

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

**Cork County**

**Planning Register Reference Number: 11/04123**

An Bord Pleanála Reference Number: PL 04.239166

**APPEAL** by Diarmuid A. Keogh of Youghal Chamber, Market House, Market Square, Youghal, East Cork against the decision made on the 27<sup>th</sup> day of May, 2011 by Cork County Council to grant subject to conditions a permission to ERAS ECO Limited care of Tom Phillips and Associates of 70 South Mall, Cork for development comprising the upgrading of an existing Waste Recovery/Transfer and Sludge Drying Facility (as permitted under planning register reference number 04/7531 and An Bord Pleanála appeal reference number PL 04.211117 which comprise two number sludge handling/management buildings, an administration building and a transformer/plant building) to an Integrated Waste Management Facility with a total gross floor space of approximately 3,772.39 square metres on a site of 16,832 square metres at Foxhole, Youghal, County Cork. The Integrated Waste Management Facility development will utilise the existing four number buildings, which range in height from one-storey (including double and triple height) to two-storeys and existing plant, including on-site wastewater treatment and storm water systems, fire water storage tank, wheel wash and weighbridge. The Integrated Waste Management Facility development will further consist of: the handling/management of sludge within two number existing buildings (totalling 3,319.8 square metres) including the upgrading of the existing sludge drying process through the introduction of a second innovative recovery process utilising super critical water oxidisation (Aqua Critox® technology) capable of accepting hazardous wastes; an open air holding area (458.85 square metres) providing parking for vehicles/tankers/trailers during the sample testing period of hazardous waste contents prior to dispatching for treatment on-site or off-site; the erection/construction of two number above ground anaerobic digester tanks (totalling 2,207.65 cubic metres) for the treatment of sludge and the production of methane gas, which will be utilised to produce electricity for use on site through a combined heat and power generator and ancillary plant and equipment including the relocation of the existing portable chemical storage unit; a total organic carbon monitoring unit building (4.1 square metres); above ground nitrogen storage tank; air cooler, cooling tower and cooling water pump; above ground digestate liquid storage tank; above ground liquid oxygen storage tank; five number above ground liquid/solvent storage tanks; three number cooling towers; odour abatement systems and associated site works above and below ground. The Integrated Waste Management Facility development will treat a maximum of 95,000 tonnes of waste (a reduction of 15,000 tonnes from that as permitted under planning register reference number 04/7531 and An Bord Pleanála appeal reference number PL 04.211117) and pedestrian and

vehicular access will be maintained from the existing two number entrances. The proposed development is for activities that require a waste licence. An Environmental Impact Statement accompanied the planning application made to the planning authority, in accordance with plans and particulars lodged with the said Council.

## DECISION

**GRANT permission for development comprising the upgrading of an existing Waste Recovery/Transfer and Sludge Drying Facility (as permitted under planning register reference number 04/7531 and An Bord Pleanála appeal reference number PL 04.211117 which comprise two number sludge handling/management buildings, an administration building and a transformer/plant building) to an Integrated Waste Management Facility with a total gross floor space of approximately 3,772.39 square metres on a site of 16,832 square metres. The Integrated Waste Management Facility development will utilise the existing four number buildings, which range in height from one storey (including double and triple height) to two-storeys, and existing plant, including on-site wastewater treatment and storm water systems, fire water storage tank, wheelwash and weighbridge. The Integrated Waste Management Facility development will further consist of: the handling/management of sludge within two number existing buildings (totalling 3,319.8 square metres); an open air holding area (458.85 square metres) providing parking for vehicles/tankers/trailers during the sample testing period of hazardous waste contents prior to dispatching for treatment on-site or off-site; the erection/construction of two number above ground anaerobic digester tanks (totalling 2,207.65 cubic metres) for the treatment of sludge and the production of methane gas, which will be utilised to produce electricity for use on site through a combined heat and power generator and ancillary plant and equipment including the relocation of the existing portable chemical storage unit; a total organic carbon monitoring unit building (4.1 square metres), air cooler, cooling tower and cooling water pump; above ground digestate liquid storage tank; odour abatement systems and associated site works above and below ground in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the upgrading of the existing sludge drying process through the introduction of a second innovative recovery process utilising super critical water oxidisation (Aqua Critox® technology) capable of accepting hazardous wastes and the ancillary plant associated with it including above ground nitrogen storage tank; above ground liquid oxygen storage tank; five number above ground liquid/solvent storage tanks and three number cooling towers based on the reasons and considerations marked (2) under.**

## MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

## REASONS AND CONSIDERATIONS (1)

Having regard to the existing permitted development on site, to the pattern of development in the area, to the zoning of the site and to the fact that the proposal will be subject to licensing by the Environmental Protection Agency, the Board considered that the non-hazardous waste treatment component of the proposal would be acceptable at this location, would not be injurious to traffic safety and convenience, would not seriously injure the amenities of the area or of properties in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board completed an Environmental Impact Assessment of the proposed scheme which considered the Environmental Impact Statement submitted with the application and all submissions on file from the parties and the report, assessment and conclusions of the Inspector in relation to the environmental impacts of the scheme, the conclusions of which were broadly accepted by the Board.

The Board considered that the environmental impacts of the proposal as they relate to the non-hazardous waste component of the proposed waste treatment facility are acceptable and subject to compliance with the mitigation measures set out in the Environmental Impact Statement, as conditioned by the Board, the scheme would not have unacceptable adverse effects on the environment.

The Board completed an Appropriate Assessment in relation to potential impacts on Natura 2000 Sites and having regard to the Natura Impact Statement submitted including mitigation measures proposed and the Inspector's report and submissions on file, the Board concluded that on the basis of the information available that the proposed development either individually or in combination with other plans or projects would not adversely affect the integrity of the European sites numbers 002170 (Blackwater River (Cork/Waterford) Special Area of Conservation and 004028 (Blackwater Estuary Special Protection Area) in view of those sites' conservation objectives.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted the 21<sup>st</sup> day of April, 2011, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. No waste materials classified as hazardous shall be treated at the proposed facility.

**Reason:** In the interest of clarity.

3. The tonnages of waste which may be treated at the facility on an annual basis will be as follows:

Commercial, Industrial and Household Waste: 20,000 tonnes.

Non Hazardous Sludge: 40,000 tonnes.

Leachate from landfills 5,000 tonnes.

Any proposal to change the above tonnages shall be subject to a further grant of planning permission.

**Reason:** In the interest of clarity.

4. External finishes, including colours, to all tanks and other items provided on foot of this permission shall be agreed with the planning authority prior to commencement of development on site.

**Reason:** In the interest of visual amenity.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
- (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder,
  - (ii) details of screen planting which shall not include *cupressocyparis x leylandii*,
  - (iii) details of roadside/street planting which shall not include *prunus* species, and
  - (iv) hard landscaping works, specifying surfacing materials, furniture and finished levels.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
- (c) A timescale for implementation.

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

**Reason:** In the interest of residential and visual amenity.

6. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of the proposed development.

**Reason:** In the interest of amenity and public safety.

7. Details of proposed drainage of the wheel-wash area shall be submitted to the planning authority for agreement prior to commencement of development on site.

**Reason:** In the interest of orderly development.

## **REASONS AND CONSIDERATIONS (2)**

Having regard to the multiplicity of waste types proposed to be treated, to the lack of detail submitted with the application on the nature of the waste materials proposed to be treated, to the limited size of the site, to the reliance on an on-site wastewater treatment system, and to the limited record at this scale of the proposed Super Critical Water Oxidation method of waste treatment, the Board was not satisfied that the introduction of hazardous waste treatment, in addition to the other treatments existing and proposed on the site would not exceed the carrying capacity of the site and would not pose a risk of environmental pollution.

In deciding not to accept the Inspector's recommendation to refuse permission for the entire development, the Board did not accept that the site proposed for the development was unsuitable on the basis of the proximity principle taking into account the location of the proposal in relation to areas of waste generation and the transport network. The Board was satisfied that the non-hazardous waste streams proposed to be accepted could be appropriately managed on site, taking into account the nature of the materials involved, the planning history of the site whereby significant sludge treatment is already permitted, and the nature of the waste treatment technologies to be employed.

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

**Dated this            day of            2013.**