



Submission

Submitter:	Mrs Naoimh (Keane) Hewitt
Organisation Name:	Not applicable
Submission Title:	Omission of proposed Staging Area
Submission Reference No.:	S006235
Submission Received:	05 January 2021

Application

Applicant:	Roche Ireland Limited
Reg. No.:	P0012-06

See below for Submission details.

Attachments are displayed on the following page(s).

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File Reference; LA005493

Licence reference; P0012-06

Submission on application by Niall and Naoimh Hewitt

We note the application by Roche Ireland Ltd, Clarecastle for dismantling of their facility at Clarecastle. This application included the use of additional lands on the R458 on the eastern bank of the Fergus estuary, in Knocknamana, as a staging area for the unloading/reloading of waste material arising from the demolition project. The planning reference number for the project, including the staging area is P20/420 with Clare County Council as Planning Authority.

A grant of permission was issued for the demolition project in December 2020, but the proposed staging area was not granted permission. See Figure 1 extract from Schedule of Conditions attached to the permission, and particularly Condition 2 of that permission. We also note comments made in the Planning report on the file, supporting the omission of the proposed staging area (see attached extracts from the planning report, accessible on www.clarecoco.ie/planning

We wish to draw your attention to the requirement that the Staging Area be omitted, in the consideration of the application for the licence review. We would also like to be updated on the application process. We have no other objection to make to the demolition project at this time.

Thanking you

Niall & Naoimh Hewitt

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Figure 1; Extract from Schedule of Conditions for P20/420

First Schedule - Reason

Having regard to the established industrial use of the site, the zoning objective of the site as set out in IND2 of Volume 3 (a) of the Clare County Development Plan 2017-2023, as varied, the nature and scale of the development as proposed, the Environmental Impact Assessment Report submitted and the Natura Impact Statement submitted, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Second Schedule - Conditions

1. (a) The development shall be carried out and completed in accordance with the drawings and particulars, Environmental Impact Assessment Report and Natura Impact Statement, as received by the Planning Authority on the 24th June 2020, as amended by the further information received on the 19th October 2020. 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.

(b) The period during which the development hereby permitted may be carried out shall be 10 years from the date of this order.

Reason: In the interest of clarity and having regard to the nature and scale of the development as proposed, the Planning Authority considers it appropriate to specify a period of validity of this permission in excess of five years.

2. The proposed staging area shall be omitted from the development.

Reason: It is considered that the proposed staging area by reason of its design, layout, traffic generated and location in a rural area would be injurious to the amenities of the area.

3. The following shall apply with regard to traffic movements to and from the site:

- (a) All vehicular movements into and out of the site shall be monitored and recorded, and shall not exceed 18 no. Heavy Goods Vehicle (HGV) movements per hour. Details of the monitoring programme, which shall include for details of all HGV movements both into and out of the site, shall be submitted to the Planning Authority for agreement and approval prior to commencement of development. Upon agreement of this monitoring programme, a quarterly report shall be submitted to the Planning Authority detailing all HGV movements to and from the site during the demolition and remediation phases of the development.
- (b) Access to the site for all Heavy Goods Vehicles shall be via Junction 11 on the M18, the R456, Patrick Street and Clarehill only.
- (c) Access from the site for all Heavy Goods Vehicles shall be via Clarehill, Patrick Street, the R456, and via Junction 11 on the M18 only.

works will overlap with the remediation works and the schedule and traffic management plan. In my view it is not clear that the 90,000 tonnes has been accounted for in the submitted table (Z-1), however I note that the applicants state the numbers will be restricted to those as stated (max of 18 HGV's per hour) in the traffic management plan. In the event of a grant of permission I consider that a condition be attached with respect to the traffic management plan and compliance/limit be established as part of a monitoring programme.

With regard to the staging area, I note that the FI response clarifies that this will also be used for imported material to the site. One of the third party submissions on file (following receipt of FI), raises concerns with respect to the staging area and its impacts on the amenities of the area, and these points are noted.

With regard to the emissions I note that the comparative review as submitted indicates that there will be a 100% reduction of potential NOx related impacts when using eHGV's compared to diesel trucks. It is stated that the reduction in particulate matter is less pronounced with reductions from 5-10%. I would have some concern regarding the overall sustainability of this area in terms of energy usage (transfer of materials to eHGV's) and the effective doubling up of work in some instances. I note that the overall concept of this staging area is relevant in order to reduce the emissions into the village during the remediation work, in particular NO2 reductions. It is noted however that the vibration effects are still the same for the eHGVs and the diesel trucks. Ultimately therefore whilst the principle of the staging area is generally acceptable, the perceived benefit is in terms of a reduction in air pollution.

The FI response whilst comparing the difference between the eHGV's and regular HGV's, does not include for the impact of this staging area in terms of the extra emissions generated at this location in terms of loading and re-loading of materials to access the site. In my view this staging area, again whilst in theory is acceptable to address the vehicular emissions within the village, raises a number of issues in terms of its sustainability in terms of extra vehicular loadings and traffic generated in this rural area. When this is combined with the visual impact, surface water run-off, and the environmental impact and associated costs of reinstatement, in my view the benefits of this are somewhat questionable. I note also the submission from the third party in this regard where a number of valid points are raised with respect to this staging area.

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I am not satisfied that the FI response outlines a clear benefit, other than emissions through the village, of the proposed staging area. I note the report on file from the Road Design section which outlines that the staging area establishes environmental and road safety risks which are considered unnecessary and request its review. The report also recommends that in the event of a grant of permission, a new pavement surface to be provided following completion of the works along the Regional road.

I have considered the Road Design report and my concerns regarding the sustainability of the staging area are outlined above. In my view the environmental gains of the staging area are not overly significant and I consider that it should be omitted. However I think it appropriate still that the number of HGVs using the site be limited to a maximum of 18 and that the developer is conditioned to submit a comprehensive monitoring programme regarding HGV movements as well as an air monitoring programme along sections of the haul route. I also consider it reasonable to include a condition as requested by the Roads section for the developer (in association with the Council) to upgrade the road surface along the R458 which would be a tangible benefit to the local area.

Point no. 3 - Road Safety Audit

The Road Safety Audit has been submitted in line with TII guidelines. This audit identifies three problem areas - junction of Patrick Street/Clarehill, junction of Patrick St/Main Street, and at the cycle lane on the R 458 (staging area). Design proposals to address same have been included in the FI response and have been accepted by the design team. I consider that this item has been satisfactorily addressed and that the proposed development will not give rise to a traffic hazard.

Point no. 4 - Staging Area

The applicants have clarified the ecological concerns raised with respect to the staging area and I note the report on file from the Environmental Assessment Officer in this regard which states that there is no direct hydrological link from this site to the European Site. A number of conditions are recommended with respect to this area and in the event of a grant of permission for this component of the development shall be included.

The applicants have clarified the design and layout of the staging area which is generally considered acceptable and have outlined the reason for its siting between the site and the motorway. The proposals also make provision for the continuation of the cycle lane at this location.

Point no. 5 - NIS

The applicants have clarified the outstanding points of the NIS as required in terms of the consultations as carried out. I note in relation to the final disposal of the waste projects that these will be to authorised ports, and facilities and reference is made to case law in respect of same. The report on file from the EAO is also noted which considers that the NIS contains complete, precise and objective findings with no lacunae (gaps) in the information provided and is satisfied that it can be demonstrated beyond scientific doubt that the proposed decommissioning and remediation project is in keeping with the conservation objectives for the associated European Sites. The response to this point of the further information is considered acceptable.

Point no. 6 - Waste

From review of the response to this point of the FI I consider that same is reasonable.

The Road Safety Audit has been submitted in line with TH guidelines. This audit identifies three problem areas - junction of Patrick Street/Clarehall, junction of Patrick St/Main Street, and at the cycle lane on the R 45B (staging area). Design proposals to address same have been included in the FI response and have been accepted by the design team. I consider that this item has been satisfactorily addressed and that the proposed development will not give rise to a traffic hazard.

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Point no. 6 - Waste

From review of the response to this point of the FI I consider that same is reasonable.

Conclusion

From my assessment and review of the application, the further information response, internal expert reports and the third party submissions, I consider that the principle of development is acceptable and the applicant has largely addressed the concerns of the Planning Authority except relating to the staging area, where and as outlined above, I still have concerns with respect to the overall environmental, amenity and traffic implications of same.

Whilst the scale of the development is very large, overall in my view the proposed works, which will involve the safe removal and disposal of a significantly polluted area, is a positive development, which will benefit the local environment and community, and will also allow for future development of the site in line with the IND 2 zoning objective of the development plan.

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Having regard to the scale of the development a number of conditions are required to be attached to the development. These include:

- Omission of the staging area
- Developer to provide road surfacing along the R45B following completion of the remediation works.
- Compliance with all documentation submitted with the application including the EIAR and the NIS.
- Compliance with the traffic management plan submitted with the application.
- The provision of a Special Development Contribution as required by the MD office to facilitate the works at various junctions in the village.
- A public liaison person to be appointed during the course of the works
- Compliance with the construction management plan

Subject to the imposition of the above conditions I consider that the proposal would be acceptable, would not be detrimental to the amenities of the area and would be in accordance with the proper planning and development of the area.

Development Contributions

I consider that contributions are applicable at the 'Open Development on all land' rate as per the Contribution Scheme - site area 36ha x €23,000 per ha = €828,000.

Recommendation:

I recommend that planning permission be **GRANTED** for the proposed development subject to the following conditions.