residential and have the potential to expand residential/compatible uses and areas which are predominantly employment uses (18.3.1 – 18.3.2).

### 3.5. **Cork CDP 2022 Volume 4 - South Cork**

- 3.5.1. **Little Island** is a '**Main Town**' and one of the key employment locations in Metropolitan Cork and is designated a '**Strategic Employment Location**'.
- 3.5.2. The **Zoning Map** (appended to this report) shows that the **site of the proposed development** is still located within an area zoned '**Industrial**' (LI-I-02), although the size of this parcel of industrial land has been reduced from c.13ha to 3.0ha compared with the 2017 Cobh Municipal District LAP. LI-I-02 is one of five industrially zoned parcels of land in Little Island. The zoning of the **lands immediately adjoining the site** are as follows

**North/Northwest – LI-X-01** – expanded ‘Special Policy Area’ (Mixed Use/Resid)

**Northeast/East/Southeast** – Existing Mixed Use/General Business/Industrial Uses

**West – LI-RR-01**- Residential Reserve

**NW/W/SW – LI-U-05** – Distributor Road

**Relevant Policy Objectives**

- 3.5.3. **LI-I-02 – Industrial Estate and/or warehousing and distribution with provision for local access road** – This site is located in close proximity to the Cork Harbour Special Protection Area. Appropriate buffering and screening between new development and the SPA will be required. Areas within this site may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated. Account will be taken of same when considering new development proposals in this area.
- 3.5.4. **Chapter 18, Volume I** of the CDP provides the following information regarding the industrial zoning :-

**Section 18.3.40** (Chapter 18, Volume I) states that the purpose of this zoning is to facilitate opportunities for industrial and warehousing uses, activities and processes which would in general give rise to land use conflict if located within other zonings.

**Objective ZU 18-16: Industrial Areas**

Promote the development of industrial areas as the primary location for uses that include heavy industry, manufacturing, repairs, medium-to-large scale warehousing and distribution, biomedical, pharmaceutical, bioenergy plants, open storage, waste materials treatment, port-related facilities and port-related activities 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.

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 Locations in this plan subject to the requirements of

National Policy, future Regional Waste Management Plans and the objectives set out in this Plan.

**Appropriate Uses in Industrial Areas** – Medium-to-large scale warehousing and distribution, bioenergy plants, open storage, recovery and transport operating centres, strategic large scale waste treatment facilities including waste to energy recovery facilities\* (as objective above), port facilities and port related activities, logistics, heavy industry, offices ancillary to permitted use, laboratories, food related industry, marine related development, general industry, civic amenity site, plant storage, sustainable energy installation, heavy vehicle park, fuel depot/fuel storage, telecommunication structures, biomedical, pharmaceutical, data centres, childcare facilities, commercial film studio facilities.

- 3.5.5. **LI-X-01 – Special Policy Area** - Medium A density residential development, small scale local neighbourhood centre, high quality public open space (including buffer between development and adjoining industrial use) and public realm. *To provide for future high-quality pedestrian and cycle connectivity with LI- RR-01. Development of this area will be subject to an approved framework plan for its overall development. This zone is located in close proximity to the Cork Harbour SPA. Areas within this zone may be used by Special Conservation Interest bird species for which the Cork Harbour SPA is designated. Account will be taken of same when considering new development proposals in this area.*

- 3.5.6. **Sections 2.6.49-2.6.53** provide additional information regarding **LI-X-01** as follows:

**Special Policy Area LI-X-01 – 22.9 hectares previously occupied as a golf club.** The land provides a substantial buffer between areas of residential development and areas of industrial development. The special policy area has been extended in this plan to include adjoining land to the east that was zoned for industrial development in the 2017 Local Area Plan (2.6.49). In the context of the vision for Little Island, it is considered appropriate to facilitate the development of this key site over the lifetime of this plan so as to achieve a better balance of employment and housing. It is important that this development be integrated into the surrounding land uses, to ensure appropriate protection of the adjoining residential land use and to ensure an appropriate landscaping

buffer between new residential development and adjoining industrial uses to the east (2.6.50).

The objective for the site is to deliver compact residential development in tandem with a high quality, small scale, local neighbourhood centre, school, public realm and open space. The development is to facilitate excellent quality of life and establish a strong and attractive sense of place (2.6.51). Access to the eastern side of the site should be from the Courtstown Road to avoid increased traffic movements on the Clash Road (2.6.53).

**Section 18.3.46 and Objective ZU 18-20 of Volume I** also provide additional information about **Special Policy Areas** which are described as areas that do not conform to the primary land use categories and include opportunity sites for which further guidance may be required (e.g. masterplan, framework plan which should be subject to SEA/HAD screening) before any formal planning application is made.

3.5.7. **LI-U-05 – Distributor Road**

3.5.8. **Existing Mixed Use/General business/Industrial Uses Zone –**

**Section 18.3.10 of Volume I** provides information regarding this zone which is described as consisting of a mix of employment uses including long-term establishments such as general warehousing, manufacturing, storage, builders provider yard, food processing facility, logistics, vehicle sales outlets, high technology manufacturing, plant and tool hire, quick services, service station, vehicle servicing maintenance garage. This zoning is intended to protect existing uses and support expansion where appropriate of existing uses while not permitting uses that would threaten the vitality and integrity of the primary use of these areas.

**Objective ZU 18-10: Existing Mixed Use/General Business/Industrial Uses -**

Facilitate development that supports in general the employment uses of the Existing Mixed-use/General Business/Industrial Areas. Development that does not support or threatens the vitality or integrity of the employment uses, in these areas shall not be permitted.

**Appropriate Uses in Existing Mixed/General Business/Industrial Uses Zones -**

General warehousing, trade warehousing and distribution, manufacturing and

repairs, storage, builders providers yard, food processing facility, logistics, fitting and business-to-business activity, wholesaling, vehicle sales outlets, high technology manufacturing plant and tool hire, public services, service station, vehicle servicing/ maintenance garage, incubator units, childcare facilities, commercial film studio facilities.

**Objective ZU 18-5 Transitional Zones** – Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

**18.2.2** states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land use zones.

- 3.5.9. **LI-RR-01 – Residential Reserve** – Medium A Residential Development combined with business development and a substantial area of high quality, public open space for recreation... high quality pedestrian and cycle connectivity between this land and LI-X-01 to be provided.
- 3.5.10. **LI-GO-02** – Secure the development of new dwellings, neighbourhood centre, school and high quality public open space and public realm at LI-X-01.....subject to the preparation of a framework plan, to enable Little Island to achieve its population target of 2,769 persons to provide a balance between the provision of housing and employment uses in the town, to support Little Island’s development as an integrated live/work destination.
- 3.5.11. **LI-GO-06** – Ensure that future industrial development in Little Island does not negatively impact on the amenity enjoyed by the existing and future residents of the area.
- 3.5.12. The **Vision and Strategy section (2.6.1-2.6.9)** reiterates much of the policy content in the Core Strategy and Employment Strategy in Volume I, as outlined above. Additional points may be summarised as follows :-
- The main vision for the area is to promote a high-quality workplace environment for the existing and future workforce population along with an expansion of the residential offering and supporting facilities (2.6.1).

- The policy in this plan is to reaffirm Little Island's function as a strategic centre of employment while protecting the amenity enjoyed by existing and future residential communities (2.6.2).
- Little Island enjoys a strategic location on the N25 and stands to benefit from improved access as part of the upgrading of the Dunkettle Interchange which commenced in 2020. Its location on the East Cork rail corridor is also significant and as further population growth takes places along this corridor at Carrigtwohill and Midleton, demand for employment development in Little Island may further increase (2.6.3).
- Little Island presents a very significant opportunity to sustainably integrate employment and residential uses with public transport due to its rail service and high level of existing employment. Integrating employment and residential development with high quality public transport is an important feature of climate action (2.6.4).
- Regeneration of Cork City Docklands is a key part of the Metropolitan Area Strategic Plan (MASP) strategy for the development of Metropolitan Cork (as reflected in the Southern Region Spatial and Economic Strategy). In order to achieve this, industries and businesses located within the docklands need to be able to relocate to other industrial / business areas and it is recognised that Little Island offers significant potential in this regard (2.6.5).
- Little Island on the N25 has emerged as one of the principal employment locations in Cork. It has a number of large-scale manufacturing industries, a number of small to medium sized industrial parks, a large office park (Eastgate) and a modern car sales facility as well as several SEVESO sites (2.6.7).
- As well as being a major employment centre, Little Island has a significant existing residential element of an estimated 1,461 persons. This plan will ensure that the employment function in Little Island is protected without detracting from the amenity and quality of life of existing and future residential communities (2.6.8).

- Little Island lies within the Cork Harbour and Estuary Landscape Character Area, an area of very high landscape value and sensitivity and is of national landscape importance (2.6.9).

3.5.13. **Economy and Employment (2.6.20-2.6.24)** highlights that Little Island is a substantial and diverse employment area, composed of a series of industrial estates and business/commercial parks, which is of strategic importance to industry where good access to the distribution network is a key factor. It is noted that the focus has typically been on large stand-alone industrial developments, mainly to the west of the island, but more recently the focus has shifted towards distribution and logistical type development on the eastern side of the island (2.6.20).

3.5.14. It is noted that 5 areas have been zoned for industrial development which are 'best placed to accommodate those uses that need to be relocated from major areas of urban generation in Cork City' (2.6.23). It is stated that industrial related developments in close proximity to established residential areas will need to ensure that sufficient measures are put in place to protect amenities for both existing and future local residents (2.6.24).

## 4.0 **Assessment**

4.1. Having examined the submission(s) received and having regard to the relevant local, regional, national policies and guidance, I consider the main issues are as follows:

- Compliance with current waste management policy and need for the development
- Compliance with current planning policy for the area
- Issues of amenity
- Traffic and Transportation
- Ecology and Biodiversity issues
- Appropriate Assessment
- Environmental Impact Assessment



#### **4.2. Waste Management Policy and Need for the Development**

- 4.2.1. The need for the development and the degree of compliance with waste management policy in place at the time was addressed in my initial report dated 29th September 2020 at Section 7.3. To avoid repetition, I would refer the Board to that section of my original report.
- 4.2.2. The Southern Regional Waste Management Plan 2015-2021 (SRWMP) has been replaced with the NWPCE 2024-2030. In the intervening period, it is considered that Ireland's transition to a circular economy has continued to progress with significant changes in the policy and legislative frameworks which have put it on a stronger and more statutory footing. There is an increased emphasis on the need for the minimisation of waste generation and in particular the need for landfill, and a much greater focus on the need for recycling, reuse and repair with legally binding targets for recycling and waste reduction to be achieved. In addition, the circular economy has been embedded in the Climate Action Plan which includes a Sectoral Emissions Ceiling requiring a significant shift towards a circular economy in order to reduce emissions from waste and to promote reuse, repair and recycling.
- 4.2.3. In my initial report (29/09/20), the assessment of need focused on compliance with Policies E1 and E2 of the SRWMP which had sought that in authorising such a development, account had to be taken of the authorised and available capacity in the market and the requirement for the developer to demonstrate that the treatment is necessary and that the proposed activities would improve the quality of the output materials. It was concluded that the developer's Needs Assessment Report had adequately met these requirements and that the need for the development, both in terms of available capacity and quality of output, had been satisfactorily demonstrated.
- 4.2.4. The Needs Assessment Report had established that there had been significant growth of c.20% in municipal waste generation in the previous few years and that most of the available capacity had been used up. It had predicted that even at a lower growth rate of 5%, the available capacity would be used up within 3 years and it would be necessary to provide for an additional contingency element to cater for unplanned emergencies. It was highlighted that of the planned facilities in the area, none were Waste Transfer Stations, which form an essential initial step in the waste

hierarchy to enable waste to be sorted, segregated, bulked and baled for transfer on to the various waste streams, including recycling.

- 4.2.5. It was pointed out that the proposed facility would be equipped with the Best Available Technology to improve the quality of the waste and to add value to the output. On this basis, I had concluded that the need for a waste transfer and recycling facility had been demonstrated. It was further noted that the planning authority and the Regional Waste Co-ordinator were also satisfied that the need for the facility had been demonstrated, and had sought that priority be given to high quality outputs.
- 4.2.6. The third-party submissions in response to the S131 Notices (as summarised above at 2.2.1-2.2.5) dispute the findings of the Needs Assessment Report and the conclusions in my original report. In brief, it is claimed that the proposed development does not comply with the NWMPCE or CDP Policy BE15-15 as there is an over-authorisation of capacity in the region and that the Regional Co-ordinator remained dissatisfied with the quality of the output, as evidenced by Condition 30 of the P.A. decision. It was further claimed that the Needs Assessment Report had relied heavily on the rapid growth in municipal waste generation up to 2017, that the Inspector had relied solely on this to justify the need for the development and that these growth figures are no longer reliable as evidenced by the CSO Statistics for 2023. It was therefore requested that the determination of the appeal be deferred pending a new Needs Assessment Report to reflect the CSO statistics and the change in national policy to break the link between economic growth and waste generation and to avoid the creation of excess capacity which would undermine the objective to reduce waste generation.
- 4.2.7. At the outset, I would not accept that I had relied solely on the rapid growth in municipal waste generation over the period 2015-2017 to justify the need for the development. Firstly, the Needs Assessment Report itself did not rely solely on the rapid growth in municipal waste generation in the preceding years to justify the need for the development and had in fact acknowledged that such a rapid growth was unlikely to continue and had anticipated a growth rate of 5%. Furthermore, the assessment of need was based on a comprehensive review of the existing and planned facilities in the region and the capacity of same. It was highlighted that the proposed development differed from most of the existing and planned facilities in that

the proposal is for a **pre-treatment facility**, which facilitates the sorting, segregation, baling and transfer of the resultant waste streams to either recycling/re-use facilities or to treatment facilities for residual waste.

- 4.2.8. As can be seen from a review of section 7.3 of my initial report, all of these issues were discussed and the focus of the assessment was on firstly, whether it had been demonstrated that there was adequate available capacity in the area for this type of facility and secondly, whether it had been demonstrated that the quality of the output would be sufficiently enhanced and improved as required by the policies in place at the time (E1 and E2 of the SRWMP). The planning authority had been satisfied with the Needs Assessment Report (submitted as FI) and had also liaised with the Regional Waste Co-ordinator, who was also satisfied. Thus, the need for additional capacity had been demonstrated and accepted by the P.A.
- 4.2.9. I note that the only issue raised in the Regional Waste Co-ordinator's email to the P.A., (dated 12<sup>th</sup> February 2020, which was received in response to the FI containing the Needs Assessment Report), was a requirement that priority be given to producing high-quality single waste streams which would be suitable for direct reprocessing, recycling/reuse at authorised facilities. I would not accept that this amounted to an objection to the need for the facility or to the nature of the activities proposed. This merely reflects the desire to achieve the highest quality outputs possible, which is still at the heart of the NWMPCE today. Although I had attached Condition No. 5 to my recommendation (reflecting P.A. Condition 30), requiring that priority be given to achieving the highest quality output, I no longer consider this to be necessary as this is now a fundamental requirement of National waste policy and the applicant has clearly demonstrated how this will be achieved in the Needs Assessment Report. Details have been provided of the equipment to be used and the activities to be undertaken to improve the quality of the output material. In addition to segregation of mixed municipal waste into different streams for onward transport to recycling facilities or treatment facilities, the activities include chipping wood waste, baling cans, paper, plastics and card, etc. The proposed development will in any case be subject to an Industrial Emissions Licence and/or a Waste Licence from the EPA which, once granted, will set the standards to be achieved, which will be subject to continuous monitoring and review thereafter.

4.2.10. The **CSO Waste Statistics** referenced by one of the third-party observers relates to CSO Environmental Indicators 2023, and specifically to 'The Volume of Municipal Waste Generated in Ireland in 2021'. This was published in December 2023 and was prefaced by a warning that the Covid-19 pandemic (2020 and 2021) may have had an impact on the trend in some indicators (in the publication. It was stated that

“Municipal waste generated in Ireland was 3.2million tonnes in 2021, up 17% from the 2001 figure of 2.7 million tonnes, but down 1.3% on the 2020 figure”.

It is further noted that the trend in municipal waste generation showed a significant reduction in the mid-2010s due to the recession and was followed by a rapid period of growth following the recession. However, it is reasonable to assume that the reduction in 2020-2021 is at least in part due to the reduction in economic activity during the pandemic. In the meantime, the CSO has published the **Environmental Indicators for 2024** which show that the municipal waste generated in 2022 was up slightly by 0.6%. The Board should note, however, that these figures relate merely to the generation of municipal waste countrywide, which does not necessarily reflect the need for the type of development proposed here.

4.2.11. The **EPA** has recently published a document entitled '**Circular Economy and Waste Statistics Highlight Report 2022**' which includes more detailed information on waste data and provides an assessment of how Ireland has performed and what is required to meet the binding targets for the different waste streams. The Key Messages relevant to the current proposal may be summarised as follows:

- Ireland is generating too much waste and system-wide change is needed to accelerate to a circular economy.
- Ireland's circular economy and waste system is underperforming. Our efforts to reuse and recycle more are not progressing, upcoming municipal waste recycling targets will be missed, and the rollout of a consistent 3-bin system remains to be delivered.
- Packaging waste, which accounts for a third of kerbside collections, has grown by over 20% since 2016, impacting recycling which has fallen by 7%. There is a high risk we will not meet recycling targets for packaging and plastic packaging waste.

- Ireland's national waste treatment capacity is vulnerable with an over-reliance on other countries to treat our waste. Over 1.2 million tonnes of municipal waste was exported in 2022.

4.2.12. Municipal waste is described in the EPA document as 'the waste we all produce every day in our homes, offices, business and schools' and includes mixed municipal residual waste (unsegregated), mixed recyclable waste (e.g. glass, paper, plastic), biowaste, bulky waste and WEEE. The EPA Waste Statistics document also states that waste in Ireland is treated by either recycling (41% in 2022), thermal treatment/energy recovery (43%) or by landfilling (16%). It is further stated that the recycling rate has remained unchanged from 2020, indicating that Ireland faces significant challenges to meet the upcoming EU recycling rate of 55% by 2025 and 65% by 2035.

4.2.13. 'Recycling' is defined (EPA) as the correct segregation of waste into its constituent materials which can then be recycled or prepared for reuse. The **EPA's 2022 Municipal Waste Characterisation Study** found that incorrect segregation of waste is still very common in household bins. The study found that 64% of waste placed in the general waste bin could have been segregated into the recycling or organic bin.

4.2.14. The **National Waste Management Plan for a Circular Economy (2024-2030)** reiterates much of the EPA's waste statistics and expands upon the key messages. It also notes that the recycling rate has been stuck at c.41% of waste over the past few years despite a target of 55% for 2025, 60% for 2030 and 65% for 2035. Ireland's Circularity Rate was also stated as being just 2%, which compares unfavourably with the average EU rate of 11.7%. The NWMPCE notes that projections indicate that waste generation will continue to grow over the lifetime of the Plan which highlights the need for intervention to reverse the trend and decouple waste generation from economic activity and population growth.

4.2.15. Furthermore, it is pointed out that when waste generation rates are compared to treatment capacity, there remains a deficit which is currently being managed through export. It is stated that the continued reliance on export is unsustainable and that while an emphasis on prevention and reuse may reduce this reliance, there remains a need for additional indigenous infrastructure which is supported by the NWMPCE. Core Policy 12 (Vol. II) seeks to address the waste treatment capacity deficit by

supporting existing and future nationally and regionally important infrastructure, including pre-treatment facilities, in order to move towards self-sufficiency.

- 4.2.16. The NWMPCE has identified the need for investment in waste infrastructure. 'Pre-treatment' is described as an activity which is not on any particular waste hierarchy tier but can be regarded as 'precursors' to specific types of waste treatment (5.3 Volume I). It further notes (4.2) that according to the EPA characterisation study, 74% of commercial municipal waste and 64% of household municipal waste contains material with a 'high circular potential', but which is not currently being segregated for recycling. Instead, these materials are being treated through thermal recovery or landfill via the residual bin. It is stated that the standard of pre-treatment facilities ranges from basic transfer stations to sophisticated mechanical processing involving multiple steps to optimise separation and deliver quality outputs, and that advanced processing operations that produce higher quality materials are preferred to help achieve higher rates of recycling (5.3). These types of operations are supported by the NWMPCE as they support the potential for greater circularity and use of secondary materials.
- 4.2.17. The provision of new infrastructure, including pre-treatment facilities therefore forms an important part of a range of policies proposed in the NWMPCE and the Waste Action Plan for a Circular Economy. The NWMPCE acknowledges, however, firstly, that notwithstanding the impact of the proposed interventions on the generation of waste, the underlying trend is for an increase in waste generation and secondly, that the recycling rate is still expected to fall short of the target of 55% for 2025 (Executive Summary).
- 4.2.18. In light of the above, it is clear that waste management in Ireland is currently underperforming, particularly in respect of the national targets for recycling rates, which are not being met. It is considered that part of the solution to the transition to the circular economy is the provision of much needed indigenous infrastructure to enable the recycling rate to be improved. The proposed development falls into the category of 'Pre-treatment' which is an essential initial step in the provision of clean recyclable material to facilitate an increase in recycling and re-use of material which would contribute to increasing Ireland's circularity rate. I remain satisfied that the information on the file, (and available from public sources), is adequate to demonstrate that there is a justified need for such a facility in the area and that the

proposed facility would enhance the quality of the material output which would be transferred to other facilities in the area for further handling, processing, recycling or disposal.

4.2.19. In conclusion, I consider that the proposed development is in accordance with the current National Waste Management Plan for a Circular Environment, (which has replaced the SRWMP), to minimise the generation of residual municipal waste and to maximise recycling rates. The Cork CDP policy BE15-15 requires compliance with the SRWMP, or its successors, which is the NWMPCE. The need for such a waste transfer and recycling facility in this particular area was addressed in my initial report, wherein it was concluded that the type of facility is one which will serve the local needs of the area and that it was in compliance with the policies in the SRWMP. I am satisfied that the proposed development will contribute to the national objectives as expressed in the NWMPCE and the WAPCE and will comply with the requirements of the current Cork CDP waste policy. Should the Board decide to grant permission, I confirm that Condition 5 of my recommendation requiring the prioritisation of the highest quality of material output should be omitted.

4.2.20. In regard to other matters raised by third parties, I do not believe that the criteria for 'nationally' and 'regionally' important infrastructure, set out in Table 4-1 of the NWMPCE (Vol II) sets a mandatory threshold for such infrastructure, but is intended as a guide for such facilities. In respect of the alleged justification for the storage capacity for baled waste, (based on floor area and height of the building), it is considered that the relevant information given by the applicant is that the volume of waste proposed to be accepted at the facility is 95,000 tonnes per annum. The proposed development will in any case be subject to an Industrial Emissions Licence and/or a Waste Licence from the EPA which, once granted, will set the capacity limits which will be subject to continuous monitoring and review thereafter.

#### **4.3. Compliance with current Development Plan policy**

4.3.1. The assessment of compliance with the planning policy in place at the time was set out in section 7.4 of my initial report (29/09/20). I have set out the current relevant policy provisions of the Cork County Development Plan 2022 at section 3.0 above. I

would refer the Board to those sections of my initial report and of this report to avoid undue repetition.

- 4.3.2. The third-party submissions contend that the vision for Little Island has changed from one seeking to resist housing development in order to avoid potential conflicts with industry which might undermine the objectives of the Strategic Employment Area to one seeking to ensure that future industrial development would not adversely affect the amenities of both existing and future residential areas. Some have interpreted this as meaning that notwithstanding an industrial zoning, reliance should not be placed on the 'list of appropriate uses for that zone', and as such, any development that might be considered a 'poor neighbour' should be located elsewhere within larger industrial zones.
- 4.3.3. It is further submitted by the third parties that in light of the re-zoning of the lands immediately to the north as Special Policy Area LI-X-01 and the lands immediately to the west as Residential Reserve (LI-RR-01), and having regard to LI-GO-06 and the changes to the existing business/industrial area to the east, the proposed development is incompatible with the zoning objectives for the adjoining lands. It is also submitted that the larger parcel of industrially zoned land to the west of the island would be more suitable for the proposed development.

#### ***Strategic Employment Areas and Vision for Little Island***

- 4.3.4. Little Island is identified as one of four Strategic Employment Locations and is located within the Cork MASP area and Cork Harbour, which are seen as the engines of growth in the region. Fig. 8.2 compares the total number of jobs to the population of the main towns in the county. Little Island is at the top of the employment hierarchy with just under 8,000 jobs and a relatively low population level at 1,335. The only other location where the employment population outnumbers the residential population is Ringaskiddy with 3,835 jobs and 580 residents. The policies of the Plan seek to grow the populations and encourage job creation within the town.
- 4.3.5. I would accept that the 2022 Development Plan incorporates a less segregationist approach to land use planning with a move towards providing for more residential development closer to the sources of employment in order to achieve more sustainable development patterns. This change in approach is reflected in 8.7.13 (set out above) which seeks to create a high-quality workplace environment, along



with an expansion of the residential offering. However, I do not accept that this means that the CDP no longer seeks to protect the Strategic Employment Locations from the potential conflicts that might arise when residential development is allowed in close proximity to industrial uses, nor that the residential development takes priority over industrial, and employment uses in Little Island.

4.3.6. As set out above, Little Island is probably the foremost Strategic Employment Location in Cork with the highest concentration of employment and industrial uses (2.6.7 and 2.6.20-2.6.24), which enjoys a strategic location on the N25 and on the East Cork rail corridor (2.6.3). It is earmarked as one of the appropriate areas to absorb the relocation of industrial and employment development from Cork City as part of the regeneration of the docklands. Objective EC:8-3(b) seeks to protect lands in Strategic Employment Locations from inappropriate development which might undermine their suitability for this role and give rise to potential conflicts between different land uses.

4.3.7. The policy for Little Island is stated in both Volume I (8.7.14) and Volume 4 (2.6.2) as follows:

“The policy in this Plan is to reaffirm Little Island’s function as a strategic centre of employment while protecting the amenity enjoyed by existing and future residential, communities”.

The 2022 Plan seeks to ensure that the employment function is protected without detracting from the amenity and quality of life of the existing and future populations (2.6.8). This approach is similar to that in the 2014 Plan and 2017 LAP, which also sought to balance these matters. The current Plan requires that sufficient measures are put in place to protect such residential amenities (2.6.24). Such measures would include restrictions on hours of operation, noise and odour emissions, landscape buffer zones etc.

4.3.8. In my initial report (7.4.1), I had concluded that the development as proposed would not adversely affect the amenities of neighbouring lands and as such, would be consistent with the objectives for Little Island to facilitate industrial and business development which would not adversely affect the amenity of surrounding lands. I remain of the opinion that the proposed development would meet the objectives for

Strategic Employment Areas and for Little Island contained in the 2022 County Development Plan, as summarised and highlighted above.

***Nature of industrial areas (Industrial zones)***

- 4.3.9. Importantly, the site of the proposed development is still zoned Industrial, (LI-I-02) and this parcel of industrially zoned land is one of only five such zones in Little Island which are described as ‘best placed to accommodate those uses that need to be relocated from major areas of urban regeneration in Cork City’ (2.6.23). Although the physical area of LI-I-02 has been substantially reduced in size, the planning authority did not choose to rezone the site from Industrial to another use in the recently adopted CDP.
- 4.3.10. The nature of industrial areas/zones does not differ much between the former and current Development Plans. I note that Objective ZU 18-16 (2022 CDP) is almost identical in wording to ZU 3-7 (2014 CDP), apart from the addition of several more ‘appropriate uses’, namely heavy industry, biomedical, pharmaceutical and port-related facilities/activities. However, ZU 18-16 is prefaced by 18.3.40 which states that the purpose of the industrial zoning is to facilitate opportunities for such development which would in general give rise to land use conflict if located within other zonings. Specifically, *ZU 18-16* states that ‘*subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses.*’
- 4.3.11. In addition, the changes to the ‘Existing Built-Up’ zone (ZU 3-1) which generally reinforced the existing primary use of the land and surrounding lands, has been replaced by ‘Existing Mixed /General Business/Industrial Uses’ (ZU 18-10), which include warehousing, distribution, manufacturing and repairs, food processing and logistics. It is considered that these changes provide greater clarity on the nature of industrial zones and the appropriate uses within them, which are recognised as ones that may give rise to land-use conflicts.
- 4.3.12. In my initial report (7.4) I had discussed the nature of the industrial area within which the site lies and had concluded that the nature of the area is consistent with the definition of ‘Industrial Area’ as set out in the CDP and as such, was considered suitable in principle for the proposed development. This assessment took into account the specific nature of the proposed use as well as the strategic location and

long-established character of the industrial estate adjoining the site, the nature of the existing uses adjoining and near the site, the land use zonings in the area and the purposes of the various land-use zonings in the Plan relating to industry, business and employment land uses. It was also noted that the permissible uses within the Industrial zone ZU 3-7 included the treatment and recovery of waste, transport operations and that a 'waste transfer station' specifically may be considered suitable in industrial areas where warehousing and distribution uses are prevalent.

- 4.3.13. I do not accept, therefore, the claims by one of the third parties that my assessment was confined to the inclusion of the proposed use on the list of appropriate uses within the zone. I remain of the opinion that the proposed development is an appropriate use for this site having regard to the nature and characteristics of the site and of the proposed development and to the current zoning 'Industry' (ZU 18-16).

#### ***Changes to Zoning Objectives***

- 4.3.14. Many of the third-party submissions considered that the rezoning of the lands immediately to the north of the subject site from Industrial LI-I-02 to Special Policy Area LI-X-01 and to the west to LI-RR-01, rendered the proposed development incompatible with the future use of the adjoining sites. The submissions also reiterated points made in the initial submissions on the appeal that the proposed development was incompatible with the existing business uses to the east, particularly those which include food processing.
- 4.3.15. In terms of the compatibility with the industrial estate uses to the east, I would refer the Board to sections 7.4.11 – 7.4.12 of my initial report, where it was concluded that given the nature and design of the proposed development it would be consistent with the zoning and adjoining uses. The type of industry located within the Courtstown Industrial Estate to the east is still comprised of mainly warehousing and logistics with some light industry and food processing. The zoning for these lands has been changed from a general Existing Built-up Area zone to an Existing Mixed/Business/Industrial Uses zone, which is a more specific business/industrial zone where industrial uses are specifically listed as appropriate uses. Thus, the compatibility of the proposed development with this land use zone has not been reduced and the new industrial/business zoning has clarified and confirmed the industrial nature of these lands, which provides for greater compatibility in my view.

- 4.3.16. In terms of the re-zoning of adjoining lands, effectively the Special Policy Area (formerly LI-X-02) has been expanded to the east, across the proposed route of the Distributor Road. The Board should also note that the zoning of the lands to the northwest was renamed from LI-X-02 to LI-X-01, which is slightly confusing.
- 4.3.17. In 2017, this LI-X-02 zone was intended for Residential development (Medium Density B max. 250 dwellings, incorporating a landscape buffer between the residential units and the other sites). This has now been rezoned as mixed-use with Medium Density A Residential and a neighbourhood centre and creche. The lands to the west of the subject site were also formerly zoned Special Policy Area, LI-X-01 Mixed-use including business uses, a hotel, a link road and open space, and these lands have now been rezoned as Residential Reserve (i.e. not to be developed during the lifetime of this Plan). The main effect of the changes is that the subject site is no longer separated from the residential/mixed use zones by the wedge-shaped industrial zoned land, which in turn was separated from LI-X-01 by the proposed Distributor Road. The subject site now immediately adjoins **LI-X-01**.
- 4.3.18. The current zoning objective for LI-X-01 is to deliver Medium A Density residential development, a small-scale local neighbourhood centre, high quality open space, including a buffer between development and adjoining industrial use and public realm. It is also a requirement of the zoning objective that the development will be subject to a Framework Plan for its overall development and to provide for future high-quality pedestrian and cycle connectivity with LI-RR-01. The description of these lands, (previously operated as a golf course), states that the land provides ‘a *substantial buffer between areas of residential development and areas of industrial development*’ (2.6.49). It is further stated that development on these lands should be ‘*integrated into the surrounding land uses to ensure appropriate protection of the adjoining residential land use and to ensure an appropriate landscape buffer between new residential development and adjoining industrial uses*’ (2.6.50).
- 4.3.19. Having regard to the specific zoning objective for the Special Policy Area LI-X-01, it is considered that the planning authority, in expanding the Special Policy Area to the east to include the wedge-shaped former industrial zone, specifically provided for a landscape buffer to be incorporated into the larger Special Policy Area to ensure that any future residential development of these lands would be protected from the adjoining long-established industrial lands (both existing and zoned for future use).

4.3.20. I also note that the 2017 LAP zoning objective for LI-I-02 had included a requirement for a landscape buffer (on LI-I-02), which should provide for *'a 20m wide tree-planted buffer along the northern and western boundary of site'*. It is assumed that this was dropped in the current zoning as it related to the long narrow wedge-shaped industrial zone to the north which is now part of the Special Policy Area zone. It therefore seems logical that the P.A. would require the provision of a landscape buffer within LI-X-01 instead, given the expanded area of this zone and the significantly larger area of land, as well as the established nature of the industrial land use zones at this location. This approach also seems to be consistent with the overall approach to the Strategic Employment Locations which the P.A. seeks to protect from uses that would undermine their viability, and with **Objective ZU 18-5**, which requires regard to be had to adjoining uses where the zoning differs in order to protect the amenities of the more environmentally sensitive zone.

4.3.21. **In conclusion**, I would accept that the vision for Little Island and Strategic Employment Locations generally, has changed in that there is a move to incorporate more residential development close to employment areas in order to achieve more sustainable development and that residential development is planned for the area to the north and west of the site. However, the status of Little Island at the top of the employment hierarchy has not changed and the objective to protect Strategic Employment Locations from development that could result in conflict between land uses and ultimately undermine the viability of these areas is still enshrined in the local planning policy framework for the area. It is considered that the planning authority's approach to balancing these objectives is to incorporate substantial buffers/landscape buffers to minimise the risk of conflict arising.

4.3.22. I would also accept that the zoning objectives for the lands immediately adjoining the subject site have changed since the matter was previously before the Board, which mean that lands zoned for uses other than industry immediately adjoin the northern boundary of the site. It is important to note, however, that the subject site is still zoned Industrial, and the proposed use is permitted within this zone. In addition, the specific objective for the Special Policy Area adjoining the site (LI-X-01) requires a substantial buffer to be provided between the proposed residential use and adjoining industrial uses.

4.3.23. In my initial report, I had concluded that having regard to the nature and design of the proposed development, which comprised a modern state of the art facility with an efficient layout and whereby all materials will be handled within the building which is to be operated under a negative pressure system, would be compatible with the Industrial zoning objective and with character of the site and surrounding area including the existing and future uses on adjoining sites. As such, the proposed development was considered to be supported by the planning policy for the area given the industrial nature of the site and surrounding area and the proximity of the site to the national and regional road network. I remain of this view, notwithstanding the recent changes to zoning provisions in the area and to the amended vision for Little Island.

#### **4.4. Issues of amenity**

4.4.1. Issues regarding potential impacts on amenity have been addressed in section 7.5 of my initial report, which included a wide range of issues including noise emissions, vibration impacts, emissions to air and odour impacts, relating to both construction and operational phases of the development. It was also pointed out that amenity issues arising from emissions were also addressed in the EIAR, which was assessed in the Environmental Impact Assessment section of my initial report (8.0).

Furthermore, it was noted that as the proposed development would require a Licence from the EPA, all matters relating to emissions to the environment from the activities proposed will be considered by the EPA and the Board is precluded from attaching conditions relating to the operation of the facility in this regard. This point was reiterated in the submission from the EPA (11<sup>th</sup> November 2024), which also advised that the Agency will require the submission of an EIAR for the proposed development and that the Board will be required to provide all documentation relating to the EIA to the EPA at that time. I would therefore refer the Board to the relevant sections of my initial report to avoid undue repetition.

4.4.2. The main issues raised in response to the S131 Notices relate to impacts (noise, odour) on future residents having regard to the current LRD application for part of the LI-X-01 site (P.A. Ref. 24/5328), inadequate noise assessment and construction noise limits, concern regarding odour emissions in the event of a failure of the door system and inadequate buffer zone (20m) and need for cumulative odour

assessment of proposal with WWTP. In addition, several third parties raised concerns regarding the operation of a recycling facility at Churchfield in Cork City.

- 4.4.3. **Future residents – LRD 24/5328 / ABP.321632-25** – this application was for 172 houses, creche, neighbourhood centre and distributor road. Permission was granted by the planning authority in December 2024 for a revised scheme comprising 122 residential units, upgrading of the existing vehicular access, creation of a signalised junction on Ballytrasna Park Road, the provision of a distributor road and all associated works. Permission was granted subject to 93 conditions. There is a current first party appeal against financial conditions (312632) which is pending a decision by the Board (decision due 30/04/25).
- 4.4.4. The permission relates to the northwest section of the Special Policy Area LI-X-01, i.e. to the west of (and including) the line of the proposed distributor road. The remainder of this zoned parcel of land will form a second phase of development of these lands. The third parties noted that in the request for FI, the P.A. had requested (Item 5(d)) that the masterplan (or framework plan) be amended to include a *substantial buffer along the entire southern boundary of the LI-X-01 site*. Third-party concerns related to the proposed development being an incompatible use in proximity to the residential development of these lands, which would compromise the achievement of appropriate density and amenity on the future residential site. The Board should note that the need for a ‘*substantial buffer*’ is set out in the zoning objective for LI-X-01 and accompanying text, (as discussed above), and that the section of the LI-X-01 that abuts the subject site does not form part of this LRD development, but forms part of a future phase of development.
- 4.4.5. I have reviewed the drawings submitted with the application 24/5328 and the response to the FI request together with the revised drawings submitted to the P.A. on 7<sup>th</sup> November 2024, which are available on the P.A. website. I would draw the Board’s attention to **Item 5(d) of the P.A. FI request of 09/09/24** which refers to the outcome of the Judicial Review of the Board’s refusal of permission for the waste transfer station (306845) which was quashed. In this regard, it is pointed out that the Masterplan indicates residential development in close proximity to the Waste Transfer and Recycling Facility (WTRF) and requests that firstly, the Masterplan be revised to incorporate a substantial buffer along the entire southern site boundary and secondly, that the potential impacts on the amenity of the proposed residential

development be addressed in the event that the WTRF is granted permission by the Board.

- 4.4.6. The **applicant's response** (submitted by their agent, McCutcheon Halley on **7<sup>th</sup> Nov. 2024**), refers to the 'Framework Plan' (presumably the Masterplan), prepared by Brady Shipman Martin, which it is stated 'indicates high level principles for the spatial arrangement of development on the land zoned LI-X-01. It was acknowledged that :-

"While this Framework Plan and the future adjoining lands Site Layout Plan (Drg. No. 10227 PL-05) indicate the potential for residential development to be located in proximity to the southern boundary, the final location and layout of the land uses will be determined as part of a separate application process. The development capacity will be determined with regard to an assessment of the baseline conditions existing at the time including any constraints....[and] will take account of the final decision by An Bord Pleanala on the waste transfer and recycling facility (WTRF).

In respect of residential units proposed under the current application, we note that the closest residential unit is approx. 150m from the proposed warehouse facility. The WTRF consists of a development with management of waste internal to a warehouse. Cork County Council's assessment of the 18/7200 application [ABP.306845] concluded that there would be no noise, or odour impacts on the adjacent residential units from the WTRF warehouse facility. Given the distance of the residential units from the WTRF facility and the previous conclusions of Cork County Council's environment department, we are satisfied that if granted, the WTRF will have no negative impacts on the amenity of the proposed residential development."

- 4.4.7. There are two conditions of note of the P.A. decision on this site in respect of interactions with the subject site. Cond. 89 requires the distributor road to be completed prior to the construction of dwellings on the site. Cond. 91 specifies that the proposed landscape buffer along the eastern boundary of the overall lands abutting the industrial lands is not hereby permitted and that the form, nature and extent of the buffer shall be determined by way of a future planning application, with the stated reason being to accord with the Special Policy Area Objective LI-X-01.



- 4.4.8. It is clear from the above that in determining the recent planning permission for the LRD, full account was taken by both the applicant and the planning authority of the likelihood that a permission may be granted for the Waste Transfer Station and that it would be unlikely to give rise to any negative impacts on the amenities of the future residents. Furthermore, the planning permission requires that the distributor road, which separates the residential development from the subject site, must be in place prior to construction of any dwellings and that the matter of the 'substantial buffer' between the LI-X-01 site and the adjoining industrial lands (including the subject site) is yet to be designed and is to form part of the application for Phase 2 of the residential development.
- 4.4.9. In addition, it should be noted that the assessment of likely impacts on both existing and future receptors (business and residential) arising from the proposed development and the proposed mitigation measures designed to address same were comprehensively addressed in the EIAR and as part of the EIA in my initial report, when it was concluded that the proposed development would be a suitable development on this site. The proposed development will also be subject to considerable scrutiny as part of the EPA Licence application, which will address all emissions from the facility, should the Board be minded to grant permission.
- 4.4.10. **Noise emissions and mitigation** – it was submitted by third-parties that the construction noise limits were overly liberal at 70dB at the facades of dwellings, and it should apply at the boundaries instead. However, Condition 17 of the recommendation of my initial report requires the construction noise levels not to exceed 55dB(A) at any point along the boundary of the site (0800 to 2000 hours and 45dB(A) at any other time.
- 4.4.11. Noise impacts were assessed in respect of all sensitive receptors in the vicinity of the site including the future residents of LI-X-01. The EIAR noted that attenuation is also achieved by distance and screening (from topography/landscaping). In my initial report, I noted that the applicant had not proposed to design in noise mitigation beyond the likely EPA licence limits, as the layout for LI-X-02 (now LI-X-01) had not been approved at that time. However, the assessment had concluded that the facility was likely to be fully compliant with the limit values at a 50m distance, and that the screening effects of topography and landscaping would further reduce the noise levels.

- 4.4.12. It is acknowledged that the potential distance between the proposed activities and the likely future residential receptors has been reduced by the recent changes to the zoning objective of the adjoining lands. However, I note that the activities would be carried out in the main within the proposed building, which is to be a sealed environment under negative pressure which will minimise the effects of any noise and odour emissions and the EIAR has demonstrated that these impacts can be satisfactorily controlled. These matters will in any case be a matter for the EPA in determining whether a licence is to be issued and will be subject to emission limits and continual monitoring thereafter. In addition, as noted above, the CDP requires the provision of a substantial landscape buffer on the Special Policy Area boundary to protect the amenities of future residents, which is likely to attenuate noise further.
- 4.4.13. **Odour emissions and mitigation** – it is considered that the information contained in the EIAR submitted with the planning application/appeal has demonstrated that odour emissions would be strictly controlled and would be capable of meeting the likely limits of any licence. The mitigation measures include the operation of a negative air pressure system with interlocking doors. The services of an independent professional expert were also employed by the P.A. to review the air quality and odour assessment contained in the EIAR, which had concluded that odour impacts outside the site boundaries would comply with appropriate guidance provided that the odour control system can meet the emission concentrations as proposed. However, it is considered that this matter, including the concerns raised regarding potential odour impacts in the event of a failure of the door system and inadequate buffer zone (20m), will be addressed in the assessment of the forthcoming Licence by the EPA. The proposed development will have to comply with emission limits which will be set out in any grant of a Licence and compliance with such limits will be continually monitored thereafter.
- 4.4.14. It is accepted that a full assessment of any cumulative odour emissions from the proposed development combined with any odours from the municipal WWTP would be difficult to achieve in advance of the EPA assessment and grant of any licence. However, the odour impacts from the proposed facility are likely to be very low and the WWTP is a considerable distance from the site, and as such, the cumulative impacts are unlikely to contribute to an odour nuisance at this location.

4.4.15. **Churchfield** – several third parties raised concerns regarding the operation of the applicant's recycling premises at Churchfield in Cork City, where it is alleged that there is non-compliance with the licence. This related principally to a reported incident whereby the automatic doors failed to operate properly, which was investigated by the EPA and ultimately resolved. The Board should note, however, that the operation of this facility is subject to a separate licence, which will be subject to continual monitoring over time. The current proposal, if granted permission, will be subject to a separate licence which will be assessed and determined on its own merits and will be similarly monitored to ensure compliance with the limits set out in any such licence.

#### 4.5. **Traffic and transportation**

4.5.1. The main issues raised related to traffic congestion on the internal road network on Little Island, notwithstanding the improvement carried out recently to the Dunkettle interchange. In addition, concern was raised regarding the belief that there is inadequate room within the site to handle trucks which will result in trucks queuing on the local road network and that the time restrictions imposed by the P.A. would similarly result in trucks queuing on the local road network. Reference was also made to a recent permission for a Lidl Distribution Centre on Little Island which would affect traffic in the area.

4.5.2. The Board should note, however, that these issues were addressed by the applicant in response to similar objections raised previously and were fully addressed in my initial report (7.6 and 8.3), when it was concluded that the traffic generation at the facility is predicted to be modest and would not have a material effect on the road network. The P.A. had also requested further information which resulted in further analysis by the Developer's traffic engineers and which had confirmed the conclusions of the EIAR that the proposed development would not have a significant impact on the local road network.

4.5.3. As discussed at 7.6 and 8.3 of my initial report, the RFI Response expanded on the assessments carried out for the EIAR and benefitted from detailed independent surveys of the local road network traffic conditions, including traffic turning volumes, queue length surveys and saturation flow measurements. The scope of the surveys

and resulting assessment included both the local road network and the N25. It is also clear from the analysis that the TTA had regard to the effects of the upgrade to the Dunkettle Interchange, which was underway at the time of the application/appeal. The traffic analysis of the likely impact of the proposed development, which included detailed computer modelling of the various junctions within and on the approach to Little Island, was considered to be very robust in that robust trip generation data was included in the modelling. Furthermore, although the hourly traffic flows were applied directly to the peak hours, it is noted that the proposed development would not 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 and would not access the site until after the morning peak hour and would depart before the evening peak hour.

- 4.5.4. The conclusions from the assessment were that the proposed increase in traffic flows during construction and operation of the development would be imperceptible and that any potential impact on the N25 would not result in an increased traffic hazard. Notwithstanding this, the P.A. recognised that as Little Island suffers from peak hour congestion due to commuter-related traffic and given the applicant's proposed scheduling of operations, it was decided to restrict HGV traffic from entering and leaving during the morning and evening peak periods and to restrict construction traffic similarly in order to minimise the impact on the Crompton roundabout.
- 4.5.5. It has long been acknowledged, (and confirmed as part of the TTA for the subject development and the Dunkettle Interchange upgrade), that peak hour network congestion occurs on the internal road network of Little Island. The P.A. response to this has been the proposed Little Island Transport Strategy (LITS), which commenced in 2017 and is a short and long-term strategy for improved access to Little Island with a focus on sustainable transport. LITS has involved a detailed evaluation of the network and operation of each of the junctions within it, with proposals for improvement designed to increase capacity, cater for public transport and provide improved facilities for pedestrians and cyclists. It is noted that since the Board's previous decision, this strategy has been progressed further with the grant of LITS - a Part 8 permission to implement the sustainable transport measures in LITS,

which has now commenced. It is considered therefore that the congestion issues raised by third parties are likely to be addressed by this strategy.

- 4.5.6. In response to the comment that a recent permission had been granted for a Lidl Distribution Centre within Little Island, I was unable to find reference to a live permission to this effect. However, there is a current planning application for such a development in Wallingstown at the western end of Little Island (P.A. Ref. 25/4434). This relates to the entirety of the lands zoned Industrial (LI-I-05) which was formerly known as the Mitsui Denman site – a manufacturing plant for Electrolyte Manganese Dioxide for use in the manufacture of dry-cell batteries, which closed in 2003. Notwithstanding that this is an application which is still pending, it is considered that the location of the proposed development on the western side of the island adjacent to the Dunkettle interchange, and on a site which has been in industrial use for many decades, is unlikely to have any significant material effect on the traffic flow associated with the proposed waste transfer station.
- 4.5.7. The concerns regarding safety of internal vehicle movements were addressed at 7.6.7-8 of my initial report. It was concluded that it had been demonstrated that the trucks can be accommodated within the site and building but it was recommended that a condition requiring an independent risk assessment should be attached to ensure that details can be finalised prior to construction of the building.
- 4.5.8. In conclusion, I remain of the opinion that the proposed development, having regard to the nature and volume of traffic predicted to be generated and to the scheduling of operations, would not be likely to give rise to any significant effects on the road network surrounding the site. Notwithstanding the issues with peak hour congestion within Little Island, the road network remains generally of a high capacity and subject to the proposed schedule of HGV movements outside of peak hours, it is considered that the proposed development would be acceptable. As previously recommended, should the Board be minded to grant permission, conditions should be attached to address the restrictions on HGV traffic during the peak hours (Cond 7) and the submission of an independent risk assessment and safety review of internal vehicle movements (Cond. 8).

#### 4.6. Ecology and biodiversity issues

- 4.6.1. Concerns raised relate to the inclusion in the zoning objective for the industrial lands LI-I-02, within which the subject site lies, of the reference to the ex-situ foraging area on these lands and to the likely impacts on protected birds which frequent the area. It was submitted that the NIS was inadequate as it was claimed that there have been no proper seasonal bird surveys carried out and the conclusions regarding the unsuitability of the site for foraging habitats were disputed. It was submitted that the AA had not been carried out in accordance with Articles 6(2) and 6(3) of the Habitats Directive, that the AA carried out by the P.A. had gaps in it and that the assessment by the Inspector did not meet the test of 'beyond all reasonable doubt'.
- 4.6.2. Issues were also raised regarding the inadequacy of the assessment of the risks of water contamination from the proposed development, particularly with respect to the existing drain on site, (which it was claimed was never properly traced) and in terms of leachate from waste arising from the proposed development combined with the effects arising from the discharge from the WWTP, which it was stated was non-compliant with its Discharge Licence.
- 4.6.3. These matters were addressed in my initial report at sections 7.7 and 7.10.3 of the Planning Assessment, section 8.3.2 of the Environmental Impact Assessment and in the Appropriate Assessment (9.0). To avoid repetition, I would refer the Board to these sections of my initial report.
- 4.6.4. **Zoning Objective LI-I-02 and Bird Surveys** – the Board will note from my initial report that the desktop and field surveys of the site had established that the habitats were considered to be unsuitable for birds associated with the SPA, as they were classified as being of a low ecological value, comprising 'unmanaged dry meadows, recolonising bare ground and grassy verge habitats'. It was further noted that the field surveys had not recorded any evidence of the Qualifying Interests of the SPA using the site. Information regarding the multidisciplinary field surveys (including bird surveys) is contained in section 5.6 of the EIAR. It is stated that the abundance and behaviour of bird species were recorded, and an assessment was made of the site's potential to support bird species of conservation importance in accordance with guidelines issued by CIEEM (2016) and the NRA (2009).

- 4.6.5. Details of the habitats recorded, and their suitability, is set out at 5.7 of the EIAR. The evaluation for each habitat was that they were only suitable for foraging for common passerine bird species. Details of the bird species recorded are set out in Table 5.4 of the EIAR. The abundance recorded was low and the species recorded were common passerine birds, both findings of which reflected the low ecological value of the habitats recorded.
- 4.6.6. Based on the habitats present within the site and the known distribution and habitat preferences of birds of conservation concern in the area, it was concluded that further site-specific bird surveys were not required. It was also noted in my initial report that the wetland area to the south of the site was considered to be more suitable than the subject site as it is likely to contain more suitable foraging habitats for bird species that are associated with the SPA (located 400m to the south). There have been no significant changes to the habitats on site in the intervening period. The only changes of any significance in the vicinity of the site is the construction of several large warehouses to the south as part of the Harbour business Park, which had commenced at the time that the application/ appeal was first considered by the Board. The presence of these large warehouses have the effect of reinforcing the buffer between the subject site and the wetlands to the south. On the basis of the foregoing, I remain of the opinion that the site of the proposed development is unlikely to be suitable for foraging for bird species which are Qualifying Interests for which the Cork Harbour SPA is designated.
- 4.6.7. The Board should note that similar wording is included in several zoning objectives for zoned lands within Little Island, (including LI-X-01), and on lands which remain undeveloped and/or close to the harbour. It is noted (from the Planning Authority's website Reg. Ref. 24/5328) that the P.A.'s Ecologist Report (dated 5/09/24) which had assessed the ecological implications of the proposed LRD development by Ruden Homes on LI-X-01, which immediately abuts the subject site to the north and the west, had referenced a 'Winter Bird Survey' dated April 2024, submitted by the applicant. This was based on bird surveys carried out in February and March of 2024 on that site and adjoining lands. The P.A. Ecologist accepted the findings of this report that no bird species associated with the SPA were recorded during these surveys and that no other signs of use of the site by waterbirds were observed during any of the walk-over surveys. As such, the LI-X-01 site was considered to be

unsuitable for use by the SCI species of Cork Harbour SPA. It was further noted that in consideration of these factors, combined with the distance from the SPA/SAC (c0.6km), and the buffer of existing industrial and business estates to the east and west, any ex-situ impacts in terms of disturbance or displacement or noise disturbance would be unlikely.

- 4.6.8. The P.A. Ecologist concluded that she was satisfied with these findings and conclusions of the AA Screening Report and that a Stage 2 Appropriate Assessment could be ruled out. I note that these conclusions are also generally consistent with the findings of the bird surveys and the conclusions of the assessments carried out as part of the EIA and AA for the proposed Waste Transfer Station development.

#### 4.7. Adequacy of Appropriate Assessment

- 4.7.1. Many of the third-party concerns regarding the alleged failings of the Appropriate Assessment carried out by the planning authority and the Board's Inspector are considered to be rather vague and non-specific. I would reiterate that the site is not located within any designated site and the closest European sites are located 400m to the south (Cork Harbour SPA and Great Island Channel SAC). Furthermore, it has been established that there is no direct connection between the site and the habitats within these European sites.
- 4.7.2. **Adequacy of bird surveys** - The issues relating to the suitability of the site for foraging and the adequacy of the bird surveys was addressed in the preceding paragraphs above, where it was concluded that the bird surveys were adequate. Notwithstanding this however, I note that since the Board's previous decision relating to the waste transfer facility, which was based on the Conservation Objectives for the two European Sites dated 2014, Statutory Instrument No. 391/2021 relating to Cork Harbour SPA (site code 004030) was published on the 30<sup>th</sup> July 2021.
- 4.7.3. This SI confirms the list of bird species as set out on the NPWS site – Conservation Objectives – but also lists **two additional bird species** as follows :-
- Mallard – *Anas platyrhynchos*
- Greenshank – *Tringa nebularia*



- 4.7.4. According to Birdwatch Ireland and the Royal Society for the Protection of Birds, these birds are either waterfowl (Mallard) or wading birds (Greenshank). The Mallard species is described as a 'dabbling duck' which feeds on the surface of water or reaches down to feed underwater. Its habitats are ponds, lakes, rivers and marshes. The Greenshank species inhabit marine, intertidal and wetland habitats and feed on shellfish, marine snails and worms. The site of the proposed development does not contain any habitats that would be suitable for foraging for these bird species. It is noted that these two bird species are similar to the species for which the SPA was designated and share similar conservation objectives as set out in 2014. It was acknowledged in the Appropriate Assessment, however, that in the absence of suitable mitigation measures, the proposed development could adversely affect the wetlands that occur to the south of the site. The proposed mitigation measures for both phases of the development, which were set out in the NIS, are summarised at 9.5 of my report, which were considered satisfactory.
- 4.7.5. It was concluded that subject to implementation of the recommended mitigation measures, the proposed development alone or in combination with other plans or projects, would not result in adverse effects on the integrity of the European sites. Thus, it is considered that the expanded list of Qualifying Interests contained in the Statutory instrument is unlikely to have any material effect on the conclusions in my initial report that the subject site does not contain any suitable habitats that would be associated with the birds associated with the Cork Harbour SPA.
- 4.7.6. **Risk of water contamination from dry drainage ditch** – it was noted in my initial report that there are no natural watercourses within or in close proximity of the development site, nor are there any artificial drainage channels. However, it had been noted that there was a dry drainage ditch along the northern site boundary, but it had been established that this does not discharge directly to any European sites. Notwithstanding this, it represented a potential pathway for construction related impacts which may affect the habitats of the designated sites in the absence of mitigation (9.2.5). It was on this basis, and in accordance with the precautionary principle, that the Screening for AA had concluded that a Stage 2 Appropriate Assessment was required, and an NIS was therefore submitted. The sites included for assessment were Cork Harbour SPA (004030) and Great Island Channel SAC (001058).

- 4.7.7. The NIS had detailed mitigation measures which were largely based on best practice for construction close to watercourses, designed to prevent significant levels of suspended sediments or construction related pollutants entering Cork Harbour, as well as the design of the site drainage system for both phases of the development. The dry drainage channel was proposed to be upgraded to discharge clean surface water to the public storm sewer prior to discharge to the harbour and included the installation of a silt trap and interceptor within the channel. It was concluded that subject to implementation of the recommended mitigation measures for both the construction and operational phases of the development, the proposed development alone or in combination with other plans or projects, would not result in adverse effects on the integrity of the European sites.
- 4.7.8. **Risk of water contamination from combined effects with WWTP** - As noted at 9.5 of my initial report, permanent mitigation measures during the operational phase include a Surface Water Management Plan and the control of all run-off, process water and foul water to the site drainage network, which will connect to the municipal WWTP. Some third parties are concerned that the leachate from the waste stored and handled at the site would be discharged to the WWTP which it was pointed out has had recent issues with compliance with its Discharge Licence.
- 4.7.9. At the outset, it should be noted that the proposed development will be subject to a Licence application which will be determined by the EPA and that all discharges/emissions will be subject to this Licence. Notwithstanding this, the concerns raised by the third parties were addressed at 7.10.3 of my initial report, where it was noted that the processing of waste at the site would be a dry process, and that leachate run-off would be inherently minimal. Process water would also be directed off-site to connect with the public foul drainage network. In addition, it was noted at 9.5.2 that run-off from the floor of the building would pass through an interceptor prior to discharge to the foul sewer and that foul water would be cleaned of petrochemical contamination by passing through a 4000-litre retention separator.
- 4.7.10. The municipal WWTP at Carrigrennan is licensed by the EPA (Discharge Licence D0033-01). The third-party concerns related to breaches of ELVs in relation to Total Nitrogen and BOD 5 days as identified in the 2022 Annual Environmental Report. I note that the 2023 AER has since been published which indicates that the ELV for BOD is now compliant and the only ELV not being met is the Total Nitrogen.

However, importantly, the current loading of the WWTP (i.e. an assessment of the hydraulic flow and organic load of the plant) is well within the designed treatment capacity of the plant (2.1.4.2) and the capacity is not expected to be exceeded within the next three years. Furthermore, Uisce Eireann has confirmed that adequate capacity is available at the plant and that a connection is feasible.

4.7.11. In light of the above and given that the leachate discharge is likely to be minimal, it is considered that no significant in-combination effects are likely to arise from the proposed development combined with the discharges from the municipal WWTP.

4.7.12. In conclusion, notwithstanding the amendments to the list of Qualifying Interests as outlined above, I remain in agreement with the conclusions at 9.7 of my initial report that following Appropriate Assessment, the proposed development, either individually or in combination with other plans or projects, would not adversely affect the integrity of Cork Harbour SPA or Great Island SAC, or any other designated European sites in the vicinity, in view of the sites' conservation objectives, and no reasonable scientific doubt remains as to the absence of such effects.

#### **4.8. Adequacy of Environmental Impact Assessment**

4.8.1. The Environmental Impact Assessment of the proposed development is addressed at 8.0 of my initial report. The third-party criticisms of the EIA are rather vague, but the main focus was on the consideration of alternatives and cumulative impacts. An Environmental Impact Assessment has been carried out by both the planning authority and by the Board's Inspector. I would refer the Board to Section 8.0 and to the relevant sections under 8.3 of the Environmental Impact Assessment in this regard.

4.8.2. It was considered (8.1.5 of initial report) that the information contained in the EIAR and the supplementary information, in general, adequately identified and described the direct and indirect effects of the proposed development on the environment, in accordance with the requirements of Article 94 of the Planning and Development Regulations 2001, as amended. It was also noted that the proposed development will however 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.

- 4.8.3. **Consideration of Alternatives** – this matter was addressed at section 8.2 of my initial report. The range of alternatives considered was summarised and the reasons for not pursuing other alternatives were outlined. It was noted that it is not a requirement of the EIA Directive that every possible option be examined. It was concluded that the applicant had demonstrated that a variety of alternative sites and locations had been examined and that these had been ruled out on the basis of an inability to secure access and/or use of these sites and that the environmental effects would have been greater at those locations. In addition, alternative designs
- 4.8.4. It was further noted that the EIAR (15.4.5) had set out the reasons for choosing the subject site. These included 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. On this basis, it was concluded that the consideration of alternatives and the preferred site was reasonable. I note that the reasons for choosing the preferred site remain valid with the only change being the grant of permission for part of the site zoned LI-X-01. However, it is considered that the likelihood of this site being developed with a substantial residential element at some stage in the future was part of the consideration of alternatives at the time.
- 4.8.5. In conclusion, I remain of the opinion that the consideration of alternatives in the EIAR and the reasons for the choice of the preferred site are reasonable.
- 4.8.6. **Cumulative impacts** – Reference has been made in the planning authority and third-party submissions to the need to consider cumulative impacts. This matter was addressed in my initial report at 8.5 (EIA), at 9.6 (AA) and throughout the assessment sections.
- 4.8.7. In the intervening period, permission has been granted for the residential development and distributor road on part of the LI-X-01 site to the northwest (PA Ref. 24/5328), for a warehouse to the south (PA Ref. 22/4008), and for an extension to an existing warehouse to the east (20/4835). In addition, a new Development Plan

has been adopted for the area, which has been extensively reviewed in the preceding sections.

24/5328 – LRD on site to Northwest – I note from the documents on the P.A. website that this proposed development was screened for EIA and AA. In respect of EIA, this sub-threshold development (in terms of Schedule 5 Part 2 (10)(b)) was considered not to require the submission of an EIAR. The Screening Report submitted by the applicant concluded that with proposed mitigation measures in place, it was not anticipated that the construction or operational phases of the proposed development, whether considered on its own or in combination other projects or plans, would give rise to likely significant effects on the environment. This included cumulative transport impacts. Given that the HGV traffic associated with the proposed waste transfer station is to be restricted to outside peak hours, it is considered that in-combination effects are not likely to be significant.

In respect of Appropriate Assessment, it was concluded that the proposed development, either alone or in combination with other plans or projects, did not have the potential to significantly affect any European site in light of their conservation objectives and a Stage 2 Appropriate Assessment was not therefore required. The P.A. agreed with these conclusions.

22/4008 – Right Price Carpet Warehouse (c.10,000m<sup>2</sup>) on site to South – I note from the P.A. website that this proposed development was screened for AA by the P.A. and a Traffic and Transport Assessment was submitted as FI. Substantial landscape buffers were proposed. The P.A. was satisfied that the proposed development would not have an adverse impact on the local road network and would not significantly affect any European site, having regard to their conservation objectives.

20/4835 – Pallas Foods Warehouse extension – on site to East of entrance. Development related to long-established large-scale warehouse (7,544m<sup>2</sup>) within Courtstown Industrial Estate. Additional floor area of 169m<sup>2</sup> to be used as internal offices. No requirement for EIA or AA to be carried out. Application included revised car parking, cycle parking and access arrangements and a Mobility Management Plan was submitted.

- 4.8.8. These development proposals have been considered in accordance with, and required to comply with, the policies of the current Cork County Development Plan 2022, which has also been subject to Strategic Environmental Assessment and Appropriate Assessment. Having regard to the foregoing, it is considered, therefore, that no cumulative impacts are likely to arise and that the proposed Waste Transfer and Recycling Facility, either alone or in combination with other plans and projects including more recent developments, would not be likely to give rise to any significant environmental effects.
- 4.8.9. **Fire Risk inadequately addressed** – third party concerns include fire risk associated with the proposal, particularly in light of fires that have occurred at waste facilities elsewhere and due to the presence of SEVESO sites in the area. This matter has been addressed at several points in the assessment in my initial report including the Planning Assessment 7.5.20 (Health and Safety matters) and the Environmental Impact Assessment, 8.3.1 (Population and Human Health) and 8.3.3 (Vulnerability to Major Accidents). It was noted that the proposed development would not accept hazardous or flammable material, would not involve the storage of materials for long periods of time, preventing a build-up of material as a fuel source and that the design includes a fire water retention system which has been designed in accordance with EPA guidelines. As it is a licensable activity, the operation will be strictly monitored and required to comply with safety requirements.
- 4.8.10. **No hydrogeological investigation carried out** – it is argued that the construction of the development will involve the excavation of rock and that the effects of this have not been adequately addressed in terms of vibration and contamination of ground water and habitats. In terms of the operational phase, the risks of groundwater pollution from leakage from underground tanks has not been addressed. These matters have been addressed at various points of the assessments in my initial report, including the Planning Assessment (7.5.8 – where it was noted that rock breaking and vibration impacts would not cause significant effects) and 7.7 (Ecology and biodiversity), and in the Environmental Impact Assessment (8.0) and Appropriate Assessment (9.0) where it was established that the site is of low ecological value and that there would be no significant effects of any sensitive habitats or species.

4.8.11. In conclusion, it is considered that the main significant direct and indirect effects of the proposed development on the environment, which will be mitigated, are as set out in the Reasoned conclusion (8.6) of my initial report.

## **5.0 Recommendation**

5.1. I recommend that permission be granted for the proposed development based on the reasons and considerations as set out at 10.0 and 11.0 of my initial report, dated 29<sup>th</sup> September 2020, and reiterated below. For clarity, having regard to the additional submissions received in response to the Section 131 Notices, to the provisions of the National Waste Management Plan for a Circular Economy 2024-2030 and of the Cork County Development Plan 2022-2028, I am satisfied that all matters have been addressed fully, that no change to my recommendation arises and that no additional conditions are required, apart from legislative and policy updates referenced therein.

## **6.0 Reasons and Considerations**

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

- (a) national policy and legislative provisions with regard to the sustainable management of waste for a Circular Economy,
- (b) the national Climate Action Plan 2024,
- (c) the policies and objectives of the Regional Spatial and Economic Strategy for the Southern Region 2019-2031,
- (d) the policies of the planning authority as set out in the Cork County Development Plan 2022-2028,
- (e) the location of the proposed development, in an area which is zoned industrial and is designated as a Strategic Employment Location, and Objective ZU 18-16 which provides for waste transfer stations in industrial sites with warehousing and distribution,
- (f) the LI-X-01 zoning objective for the adjoining lands requiring the provision of an appropriate landscape buffer between new residential development and adjoining industrial uses,

- (g) the characteristics of the site and of the general vicinity,
- (h) the distance to dwellings and sensitive receptors from the proposed development,
- (i) the Environmental Impact Statement submitted,
- (j) the Natura Impact Statement submitted,
- (k) the submissions made in conjunction with the planning application and appeal
- (l) the Inspector's report, Addendum 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 appeal, and
- (d) the Inspector's report and Addendum 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, Addendum 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 and Addendum report. In completing the screening exercise, the Board accepted and adopted the Report and Addendum 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 conclusions carried out in the Inspector's report and Addendum 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 and Addendum 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 local waste management policy, enabling increased rates of resource recovery in pursuit of a circular economy. 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.

## **7.0 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 5<sup>th</sup> day of November 2019 and by the further plans and particulars received by An Bord Pleanála on the 9<sup>th</sup> day of April 2020 and the 11<sup>th</sup> day of November 2024, 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. 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.

6. 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.

7. 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

8. 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.

9. 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.

10. (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 (as amended), 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.

11. The landscaping scheme shown on Drawing no. 16498-2100 as submitted to the planning authority on the 5<sup>th</sup> 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. 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.

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

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Mary Kennelly  
Senior Planning Inspector

14<sup>th</sup> April 2025