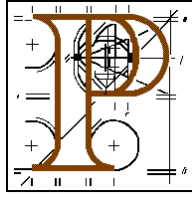


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2004

Cork County

Planning Register Reference Number: 04/7531

An Bord Pleanála Reference Number: PL 04.211117

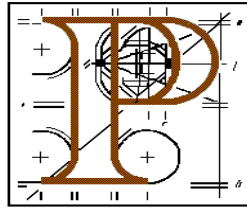
APPEAL by Catherine Kelly care of David Kelly Partnership, Nelson House, Emmett House, Youghal, County Cork and by others against the decision made on the 4th day of February, 2005 by Cork County Council to grant subject to conditions a permission to AVR Environmental Solutions care of SWS Natural Resources Limited, Shinagh House, Bandon, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: The construction of a waste recovery/transfer and sludge drying facility consisting of a waste recovery and transfer building, administration building and carpark, transformer/plant building and standby generator, boiler and woodchip storage building, sludge reception building, sludge drying building, wastewater treatment plant including balancing tank, fire water storage tank, storm water retention tank, one weighbridge, one wheelwash, oil storage and bund walls, waste quarantine area, dried sludge discharge area, mobile dewatering plant, mobile fire fighting plant, hard standings, all boundary fencing and walls, all associated site works and ancillaries on 3.54 acres at Foxhole, Youghal, County Cork.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

An Bord Pleanála



Inspector's Report

Description: Waste recovery / transfer and sludge drying facility consisting of a waste recovery and transfer building, administration building and car park, transformer / plant building and standby generator, boiler and woodchip storage building, sludge reception building, sludge drying building, waste water treatment plant including balancing tank, fire water storage tank storm water retention tank, a weighbridge, wheelwash, oil storage and bund walls, waste quarantine area, dried sludge discharge area, mobile dewatering plant, mobile fire fighting plant, hard standings, all boundary fencing and walls, all associated site works and ancillaries at Foxhole, Youghal, Co. Cork.

Planning Application:

Planning Authority: Cork County Council.

Planning Authority Register Reference: 04 / 7531.

Applicant: AVR Environmental Solutions.

Type of Application: Planning Application.

Planning Authority Decision: Grant planning permission.

Planning Appeal:

Type of Appeal: Third Party Appeals.

Appellants:

First Third Party: David Kelly Partnership on behalf of Catherine Kelly.

Second Third Party: Cumann na Daoine Woman's Group.

Third Third Party: David Kelly Partnership on behalf of Joseph Murphy.

Fourth Third Party: John O'Keeffe and others.

Fifth Third Party: Dermot and Norma Ledingham.

Sixth third Party: Padraig Kelly.

Seventh Third Party: Mescal & Associates on behalf of Youghal Chamber of Tourism and Commerce.

Eighth Third Party: Paddy and Geraldine Walsh.

Ninth Third Party: Michael and Helen Brooks.

Tenth Third Party: Eugene Whyte.

Eleventh third party: Eoin and Margaret Crowley.

Twelfth Third Party: Fred and Herta Rigney.

Observers: David Kelly Partnership on behalf of Michael Mullane and Paul White.

Date of Site Inspection: 28 / 05 / 2005

Inspector: Laurie Mulrine.

1. INTRODUCTION

1.1 This is a third party appeal by 12 third parties against the decision of Cork County Council to grant planning permission for the construction of a waste recovery / transfer and sludge drying facility consisting of a waste recovery and transfer building, administration building and car park, transformer / plant building and standby generator, boiler and woodchip storage building, sludge reception building, sludge drying building, waste water treatment plant including balancing tank, fire water storage tank, storm water retention tank, a weighbridge, wheelwash, oil storage and bund walls, waste quarantine area, dried sludge discharge area, mobile dewatering plant, mobile fire fighting plant, hard standings, all boundary fencing and walls, all associated site works and ancillaries at Foxhole, Youghal, Co. Cork.

2. APPEAL SITE AND SURROUNDINGS

2.1 The appeal site, which extends to 1.43 hectares / 3.54 acres, is situated at Foxhole, approximately 2kms to the north of Youghal Town centre. The site is to the south of the confluence of the Tourig River and the River Blackwater, in a low lying area referred to the Youghal Mudlands. Lands to the east are the subject of infilling and comprise the Youghal Landfill site. The NCT test centre occupies the site immediately to the west. To the north the low lying lands are being developed as an industrial estate / business park, whilst to the south, beyond overgrown and vacant land, the area is used for recreation, wildlife and amenity, being part of the Slob Banks Walk, alongside the Blackwater Estuary.

2.2 The site has a road frontage to the T12; a narrow, single width road with passing places, which, from its junction with the R634 regional road to the west, also

serves the NCT test centre, immediately to the west of the appeal site and the Youghal landfill and civic amenity site at the end of the road to the east.

- 2.3** The T12 road was formerly the approach road to an earlier crossing point of the Blackwater River. The more recent crossing is now at Youghal Bridge, part of the N25, national primary road, some 600m to the north; see location map.
- 2.4** The N25, national primary road travels along the Waterford / east side of the estuary and after crossing Youghal bridge reaches the Rincrew roundabout; the junction with the R634 regional road to Youghal. Between Youghal Bridge and the Rincrew roundabout the N25 is elevated and there are views south towards the appeal site, from a lay by / picnic area on this section of the road. This panoramic vista extends to include Youghal town and the Blackwater estuary; see enclosed photographs. This is a highly scenic, visually vulnerable area and the N25 provides an important tourist route through this area on its way from Rosslare and Waterford in the east to Cork and Kerry in the west.
- 2.4** West from Rincrew roundabout, the N25 now provides a by pass to Youghal. Access to Youghal is via the R634 and coming south down the road from the roundabout and after first crossing the Tourig River, the road passes the entrance to the Millennium Business Park and industrial estate. Below that is the junction with the T12 and the approach to the appeal site. On the south side of the junction with the T12 is a bungalow dwelling with associated haulage / contractor business. On the opposite side of the junction is the factory formerly occupied by Kodak.
- 2.5** The R634 continues further south towards Youghal Town centre. Just before the roundabout with the town by pass, there is a residential area known as Copperalley, which includes an old persons home. Travelling along the by pass there is a Tesco store before reaching an entrance on the left, which is the start of the Slob bank walk alongside the Blackwater Estuary.
- 2.6** The enclosed photographs depict the appeal site and the surroundings.

3. PLANNING HISTORY

- 3.1** Planning permission for a waste transfer station was granted on this site on the 31st October 2001 under ref. **00 / 7093**. This permission to Youghal Waste Disposal was subject to 5 conditions. The permission was limited to a period of 5 years and is therefore valid until **31st October 2006**. To date the permission has not been implemented.

4. PROPOSED DEVELOPMENT

- 4.1** The proposed development comprises the following elements:

- **Waste Recovery and Transfer building.** Located in the north west corner of the site this building is 15m high and includes a loading / unloading dock on its southern elevation. A waste quarantine area is located adjacent to the southwest corner of the building.
- **A sludge drying facility.** Located on the south eastern boundary of the site the facility comprises a sludge reception building, the sludge drying building and a boiler and wood chip storage building. The overall height of the facility is 13m. Situated alongside on the north eastern boundary are the storage silos for the dried sludge and discharge area.
- **Waste water treatment plant.** Located to the north of the sludge drying facility.
- **An administration building.** Located on the north western elevation, at the mid point of the road frontage, the building is 7.7m high. Sited alongside to the west is a weighbridge and wheel wash facility.
- **Ancillary buildings / facilities.** This includes a transformer building 4.2m high, a storm water retention tank and interceptor compound and a firewater storage tank; all located in the northern part of the site. A fuel storage area and location for mobile fire fighting and de-watering plants are situated in the southern part of the site.

4.2 Two entrances are proposed to the access road. The entrance to the west is the main service entrance whilst that to the east is the main vehicular entrance to the administration building. 17 staff and public parking spaces including 2 disabled spaces are located at the front and side of the administration building. On site lorry parking is located towards the southern part of the site between the sludge drying facility and the fuel storage area.

4.3 Peripheral landscaping in a relatively narrow strip, in some instances less than 2m wide, is to be established around the perimeter of the site.

4.4 It is proposed to manage 70,000 tonnes per annum of commercial / enterprise and industrial waste, 30,000 tonnes per annum of non hazardous biological sludge from waste water treatment plants, 10,000 tonnes per annum of leachate and 500 tonnes / annum of washings.

4.5 The premises will operate during the following times:

- Mondays to Fridays:
Start up; 07:00 to 08:00
Main operating period; 08:00 to 21:00.
Clean up; 21:00 to 22:00.
- Saturdays:
Start up; 07:00 to 08:00
Main operating period; 08:00 to 21:00.
Clean up; 13:00 to 14:00.

5. ENVIRONMENTAL IMPACT STATEMENT

- 5.1** The environmental impact statement (EIS) was prepared by SWS Environmental Services on behalf of the applicants, AVR Environmental Solutions.
- 5.2** An EIS is a mandatory requirement for this type of proposal. As required by the Environmental Impact Assessment Regulations (1989 and 1999) and the Planning and Development Regulations 2001, the main part of the EIS document (Volume 2) is accompanied by a Non Technical summary (Volume 1).
- 5.3** The proposed Waste Recovery / Transfer and Sludge Drying facility supports the principles and objectives in the Waste Management Plan for Cork County 2004 in that the reduction of sludge to landfill is an objective of industry and the local authority. EU directives on the land spreading of sludge will result in a reduction in the current land spreading of waste water treatment sludge. The proposed sludge drying facility uses an indirect fully enclosed method of drying, which will ensure that the sludge is treated to the EU standard and reduce the amount of sludge going to landfill.
- 5.4** The site selection was undertaken based upon a set of criteria. They include the following:
- Policies contained in the Cork County Development Plan 2003 and the Waste Management Plan 2004.
 - Road access.
 - Land use zoning.
 - Utilisation of a brownfield site.
 - The availability of adjacent landfill.
 - Proximity to sources of waste.
 - Location with permission for a waste transfer station.
 - Location with a waste management permit to operate the waste recycling / transfer station.
 - Availability of existing permission 00 / 7093 for a waste transfer station.
 - Availability of existing waste management permit.
 - Proximity of sources of waste.
- 5.5** The waste recovery / transfer process is described as follows:
- Material arrives and is accepted or rejected.
 - The accepted material moves to a picking station.
 - Non recoverable material is sent to landfill.
 - The recoverable material is recycled, baled, compacted or shredded.
 - Woodchips would be set aside for energy recovery.
 - Other materials would be transported for further recycling.
- 5.6** The sludge drying process is described as follows:
- Wet sludge, with a minimum dry solid content of 10%, is accepted, weighed and randomly sampled.

- It is then tipped into bins within the building, then pumped into a mixing bin, prior to being put into the dryer.
- The dryer is heated using an indirect heating method.
- The dryer is heated by a boiler and energy for this derived from woodchips / biomass and light diesel oil.
- The drying process creates steam, which is condensed with the effluent being sent to an enclosed waste water treatment plant, where it is first treated prior to discharge.
- Odours generated will be dealt with by biofilters or thermal oxidisers.
- The dried sludge is cooled to form an end product, a sterilised granulate, which is stored in the silos prior to despatch.

5.7 The EIS considered the various impacts of the proposed development, together with any mitigation measures, as required by the Regulations.

5.8 Geology and hydrogeology: The limestones in the Youghal area are classed as a major aquifer but the coastal location presents a risk of saline intrusion. This limits use of the water for potable purposes. The sub soils of the site are sandy clays of little economic value. However it is not intended to bring hazardous or putrescible material into the site and potential contamination during the operation of the processes would be minimal. Surface water run off from hard surfaces will be collected and monitored prior to discharge. Potential contaminants such as the light diesel oil fuel, would be stored in bunded areas. Soil / overburden from the site would be used for landscaping purposes.

5.9 Air: Existing levels of dust, odour and gaseous emissions are within permitted levels. There is the potential to generate dust through the loading and treatment of the waste but as the process is conducted indoors, this will be kept to the minimum. The absence of quantities of putrescible material will ensure that the impact of odour is kept to a minimum. The dried granular sludge has a low potential for odour. The sludge drying is undertaken in a closed environment, which will contain any dust. A 2m buffer zone around the site together with a 1.85 –2m high palisade fence would minimise any dust transfer to adjoining sites. Gaseous emissions would be restricted to vehicles and plant.

5.10 Water: The site adjoins the Blackwater River and Estuary. The Upper Blackwater Estuary shows decreased oxygen levels and nitrogen and phosphate concentrations are elevated. This is reduced in the Lower Estuary, due to the increase in saline concentration in the Inner Youghal Bay. Under the Urban Waste Water Treatment Regulations the areas of the Upper and Lower Blackwater Estuary are classified as sensitive areas. Improvements in Waste Water Treatment and a reduction in the spreading of sludge on the land should help to reduce pollution levels in the river and its tributaries. Surface water run off from the site will be collected. The whole site will be bunded. There will be 4 oil and grit interceptors and a 120cum storm water retention tank. A sluice valve will control the discharge to the outfall via the Youghal Town Council sewer network. The

effluent from the waste water treatment plant will be discharge to levels set by the EPA.

- 5.11 Noise:** The main existing noise source is from vehicles attending the NCT centre and the landfill. The average daytime Leq is 54dB(a), which drops to 50dB(a) at night is due to traffic noise. The nearest dwelling to the site is 180m away and the noise generated by the proposed development is predicted to be more than 10dB(a) below background noise levels.
- 5.12 Vibration:** The use of flight augured piles will reduce vibration during construction and no adverse effects are predicted. Plant and equipment during the operations phase are not expected to have any impact on any adjacent building.
- 5.13 Climate:** No impacts are anticipated.
- 5.14 Flora and Fauna:** The site is not within an environmentally sensitive area. However, it is located adjacent to the Blackwater River, which is a candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). It is likely that the site is inhabited by brown rat, pygmy shrew and field mouse. Foxes and rabbits are likely to occur. 44 birds of 14 different species were observed locally, of which 27 birds of 8 species were noted within the site. Habitats within the site will be lost when the site is cleared of vegetation but those habitats are not considered to be significant. The proposed landscape design could incorporate hedgerow planting to compensate for the loss of habitat.
- 5.15 Cultural heritage:** There are no references to archaeological features, which might be affected by the proposed development.
- 5.16 Landscape:** The site is a brownfield site, which occupies a low lying position, surrounded by the confluence of the two rivers. It can be seen from the N25 scenic route particularly in the Waterford direction, although the Youghal landfill / civic amenity is the main focus of attention. The roads in the area (N25 and R634) are well screened with hedgerows and only intermittent views will occur. This impact will be reduced by the proposed landscaping of the site. The sky is predominantly cloudy and therefore the buildings will be coloured goose wing grey to harmonise with the background of the sky.
- 5.17 Traffic:** Approximately 48% of the 2003 predicted traffic using the nearby section of the R634 was removed by the opening of the N25 Youghal by pass. The T12, the minor road to the site from the R634, does not allow for the two way traffic of HGV's. This follows works by the County Council to stop illegal camping and fly tipping. A condition of the intensification of use of Youghal landfill was to facilitate the two way flow of vehicles on the T12. The County Council has said it will complete these works by 2006. the following additional measures are proposed;

- The staggering of deliveries / collections.
- The instructing of all vehicles travelling to the site from outside Youghal to use the Youghal by pass.
- The segregation of service vehicles from other vehicles by the inclusion of two accesses.
- The implementation of a traffic management plan. Sustainable modes of transport will be encouraged.

5.18 Human beings: Manufacturing industries comprise the largest employment sector in the 2002 census but this has probably declined due to a number of factory closures. Two of the towns major employers closed in February 2003. Potential impacts include health and safety issues and impact on tourism and other socio economic impacts. The operations on the site will be overseen by a Health and safety manager. No hazardous material will be stored on the site. Diesel oil and waste will be stored in a secure area.

5.19 Material assets: There is a good supply of labour in Youghal at present. The town is well serviced by roads. During the construction phase 30 jobs will be created. During the operational phase a minimum of 17 people will be employed. Spin off industries may occur creating further employment. The proximity of the adjacent landfill will ensure the easy disposal of waste residue. There is no evidence that property values will be adversely affected. Following a landscape assessment it was found that the visual impact will be minor due to the fact that the site is well screened by trees and other developments e.g. Millennium Court business centre, the NCT centre and Youghal landfill. The site will harmonise with the other buildings in this industrial and commercially zoned area. By promoting waste recovery and sludge drying the proposed activity will have apposite impact upon the use of natural resources in the Cork area.

5.20 Interaction of the foregoing aspects: A matrix is provided to indicate and assess the interaction of the various impacts.

5.21 Comment: A requirement of Environmental Impact Assessment is to consider alternatives: alternative locations, alternative processes, alternative arrangements. Having studied the EIS I consider this should have been more fully explored. For example, by restricting the search criteria to sites with planning permission and a waste permit, many sites closer to Cork City have been excluded, in favour of the site, the subject of the application. The outstanding permission on the site is for a waste transfer station only and the availability of the adjoining landfill has only a limited life. The long term landfill arrangements in the Cork area focus on Bottlehill; some 55kms to the north west of Youghal. Greater focus on the source of the waste together with its final destination, might indicate a preference for sites closer to the Cork Harbour area and reflect more honestly the proximity principle; an overriding principle of waste management policy.

6. PLANNING POLICY AND THE DEVELOPMENT PLAN

- 6.1** The site lies within the Cork County Council administrative area, to the north of the Youghal Town Council administrative area. The current development plan for the area is therefore the Cork County Development Plan 2003. Youghal and Environs is listed as one of the 31 settlements in the County, which have been the subject of zoning maps referred to in Volumes 3 and 4 in the Plan; see extracts enclosed. The appeal site lies within a large area of some 22.4 hectares with the specific zoning objective I-04; Industrial estate development for small and medium industrial units.
- 6.2** The overall strategy for Industry and Enterprise areas is outlined in chapter 9 in the Plan and paragraph 9.3.36 to 9.3.38 provides policy guidance with regard to Industrial Areas. In paragraph 9.3.36, uses appropriate to Industrial areas are listed as including manufacturing, repairs, warehousing, distribution, open storage and transport operating centres. With certain exceptions, primarily industrial areas are also generally suitable for waste management activities, including the treatment and recovery of waste materials but not including landfill or the incineration of waste generated elsewhere.
- 6.3** This approach is stated in zoning objective **ZON-13 (a) and (b)**. Paragraph (c) to the same zoning objective clarifies that, subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and / or distribution uses.
- 6.4** The proposed development includes the construction of two substantial buildings; 13m and 15m in height. Paragraph 9.3.38 advises that new buildings should be single storey with high ceilings to provide versatility and adaptability. High standards of layout, landscaping and design are required in order to assimilate these buildings into their surroundings.
- 6.5** The policy with regard to Waste Recovery and Recycling is outlined in Chapter 5, Section 5.3 in the Plan. Paragraph 5.3.1 refers to the Waste Management Plan for Cork County (1999) now updated in 2004. The original 1999 Waste Management Plan outlined the approach to waste for the time period up to 2013. It discussed a hierarchy for waste management to include prevention, minimisation, re-use / recycling, disposal with energy recovery and disposal of residual waste.
- 6.6** The overriding principles of the waste management policy are stated in paragraph 5.3.2 and are based on those of “the polluter pays”, the “proximity principle”, the “precautionary principle” and the “principle of shared responsibility”.
- 6.7** The key proposals in the Waste Management Plan are listed in paragraph 5.3.3 in the Development Plan. Those aspects of relevance to this application are: 1) the rationalisation of the existing 10 landfill sites to just one state of the art landfill facility at Bottlehill, just off the N20, 12kms to the south east of Mallow and 18kms to the north of Cork City; 2) the provision of a metals recovery facility; 3)

the provision of a network of civic amenity sites and bring sites; 4) the provision of waste transfer stations; and 5) the investigation of the possibility of employing thermal waste to energy treatment for residual waste. A greater involvement of the private sector in the provision of waste management facilities would be encouraged.

- 6.8** The appeal site at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). To the south east there is a proposed Natural Heritage Area (ref. No. pNHA 0072). These areas are shown on the Heritage and Scenic Amenity Maps (Maps 6 and 10), which is included in the Development Plan; see extract enclosed. The following policy objectives in the 2003 Development Plan relate to candidate Special Areas of Conservation and proposed Natural Heritage Areas.
- 6.9** Extracts from other relevant and associated documents are enclosed; e.g.
- The Waste Management Plan for Cork County 2004.
 - The Sludge Management Plan for County Cork 2000.
 - The Youghal Town Council Development Plan 2003.
 - The Waterford County Development Plan 1999.

7. DECISION OF THE PLANNING AUTHORITY

- 7.1** The planning report of the 3rd February 2005 advises that the waste facility comprises two distinct operations - waste recovery /transfer and sludge drying. Such facilities require licenses under the Waste Management Acts 1996 to 2003; unless exempted by a waste management permit. Licensable facilities, subject to a waste a management licence, should not be subject to environmental conditions under the planning process, unless exempted by a waste management permit. It was considered that the scale of the project, the technology to be applied to the sludge drying process and the potential for the transfer facility to handle waste for disposal, rendered the facility liable to licence and regulation by the Environmental Protection Agency (EPA). The report concluded that any planning conditions relating to environmental pollution matters; e.g. noise, dust, smell etc. should only be applied with regard to the construction phase of the project and not the operational phase of the project and only then if not covered by the licence from the EPA. In reaching this conclusion it was remarked that although the submitted Environmental Impact statement (EIS) was suitable for consideration under the planning process it would not be acceptable for the determination of emissions for discharges from the facility and the setting of operations controls.
- 7.2** The planning report took note of the existing permission and waste permit which relates to the site based on the previous planning permission for a waste transfer station; granted permission on the 31st October 2001 under ref. **00 / 7093**. This permission is valid for five years and is due to expire in October 2006. As a result,

it was considered that the activity of waste treatment was acceptable in principle but that the thermal treatment of the sludge was a very different activity.

- 7.3** By Order dated 4th February 2005, Cork County Council decided to grant planning permission subject to 33 conditions, which are summarised as follows:
1. Development to be carried out in accordance with the details submitted on the 5th October 2004 and amended on the 2nd December 2004.
 2. Annual intake to be limited to 30,000 tonnes of non hazardous biological sludge and 70,000 tonnes of commercial / industrial waste. A register to be maintained on site to not the details of each consignment giving the origin of the waste; its weight and composition.
 3. No parking of vehicles other than those associated with the facility.
 4. Premises to be used solely for waste recovery / transfer.
 5. Ancillary other than those shown on the plan shall be the subject of further permission.
 6. No signs etc to be erected without permission.
 7. Development contribution of €305,250 to be paid to the County Council in respect of public infrastructure.
 8. Details of materials of buildings to be agreed.
 9. Existing hedgerows to be retained and extended with species such as hawthorn, Blackthorn and Gorse.
 10. Landscaping proposals to be amended to include native tree and shrub species.
 11. Details of Environmental Management system to be agreed.
 12. Front boundary wall, side walls and piers to be in natural stone.
 13. Wheel washing facility to be provided.
 14. Connection to be made to public water supply.
 15. Water supply to be metered.
 16. Sampling facility to be provided at the discharge to the public sewer.
 17. All solid wastes to be recycled.
 18. Operations to be carried out to ensure no odour or dust nuisance beyond site boundaries.
 19. Water contaminated with hydrocarbons to be trapped by an interceptor.
 20. Over ground tanks to be trapped in bunded areas.
 21. All materials to be stored within the buildings on the site.
 22. On site parking to be to PA's satisfaction.
 23. Loading and unloading not to take place on the public road.
 24. No packaging or litter to be stored on the forecourt.
 25. External lighting to be cowled and directed away from the public road.
 26. Developer to submit a Waste management Plan for each phase of construction.
 27. Council to be consulted with regard to any off site disposal of excavated soil or construction and demolition waste.
 28. Records of all construction and demolition waste taken from the site to be held for 12 months after completion.
 29. Noise levels at site boundaries not to exceed 55dBa between 08:00 and 20:00 Monday to Saturday and 45dBa at any other time.

30. Site surface water contaminated by hydrocarbons to be discharge via an interceptor.
31. Waste oil not to be stored on site during construction.
32. Dust arising from construction not to exceed 250mg/sqm/day at the site boundary, averaged over 30 days.
33. Construction activities to be carried out such that there is no noise nuisance caused to adjoining residences.

8. GROUNDS OF APPEAL

8.1 There are twelve third parties to this appeal. The grounds of appeal submitted by each of the third parties are summarised below.

8.2 First Third Party: David Kelly Partnership on behalf of Catherine Kelly. County Development Plan.

The proposed development is contrary to the principles of sustainable development set out in the 2003 County Development Plan, including the proximity principle in relation to waste recovery and recycling, the objectives of climate change and the objectives of transport and land use. It involves the transport of 70,000 tons of commercial / industrial waste and 30,000 tons of sludge to the site. None of this material originates in Youghal. The EIS advises that of 80,000 tons of industrial sludge generated in Co. Cork, 31,200 originates from industries in the Cork harbour area. It is implied that this is the source of the sludge to be transported to Youghal. The 70,000 tons of commercial / industrial waste is also likely to come from Cork and the surrounding industrial estates. Youghal is a peripheral location, less suitable in terms of sustainability.

- It is also proposed to treat 10,000 tons of leachate in an effluent treatment plant within the proposed facility. The planning report considers that this will be derived from the adjacent landfill and would be advantageous in reducing transportation costs. However, there is no indication in the application or the EIS as to what proportion of the 10,000 tons would be generated locally. Whilst the planning report acknowledges the benefits with regard to the transportation of leachate the same principle is not applied to the transportation of other waste materials. At a meeting about the Youghal landfill site it was stated that the extended life of the site between 5 and 6 years; possibly less depending upon the rate of fill. The policy set out in 5.3.3 in the Development Plan states that there would be only one landfill site at Bottle Hill near Cork City; chosen no doubt on the proximity principle and in the interest of sustainable development.
- With regard to sludge drying, the proposed method chosen is one of high energy combined with dewatering see section 2.2.2 in the EIS. A low energy option; advanced fluidised composting is dismissed because it is new to Ireland but so is the chosen method.
- The waste recovery and transfer operation includes an element of reject waste but it is not shown where this goes and an unquantifiable amount of non-recoverable waste which goes to landfill. In a few years time the result will be

that waste material will be brought to Youghal for sorting and then transported out with the non recoverable portion being sent to Bottle Hill. This transportation operation is contrary to principles of sustainability and the use of non – renewable sources of energy.

8.3 Amenity

The development would be injurious to amenity, including residential, recreational, scenic and visual and has the potential to give rise to nuisance in the form of noise, dust and odour.

- The principal views are from County Waterford, where the N25 to Rincrew Bridge and the R634 to Tallow are designated scenic routes and the shoreline is designated as vulnerable. The planning authority did not take into account the views from the adjoining planning authority, Waterford County Council. The planner also considers that the area is already visually compromised by the bland NCT building. But that building in comparison is small, low (8m to the ridge) and narrow and has little visual impact. The tallest buildings are Millennium Court, which has a parapet height of 8m, whilst the proposed buildings are 15m and 13m, with the silos up to 16.5m. The buildings will be seen as a single unit of 110m in length when viewed from the scenic route. The same impact will be obtained from the amenity walk along the Slob Bank. The area adjoining the Slob Bank is a candidate Special Area of Conservation and proposed Natural Heritage Area.
- The landscaping proposals are a mere token. Almost all of the landscaping is confined to a perimeter strip, most of which is just 2m wide. This is too narrow for tree planting as confirmed in the EIS, which states that large trees should not be planted to any of the proposed buildings.

8.4 The Environmental Impact Statement (EIS). Comments are made in respect of the submitted EIS.

- The site has not been reclaimed. Sand and gravel was probably extracted from the site. The site investigation is confined to boreholes but no trial pits were excavated. This is a major failing since the made up ground was used as a refuse dump by Youghal Town Council in the 1950's. This would indicate the possible presence of toxic materials; paints, garden and other chemicals. The boreholes were taken in the summer. Ground water levels there are subject to artesian conditions and can result in springs during the winter months.
- Site levels relate to an arbitrary 100m, whilst the level of the site is 3m. This affects the air quality dispersion modelling in relation to the stack. The stack is at 19m not 116m. Comparison with meteorological data at Cork Airport is used but the airport is on a plateau and at a height of 140m. The site will have its stack at 19m located in a valley and at the junction of two valleys. The wind direction can be distorted by this local topography.
- There is no indication that the risk of flooding was taken into account. The most recent floods in Youghal reached 2.8m.
- There are up to 120 houses and an old people's home within 1km of the site.

- The mobile sludge dewatering plant has the availability to create odour but its function is not explained in the EIS.
- The question of odour is a major concern.

8.5 Proposed development is contrary to the zoning of the site.

- The development is in contravention of the zoning of the site; specifically zoning objective 3-13.
- The planning report relies on the permission for a waste transfer station and the proximity of the County Council landfill site. At the time of the application for the waste transfer station the site was in use for the storage of skips, which were the property of Youghal Waste Disposal and Recycling, though there was no permission for this use. The ordinary member of the public would assume that the transfer station would refer to the transfer of small skips of demolition waste into larger trucks / skips for transportation to a disposal site. Such activity would fall within the terms of an industrial process. The Chief Environmental Officer refers to the development as “effectively for a separation and treatment plant prior to disposal of waste elsewhere”. The planning report indicates that the site is to be leased from the County Council. The planner does not mention that the site is zoned agricultural in the County Plan. This is a specific zoning and it is only after further consideration by a senior planner that the issue of a material contravention to the zoning arises. The omission is excused by accepting that the proposed building could be dismantled but this is difficult to understand given that the building had concrete floors, steel frames and cladding and was equipped inside with industrial processing equipment. Reference to legal cases with regard to contraventions of zoning, suggest that the permission (00 / 7093) is null and void. Even if this is not the case it would be commercial suicide to construct a building and fit it out with equipment only to have to remove everything within 5 years.
- The planning authority relied heavily on the previous flawed permission as a reason for granting this permission. In relation to visual amenity the planning report states that the existing permitted building / waste transfer station was approximately 13.3m high. However, according to the drawings the building was 10.24m high.
- The planners did not consider the other zoning objectives for the area. Zoning objective I-01, 350m from the site is for office based industry in a landscaped setting. Development on the adjoining site has the zoning objective C-01; development of a tourist attraction based on the historic association with the Youghal brickworks. This zoning encompasses a large area within 1km of the site. Also included is the Industrial Estate Development, I-02, at Foxhole (warehousing and car sales) and O-01 for passive open space.
- ENV 5-8 in the Plan requires that new buildings respect the character, pattern and tradition of existing places, materials and built forms and that they fit in with the landscape. New building projects should be energy efficient in their design and layout. The proposed development does not respect good design principles. The site is too small as shown by the tortuous truck manoeuvres.

The buildings are pushed to the perimeter of the site with no room for proper landscaping. The previous permission had extensive landscaping. The site is covered by hard surfaces with only a narrow strip around the perimeter for landscaping.

8.6 Second Third Party: Cumann na Daoine Woman's Group. The group has more than 30 members and is concerned about the development of the town and its hinterland. The grounds of appeal are as follows:

- **Development is contrary to sustainable development**, due to;
 1. Amount of traffic movements involved. Transporting large volumes of sludge is not sustainable. It is stated that there will be 38 traffic movements per day but this may not be the total. The use of either wood chip or diesel to fuel the boiler will result in an increase in deliveries. Access to the site is precarious from the roundabout at Rinncrew. There will be additional traffic through local villages e.g. Killeagh and Castlemartyr.
 2. The chosen method of dealing with the sludge is not the most sustainable. Localised treatment would be more sustainable; avoiding transportation. Alternative methods should have been discussed in the EIS.
 3. Youghal is a designated heritage town. A sludge treatment plant would undermine this.
 4. The site is adjacent to a local amenity walk; the Slob Bank. The adjacent marsh is home to birds and is a candidate SAC.
 5. The view from the N25 brings visitors from the south east and tourists from Rosslare. The view is already compromised by the existing landfill site but this is due to close and covered in. Siting the waste treatment plant at Foxhole will have an adverse effect upon tourism. Any trees planted will not hide the building as there is not enough space around the building to accommodate mature trees. Efforts to conceal the plant will be inadequate.
 6. Youghal is served by a part time fire service and community hospital. The emergency services are under resourced to deal with a potential emergency from the plant.
- **Planning Issues.**
 1. Zoning. The site is zoned for light industry. This does not include a sludge plant or a waste transfer station.
 2. Planning history. In October 2001 permission was granted to Youghal waste Disposal and recycling (00 / 7093), subject to 5 conditions. Condition 5 restricted the development to a period of 5 years with the structure removed 6 months after the cessation of activities. The reason given was that the use of the building or retention of the structure was not acceptable in this location on a permanent basis. No development has taken place but the lease has been sold on to AVR Environmental Solutions. If the site was not acceptable for a waste transfer station in 2001 how can it be acceptable for a similar development plus a sludge treatment plant in 2005?
 3. Cork Area Strategic Plan. Youghal is not identified as suitable for a waste transfer station nor is it a suitable site for a sludge treatment plant. The proposal is contrary to the Cork Area Strategic Plan.

4. Inadequate public consultation. The applicants say they consulted three people. There are no recorded responses, which was taken by the applicants as an indication of a lack of concern. This is not the case. There was no public meeting and the presentation to the councillors occurred late in the process. Nevertheless 23 observations were lodged despite the limited time available.

5. The County Council failed to take into account objections from this group prior to making a decision.

8.7 Third Third Party: David Kelly Partnership on behalf of Joseph Murphy.

- Joseph Murphy is a director of Crofthorn Developments Ltd. who commenced the purchase of two plots on the Youghal Town Council owned industrial estate. At the time of the grant of permission in December 2000, the plots were the only undeveloped zoned land at that end of the town.
- The application by Youghal Waste Disposal and Recycling went unchallenged because it was assumed that the transfer of waste meant transfer from one vehicle to another.
- Discussion regard the development of the two plots resulted in a requirement for buildings of high architectural quality and a firm of architects from Waterford were employed. The individual occupiers of the commercial development would be wholesale warehousing and car sales.
- The rezoning of land in the 2003 County Development Plan posed no threat to the commercial development proposed.
- However, it is now considered that the nature and scale of the proposed development would not be compatible with the overall zonings in the adjoining area, which range from tourism / hotel, office based business park and small and medium industrial units. The current industrial development; the Avery Dennison building and the former Kodak building are clean and unobtrusive and are set in landscaped grounds. The proposed development is contrary to the zoning and the proper planning and sustainable development of the area.
- The existing landfill is a nuisance but its life is limited and will be replaced with a green area. Any potential odour, noise or dust problems from the proposed development presents an economic threat to existing developments on the commercial / business park and would deter the reuse of the vacant Kodak building.
- The transport of waste material to the site poses an environmental risk through accidental emissions.
- Dependence on expensive energy; for both transport and the drying process in order to produce a low value product is unsustainable.

8.8 Fourth Third Party: John O’Keeffe and others.

- The County Council have ignored the objectives for Youghal in the Cork Area Strategic Plan and the Cork Waste Management Strategy. Youghal is a heritage and tourism destination not a location for national and provincial waste. Youghal already operates a landfill site and a local waste recycling centre.

- The site is not zoned for the proposed development and a material contravention is necessary.
- The EIS is deficient in that the traffic impacts are not adequately addressed, which will compromise public safety. The introduction of national and provincial HGV traffic onto the local network will destroy local amenity.
- The proposed development will be a visual intrusion on the landscape of the Blackwater Estuary.
- The environmental risks are unacceptable.

8.9 Fifth Third Party: Dermot and Norma Ledingham.

- Development is contrary to the Cork Area Strategic Plan. Youghal is an area for heritage and marina based tourism. It is not identified in CASP to receive large scale industrial developments including waste recovery / transfer and sludge drying
- Lack of public consultation.
- Public amenity. The adjoining area known as the Slob Bank is a popular public amenity area. This and a bird sanctuary in the area will be badly affected.

8.10 Sixth third Party: Pdraig Kelly.

- Site is located within an area zoned I-04, Industrial estate development for small and medium industrial units. It is unsuitable for sludge drying. Zoning objective ZON 3-13(b) states that the objective on waste management in industrial areas is to direct this activity to areas zoned for industry but not predominantly used for small and medium industry, warehousing or distribution, which is the case of the appeal site. ZON 3-13(c) relates to civic amenity sites and waste transfer stations, which might be acceptable on industrial sites with warehousing or distribution activity. The planning report fails to apply this restriction on the proposed development. It gives more weight on the presence of the existing landfill, which is transitional, rather than the long term objectives of the area. In terms of zoning, agreeing to waste transfer does not mean that the sludge drying process is acceptable. Any benefit derived from dealing with leachate from the landfill would be outweighed by the importation of sludge.
- Any grant of permission should be restricted to waste recovery / transfer. The sludge drying activity should be refused on the basis that it is contrary to the zoning objectives in the Development Plan, which does not support any waste treatment on the site.

8.11 Seventh Third Party: Mescal & Associates on behalf of Youghal Chamber of Tourism and Commerce.

- The land is zoned I-04; small and medium industrial units. The proposed development does not conform to this zoning.
- The existing permission 00 / 7093 is for 5 years and will expire on the 30th August 2006. It was never intended to be permanent.

- The existing waste permit is limited for 2 years and is non transferable. It is for a different type of waste except for construction and demolition waste.
- The adjacent landfill is due to cease when Bottlehill landfill is fully operational in late 2006. This together with the temporary nature of the waste transfer station indicates that the handling of waste in the area was only seen to be temporary.
- The area has only recently been zoned for small and medium industrial units in the 2003 Development Plan. Before that, the site was zoned for agriculture. It is not appropriate to use it for waste management.
- The proposed buildings are not consistent with the objective ZON 3-15 for industrial areas. The buildings are 13m high with a chimney stack of 15m and silos of 16.5m.
- The Cork Waste Management Plan 2004 looks for public private partnerships for the recovery of materials. There is no indication this is the case.
- The Sludge Management Plan 2000 has no reference to Youghal; Middleton is the hub centre for the area.
- Sludge drying is not widely carried out in Ireland. Apart from pharmaceutical companies the only main drainage plants to undertake it is at Carrigrenan (Cork) and Dublin Bay. Both locations are away from the public. There have been difficulties with odour which have been well publicised. There are 4 odour generating activities proposed: sludge drying, waste recovery / transfer, waste water treatment and the trucking of the waste. Neither the Cork nor Dublin facility incorporates all 4 activities. The sludge drying and waste recovery activities are equivalent in size to any other in the country.
- There is no indication or adjudication on alternative sites. There are 4 other sites dealing with waste recovery / transfer in the Cork City area, which range from 50,000 to 100,000 tonnes per annum. (The Youghal site would handle 70,000 tpa.) However, the Youghal site does not make sense geographically to serve County Cork, based on the proximity to the source of the waste principle.
- The lack of alternative sites in the EIS is due to the absence of sites with planning permission. The situation with regard to the planning permission at Youghal seems to be the main reason for selecting the proposed site.
- The close proximity of the proposal to normal activity would cause upset in terms of noise and landscape.
- Given that there are only two comparable sites in Ireland; in Dublin and Cork, for this type of activity, there is limited evidence to say the proposal will not affect house prices.
- The development will not allow Youghal to attract people for a seaside holiday. The proposed waste handling / recycling and waste drying facility would be located at the entrance to the town, which would affect the perception of the town for visitors. The presence of odour would endanger the tourism industry in the town, which is designated as a Heritage Town. Planning permission has also recently been given for a 44 boat marina.
- The two largest facilities for sludge drying at Cork City and Dublin Bay have experienced significant problems. One of the difficulties with the Youghal

proposal is that the sludge will arrive from a number of different sources. The technology is unproven and the location too sensitive. No information has been provided should the plant malfunction.

- Odour is one of the principal concerns yet the means to control it are not clear. The EIS refers to a biofilter or thermal oxidiser, which are two different types of unit. Later on there is reference to an electrostatic precipitator. There is a lack of confidence that the applicants can make the process odour free.
- The leachate from the adjacent Cork County Council landfill will be treated in the waste water treatment plant to this development. The County Council are beneficiaries. The planning process has not been conducted in a normal open manner.

8.12 Eighth Third Party: Paddy and Geraldine Walsh.

- As residents living nearby there will be noise and odour from HGV vehicles transporting sludge, commercial and industrial waste to the plant.
- The odour and noise will damage the amenity of the Slob Bank; where people walk everyday.
- The proposed development will affect the future value of our property.

8.13 Ninth Third Party: Michael and Helen Brooks.

- To build this facility on the banks of the Blackwater Estuary in full view of potential tourists coming to the town along the main N25 road is wrong.
- The site is part of the Slob lands reclaimed in 1845. The Town Council have made the Slob bank into an amenity area. It is used for walking, bird watching and fishing. Hundreds of people walk the Slob Bank Ring each day; a distance of 3.2 miles.
- The proposed sludge drying facility, which will manage 110,500 tonnes of waste will be viewed by people using the recreation area. They will be affected by odours, smoke and steam.
- Accidental spillage and pollution. The site is adjacent to the County Council superdump. It is at the intersection of the two rivers – Blackwater and Tourig. Pollution would affect the rivers and nearby Blue Flag beaches.
- It would be viewed by Tourists driving along the N25 road.
- The site is zoned for Light *Industrial* Development.
- It is on land the home of the rare Little Egret.
- It is situated within 200m of a developing industrial estate, which includes a furniture shop, pottery shop and fish smoking plant.
- It is situated 150m from a recently closed factory with clean room facilities. It would limit the chances of attracting medical or pharmaceutical factories in the future.
- The lands between the town and the bypass are now ripe for development. It is hoped that the landfill will be closed in 10 to 15 years. The lands could be developed for hotels and marinas. Sludge drying is not a good neighbour.
- If the town generated this waste we might be more inclined to accept it.

- AVR have recently purchased land at Little Island, a heavy industry area where much of the waste is generated. Why not build there?

8.14 Tenth Third Party: Eugene Whyte.

- Damage to tourism. Youghal is a Heritage Town.
- Improper planning procedures. Notice not displayed in apposition close to the main road.
- Risk to the environment. Proposal contradicts CASP. Once landfill is complete the area is to be grassed as an amenity area.
- Loss of development potential. This proposal will deter other businesses from setting up in the area. It is not worth it for the 13 jobs proposed.
- Devastating effect on wildlife. Youghal is a candidate SAC. Since 1998 the Little Egret has bred in the area and the current population is up to 200; making the Blackwater the primary site for the species in the country. There are two small areas of Atlantic salt marsh; an important habitat for a number of plants.
- Increase in HGV's through towns and villages. 40 trucks and 10 cars will pass through the plant each day. This will create additional traffic on a very narrow road.
- Odour emissions from plant. The facility should not be placed near a residential area. The most dangerous emissions are from the chimney, which can then spread over a wide area.
- Unknown content of sludge to be processed. When questioned, AVR were unable to say what the content of the sludge was. They have said they will deal with 70,000 tonnes of waste and 30,000 tonnes of sludge, which will be trucked in from around the country. They may even import waste to make the plant viable.
- Unknown effects of emissions on people of Youghal. This is the first plant of its kind that AVR has tried to set up.
- Lack of consultation between applicant, council and public.

8.15 Eleventh third party: Eoin and Margaret Crowley.

- The proposed development is contrary to CASP – the Cork Area Strategic Plan.
- The proposed development is not sustainable.
- The proposed development will cause traffic congestion.
- The proposed development will visually detract from the Blackwater Estuary amenity area.
- Our objections were not fully considered by the County Council.
- This is a private proposal for profit. This should not be at the expense of the quality of life of the local community.

8.16 Twelfth Third Party: Fred and Herta Rigney.

- Development is contrary to CASP – the Cork Area Strategic Plan, with particular reference to sections on Sustaining social and economic

development; Clustering of industries and services and Effect on coastal setting, marine and tourism.

- Potential damage to ecology of Blackwater Estuary.
- Development hinders efficient transportation.
- Zoning of the site is inappropriate for waste management facility.
- Development is at odds with the Youghal Town Council Heritage Plan.
- Development is at odds with the South West Regional Authority Atlantic Ports Project.
- Potential hazard to the community from noise and odours.
- Lack of consultation with the community.

9. OBSERVATIONS OF THE PLANNING AUTHORITY

9.1 There are no observations from the County Council on the appeal file.

10. OTHER OBSERVATIONS

10.1 On the 29th March 2005, observations were received from the David Kelly Partnership on behalf of Michael Mullane and Paul White, who own lands at Foxhole and Muckridge. The lands are zoned C-01 and I-01. The points raised are summarised as follows.

- **Zoned lands.** The lands zoned C-01 contain a protected structure, Youghal Brickworks, which is the focus of the zoning objective for interpretation and tourism. The land zoned I-01 is for office based development. Both developments are sensitive to noise and odours. Vehicles bringing in material to the proposed development would approach the development along the perimeter of the zoned lands. The development of the zoned lands could be undermined by odour and nuisance from the vehicles bringing the material and the proposed development. Any conditions imposed on any grant of permission in relation to odour nuisance or noise should therefore be enforceable.

11. RESPONSE FROM THE DEPARTMENT OF THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT

11.1 On the 16th May 2005, the Board received a response from the Department of the Environment, Heritage and Local Government. They advise that the proposed development at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). A site synopsis is enclosed. Whilst it is noted that the development will take place on land; an effluent pipe will discharge into the estuary. The cSAC is designated for the marine habitats – Estuaries Mudflats and sandflats not covered by seawater at low tide. It is important for the migration of fish species; lamprey, salmon and shad are specifically mentioned. The SPA is frequented by migratory bird species; Golden Plover, Bar Tailed Godwit, Sandwich Tern, Roseate Tern and Common Tern are mentioned.

11.2 The effects of the development, principally due to the provision of the outfall pipe, are assessed against a set of criteria, as follows:

- Habitat Loss: there will be a loss of habitat during the construction of the pipe. This is likely to be short term.
- Changes in sedimentation rates / type of sediment: the greatest currents were noted on the development side of the channel and therefore effluent will be dispersed into the marine environment.
- Changes in nutrient content: The flow conditions at the end of the outfall pipe suggest that there will not be a significant increase in nutrient levels at the discharge point.
- Community structure: The seaweed species and bivalve molluscs found in the area are common and likely to rapidly re-colonise the area after the completion of works.
- Chemical contaminants: Concentrations of metals and contaminants in the estuary at present are low and there is unlikely to be any significant impact on water quality and marine life during construction.
- Noise disturbance: This will be minimal if compliance with BS5228 – Noise control standard is achieved.

11.3 A series of conditions is suggested to minimise any adverse impacts.

- Efforts should be made to minimise the area of sea bed to be disturbed during construction.
- Access to the trench for the outfall should be confined to an area equivalent to the width of two vehicles and a geotextile material used to minimise damage to adjacent habitats.
- All material moved should be stored and used as backfill once the construction is completed.
- Construction should be carried out over periods of slack tide to minimise disturbance of material.
- Construction should not begin before June 1st to minimise disturbance on the migratory fish species; lamprey, salmon and shad.
- Potential contaminants; oil detergents etc. should be stored in banded / suitable storage facilities to prevent contamination into the marine environment. A contingency plan should be devised to cope with any spillages.

12. RESPONSE FROM THE ADJOINING PLANNING AUTHORITY – WATERFORD COUNTY COUNCIL

12.1 On the 10th June 2005, the Board received a response from Waterford County Council. The points raised are summarised as follows:

- The information submitted with the application does not show the source of the waste. The scale of facility would gather waste in the south east region, which may have a negative impact on recycling infrastructure and the long term viability of the south east Waste Management Plan.

- Potential visual impact. An extract from a Scenic Landscape Evaluation shows the areas classed as sensitive and visually vulnerable. Another map shows scenic routes. It is the policy of the County Council to ensure that there will be no obstruction or degradation of the view towards visually vulnerable features or significant alterations to the appearance or character of sensitive areas. A series of views are shown from the N25 near Youghal Bridge and Bridge House close to the old Youghal Bridge. The site is highly visible from the scenic route. The Council has concerns with regard to visual impact having regard to height of the structures and the cumulative impact that would arise from existing and proposed structures. The existing structures already detract from the visual amenity of the area, due to a lack of natural screening, landscaping and conspicuous colour scheme of the buildings, which do not assimilate into the landscape.
- It should also be noted that the views are onto the Blackwater Estuary; a designated Special Area of Conservation, a Natural heritage Area and a Special Protected Area.

13. APPLICANT'S RESPONSE TO SUBMISSIONS

13.1 On the 4th April 2005, the Board received a response to the submissions previously received in the context of this appeal from SWS Environmental Services, on behalf of the applicant, AVR – Environmental Solutions Ltd.

13.2 The response is in relation to items of fact not personal opinion.

13.3 It is confirmed that SWS Environmental Services, on behalf of the applicant, AVR – Environmental Solutions Ltd. has undertaken a detailed environmental impact assessment and is in consultation with the EPA with regard to obtaining a licence for the operation of the facility. All environmental issues, with regard to noise, odour and dust, will be assessed by the EPA in determining the licence for the facility.

13.4 The key issue raised by appellants relates to zoning and land use. The proposed development is a small to medium size / type enterprise and it is a key aim of the National Development Plan to support the growth of such enterprises in strategic locations. Youghal, as a Ring town in the Cork Area Strategic Plan (CASP), is identified as a strategic location. The proposed development is in keeping with proper planning and sustainable development.

14. ASSESSMENT

14.1 I have visited the appeal site and have studied the appeal file and that of the recent appeal with regard to the nearby landfill site. I have also studied the current County Development Plan 2003, the County Waste Management Plan 2004, the Sludge Management Plan 2000 and the Youghal Town Council Development Plan 2002.

14.2 I consider the following planning issues to be relevant in this appeal:

- Planning Policy.
- Waste Management Policy.
- Planning History.
- Traffic Impact.
- Visual Impact.
- Residential amenity, including nuisance from dust, noise and odour.
- Landscape and Environmental Conservation.
- Economic impact / tourism etc.

14.3 Planning Policy. The current Development Plan is the Cork County Development Plan 2003. Youghal Environs (the area outside of the Youghal Town Council area) is listed as one of the main settlements (settlement 31) in Volume 3 in the Plan. Specific Zoning Objectives have been devised for these areas and they are depicted on the maps contained in Volume 4 in the plan. Thus, on Zoning Map 31: Youghal Environs, the site lies within an area zoned for Industry and Enterprise with a Specific Zoning Objective I-04; industry estate development for small and medium units.

14.4 Chapter 9 in the Development Plan explains the overall strategy with regard to Industry and Enterprise Areas. ZON 3-f3 explains the policy to be applied with regard to appropriate uses in Industrial Areas. Paragraph (b) states that “It is an objective that industrial areas that are not used mainly for small to medium industry, warehousing or distribution are considered to be generally suitable for waste management activities (including the treatment and recovery of waste materials but not including landfill or contract incineration facilities).....”

14.5 Much of the land within the area identified as I-04 has yet to be developed for industrial estate development. However, since the site has a specific zoning objective I-04; industrial estate development for small and medium units, I consider that use for waste management activities (including the treatment and recovery of waste materials but not including landfill or contract incineration facilities) would not be an appropriate use for the site in terms of planning policies contained in the Development Plan. The proposed use being for waste management activities could, in my view, undermine future attempts to develop the lands for small and medium industrial units.

14.6 Waste Management policy. Section 5.3 in the Development Plan refers to Waste Recovery and Recycling. Section 5.3.1 refers to the Waste Management Plan for Cork County 1999. This has since been updated by the Waste Management Plan 2004. The basic principles remain the same. They are:

- the Polluter pays,
- the proximity principle,
- the precautionary principle, and
- the principle of shared responsibility; see section 5.3.2 in the Plan.

Section 5.3.3 outlines the key proposals in the 1999 Plan, reinforced in the 2004 plan. In Section 5.3.4, particular reference is made to Youghal being a Civic Amenity site and the rationalisation of the existing ten landfill sites to one state of the art engineered landfill facility at Bottlehill.

- 14.7** Since the adoption of the Development Plan in 2003 and following an oral hearing, permission has been granted for this main facility at Bottlehill, which is just off the N20 between Cork City and Mallow. Taken on the 29th May 2005, the enclosed photographs show construction progress at the entrance to the landfill site. This main facility is approximately 20kms to the north of Cork City and with Youghal a further 35kms approximately, to the east of Cork City it would be about 55kms from Youghal.
- 14.8** Matters of transportation are compounded, since although no sources of the waste are quoted, it is likely that much of the waste will originate from Cork City and harbour or Midleton. The waste material to be recovered has been variously described as including demolition and construction waste and packaging materials; plastics, glass and cardboard. Only inert material would be accepted. Domestic or putrescible waste would not be included. Nevertheless, whilst wishing to support recycling initiatives, I do not consider that Youghal is ideally located to receive such waste. It is situated on the periphery of the County area; 35kms from Cork City and about 22kms to the east of Midleton, the two centres which are likely main sources of the waste. Despite improvements to the N25, HGV's transporting the waste would have to negotiate the villages of Castlemartyr and Killeagh between Middleton and Youghal. The road through both villages is narrow and restricted by the presence of parked cars. Both villages contain a sharp right angle bend and the passage of large numbers of HGV's would endanger road safety by reason of a traffic hazard.
- 14.9** Having recovered that part of the waste suitable for recycling, the residue would be transported to a landfill facility. Once the adjoining landfill at Youghal closes in 2006 / 7, the residue would have to be transported to Bottlehill, which at approximately 55kms, is a considerable haulage distance away. In my view, the transportation implications of the waste recovery element of the proposed development would not accord with the terms of the proximity principle, as required in section 5.3.2 in the Development Plan.
- 14.10** The proximity principle has even greater significance in respect of the second element of the proposal; the proposed sludge drying operation. The Sludge Management Plan identified hub centres and satellites for the treatment of municipal wastewater sludge. Youghal was neither a hub nor a satellite in that plan.
- 14.11** The applicant has not been specific about the sources of the waste / sludge material for the proposed drying facility but advises that the majority of industrial sludge produced in County Cork is generated from the treatment of industrial

process waste water. Of 80,000 tonnes of industrial sludge produced in 2002, 50% arose from the South Cork region with 78% originating from industries in the Cork harbour area; see extract from the Waste Management Plan 2004. Thus under this proposal, sludge would be brought from waste water treatment plants in the Cork City / Harbour area to Youghal for drying and then redistributed from there. Residue effluent would be passed through the waste water treatment plant prior to disposal via an outfall into the Blackwater Estuary.

14.12 Compared with the recently opened sludge drying facilities at Ringsend / Poolbeg in Dublin and the sludge drying facility at Carrigrenan on Little Island, which are both located alongside the waste water treatment facility, see enclosed extract and photographs; the proposed arrangement would involve the additional and unnecessary transportation of the sludge, prior to drying, and the construction of the waste water treatment facility. This in my view is undesirable and conflicts with the Sludge Management Plan 2000, which identifies the hub centres and the proximity principle, referred to in section 5.3 in the Development Plan. As a result, I consider that this part of the proposal would be contrary to the proper planning and sustainable development of the area.

14.13 Planning History. The planning report took note of the existing permission and waste permit, which relates to a waste transfer station on the site, granted permission on the 31st October 2001 under ref. **00 / 7093**. This permission is valid for five years and is due to expire in October 2006. As a result, the report concludes that the activity of waste treatment is acceptable in principle but that the thermal treatment of the sludge was considered a very different activity.

14.14 The previous planning permission included the construction of a substantial blockwork and metal clad building 10m to the eaves and located in the south west corner of the site. This building was to be used for the separation and treatment of the waste prior to the recovery and disposal of waste elsewhere. It was noted that the Youghal landfill site was located nearby and that the land might be considered as a location for a sewerage facility as part of the Youghal Main drainage scheme.

14.15 The permission was subject to 5 conditions. Despite the extent of the works and the inclusion of the construction of the substantial building; condition 5 to the permission stated that “the use of the site for the purpose herein permitted shall cease on the expiration of 5 years beginning on the date of the grant of permission and the structure shall be removed from the site within a period of 6 months of cessation of this use”. The reason for this condition was given as “the use of the building or the retention of the structure is not acceptable in this location on a permanent basis”.

14.16 At that time the site lay within an area zoned for agriculture in the 1996 County Development Plan. Given that:

- a temporary planning permission was being granted,

- the fact that the applicant was agreeable to this (the building was regarded as a steel frame building, which could be dismantled and re-erected elsewhere) and
 - the adjoining uses; the landfill and NCT test centre,
- the planning officer did not consider that a material contravention to the Development Plan was required.

14.17 I am doubtful whether the site is being used as a waste transfer station. At the time of my visit the building had not been constructed. It appeared that part of the site, the north eastern part, was being used for the storage of skips and trailers. The remaining part of the site towards the NCT test centre was overgrown, vacant land; see photographs.

14.18 I consider that it would be unwise to place undue importance on the existing planning permission granted in October 2001, in the light of the temporary nature of that permission and the specific zoning objective in the subsequent 2003 County Development Plan. This, in my view, has particular reference to the Environmental Impact Statement, which accompanies this submission, since the existence of a planning permission / waste permit was used as one of the site selection criteria for the consideration of alternative sites; see paragraph 2.1 in that document. It has tended to highlight the selection of this site for the proposed development, at the expense of other sites within the Cork City / harbour area.

14.19 Traffic impact. The appeal site is approximately 1km to the south of the junction of the R634 and the N25 at the Rincree roundabout. Traffic approaching the site from the Cork City direction would use the recently opened Youghal by pass and a short section of the R634 before turning onto the T12 on the approach to the site.

14.20 Improvements to the T12 would be required. Works to upgrade this road are required as part of the Board's decision on the 29th March 2004 to grant permission to intensify the use of the Youghal landfill site. Following this permission it is estimated that 170,000 tonnes per annum of waste will be brought to the landfill site over the next 4 years. This will generate 88 vehicles per day or 9 vehicles per hour. It is also estimated that 28 vehicles per day will visit the civic amenity site and an additional 2 -3 vehicles per day will be required to transport leachate off site for treatment. The current single width road with passing places would have to be increased in width capable of accommodating two vehicles to pass along its entire length. Improvements to the junction radii, especially on the north side towards the N25 would also be required.

14.21 Under this proposed development, it is estimated that the waste recovery / transfer and sludge drying facility will generate 39 HGV vehicle trips per day with a further 10 car trips by staff and visitors to the facility. None of the works required to improve the T12 had been carried out at the time of my visit. I note that the Senior Roads Engineer to the Council recommended that a special contribution should be levied on the developers towards the widening of the T12 road.

However, the planning officer considered that since the improvements to the T12 would not solely benefit this developer a special contribution should not be levied. A general contribution with a substantial road improvement component was considered appropriate instead.

- 14.22** In my view, the proposed development should not take place unless and until the required road improvements have been carried out. Ideally, such works should be undertaken by the County Council and the developer of this proposed development, as a significant beneficiary of the works, should be required to pay a substantial contribution towards the cost of those works.
- 14.23 Visual Impact.** The site would be highly visible from the N25 and other scenic routes on the Waterford side of the estuary. The enclosed photographs, taken at three specific locations on the N25 depict the visual prominence of the site. The situation is exacerbated, due to the height and massing of the proposed buildings. At 13m and 15m respectively the buildings are about twice as high as other building in the area. The provision of a 2m landscaping strip around the periphery of the site is woefully inadequate to screen a project of this scale and magnitude. The relatively flat landscape, together with the lack of proposed screening and mounding and the light colour (goosewing grey) chosen for the cladding of the buildings would, in my view, detract from and seriously injure the scenic amenity of this visually sensitive area. This view is supported by the response from Waterford County Council, as the adjoining planning authority.
- 14.24 Landscape and Environmental Conservation.** In their response the Department of the Environment, Heritage and Local Government confirm that the proposed development at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref.no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). A site synopsis for both areas is provided. To the south east there is a proposed Natural Heritage Area (ref. No. pNHA 0072). It is clear that this is an ecologically and environmentally sensitive area. The estuary is of high ornithological importance for the over-wintering of birds with Black Tailed Godwit, Bar Tailed Godwit, Golden Plover and Little Egret amongst the more important species. The mudflats and salt marshes of the Blackwater and Tourig Rivers at Foxhole support important plant species.
- 14.25** The Department of the Environment, Heritage and Local Government consider that the main environmental issue would appear to be the loss of habitat, due to the construction of an outfall pipe into the Blackwater Estuary. However, they suggest that this may only be short term; once the trench is backfilled and the habitat restored. In addition the applicant is proposing the formation of bunded areas and other precautions to contain spillages etc. within the site.
- 14.26** Nevertheless, I consider that, given the importance of the adjoining areas for environmental conservation, that the “precautionary principle”, as referred to in Section 5.3.2 in the Development Plan, should apply in this case. Bearing in mind

the points raised above with regard to the “proximity principle” to the source of the waste and notwithstanding the selection criteria applied as described in the EIS, I would suggest that sites in the Cork Harbour area should be more rigorously assessed, prior to any decision to grant permission for the use of this site at Foxhole for waste recovery and waste water treatment. By adopting a sequential approach, I consider that more preferable sites, closer to the source of the waste would become apparent, thus avoiding potential environmental conflicts in the Blackwater Estuary altogether.

- 14.27 Residential amenity, including nuisance from dust, noise and odour.** The nearest dwelling is that on the south side of the junction of the T12 with the R634. Beyond that the nearest dwellings including an old persons residential home is at Copperalley, 800m to 1km to the south of the appeal site. Noise is unlikely to be an issue with regard to the proposed development, due to the distance from residential development. As indicated in the EIS, the main background noise in the area is derived from traffic noise from the use of the main road routes; the N25 and the R634.
- 14.28** Similarly, dust might be an issue during construction but thereafter any environmental issues arising from dust emissions would be operational matters, which would be controlled by the EPA. However, such problems are likely to be minimal since the majority of the activities on the site would take place within the proposed buildings.
- 14.29** Problems associated with odour are potentially the most serious amenity issue. The most likely source of odour would be from the sludge drying activity. It should be noted that this activity would also take place within a purpose built building. Reference to the similar activity at Poolbeg / Ringsend in Dublin has been made and to the problems of odour that have been experienced there. Having visited the Poolbeg area on a number of occasions, I can vouch for the offensive odour that is often present there. However, whether this is solely due to the sludge drying activity I am not certain, since the site adjoins the main waste water treatment facility and the odour is more likely to arise from that process rather than the sludge drying, which is contained within a purpose built building; see photographs. Given the distance from dwellings, the prevailing wind direction from the west and the use of a purpose built building for the process, I would doubt whether odour from the sludge drying process would be a serious environmental issue. Should this arise during the operation of the plant it would fall to the EPA to address the matter.
- 14.30 Economic impact / tourism etc.** Reference has been made to the number of jobs to be created and the economic benefits of the project. The automated nature of the plant is unlikely to generate a significant demand for employment. 30 jobs are anticipated during construction phase, which would reduce to 17 jobs during the operational phase.

14.31 Many of the third party comments have referred to the fact that Youghal is a heritage town and that the intention is to boost tourism generally. They refer to new hotel, apartment and marina developments and it is considered that the proposed waste recovery / sludge drying facility would be incompatible with this approach.

14.32 Given that I do not consider that the proposed development would result in a serious loss of residential amenity due to noise, dust or odour, I consider that the main impact in respect of tourism would arise due to visual impact when viewed from the N25 and R634; the major tourist routes into the town from the north. The scale of the proposed development would add to and exacerbate the industrial / commercial view of the town, which is already presented to visitors arriving from the north, due to the lack of landscaping / screening to the existing buildings comprising the existing business park / industrial estate.

15. RECOMMENDATION

15.1 I would recommend that permission for the proposed development should be refused for the reasons and considerations listed below.

Reasons and Considerations

1. The proposed waste recovery and sludge drying facility would be located on the north side of Youghal, on lands with the specific zoning objective I-04; Industrial estate development for small and medium industrial units, on Map 31 Youghal Environs, in the Cork County Development Plan 2003. Waste management activities, including the treatment and recovery of waste materials may be suitable in primarily industrial areas but would not be suitable in areas such as the site at Youghal, which are zoned for small and medium industrial units. This policy is outlined in objective ZON 3-13 in the 2003 Development Plan. If permitted therefore, the proposed development would undermine efforts to develop the site for small and medium industrial units, would conflict with zoning objective ZON 3-13 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed waste recovery and sludge drying facility would be located in a peripheral location in the context of County Cork and approximately 35kms from Cork City and Harbour; the main source of the waste and sludge for the facility. This would involve the transportation of the waste and sludge material over a considerable distance, which would conflict with the proximity principle outlined in Section 5.3.2 in the County Development Plan 2003 and would be contrary to the proper planning and sustainable development of the area.
3. The scale and massing of the buildings associated with the proposed development would be visible from the N25 national primary road and other

roads, some of which are scenic and tourist routes in this highly scenic and visually vulnerable area, alongside the Blackwater Estuary. If permitted therefore, the proposed development would seriously injure the visual amenities of the area.

4. The proposed waste recovery and sludge drying facility would be located alongside the Blackwater Estuary, which is designated as a candidate Special Area of Conservation (ref. no. cSAC 2170) and a Special Protection Area (ref. No. SPA 4028). To the south east of the site there is also a proposed Natural Heritage Area (ref. No. pNHA 0072). It is considered that the location and operation of the proposed development would result in disturbance to this ecologically and environmentally sensitive area, which would be contrary to the proper planning and sustainable development of the area.

Laurie Mulrine
Inspector

Date: 23rd June 2005

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REASONS AND CONSIDERATIONS

Having regard to the provisions of the Waste Management Plan and the Sludge Management Plan for Cork County, to the location of the site on lands zoned for industrial development in the current Cork County Development Plan, to the pattern of existing development in the vicinity, to the proximity to the national road network and to the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would generally accord with the provisions of the said statutory plans, would be acceptable in terms of traffic safety and convenience and in relation to protection of the amenities and natural heritage of the area and would be in accordance with the proper planning and sustainable development of the area.

The Board had regard to the need to improve the waste management infrastructure of the region and, in deciding not to accept the Inspector's recommendation to refuse permission, considered that the development would be acceptable in this area designated for industrial development in reasonable proximity to the main concentration of industrial/commercial activity in the Cork region. The Board also considered that the visual impact would be acceptable, given the siting in an emerging industrial area and, in relation to protection of the natural heritage of the area, noted that it is proposed to connect the drainage into the Youghal town system.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars, including the mitigation measures set out in the environmental impact statement, lodged with the application, as amended by the drawings received by the planning authority on the 2nd day of December, 2004, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The development shall not become operational until a waste licence has been granted by the Environmental Protection Agency to the applicant in respect of its operation.

Reason: In the interest of orderly development.

3. The development shall not become operational prior to completion of the road improvement works to the adjoining county road T12, approved by An Bord Pleanála (reference number 04.EL.2023) in connection with the adjacent Youghal landfill site and to be undertaken by Cork County Council

Reason: In the interest of traffic safety.

4. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended, there shall be no further structures erected on the site, or any advertisement signage installed or any increase in flue heights (whether in connection with a waste licence or not) without a further grant of planning permission.

Reason: In the interest of visual amenity.

5. Prior to commencement of development, details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to the planning authority for agreement. In this regard, the front boundary wall and entrance piers shall be finished in natural stone.

Reason: In the interest of orderly development and the visual amenities of the area.

6. Prior to commencement of development, a scheme of landscaping and boundary treatment shall be submitted to the planning authority for agreement. This scheme shall include details of perimeter planting to the site and details of existing hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

7. External lighting shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

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

Reason: In the interest of public health and to ensure a proper standard of development.

9. A wheel washing facility shall be provided at the entrance to the site for the use of all heavy goods vehicles entering or leaving the site.

Reason: In the interest of amenity.

10. The developer shall facilitate the planning authority in preserving, recording or otherwise protecting archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority 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) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation of any remains which may exist within the site.

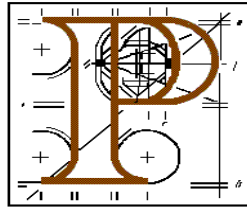
11. The developer shall pay to the planning authority a financial contribution of €311,235.60 (three hundred and eleven thousand two hundred and thirty five euro and sixty cent) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided 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.

Reason: It is a requirement of the Planning and Development Act 2000 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2005.

An Bord Pleanála



Inspector's Report

Description: Waste recovery / transfer and sludge drying facility consisting of a waste recovery and transfer building, administration building and car park, transformer / plant building and standby generator, boiler and woodchip storage building, sludge reception building, sludge drying building, waste water treatment plant including balancing tank, fire water storage tank storm water retention tank, a weighbridge, wheelwash, oil storage and bund walls, waste quarantine area, dried sludge discharge area, mobile dewatering plant, mobile fire fighting plant, hard standings, all boundary fencing and walls, all associated site works and ancillaries at Foxhole, Youghal, Co. Cork.

Planning Application:

Planning Authority: Cork County Council.

Planning Authority Register Reference: 04 / 7531.

Applicant: AVR Environmental Solutions.

Type of Application: Planning Application.

Planning Authority Decision: Grant planning permission.

Planning Appeal:

Type of Appeal: Third Party Appeals.

Appellants:

First Third Party: David Kelly Partnership on behalf of Catherine Kelly.

Second Third Party: Cumann na Daoine Woman's Group.

Third Third Party: David Kelly Partnership on behalf of Joseph Murphy.

Fourth Third Party: John O'Keeffe and others.

Fifth Third Party: Dermot and Norma Ledingham.

Sixth third Party: Padraig Kelly.

Seventh Third Party: Mescal & Associates on behalf of Youghal Chamber of Tourism and Commerce.

Eighth Third Party: Paddy and Geraldine Walsh.

Ninth Third Party: Michael and Helen Brooks.

Tenth Third Party: Eugene Whyte.

Eleventh third party: Eoin and Margaret Crowley.

Twelfth Third Party: Fred and Herta Rigney.

Observers: David Kelly Partnership on behalf of Michael Mullane and Paul White.

Date of Site Inspection: 28 / 05 / 2005

Inspector: Laurie Mulrine.

1. INTRODUCTION

1.1 This is a third party appeal by 12 third parties against the decision of Cork County Council to grant planning permission for the construction of a waste recovery / transfer and sludge drying facility consisting of a waste recovery and transfer building, administration building and car park, transformer / plant building and standby generator, boiler and woodchip storage building, sludge reception building, sludge drying building, waste water treatment plant including balancing tank, fire water storage tank, storm water retention tank, a weighbridge, wheelwash, oil storage and bund walls, waste quarantine area, dried sludge discharge area, mobile dewatering plant, mobile fire fighting plant, hard standings, all boundary fencing and walls, all associated site works and ancillaries at Foxhole, Youghal, Co. Cork.

2. APPEAL SITE AND SURROUNDINGS

2.1 The appeal site, which extends to 1.43 hectares / 3.54 acres, is situated at Foxhole, approximately 2kms to the north of Youghal Town centre. The site is to the south of the confluence of the Tourig River and the River Blackwater, in a low lying area referred to the Youghal Mudlands. Lands to the east are the subject of infilling and comprise the Youghal Landfill site. The NCT test centre occupies the site immediately to the west. To the north the low lying lands are being developed as an industrial estate / business park, whilst to the south, beyond overgrown and vacant land, the area is used for recreation, wildlife and amenity, being part of the Slob Banks Walk, alongside the Blackwater Estuary.

2.2 The site has a road frontage to the T12; a narrow, single width road with passing places, which, from its junction with the R634 regional road to the west, also

serves the NCT test centre, immediately to the west of the appeal site and the Youghal landfill and civic amenity site at the end of the road to the east.

- 2.3** The T12 road was formerly the approach road to an earlier crossing point of the Blackwater River. The more recent crossing is now at Youghal Bridge, part of the N25, national primary road, some 600m to the north; see location map.
- 2.4** The N25, national primary road travels along the Waterford / east side of the estuary and after crossing Youghal bridge reaches the Rincrew roundabout; the junction with the R634 regional road to Youghal. Between Youghal Bridge and the Rincrew roundabout the N25 is elevated and there are views south towards the appeal site, from a lay by / picnic area on this section of the road. This panoramic vista extends to include Youghal town and the Blackwater estuary; see enclosed photographs. This is a highly scenic, visually vulnerable area and the N25 provides an important tourist route through this area on its way from Rosslare and Waterford in the east to Cork and Kerry in the west.
- 2.4** West from Rincrew roundabout, the N25 now provides a by pass to Youghal. Access to Youghal is via the R634 and coming south down the road from the roundabout and after first crossing the Tourig River, the road passes the entrance to the Millennium Business Park and industrial estate. Below that is the junction with the T12 and the approach to the appeal site. On the south side of the junction with the T12 is a bungalow dwelling with associated haulage / contractor business. On the opposite side of the junction is the factory formerly occupied by Kodak.
- 2.5** The R634 continues further south towards Youghal Town centre. Just before the roundabout with the town by pass, there is a residential area known as Copperalley, which includes an old persons home. Travelling along the by pass there is a Tesco store before reaching an entrance on the left, which is the start of the Slob bank walk alongside the Blackwater Estuary.
- 2.6** The enclosed photographs depict the appeal site and the surroundings.

3. PLANNING HISTORY

- 3.1** Planning permission for a waste transfer station was granted on this site on the 31st October 2001 under ref. **00 / 7093**. This permission to Youghal Waste Disposal was subject to 5 conditions. The permission was limited to a period of 5 years and is therefore valid until **31st October 2006**. To date the permission has not been implemented.

4. PROPOSED DEVELOPMENT

- 4.1** The proposed development comprises the following elements:

- **Waste Recovery and Transfer building.** Located in the north west corner of the site this building is 15m high and includes a loading / unloading dock on its southern elevation. A waste quarantine area is located adjacent to the southwest corner of the building.
- **A sludge drying facility.** Located on the south eastern boundary of the site the facility comprises a sludge reception building, the sludge drying building and a boiler and wood chip storage building. The overall height of the facility is 13m. Situated alongside on the north eastern boundary are the storage silos for the dried sludge and discharge area.
- **Waste water treatment plant.** Located to the north of the sludge drying facility.
- **An administration building.** Located on the north western elevation, at the mid point of the road frontage, the building is 7.7m high. Sited alongside to the west is a weighbridge and wheel wash facility.
- **Ancillary buildings / facilities.** This includes a transformer building 4.2m high, a storm water retention tank and interceptor compound and a firewater storage tank; all located in the northern part of the site. A fuel storage area and location for mobile fire fighting and de-watering plants are situated in the southern part of the site.

4.2 Two entrances are proposed to the access road. The entrance to the west is the main service entrance whilst that to the east is the main vehicular entrance to the administration building. 17 staff and public parking spaces including 2 disabled spaces are located at the front and side of the administration building. On site lorry parking is located towards the southern part of the site between the sludge drying facility and the fuel storage area.

4.3 Peripheral landscaping in a relatively narrow strip, in some instances less than 2m wide, is to be established around the perimeter of the site.

4.4 It is proposed to manage 70,000 tonnes per annum of commercial / enterprise and industrial waste, 30,000 tonnes per annum of non hazardous biological sludge from waste water treatment plants, 10,000 tonnes per annum of leachate and 500 tonnes / annum of washings.

4.5 The premises will operate during the following times:

- Mondays to Fridays:
Start up; 07:00 to 08:00
Main operating period; 08:00 to 21:00.
Clean up; 21:00 to 22:00.
- Saturdays:
Start up; 07:00 to 08:00
Main operating period; 08:00 to 21:00.
Clean up; 13:00 to 14:00.

5. ENVIRONMENTAL IMPACT STATEMENT

- 5.1** The environmental impact statement (EIS) was prepared by SWS Environmental Services on behalf of the applicants, AVR Environmental Solutions.
- 5.2** An EIS is a mandatory requirement for this type of proposal. As required by the Environmental Impact Assessment Regulations (1989 and 1999) and the Planning and Development Regulations 2001, the main part of the EIS document (Volume 2) is accompanied by a Non Technical summary (Volume 1).
- 5.3** The proposed Waste Recovery / Transfer and Sludge Drying facility supports the principles and objectives in the Waste Management Plan for Cork County 2004 in that the reduction of sludge to landfill is an objective of industry and the local authority. EU directives on the land spreading of sludge will result in a reduction in the current land spreading of waste water treatment sludge. The proposed sludge drying facility uses an indirect fully enclosed method of drying, which will ensure that the sludge is treated to the EU standard and reduce the amount of sludge going to landfill.
- 5.4** The site selection was undertaken based upon a set of criteria. They include the following:
- Policies contained in the Cork County Development Plan 2003 and the Waste Management Plan 2004.
 - Road access.
 - Land use zoning.
 - Utilisation of a brownfield site.
 - The availability of adjacent landfill.
 - Proximity to sources of waste.
 - Location with permission for a waste transfer station.
 - Location with a waste management permit to operate the waste recycling / transfer station.
 - Availability of existing permission 00 / 7093 for a waste transfer station.
 - Availability of existing waste management permit.
 - Proximity of sources of waste.
- 5.5** The waste recovery / transfer process is described as follows:
- Material arrives and is accepted or rejected.
 - The accepted material moves to a picking station.
 - Non recoverable material is sent to landfill.
 - The recoverable material is recycled, baled, compacted or shredded.
 - Woodchips would be set aside for energy recovery.
 - Other materials would be transported for further recycling.
- 5.6** The sludge drying process is described as follows:
- Wet sludge, with a minimum dry solid content of 10%, is accepted, weighed and randomly sampled.

- It is then tipped into bins within the building, then pumped into a mixing bin, prior to being put into the dryer.
- The dryer is heated using an indirect heating method.
- The dryer is heated by a boiler and energy for this derived from woodchips / biomass and light diesel oil.
- The drying process creates steam, which is condensed with the effluent being sent to an enclosed waste water treatment plant, where it is first treated prior to discharge.
- Odours generated will be dealt with by biofilters or thermal oxidisers.
- The dried sludge is cooled to form an end product, a sterilised granulate, which is stored in the silos prior to despatch.

5.7 The EIS considered the various impacts of the proposed development, together with any mitigation measures, as required by the Regulations.

5.8 Geology and hydrogeology: The limestones in the Youghal area are classed as a major aquifer but the coastal location presents a risk of saline intrusion. This limits use of the water for potable purposes. The sub soils of the site are sandy clays of little economic value. However it is not intended to bring hazardous or putrescible material into the site and potential contamination during the operation of the processes would be minimal. Surface water run off from hard surfaces will be collected and monitored prior to discharge. Potential contaminants such as the light diesel oil fuel, would be stored in bunded areas. Soil / overburden from the site would be used for landscaping purposes.

5.9 Air: Existing levels of dust, odour and gaseous emissions are within permitted levels. There is the potential to generate dust through the loading and treatment of the waste but as the process is conducted indoors, this will be kept to the minimum. The absence of quantities of putrescible material will ensure that the impact of odour is kept to a minimum. The dried granular sludge has a low potential for odour. The sludge drying is undertaken in a closed environment, which will contain any dust. A 2m buffer zone around the site together with a 1.85 –2m high palisade fence would minimise any dust transfer to adjoining sites. Gaseous emissions would be restricted to vehicles and plant.

5.10 Water: The site adjoins the Blackwater River and Estuary. The Upper Blackwater Estuary shows decreased oxygen levels and nitrogen and phosphate concentrations are elevated. This is reduced in the Lower Estuary, due to the increase in saline concentration in the Inner Youghal Bay. Under the Urban Waste Water Treatment Regulations the areas of the Upper and Lower Blackwater Estuary are classified as sensitive areas. Improvements in Waste Water Treatment and a reduction in the spreading of sludge on the land should help to reduce pollution levels in the river and its tributaries. Surface water run off from the site will be collected. The whole site will be bunded. There will be 4 oil and grit interceptors and a 120cum storm water retention tank. A sluice valve will control the discharge to the outfall via the Youghal Town Council sewer network. The

effluent from the waste water treatment plant will be discharge to levels set by the EPA.

- 5.11 Noise:** The main existing noise source is from vehicles attending the NCT centre and the landfill. The average daytime Leq is 54dB(a), which drops to 50dB(a) at night is due to traffic noise. The nearest dwelling to the site is 180m away and the noise generated by the proposed development is predicted to be more than 10dB(a) below background noise levels.
- 5.12 Vibration:** The use of flight augured piles will reduce vibration during construction and no adverse effects are predicted. Plant and equipment during the operations phase are not expected to have any impact on any adjacent building.
- 5.13 Climate:** No impacts are anticipated.
- 5.14 Flora and Fauna:** The site is not within an environmentally sensitive area. However, it is located adjacent to the Blackwater River, which is a candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). It is likely that the site is inhabited by brown rat, pygmy shrew and field mouse. Foxes and rabbits are likely to occur. 44 birds of 14 different species were observed locally, of which 27 birds of 8 species were noted within the site. Habitats within the site will be lost when the site is cleared of vegetation but those habitats are not considered to be significant. The proposed landscape design could incorporate hedgerow planting to compensate for the loss of habitat.
- 5.15 Cultural heritage:** There are no references to archaeological features, which might be affected by the proposed development.
- 5.16 Landscape:** The site is a brownfield site, which occupies a low lying position, surrounded by the confluence of the two rivers. It can be seen from the N25 scenic route particularly in the Waterford direction, although the Youghal landfill / civic amenity is the main focus of attention. The roads in the area (N25 and R634) are well screened with hedgerows and only intermittent views will occur. This impact will be reduced by the proposed landscaping of the site. The sky is predominantly cloudy and therefore the buildings will be coloured goose wing grey to harmonise with the background of the sky.
- 5.17 Traffic:** Approximately 48% of the 2003 predicted traffic using the nearby section of the R634 was removed by the opening of the N25 Youghal by pass. The T12, the minor road to the site from the R634, does not allow for the two way traffic of HGV's. This follows works by the County Council to stop illegal camping and fly tipping. A condition of the intensification of use of Youghal landfill was to facilitate the two way flow of vehicles on the T12. The County Council has said it will complete these works by 2006. the following additional measures are proposed;

- The staggering of deliveries / collections.
- The instructing of all vehicles travelling to the site from outside Youghal to use the Youghal by pass.
- The segregation of service vehicles from other vehicles by the inclusion of two accesses.
- The implementation of a traffic management plan. Sustainable modes of transport will be encouraged.

5.18 Human beings: Manufacturing industries comprise the largest employment sector in the 2002 census but this has probably declined due to a number of factory closures. Two of the towns major employers closed in February 2003. Potential impacts include health and safety issues and impact on tourism and other socio economic impacts. The operations on the site will be overseen by a Health and safety manager. No hazardous material will be stored on the site. Diesel oil and waste will be stored in a secure area.

5.19 Material assets: There is a good supply of labour in Youghal at present. The town is well serviced by roads. During the construction phase 30 jobs will be created. During the operational phase a minimum of 17 people will be employed. Spin off industries may occur creating further employment. The proximity of the adjacent landfill will ensure the easy disposal of waste residue. There is no evidence that property values will be adversely affected. Following a landscape assessment it was found that the visual impact will be minor due to the fact that the site is well screened by trees and other developments e.g. Millennium Court business centre, the NCT centre and Youghal landfill. The site will harmonise with the other buildings in this industrial and commercially zoned area. By promoting waste recovery and sludge drying the proposed activity will have apposite impact upon the use of natural resources in the Cork area.

5.20 Interaction of the foregoing aspects: A matrix is provided to indicate and assess the interaction of the various impacts.

5.21 Comment: A requirement of Environmental Impact Assessment is to consider alternatives: alternative locations, alternative processes, alternative arrangements. Having studied the EIS I consider this should have been more fully explored. For example, by restricting the search criteria to sites with planning permission and a waste permit, many sites closer to Cork City have been excluded, in favour of the site, the subject of the application. The outstanding permission on the site is for a waste transfer station only and the availability of the adjoining landfill has only a limited life. The long term landfill arrangements in the Cork area focus on Bottlehill; some 55kms to the north west of Youghal. Greater focus on the source of the waste together with its final destination, might indicate a preference for sites closer to the Cork Harbour area and reflect more honestly the proximity principle; an overriding principle of waste management policy.

6. PLANNING POLICY AND THE DEVELOPMENT PLAN

- 6.1** The site lies within the Cork County Council administrative area, to the north of the Youghal Town Council administrative area. The current development plan for the area is therefore the Cork County Development Plan 2003. Youghal and Environs is listed as one of the 31 settlements in the County, which have been the subject of zoning maps referred to in Volumes 3 and 4 in the Plan; see extracts enclosed. The appeal site lies within a large area of some 22.4 hectares with the specific zoning objective I-04; Industrial estate development for small and medium industrial units.
- 6.2** The overall strategy for Industry and Enterprise areas is outlined in chapter 9 in the Plan and paragraph 9.3.36 to 9.3.38 provides policy guidance with regard to Industrial Areas. In paragraph 9.3.36, uses appropriate to Industrial areas are listed as including manufacturing, repairs, warehousing, distribution, open storage and transport operating centres. With certain exceptions, primarily industrial areas are also generally suitable for waste management activities, including the treatment and recovery of waste materials but not including landfill or the incineration of waste generated elsewhere.
- 6.3** This approach is stated in zoning objective **ZON-13 (a) and (b)**. Paragraph (c) to the same zoning objective clarifies that, subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and / or distribution uses.
- 6.4** The proposed development includes the construction of two substantial buildings; 13m and 15m in height. Paragraph 9.3.38 advises that new buildings should be single storey with high ceilings to provide versatility and adaptability. High standards of layout, landscaping and design are required in order to assimilate these buildings into their surroundings.
- 6.5** The policy with regard to Waste Recovery and Recycling is outlined in Chapter 5, Section 5.3 in the Plan. Paragraph 5.3.1 refers to the Waste Management Plan for Cork County (1999) now updated in 2004. The original 1999 Waste Management Plan outlined the approach to waste for the time period up to 2013. It discussed a hierarchy for waste management to include prevention, minimisation, re-use / recycling, disposal with energy recovery and disposal of residual waste.
- 6.6** The overriding principles of the waste management policy are stated in paragraph 5.3.2 and are based on those of “the polluter pays”, the “proximity principle”, the “precautionary principle” and the “principle of shared responsibility”.
- 6.7** The key proposals in the Waste Management Plan are listed in paragraph 5.3.3 in the Development Plan. Those aspects of relevance to this application are: 1) the rationalisation of the existing 10 landfill sites to just one state of the art landfill facility at Bottlehill, just off the N20, 12kms to the south east of Mallow and 18kms to the north of Cork City; 2) the provision of a metals recovery facility; 3)

the provision of a network of civic amenity sites and bring sites; 4) the provision of waste transfer stations; and 5) the investigation of the possibility of employing thermal waste to energy treatment for residual waste. A greater involvement of the private sector in the provision of waste management facilities would be encouraged.

- 6.8** The appeal site at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). To the south east there is a proposed Natural Heritage Area (ref. No. pNHA 0072). These areas are shown on the Heritage and Scenic Amenity Maps (Maps 6 and 10), which is included in the Development Plan; see extract enclosed. The following policy objectives in the 2003 Development Plan relate to candidate Special Areas of Conservation and proposed Natural Heritage Areas.
- 6.9** Extracts from other relevant and associated documents are enclosed; e.g.
- The Waste Management Plan for Cork County 2004.
 - The Sludge Management Plan for County Cork 2000.
 - The Youghal Town Council Development Plan 2003.
 - The Waterford County Development Plan 1999.

7. DECISION OF THE PLANNING AUTHORITY

- 7.1** The planning report of the 3rd February 2005 advises that the waste facility comprises two distinct operations - waste recovery /transfer and sludge drying. Such facilities require licenses under the Waste Management Acts 1996 to 2003; unless exempted by a waste management permit. Licensable facilities, subject to a waste a management licence, should not be subject to environmental conditions under the planning process, unless exempted by a waste management permit. It was considered that the scale of the project, the technology to be applied to the sludge drying process and the potential for the transfer facility to handle waste for disposal, rendered the facility liable to licence and regulation by the Environmental Protection Agency (EPA). The report concluded that any planning conditions relating to environmental pollution matters; e.g. noise, dust, smell etc. should only be applied with regard to the construction phase of the project and not the operational phase of the project and only then if not covered by the licence from the EPA. In reaching this conclusion it was remarked that although the submitted Environmental Impact statement (EIS) was suitable for consideration under the planning process it would not be acceptable for the determination of emissions for discharges from the facility and the setting of operations controls.
- 7.2** The planning report took note of the existing permission and waste permit which relates to the site based on the previous planning permission for a waste transfer station; granted permission on the 31st October 2001 under ref. **00 / 7093**. This permission is valid for five years and is due to expire in October 2006. As a result,

it was considered that the activity of waste treatment was acceptable in principle but that the thermal treatment of the sludge was a very different activity.

- 7.3** By Order dated 4th February 2005, Cork County Council decided to grant planning permission subject to 33 conditions, which are summarised as follows:
1. Development to be carried out in accordance with the details submitted on the 5th October 2004 and amended on the 2nd December 2004.
 2. Annual intake to be limited to 30,000 tonnes of non hazardous biological sludge and 70,000 tonnes of commercial / industrial waste. A register to be maintained on site to not the details of each consignment giving the origin of the waste; its weight and composition.
 3. No parking of vehicles other than those associated with the facility.
 4. Premises to be used solely for waste recovery / transfer.
 5. Ancillary other than those shown on the plan shall be the subject of further permission.
 6. No signs etc to be erected without permission.
 7. Development contribution of €305,250 to be paid to the County Council in respect of public infrastructure.
 8. Details of materials of buildings to be agreed.
 9. Existing hedgerows to be retained and extended with species such as hawthorn, Blackthorn and Gorse.
 10. Landscaping proposals to be amended to include native tree and shrub species.
 11. Details of Environmental Management system to be agreed.
 12. Front boundary wall, side walls and piers to be in natural stone.
 13. Wheel washing facility to be provided.
 14. Connection to be made to public water supply.
 15. Water supply to be metered.
 16. Sampling facility to be provided at the discharge to the public sewer.
 17. All solid wastes to be recycled.
 18. Operations to be carried out to ensure no odour or dust nuisance beyond site boundaries.
 19. Water contaminated with hydrocarbons to be trapped by an interceptor.
 20. Over ground tanks to be trapped in bunded areas.
 21. All materials to be stored within the buildings on the site.
 22. On site parking to be to PA's satisfaction.
 23. Loading and unloading not to take place on the public road.
 24. No packaging or litter to be stored on the forecourt.
 25. External lighting to be cowled and directed away from the public road.
 26. Developer to submit a Waste management Plan for each phase of construction.
 27. Council to be consulted with regard to any off site disposal of excavated soil or construction and demolition waste.
 28. Records of all construction and demolition waste taken from the site to be held for 12 months after completion.
 29. Noise levels at site boundaries not to exceed 55dBa between 08:00 and 20:00 Monday to Saturday and 45dBa at any other time.

30. Site surface water contaminated by hydrocarbons to be discharge via an interceptor.
31. Waste oil not to be stored on site during construction.
32. Dust arising from construction not to exceed 250mg/sqm/day at the site boundary, averaged over 30 days.
33. Construction activities to be carried out such that there is no noise nuisance caused to adjoining residences.

8. GROUNDS OF APPEAL

8.1 There are twelve third parties to this appeal. The grounds of appeal submitted by each of the third parties are summarised below.

8.2 First Third Party: David Kelly Partnership on behalf of Catherine Kelly. County Development Plan.

The proposed development is contrary to the principles of sustainable development set out in the 2003 County Development Plan, including the proximity principle in relation to waste recovery and recycling, the objectives of climate change and the objectives of transport and land use. It involves the transport of 70,000 tons of commercial / industrial waste and 30,000 tons of sludge to the site. None of this material originates in Youghal. The EIS advises that of 80,000 tons of industrial sludge generated in Co. Cork, 31,200 originates from industries in the Cork harbour area. It is implied that this is the source of the sludge to be transported to Youghal. The 70,000 tons of commercial / industrial waste is also likely to come from Cork and the surrounding industrial estates. Youghal is a peripheral location, less suitable in terms of sustainability.

- It is also proposed to treat 10,000 tons of leachate in an effluent treatment plant within the proposed facility. The planning report considers that this will be derived from the adjacent landfill and would be advantageous in reducing transportation costs. However, there is no indication in the application or the EIS as to what proportion of the 10,000 tons would be generated locally. Whilst the planning report acknowledges the benefits with regard to the transportation of leachate the same principle is not applied to the transportation of other waste materials. At a meeting about the Youghal landfill site it was stated that the extended life of the site between 5 and 6 years; possibly less depending upon the rate of fill. The policy set out in 5.3.3 in the Development Plan states that there would be only one landfill site at Bottle Hill near Cork City; chosen no doubt on the proximity principle and in the interest of sustainable development.
- With regard to sludge drying, the proposed method chosen is one of high energy combined with dewatering see section 2.2.2 in the EIS. A low energy option; advanced fluidised composting is dismissed because it is new to Ireland but so is the chosen method.
- The waste recovery and transfer operation includes an element of reject waste but it is not shown where this goes and an unquantifiable amount of non-recoverable waste which goes to landfill. In a few years time the result will be

that waste material will be brought to Youghal for sorting and then transported out with the non recoverable portion being sent to Bottle Hill. This transportation operation is contrary to principles of sustainability and the use of non – renewable sources of energy.

8.3 Amenity

The development would be injurious to amenity, including residential, recreational, scenic and visual and has the potential to give rise to nuisance in the form of noise, dust and odour.

- The principal views are from County Waterford, where the N25 to Rincrew Bridge and the R634 to Tallow are designated scenic routes and the shoreline is designated as vulnerable. The planning authority did not take into account the views from the adjoining planning authority, Waterford County Council. The planner also considers that the area is already visually compromised by the bland NCT building. But that building in comparison is small, low (8m to the ridge) and narrow and has little visual impact. The tallest buildings are Millennium Court, which has a parapet height of 8m, whilst the proposed buildings are 15m and 13m, with the silos up to 16.5m. The buildings will be seen as a single unit of 110m in length when viewed from the scenic route. The same impact will be obtained from the amenity walk along the Slob Bank. The area adjoining the Slob Bank is a candidate Special Area of Conservation and proposed Natural Heritage Area.
- The landscaping proposals are a mere token. Almost all of the landscaping is confined to a perimeter strip, most of which is just 2m wide. This is too narrow for tree planting as confirmed in the EIS, which states that large trees should not be planted to any of the proposed buildings.

8.4 The Environmental Impact Statement (EIS). Comments are made in respect of the submitted EIS.

- The site has not been reclaimed. Sand and gravel was probably extracted from the site. The site investigation is confined to boreholes but no trial pits were excavated. This is a major failing since the made up ground was used as a refuse dump by Youghal Town Council in the 1950's. This would indicate the possible presence of toxic materials; paints, garden and other chemicals. The boreholes were taken in the summer. Ground water levels there are subject to artesian conditions and can result in springs during the winter months.
- Site levels relate to an arbitrary 100m, whilst the level of the site is 3m. This affects the air quality dispersion modelling in relation to the stack. The stack is at 19m not 116m. Comparison with meteorological data at Cork Airport is used but the airport is on a plateau and at a height of 140m. The site will have its stack at 19m located in a valley and at the junction of two valleys. The wind direction can be distorted by this local topography.
- There is no indication that the risk of flooding was taken into account. The most recent floods in Youghal reached 2.8m.
- There are up to 120 houses and an old people's home within 1km of the site.

- The mobile sludge dewatering plant has the availability to create odour but its function is not explained in the EIS.
- The question of odour is a major concern.

8.5 Proposed development is contrary to the zoning of the site.

- The development is in contravention of the zoning of the site; specifically zoning objective 3-13.
- The planning report relies on the permission for a waste transfer station and the proximity of the County Council landfill site. At the time of the application for the waste transfer station the site was in use for the storage of skips, which were the property of Youghal Waste Disposal and Recycling, though there was no permission for this use. The ordinary member of the public would assume that the transfer station would refer to the transfer of small skips of demolition waste into larger trucks / skips for transportation to a disposal site. Such activity would fall within the terms of an industrial process. The Chief Environmental Officer refers to the development as “effectively for a separation and treatment plant prior to disposal of waste elsewhere”. The planning report indicates that the site is to be leased from the County Council. The planner does not mention that the site is zoned agricultural in the County Plan. This is a specific zoning and it is only after further consideration by a senior planner that the issue of a material contravention to the zoning arises. The omission is excused by accepting that the proposed building could be dismantled but this is difficult to understand given that the building had concrete floors, steel frames and cladding and was equipped inside with industrial processing equipment. Reference to legal cases with regard to contraventions of zoning, suggest that the permission (00 / 7093) is null and void. Even if this is not the case it would be commercial suicide to construct a building and fit it out with equipment only to have to remove everything within 5 years.
- The planning authority relied heavily on the previous flawed permission as a reason for granting this permission. In relation to visual amenity the planning report states that the existing permitted building / waste transfer station was approximately 13.3m high. However, according to the drawings the building was 10.24m high.
- The planners did not consider the other zoning objectives for the area. Zoning objective I-01, 350m from the site is for office based industry in a landscaped setting. Development on the adjoining site has the zoning objective C-01; development of a tourist attraction based on the historic association with the Youghal brickworks. This zoning encompasses a large area within 1km of the site. Also included is the Industrial Estate Development, I-02, at Foxhole (warehousing and car sales) and O-01 for passive open space.
- ENV 5-8 in the Plan requires that new buildings respect the character, pattern and tradition of existing places, materials and built forms and that they fit in with the landscape. New building projects should be energy efficient in their design and layout. The proposed development does not respect good design principles. The site is too small as shown by the tortuous truck manoeuvres.

The buildings are pushed to the perimeter of the site with no room for proper landscaping. The previous permission had extensive landscaping. The site is covered by hard surfaces with only a narrow strip around the perimeter for landscaping.

8.6 Second Third Party: Cumann na Daoine Woman's Group. The group has more than 30 members and is concerned about the development of the town and its hinterland. The grounds of appeal are as follows:

- **Development is contrary to sustainable development**, due to;
 1. Amount of traffic movements involved. Transporting large volumes of sludge is not sustainable. It is stated that there will be 38 traffic movements per day but this may not be the total. The use of either wood chip or diesel to fuel the boiler will result in an increase in deliveries. Access to the site is precarious from the roundabout at Rinncrew. There will be additional traffic through local villages e.g. Killeagh and Castlemartyr.
 2. The chosen method of dealing with the sludge is not the most sustainable. Localised treatment would be more sustainable; avoiding transportation. Alternative methods should have been discussed in the EIS.
 3. Youghal is a designated heritage town. A sludge treatment plant would undermine this.
 4. The site is adjacent to a local amenity walk; the Slob Bank. The adjacent marsh is home to birds and is a candidate SAC.
 5. The view from the N25 brings visitors from the south east and tourists from Rosslare. The view is already compromised by the existing landfill site but this is due to close and covered in. Siting the waste treatment plant at Foxhole will have an adverse effect upon tourism. Any trees planted will not hide the building as there is not enough space around the building to accommodate mature trees. Efforts to conceal the plant will be inadequate.
 6. Youghal is served by a part time fire service and community hospital. The emergency services are under resourced to deal with a potential emergency from the plant.
- **Planning Issues.**
 1. Zoning. The site is zoned for light industry. This does not include a sludge plant or a waste transfer station.
 2. Planning history. In October 2001 permission was granted to Youghal waste Disposal and recycling (00 / 7093), subject to 5 conditions. Condition 5 restricted the development to a period of 5 years with the structure removed 6 months after the cessation of activities. The reason given was that the use of the building or retention of the structure was not acceptable in this location on a permanent basis. No development has taken place but the lease has been sold on to AVR Environmental Solutions. If the site was not acceptable for a waste transfer station in 2001 how can it be acceptable for a similar development plus a sludge treatment plant in 2005?
 3. Cork Area Strategic Plan. Youghal is not identified as suitable for a waste transfer station nor is it a suitable site for a sludge treatment plant. The proposal is contrary to the Cork Area Strategic Plan.

4. Inadequate public consultation. The applicants say they consulted three people. There are no recorded responses, which was taken by the applicants as an indication of a lack of concern. This is not the case. There was no public meeting and the presentation to the councillors occurred late in the process. Nevertheless 23 observations were lodged despite the limited time available.

5. The County Council failed to take into account objections from this group prior to making a decision.

8.7 Third Third Party: David Kelly Partnership on behalf of Joseph Murphy.

- Joseph Murphy is a director of Crofthorn Developments Ltd. who commenced the purchase of two plots on the Youghal Town Council owned industrial estate. At the time of the grant of permission in December 2000, the plots were the only undeveloped zoned land at that end of the town.
- The application by Youghal Waste Disposal and Recycling went unchallenged because it was assumed that the transfer of waste meant transfer from one vehicle to another.
- Discussion regard the development of the two plots resulted in a requirement for buildings of high architectural quality and a firm of architects from Waterford were employed. The individual occupiers of the commercial development would be wholesale warehousing and car sales.
- The rezoning of land in the 2003 County Development Plan posed no threat to the commercial development proposed.
- However, it is now considered that the nature and scale of the proposed development would not be compatible with the overall zonings in the adjoining area, which range from tourism / hotel, office based business park and small and medium industrial units. The current industrial development; the Avery Dennison building and the former Kodak building are clean and unobtrusive and are set in landscaped grounds. The proposed development is contrary to the zoning and the proper planning and sustainable development of the area.
- The existing landfill is a nuisance but its life is limited and will be replaced with a green area. Any potential odour, noise or dust problems from the proposed development presents an economic threat to existing developments on the commercial / business park and would deter the reuse of the vacant Kodak building.
- The transport of waste material to the site poses an environmental risk through accidental emissions.
- Dependence on expensive energy; for both transport and the drying process in order to produce a low value product is unsustainable.

8.8 Fourth Third Party: John O’Keeffe and others.

- The County Council have ignored the objectives for Youghal in the Cork Area Strategic Plan and the Cork Waste Management Strategy. Youghal is a heritage and tourism destination not a location for national and provincial waste. Youghal already operates a landfill site and a local waste recycling centre.

- The site is not zoned for the proposed development and a material contravention is necessary.
- The EIS is deficient in that the traffic impacts are not adequately addressed, which will compromise public safety. The introduction of national and provincial HGV traffic onto the local network will destroy local amenity.
- The proposed development will be a visual intrusion on the landscape of the Blackwater Estuary.
- The environmental risks are unacceptable.

8.9 Fifth Third Party: Dermot and Norma Ledingham.

- Development is contrary to the Cork Area Strategic Plan. Youghal is an area for heritage and marina based tourism. It is not identified in CASP to receive large scale industrial developments including waste recovery / transfer and sludge drying
- Lack of public consultation.
- Public amenity. The adjoining area known as the Slob Bank is a popular public amenity area. This and a bird sanctuary in the area will be badly affected.

8.10 Sixth third Party: Pdraig Kelly.

- Site is located within an area zoned I-04, Industrial estate development for small and medium industrial units. It is unsuitable for sludge drying. Zoning objective ZON 3-13(b) states that the objective on waste management in industrial areas is to direct this activity to areas zoned for industry but not predominantly used for small and medium industry, warehousing or distribution, which is the case of the appeal site. ZON 3-13(c) relates to civic amenity sites and waste transfer stations, which might be acceptable on industrial sites with warehousing or distribution activity. The planning report fails to apply this restriction on the proposed development. It gives more weight on the presence of the existing landfill, which is transitional, rather than the long term objectives of the area. In terms of zoning, agreeing to waste transfer does not mean that the sludge drying process is acceptable. Any benefit derived from dealing with leachate from the landfill would be outweighed by the importation of sludge.
- Any grant of permission should be restricted to waste recovery / transfer. The sludge drying activity should be refused on the basis that it is contrary to the zoning objectives in the Development Plan, which does not support any waste treatment on the site.

8.11 Seventh Third Party: Mescal & Associates on behalf of Youghal Chamber of Tourism and Commerce.

- The land is zoned I-04; small and medium industrial units. The proposed development does not conform to this zoning.
- The existing permission 00 / 7093 is for 5 years and will expire on the 30th August 2006. It was never intended to be permanent.

- The existing waste permit is limited for 2 years and is non transferable. It is for a different type of waste except for construction and demolition waste.
- The adjacent landfill is due to cease when Bottlehill landfill is fully operational in late 2006. This together with the temporary nature of the waste transfer station indicates that the handling of waste in the area was only seen to be temporary.
- The area has only recently been zoned for small and medium industrial units in the 2003 Development Plan. Before that, the site was zoned for agriculture. It is not appropriate to use it for waste management.
- The proposed buildings are not consistent with the objective ZON 3-15 for industrial areas. The buildings are 13m high with a chimney stack of 15m and silos of 16.5m.
- The Cork Waste Management Plan 2004 looks for public private partnerships for the recovery of materials. There is no indication this is the case.
- The Sludge Management Plan 2000 has no reference to Youghal; Middleton is the hub centre for the area.
- Sludge drying is not widely carried out in Ireland. Apart from pharmaceutical companies the only main drainage plants to undertake it is at Carrigrenan (Cork) and Dublin Bay. Both locations are away from the public. There have been difficulties with odour which have been well publicised. There are 4 odour generating activities proposed: sludge drying, waste recovery / transfer, waste water treatment and the trucking of the waste. Neither the Cork nor Dublin facility incorporates all 4 activities. The sludge drying and waste recovery activities are equivalent in size to any other in the country.
- There is no indication or adjudication on alternative sites. There are 4 other sites dealing with waste recovery / transfer in the Cork City area, which range from 50,000 to 100,000 tonnes per annum. (The Youghal site would handle 70,000 tpa.) However, the Youghal site does not make sense geographically to serve County Cork, based on the proximity to the source of the waste principle.
- The lack of alternative sites in the EIS is due to the absence of sites with planning permission. The situation with regard to the planning permission at Youghal seems to be the main reason for selecting the proposed site.
- The close proximity of the proposal to normal activity would cause upset in terms of noise and landscape.
- Given that there are only two comparable sites in Ireland; in Dublin and Cork, for this type of activity, there is limited evidence to say the proposal will not affect house prices.
- The development will not allow Youghal to attract people for a seaside holiday. The proposed waste handling / recycling and waste drying facility would be located at the entrance to the town, which would affect the perception of the town for visitors. The presence of odour would endanger the tourism industry in the town, which is designated as a Heritage Town. Planning permission has also recently been given for a 44 boat marina.
- The two largest facilities for sludge drying at Cork City and Dublin Bay have experienced significant problems. One of the difficulties with the Youghal

proposal is that the sludge will arrive from a number of different sources. The technology is unproven and the location too sensitive. No information has been provided should the plant malfunction.

- Odour is one of the principal concerns yet the means to control it are not clear. The EIS refers to a biofilter or thermal oxidiser, which are two different types of unit. Later on there is reference to an electrostatic precipitator. There is a lack of confidence that the applicants can make the process odour free.
- The leachate from the adjacent Cork County Council landfill will be treated in the waste water treatment plant to this development. The County Council are beneficiaries. The planning process has not been conducted in a normal open manner.

8.12 Eighth Third Party: Paddy and Geraldine Walsh.

- As residents living nearby there will be noise and odour from HGV vehicles transporting sludge, commercial and industrial waste to the plant.
- The odour and noise will damage the amenity of the Slob Bank; where people walk everyday.
- The proposed development will affect the future value of our property.

8.13 Ninth Third Party: Michael and Helen Brooks.

- To build this facility on the banks of the Blackwater Estuary in full view of potential tourists coming to the town along the main N25 road is wrong.
- The site is part of the Slob lands reclaimed in 1845. The Town Council have made the Slob bank into an amenity area. It is used for walking, bird watching and fishing. Hundreds of people walk the Slob Bank Ring each day; a distance of 3.2 miles.
- The proposed sludge drying facility, which will manage 110,500 tonnes of waste will be viewed by people using the recreation area. They will be affected by odours, smoke and steam.
- Accidental spillage and pollution. The site is adjacent to the County Council superdump. It is at the intersection of the two rivers – Blackwater and Tourig. Pollution would affect the rivers and nearby Blue Flag beaches.
- It would be viewed by Tourists driving along the N25 road.
- The site is zoned for Light *Industrial* Development.
- It is on land the home of the rare Little Egret.
- It is situated within 200m of a developing industrial estate, which includes a furniture shop, pottery shop and fish smoking plant.
- It is situated 150m from a recently closed factory with clean room facilities. It would limit the chances of attracting medical or pharmaceutical factories in the future.
- The lands between the town and the bypass are now ripe for development. It is hoped that the landfill will be closed in 10 to 15 years. The lands could be developed for hotels and marinas. Sludge drying is not a good neighbour.
- If the town generated this waste we might be more inclined to accept it.

- AVR have recently purchased land at Little Island, a heavy industry area where much of the waste is generated. Why not build there?

8.14 Tenth Third Party: Eugene Whyte.

- Damage to tourism. Youghal is a Heritage Town.
- Improper planning procedures. Notice not displayed in apposition close to the main road.
- Risk to the environment. Proposal contradicts CASP. Once landfill is complete the area is to be grassed as an amenity area.
- Loss of development potential. This proposal will deter other businesses from setting up in the area. It is not worth it for the 13 jobs proposed.
- Devastating effect on wildlife. Youghal is a candidate SAC. Since 1998 the Little Egret has bred in the area and the current population is up to 200; making the Blackwater the primary site for the species in the country. There are two small areas of Atlantic salt marsh; an important habitat for a number of plants.
- Increase in HGV's through towns and villages. 40 trucks and 10 cars will pass through the plant each day. This will create additional traffic on a very narrow road.
- Odour emissions from plant. The facility should not be placed near a residential area. The most dangerous emissions are from the chimney, which can then spread over a wide area.
- Unknown content of sludge to be processed. When questioned, AVR were unable to say what the content of the sludge was. They have said they will deal with 70,000 tonnes of waste and 30,000 tonnes of sludge, which will be trucked in from around the country. They may even import waste to make the plant viable.
- Unknown effects of emissions on people of Youghal. This is the first plant of its kind that AVR has tried to set up.
- Lack of consultation between applicant, council and public.

8.15 Eleventh third party: Eoin and Margaret Crowley.

- The proposed development is contrary to CASP – the Cork Area Strategic Plan.
- The proposed development is not sustainable.
- The proposed development will cause traffic congestion.
- The proposed development will visually detract from the Blackwater Estuary amenity area.
- Our objections were not fully considered by the County Council.
- This is a private proposal for profit. This should not be at the expense of the quality of life of the local community.

8.16 Twelfth Third Party: Fred and Herta Rigney.

- Development is contrary to CASP – the Cork Area Strategic Plan, with particular reference to sections on Sustaining social and economic

development; Clustering of industries and services and Effect on coastal setting, marine and tourism.

- Potential damage to ecology of Blackwater Estuary.
- Development hinders efficient transportation.
- Zoning of the site is inappropriate for waste management facility.
- Development is at odds with the Youghal Town Council Heritage Plan.
- Development is at odds with the South West Regional Authority Atlantic Ports Project.
- Potential hazard to the community from noise and odours.
- Lack of consultation with the community.

9. OBSERVATIONS OF THE PLANNING AUTHORITY

9.1 There are no observations from the County Council on the appeal file.

10. OTHER OBSERVATIONS

10.1 On the 29th March 2005, observations were received from the David Kelly Partnership on behalf of Michael Mullane and Paul White, who own lands at Foxhole and Muckridge. The lands are zoned C-01 and I-01. The points raised are summarised as follows.

- **Zoned lands.** The lands zoned C-01 contain a protected structure, Youghal Brickworks, which is the focus of the zoning objective for interpretation and tourism. The land zoned I-01 is for office based development. Both developments are sensitive to noise and odours. Vehicles bringing in material to the proposed development would approach the development along the perimeter of the zoned lands. The development of the zoned lands could be undermined by odour and nuisance from the vehicles bringing the material and the proposed development. Any conditions imposed on any grant of permission in relation to odour nuisance or noise should therefore be enforceable.

11. RESPONSE FROM THE DEPARTMENT OF THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT

11.1 On the 16th May 2005, the Board received a response from the Department of the Environment, Heritage and Local Government. They advise that the proposed development at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref. no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). A site synopsis is enclosed. Whilst it is noted that the development will take place on land; an effluent pipe will discharge into the estuary. The cSAC is designated for the marine habitats – Estuaries Mudflats and sandflats not covered by seawater at low tide. It is important for the migration of fish species; lamprey, salmon and shad are specifically mentioned. The SPA is frequented by migratory bird species; Golden Plover, Bar Tailed Godwit, Sandwich Tern, Roseate Tern and Common Tern are mentioned.

11.2 The effects of the development, principally due to the provision of the outfall pipe, are assessed against a set of criteria, as follows:

- Habitat Loss: there will be a loss of habitat during the construction of the pipe. This is likely to be short term.
- Changes in sedimentation rates / type of sediment: the greatest currents were noted on the development side of the channel and therefore effluent will be dispersed into the marine environment.
- Changes in nutrient content: The flow conditions at the end of the outfall pipe suggest that there will not be a significant increase in nutrient levels at the discharge point.
- Community structure: The seaweed species and bivalve molluscs found in the area are common and likely to rapidly re-colonise the area after the completion of works.
- Chemical contaminants: Concentrations of metals and contaminants in the estuary at present are low and there is unlikely to be any significant impact on water quality and marine life during construction.
- Noise disturbance: This will be minimal if compliance with BS5228 – Noise control standard is achieved.

11.3 A series of conditions is suggested to minimise any adverse impacts.

- Efforts should be made to minimise the area of sea bed to be disturbed during construction.
- Access to the trench for the outfall should be confined to an area equivalent to the width of two vehicles and a geotextile material used to minimise damage to adjacent habitats.
- All material moved should be stored and used as backfill once the construction is completed.
- Construction should be carried out over periods of slack tide to minimise disturbance of material.
- Construction should not begin before June 1st to minimise disturbance on the migratory fish species; lamprey, salmon and shad.
- Potential contaminants; oil detergents etc. should be stored in banded / suitable storage facilities to prevent contamination into the marine environment. A contingency plan should be devised to cope with any spillages.

12. RESPONSE FROM THE ADJOINING PLANNING AUTHORITY – WATERFORD COUNTY COUNCIL

12.1 On the 10th June 2005, the Board received a response from Waterford County Council. The points raised are summarised as follows:

- The information submitted with the application does not show the source of the waste. The scale of facility would gather waste in the south east region, which may have a negative impact on recycling infrastructure and the long term viability of the south east Waste Management Plan.

- Potential visual impact. An extract from a Scenic Landscape Evaluation shows the areas classed as sensitive and visually vulnerable. Another map shows scenic routes. It is the policy of the County Council to ensure that there will be no obstruction or degradation of the view towards visually vulnerable features or significant alterations to the appearance or character of sensitive areas. A series of views are shown from the N25 near Youghal Bridge and Bridge House close to the old Youghal Bridge. The site is highly visible from the scenic route. The Council has concerns with regard to visual impact having regard to height of the structures and the cumulative impact that would arise from existing and proposed structures. The existing structures already detract from the visual amenity of the area, due to a lack of natural screening, landscaping and conspicuous colour scheme of the buildings, which do not assimilate into the landscape.
- It should also be noted that the views are onto the Blackwater Estuary; a designated Special Area of Conservation, a Natural heritage Area and a Special Protected Area.

13. APPLICANT'S RESPONSE TO SUBMISSIONS

13.1 On the 4th April 2005, the Board received a response to the submissions previously received in the context of this appeal from SWS Environmental Services, on behalf of the applicant, AVR – Environmental Solutions Ltd.

13.2 The response is in relation to items of fact not personal opinion.

13.3 It is confirmed that SWS Environmental Services, on behalf of the applicant, AVR – Environmental Solutions Ltd. has undertaken a detailed environmental impact assessment and is in consultation with the EPA with regard to obtaining a licence for the operation of the facility. All environmental issues, with regard to noise, odour and dust, will be assessed by the EPA in determining the licence for the facility.

13.4 The key issue raised by appellants relates to zoning and land use. The proposed development is a small to medium size / type enterprise and it is a key aim of the National Development Plan to support the growth of such enterprises in strategic locations. Youghal, as a Ring town in the Cork Area Strategic Plan (CASP), is identified as a strategic location. The proposed development is in keeping with proper planning and sustainable development.

14. ASSESSMENT

14.1 I have visited the appeal site and have studied the appeal file and that of the recent appeal with regard to the nearby landfill site. I have also studied the current County Development Plan 2003, the County Waste Management Plan 2004, the Sludge Management Plan 2000 and the Youghal Town Council Development Plan 2002.

14.2 I consider the following planning issues to be relevant in this appeal:

- Planning Policy.
- Waste Management Policy.
- Planning History.
- Traffic Impact.
- Visual Impact.
- Residential amenity, including nuisance from dust, noise and odour.
- Landscape and Environmental Conservation.
- Economic impact / tourism etc.

14.3 Planning Policy. The current Development Plan is the Cork County Development Plan 2003. Youghal Environs (the area outside of the Youghal Town Council area) is listed as one of the main settlements (settlement 31) in Volume 3 in the Plan. Specific Zoning Objectives have been devised for these areas and they are depicted on the maps contained in Volume 4 in the plan. Thus, on Zoning Map 31: Youghal Environs, the site lies within an area zoned for Industry and Enterprise with a Specific Zoning Objective I-04; industry estate development for small and medium units.

14.4 Chapter 9 in the Development Plan explains the overall strategy with regard to Industry and Enterprise Areas. ZON 3-f3 explains the policy to be applied with regard to appropriate uses in Industrial Areas. Paragraph (b) states that “It is an objective that industrial areas that are not used mainly for small to medium industry, warehousing or distribution are considered to be generally suitable for waste management activities (including the treatment and recovery of waste materials but not including landfill or contract incineration facilities).....”

14.5 Much of the land within the area identified as I-04 has yet to be developed for industrial estate development. However, since the site has a specific zoning objective I-04; industrial estate development for small and medium units, I consider that use for waste management activities (including the treatment and recovery of waste materials but not including landfill or contract incineration facilities) would not be an appropriate use for the site in terms of planning policies contained in the Development Plan. The proposed use being for waste management activities could, in my view, undermine future attempts to develop the lands for small and medium industrial units.

14.6 Waste Management policy. Section 5.3 in the Development Plan refers to Waste Recovery and Recycling. Section 5.3.1 refers to the Waste Management Plan for Cork County 1999. This has since been updated by the Waste Management Plan 2004. The basic principles remain the same. They are:

- the Polluter pays,
- the proximity principle,
- the precautionary principle, and
- the principle of shared responsibility; see section 5.3.2 in the Plan.

Section 5.3.3 outlines the key proposals in the 1999 Plan, reinforced in the 2004 plan. In Section 5.3.4, particular reference is made to Youghal being a Civic Amenity site and the rationalisation of the existing ten landfill sites to one state of the art engineered landfill facility at Bottlehill.

- 14.7** Since the adoption of the Development Plan in 2003 and following an oral hearing, permission has been granted for this main facility at Bottlehill, which is just off the N20 between Cork City and Mallow. Taken on the 29th May 2005, the enclosed photographs show construction progress at the entrance to the landfill site. This main facility is approximately 20kms to the north of Cork City and with Youghal a further 35kms approximately, to the east of Cork City it would be about 55kms from Youghal.
- 14.8** Matters of transportation are compounded, since although no sources of the waste are quoted, it is likely that much of the waste will originate from Cork City and harbour or Midleton. The waste material to be recovered has been variously described as including demolition and construction waste and packaging materials; plastics, glass and cardboard. Only inert material would be accepted. Domestic or putrescible waste would not be included. Nevertheless, whilst wishing to support recycling initiatives, I do not consider that Youghal is ideally located to receive such waste. It is situated on the periphery of the County area; 35kms from Cork City and about 22kms to the east of Midleton, the two centres which are likely main sources of the waste. Despite improvements to the N25, HGV's transporting the waste would have to negotiate the villages of Castlemartyr and Killeagh between Middleton and Youghal. The road through both villages is narrow and restricted by the presence of parked cars. Both villages contain a sharp right angle bend and the passage of large numbers of HGV's would endanger road safety by reason of a traffic hazard.
- 14.9** Having recovered that part of the waste suitable for recycling, the residue would be transported to a landfill facility. Once the adjoining landfill at Youghal closes in 2006 / 7, the residue would have to be transported to Bottlehill, which at approximately 55kms, is a considerable haulage distance away. In my view, the transportation implications of the waste recovery element of the proposed development would not accord with the terms of the proximity principle, as required in section 5.3.2 in the Development Plan.
- 14.10** The proximity principle has even greater significance in respect of the second element of the proposal; the proposed sludge drying operation. The Sludge Management Plan identified hub centres and satellites for the treatment of municipal wastewater sludge. Youghal was neither a hub nor a satellite in that plan.
- 14.11** The applicant has not been specific about the sources of the waste / sludge material for the proposed drying facility but advises that the majority of industrial sludge produced in County Cork is generated from the treatment of industrial

process waste water. Of 80,000 tonnes of industrial sludge produced in 2002, 50% arose from the South Cork region with 78% originating from industries in the Cork harbour area; see extract from the Waste Management Plan 2004. Thus under this proposal, sludge would be brought from waste water treatment plants in the Cork City / Harbour area to Youghal for drying and then redistributed from there. Residue effluent would be passed through the waste water treatment plant prior to disposal via an outfall into the Blackwater Estuary.

14.12 Compared with the recently opened sludge drying facilities at Ringsend / Poolbeg in Dublin and the sludge drying facility at Carrigrenan on Little Island, which are both located alongside the waste water treatment facility, see enclosed extract and photographs; the proposed arrangement would involve the additional and unnecessary transportation of the sludge, prior to drying, and the construction of the waste water treatment facility. This in my view is undesirable and conflicts with the Sludge Management Plan 2000, which identifies the hub centres and the proximity principle, referred to in section 5.3 in the Development Plan. As a result, I consider that this part of the proposal would be contrary to the proper planning and sustainable development of the area.

14.13 Planning History. The planning report took note of the existing permission and waste permit, which relates to a waste transfer station on the site, granted permission on the 31st October 2001 under ref. **00 / 7093**. This permission is valid for five years and is due to expire in October 2006. As a result, the report concludes that the activity of waste treatment is acceptable in principle but that the thermal treatment of the sludge was considered a very different activity.

14.14 The previous planning permission included the construction of a substantial blockwork and metal clad building 10m to the eaves and located in the south west corner of the site. This building was to be used for the separation and treatment of the waste prior to the recovery and disposal of waste elsewhere. It was noted that the Youghal landfill site was located nearby and that the land might be considered as a location for a sewerage facility as part of the Youghal Main drainage scheme.

14.15 The permission was subject to 5 conditions. Despite the extent of the works and the inclusion of the construction of the substantial building; condition 5 to the permission stated that “the use of the site for the purpose herein permitted shall cease on the expiration of 5 years beginning on the date of the grant of permission and the structure shall be removed from the site within a period of 6 months of cessation of this use”. The reason for this condition was given as “the use of the building or the retention of the structure is not acceptable in this location on a permanent basis”.

14.16 At that time the site lay within an area zoned for agriculture in the 1996 County Development Plan. Given that:

- a temporary planning permission was being granted,

- the fact that the applicant was agreeable to this (the building was regarded as a steel frame building, which could be dismantled and re-erected elsewhere) and
 - the adjoining uses; the landfill and NCT test centre,
- the planning officer did not consider that a material contravention to the Development Plan was required.

14.17 I am doubtful whether the site is being used as a waste transfer station. At the time of my visit the building had not been constructed. It appeared that part of the site, the north eastern part, was being used for the storage of skips and trailers. The remaining part of the site towards the NCT test centre was overgrown, vacant land; see photographs.

14.18 I consider that it would be unwise to place undue importance on the existing planning permission granted in October 2001, in the light of the temporary nature of that permission and the specific zoning objective in the subsequent 2003 County Development Plan. This, in my view, has particular reference to the Environmental Impact Statement, which accompanies this submission, since the existence of a planning permission / waste permit was used as one of the site selection criteria for the consideration of alternative sites; see paragraph 2.1 in that document. It has tended to highlight the selection of this site for the proposed development, at the expense of other sites within the Cork City / harbour area.

14.19 Traffic impact. The appeal site is approximately 1km to the south of the junction of the R634 and the N25 at the Rincree roundabout. Traffic approaching the site from the Cork City direction would use the recently opened Youghal by pass and a short section of the R634 before turning onto the T12 on the approach to the site.

14.20 Improvements to the T12 would be required. Works to upgrade this road are required as part of the Board's decision on the 29th March 2004 to grant permission to intensify the use of the Youghal landfill site. Following this permission it is estimated that 170,000 tonnes per annum of waste will be brought to the landfill site over the next 4 years. This will generate 88 vehicles per day or 9 vehicles per hour. It is also estimated that 28 vehicles per day will visit the civic amenity site and an additional 2 -3 vehicles per day will be required to transport leachate off site for treatment. The current single width road with passing places would have to be increased in width capable of accommodating two vehicles to pass along its entire length. Improvements to the junction radii, especially on the north side towards the N25 would also be required.

14.21 Under this proposed development, it is estimated that the waste recovery / transfer and sludge drying facility will generate 39 HGV vehicle trips per day with a further 10 car trips by staff and visitors to the facility. None of the works required to improve the T12 had been carried out at the time of my visit. I note that the Senior Roads Engineer to the Council recommended that a special contribution should be levied on the developers towards the widening of the T12 road.

However, the planning officer considered that since the improvements to the T12 would not solely benefit this developer a special contribution should not be levied. A general contribution with a substantial road improvement component was considered appropriate instead.

14.22 In my view, the proposed development should not take place unless and until the required road improvements have been carried out. Ideally, such works should be undertaken by the County Council and the developer of this proposed development, as a significant beneficiary of the works, should be required to pay a substantial contribution towards the cost of those works.

14.23 Visual Impact. The site would be highly visible from the N25 and other scenic routes on the Waterford side of the estuary. The enclosed photographs, taken at three specific locations on the N25 depict the visual prominence of the site. The situation is exacerbated, due to the height and massing of the proposed buildings. At 13m and 15m respectively the buildings are about twice as high as other building in the area. The provision of a 2m landscaping strip around the periphery of the site is woefully inadequate to screen a project of this scale and magnitude. The relatively flat landscape, together with the lack of proposed screening and mounding and the light colour (goosewing grey) chosen for the cladding of the buildings would, in my view, detract from and seriously injure the scenic amenity of this visually sensitive area. This view is supported by the response from Waterford County Council, as the adjoining planning authority.

14.24 Landscape and Environmental Conservation. In their response the Department of the Environment, Heritage and Local Government confirm that the proposed development at Foxhole is adjacent to the Blackwater River candidate Special Area of Conservation (ref.no. cSAC 2170) and the Blackwater Estuary Special Protection Area (ref. No. SPA 4028). A site synopsis for both areas is provided. To the south east there is a proposed Natural Heritage Area (ref. No. pNHA 0072). It is clear that this is an ecologically and environmentally sensitive area. The estuary is of high ornithological importance for the over-wintering of birds with Black Tailed Godwit, Bar Tailed Godwit, Golden Plover and Little Egret amongst the more important species. The mudflats and salt marshes of the Blackwater and Tourig Rivers at Foxhole support important plant species.

14.25 The Department of the Environment, Heritage and Local Government consider that the main environmental issue would appear to be the loss of habitat, due to the construction of an outfall pipe into the Blackwater Estuary. However, they suggest that this may only be short term; once the trench is backfilled and the habitat restored. In addition the applicant is proposing the formation of bunded areas and other precautions to contain spillages etc. within the site.

14.26 Nevertheless, I consider that, given the importance of the adjoining areas for environmental conservation, that the “precautionary principle”, as referred to in Section 5.3.2 in the Development Plan, should apply in this case. Bearing in mind

the points raised above with regard to the “proximity principle” to the source of the waste and notwithstanding the selection criteria applied as described in the EIS, I would suggest that sites in the Cork Harbour area should be more rigorously assessed, prior to any decision to grant permission for the use of this site at Foxhole for waste recovery and waste water treatment. By adopting a sequential approach, I consider that more preferable sites, closer to the source of the waste would become apparent, thus avoiding potential environmental conflicts in the Blackwater Estuary altogether.

- 14.27 Residential amenity, including nuisance from dust, noise and odour.** The nearest dwelling is that on the south side of the junction of the T12 with the R634. Beyond that the nearest dwellings including an old persons residential home is at Copperalley, 800m to 1km to the south of the appeal site. Noise is unlikely to be an issue with regard to the proposed development, due to the distance from residential development. As indicated in the EIS, the main background noise in the area is derived from traffic noise from the use of the main road routes; the N25 and the R634.
- 14.28** Similarly, dust might be an issue during construction but thereafter any environmental issues arising from dust emissions would be operational matters, which would be controlled by the EPA. However, such problems are likely to be minimal since the majority of the activities on the site would take place within the proposed buildings.
- 14.29** Problems associated with odour are potentially the most serious amenity issue. The most likely source of odour would be from the sludge drying activity. It should be noted that this activity would also take place within a purpose built building. Reference to the similar activity at Poolbeg / Ringsend in Dublin has been made and to the problems of odour that have been experienced there. Having visited the Poolbeg area on a number of occasions, I can vouch for the offensive odour that is often present there. However, whether this is solely due to the sludge drying activity I am not certain, since the site adjoins the main waste water treatment facility and the odour is more likely to arise from that process rather than the sludge drying, which is contained within a purpose built building; see photographs. Given the distance from dwellings, the prevailing wind direction from the west and the use of a purpose built building for the process, I would doubt whether odour from the sludge drying process would be a serious environmental issue. Should this arise during the operation of the plant it would fall to the EPA to address the matter.
- 14.30 Economic impact / tourism etc.** Reference has been made to the number of jobs to be created and the economic benefits of the project. The automated nature of the plant is unlikely to generate a significant demand for employment. 30 jobs are anticipated during construction phase, which would reduce to 17 jobs during the operational phase.

14.31 Many of the third party comments have referred to the fact that Youghal is a heritage town and that the intention is to boost tourism generally. They refer to new hotel, apartment and marina developments and it is considered that the proposed waste recovery / sludge drying facility would be incompatible with this approach.

14.32 Given that I do not consider that the proposed development would result in a serious loss of residential amenity due to noise, dust or odour, I consider that the main impact in respect of tourism would arise due to visual impact when viewed from the N25 and R634; the major tourist routes into the town from the north. The scale of the proposed development would add to and exacerbate the industrial / commercial view of the town, which is already presented to visitors arriving from the north, due to the lack of landscaping / screening to the existing buildings comprising the existing business park / industrial estate.

15. RECOMMENDATION

15.1 I would recommend that permission for the proposed development should be refused for the reasons and considerations listed below.

Reasons and Considerations

1. The proposed waste recovery and sludge drying facility would be located on the north side of Youghal, on lands with the specific zoning objective I-04; Industrial estate development for small and medium industrial units, on Map 31 Youghal Environs, in the Cork County Development Plan 2003. Waste management activities, including the treatment and recovery of waste materials may be suitable in primarily industrial areas but would not be suitable in areas such as the site at Youghal, which are zoned for small and medium industrial units. This policy is outlined in objective ZON 3-13 in the 2003 Development Plan. If permitted therefore, the proposed development would undermine efforts to develop the site for small and medium industrial units, would conflict with zoning objective ZON 3-13 and would be contrary to the proper planning and sustainable development of the area.
2. The proposed waste recovery and sludge drying facility would be located in a peripheral location in the context of County Cork and approximately 35kms from Cork City and Harbour; the main source of the waste and sludge for the facility. This would involve the transportation of the waste and sludge material over a considerable distance, which would conflict with the proximity principle outlined in Section 5.3.2 in the County Development Plan 2003 and would be contrary to the proper planning and sustainable development of the area.
3. The scale and massing of the buildings associated with the proposed development would be visible from the N25 national primary road and other

roads, some of which are scenic and tourist routes in this highly scenic and visually vulnerable area, alongside the Blackwater Estuary. If permitted therefore, the proposed development would seriously injure the visual amenities of the area.

4. The proposed waste recovery and sludge drying facility would be located alongside the Blackwater Estuary, which is designated as a candidate Special Area of Conservation (ref. no. cSAC 2170) and a Special Protection Area (ref. No. SPA 4028). To the south east of the site there is also a proposed Natural Heritage Area (ref. No. pNHA 0072). It is considered that the location and operation of the proposed development would result in disturbance to this ecologically and environmentally sensitive area, which would be contrary to the proper planning and sustainable development of the area.

Laurie Mulrine
Inspector

Date: 23rd June 2005

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