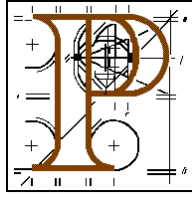


An Bord Pleanála



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.

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.