

## 1.0 APPEAL DETAILS

**Appeal Reference No:** PL 04.120116

**Planning Authority Reg. Ref.:** S/00/1517

**Planning Authority:** Cork County Council

**Proposed Development:** Recycling and waste transfer station to include a processing building, weighbridge, office, platforms and associated site works.

**Development Address:** Sarsfieldscourt, Glanmire, County Cork.

**Applicant:** Ahern Industrial Services

**Appellant:** (1) T. and S. DeBruin  
(2) L. Ryan and Upper Glanmire Residents Association

**Application Type:** Permission

**Nature of Appeal:** Third Party -v- Grant

## **2.0 APPLICATION DETAILS**

### **2.1 Site Inspection**

I inspected the site of the proposed development on 12/10/2000 and took the attached photographs.

### **2.2 Site Description and Context**

The site of the proposed development which has a stated area of 3.85 acres adjacent to Buck Leary's Crossroads a short distance to the north of Glanmire. The site is contained within an established industrial estate (Sarsfieldscourt Industrial Estate) located at Buck Leary's Crossroads with frontage onto both the R616 and the road from Glanmire to Buck Leary's Crossroads. Access to the industrial estate is from the R616. The western boundary of the subject site adjoins the public road from Glanmire. However, there is no access to the site along this boundary. The eastern inner portion of the northern boundary of the site adjoin the internal road of the industrial estate. The boundaries at the remainder of the site adjoin other industrial sites. There is an existing warehouse building on the site, but the bulk of the site consists of an open area currently used by United Transport Services Company as a parking lot. The site is well set back from the public road R616 and well screened by existing mature planting along its western boundary with the public road from Glanmire.

### **2.3 Proposal**

The proposed development is described per the public notice as submitted to the Planning Authority as an application for planning permission to erect a recycling and waste transfer station at Sarsfieldscourt, Glanmire, County Cork. The facility is to include a main process building, a weighbridge office, weighbridge platforms, and associated external works including truck and bin parking areas. An existing building for offices and truck servicing will also form part of the overall development. The notices go on to state that an Environmental Impact Statement will be submitted to the Planning Authority to accommodate the application and to point out that the development as an activity in relation to which a licence under Part 4 of the Environmental Protection Agency Act 1992 is required.

I note from the documentation on file that the proposal is to facilitate the relocation of an existing waste transfer station operated by Ahern in Glanmire.

### **2.4 Planning History**

Documentation on file from the Planning Authority indicates that planning permission for a ready mix batching plant on the industrial estate was refused by the Planning Authority per order dated 90/2960. This decision was upheld on appeal by the Board and was again refused by the Planning Authority in 1992 per Planning Authority Reg. Ref. 92/3581.

Planning permission for the construction of a warehouse, offices and toilets for the manufacture and storage of corrugated cardboard products on a portion of this subject site was granted by the Planning Authority per order dated 24<sup>th</sup> August 1995 (Planning Authority Reg. Ref. S/95/1339).

Planning permission for 3 no. light industrial warehouse units, ancillary site works and waste water treatment plant were granted by the Planning Authority on a 2.26 acre site within Sarsfieldscourt Industrial Estate and immediately adjoining the subject site per decision of the Planning Authority dated 20<sup>th</sup> January 2000 (Planning Authority Reg. Ref. S/99/4609).

## **2.5 Planning Authority Department Reports**

A report from the Planning Authority Executive Engineer (Sanitary Services) undated notes that the site lies within the Sarsfieldscourt Industrial Estate and recommends that any granting of planning permission should be subject to conditions in relation to the roadside boundary fence and the levying of a financial contribution.

A report from the Planning Authority Chief Environment Officer dated 28<sup>th</sup> March 2000 notes that the development will be subject to waste licensing and indicates that no environmental pollution control conditions are, therefore, appropriate.

A report from the Planning Authority County Architect dated 31<sup>st</sup> March 2000 notes that the existing industrial estate was a low grade design, at the time it was developed. The report expresses the opinion that the proposed buildings would be in character with the neighbours and would not have significant visual impact. The report recommends that in the event of planning permission being granted conditions be attached in relation to the style and finish of proposed external boundary wall and in relation to the protection of the existing hedgerow during construction.

A report from the Planning Authority Senior Executive Engineer (Roads Design) dated 7<sup>th</sup> April 2000 indicates no objection to the proposed development as the site is served by a private industrial road.

A report from the Planning Authority Senior Executive Engineer (Housing and Sanitary) dated 20<sup>th</sup> June 2000 notes that the existing percolation area is under a concrete slab and the truck movement area which is unacceptable. The report also notes that the proposal to move untreated sewage and waste from the truck wash to an approved facility is unusual but not technically unacceptable. The report also states that the water supply should be tested for quality.

A report from the Planning Authority Senior Executive Planner dated 17<sup>th</sup> May 2000 notes that the proposal is subject to a licence from the EPA and, consequently, issues in relation to pollution cannot be considered by the Planning Authority. The report also states that the proposal has been discussed with the Divisional Engineer who is satisfied with the traffic

implications of the proposal and states that the proposal would not have an adverse impact on a visual amenity viewpoint. The report recommends that planning permission be granted subject to the conditions.

## **2.6 Planning Authority Decision**

Notification of a decision to grant planning permission for the proposed development subject to 10 conditions was issued by the Planning Authority per order dated 1<sup>st</sup> June 2000.

## **3.0 GROUNDS OF APPEAL**

### **(1) Thomas and Sheila DeBruin and Family**

This appeal which has been submitted on behalf of Mr. and Mrs. DeBruin and Family refers to the fact that the appellants have invested heavily in building up their modern dairy and beef farm which would be adversely affected by the proposed development. The submitted grounds of appeal can be summarised as follows:

- The neighbouring areas of Riverstown and Glanmire are extensively zoned for housing. The principles of sustainable development require that jobs, education and housing should be located together. New job opportunities for the region tend to be high tech and no international corporation will be interested in this location if the proposed development is permitted.
- There have been significant problems associated with former landfill sites in Cork.
- The proposed development would have the potential to spread disease among humans and animals.
- The proposal will generate increased volumes of traffic carrying skips which it would be difficult to seal with an inevitable consequence that rubbish and waste items will fall out.
- The proposal will give rise to odours into the atmosphere.

### **(2) L. Ryan and Upper Glanmire Residents Association**

The submission on behalf of Mr. and Mrs. L. Ryan and Upper Glanmire Residents Association can be summarised as follows:

- The applicant, Ahern Industrial Services Ltd, were previously refused planning permission for a similar development at Killacoyne, Glounthane, County Cork by the Board per Appeal No. 04.103478.

- The applicants have not specified the landfill site or sites which will receive the unrecycleable waste.
- The Planning Authority have previously refused planning permission on the basis of inadequate public road network to serve developments in cases where the road network was less and substandard than that of the current proposal.
- The proposed 3 metre high perimeter wall will be obtrusive, and starkly out of context in the rural area of the proposed development.
- The proposed development would create a demand for public services (i.e. proper road network) which do not exist in the area, and which deficiency cannot be made good at a reasonable cost within the reasonably foreseeable future period of time.
- The proposed development cannot reasonably be described as being a "light industrial development".

### **3.1 Applicants' Response**

A submission from the applicants' agent per letter dated 2<sup>nd</sup> August 2000 in response to the submitted grounds of appeal can be summarised as follows:

- The site is located within an existing industrial estate and has an established industrial use.
- The proposal should be viewed as helping to solve a problem of existing inadequate facilities with regard to provision of arrangements for the safe disposal of waste.
- The nature of the proposal is such that materials will be dealt with in covered areas as outlined in the EIS.
- Materials will be transported to and from the site in contained steel trucks, or in steel skips covered in netting.
- Only non-biological waste is to be dealt with at this facility.
- The issue of odour is dealt with in the EIS.
- The issue of boundary treatment has been dealt with in the EIS and the planning permission granted by the Planning Authority provides for the retention of existing hedgerows and specifies arrangements for agreement on materials to be used in the proposed perimeter wall etc.
- The proposed operation is not complex. Materials not suitable for recycling will be sent to authorised landfill sites, which the local authority has a statutory duty to provide. Materials will originate from local businesses.

- Water supply requirements and foul water disposal requirements associated with the facility are low as the process is a dry one.
- The building design was prepared in relation to the context within an industrial estate and does not consider to be overly intrusive.

### **3.2 Observation of the Planning Authority**

Observations of the Planning Authority per letter dated 3<sup>rd</sup> August 2000 in relation to the submitted grounds of appeal state that the Planning Authority is of the opinion that all of the relevant issues have been covered and the technical reports already forwarded to the Board as part of the appeal documentation. It is stated that the Planning Authority has no further comment to make in the matter and reaffirms its decision to grant permission in this case.

### **4.0 DEVELOPMENT PLAN POLICIES**

The site of the proposed development is located within a rural area within which "agriculture/rural housing controls apply (Para 3.25)" per Fig. 3.2 of the 1996 Cork County Development Plan.

### **5.0 ASSESSMENT**

I note at the outset that the activity proposed is licensable under the Waste Management Act, 1996. Accordingly, the Planning Authority and Board are not required to have regard to any potential environmental pollution matters associated with the proposed development.

I consider that the key issues arising out of the current appeal relate to:

- (1) Landuse
- (2) Visual Amenity
- (3) Roads and Traffic

#### **(1) Landuse**

The submitted grounds of appeal argue that the proposed landuse will be unacceptable at this location and would be in conflict with the agricultural and rural residential uses established in the surrounding area.

I note that while the area is essentially rural in character the site is located within a well established industrial estate. The submitted documentation states that there will be two streams of waste delivery to the site namely (i) skip waste (from commercial, industrial and institutional premises and from

skips hired out to the general public) (ii) waste segregated at source by trained industrial service staff. The main facilities of the proposed development include a waste transfer building, office space and truck servicing area (to be accommodated in the existing building on site), a wheelwash, truck wash, 2 no. weighbridges, a weighbridge office, truck parking area and a skip storage area. It is intended to process 50,000 tonnes of waste per annum on the site in the first year of operation increasing to a maximum of 95,000 tonnes per annum in year 5 of operation. All waste to be accepted on site will be non-hazardous, solid commercial and industrial waste. The submitted documentation states that strict procedures will be put in place by the company to ensure that only non-hazardous, dry commercial industrial waste will be accepted on the site. All non-recyclable waste will be disposed of to appropriate landfill sites. It is proposed that the facility will be open to accept waste from 8 a.m. to 6 p.m. Monday to Friday and from 8 a.m. to 2 p.m. on Saturday and the site will be open for internal site operations from 7 a.m. to 8 p.m. Monday to Friday.

Subject to appropriate controls on operation I consider that a waste transfer station constitutes a generally acceptable use within an established industrial estate. While there are a number of existing residential properties located within the general vicinity of the site, I note that the nearest property is located approximately 170 metres north-west of the site. In the circumstances, I consider that the proposal would be acceptable in terms of landuse.

## **(2) Visual Amenity**

The submitted EIS points out that the proposed development is not located within an area designated for landscape protection and that the nearest scenic route is 6 kilometres from the site and there is no area of visual/scenic importance (as designated within the current County Development Plan) within 5 kilometres of the site. It is pointed out that while the industrial estate is visible from a number of local vantage points the western boundary of the site is well screened by existing planting. I note that planting along the northern boundary of the industrial estate is scant and immature. Accordingly, the view of the industrial estate from nearby vantage points along the R616 route is somewhat unattractive. However, this should improve with time. The submitted EIS points out that the subject site is screened to the north by an existing 6 metre high mound within the site. However, it is proposed to remove this mound as part of the proposed development. I note that the proposal provides for the erection of a 3 metre high perimeter wall around the site. The submitted grounds of appeal argue that this will constitute an unattractive feature. The Planning Authority has expressed concerns in relation to the materials to be used in the construction of this wall. I would share the concerns of the appellants and the Planning Authority in relation to the appearance of a wall of this height at this location. However, it is also desirable that a development of the nature proposed be enclosed within the high perimeter wall. I am satisfied that subject to the use of appropriate materials on the external finish to this wall and to satisfactory landscape planting around the site, any adverse visual impacts associated with the wall can be satisfactorily overcome. In these circumstances, I consider that subject

to the imposition of an appropriate condition in relation to landscaping and boundary treatment, the proposed development would not result in undue injury to the visual amenities of the area.

### **(3) Roads and Traffic**

The submitted grounds of appeal argue that the proposed development would generate an unacceptable increase in traffic generation, particularly truck movements on the local rural road network which does not have capacity to cope with such traffic. It has been pointed out by the appellants that signs erected by the local authority on route R616 indicate that the road is not suitable for the movement of heavy goods vehicles. The applicants, in response, state that the issue of traffic is adequately dealt with in the submitted EIS which states that estimates of maximum traffic movements into and out of the site when operating at projected maximum level of operation (5 years from opening) indicate a total number of 120 vehicle movements into and out of the site consisting of heavy goods vehicles, skip lorries, tippers and hook loaders. It is estimated that these movements will be spread reasonably evenly throughout the day during normal hours of operation (8 a.m. to 6 p.m. Monday to Friday). The total estimated number of movements range between 10 and 14 vehicle movements per hour. In order to assess the capacity of the Sarsfieldscourt Industrial Estate access has been modelled using the junction modelling programme Picady 4, developed by the Transport Research Laboratory in the UK using survey data of existing traffic flows compiled by the applicant together with estimates of traffic generated by the proposed development. The modelling results indicate that there would be a practical reserve capacity at the junction of 99% at peak periods. A reserve capacity of 15% is considered by traffic engineers to be the level of reserve capacity required at a junction to cater for periods of unusually high traffic flows. Therefore, it is argued that the access to the proposed waste transfer station should operate well within capacity.

It would appear that the rural road network in the general vicinity of the subject site is relatively lightly trafficked. In these circumstances, it is not difficult to be persuaded by the applicants argument that the roads at the junction adjacent to the site have significant capacity to cope with increased traffic flows well in excess of those likely to be generated as a result of the proposed development. However, I also note the concerns of the appellants in relation to the character of the road network in the generally surrounding area and its ability to cope with heavy goods vehicles and trucks. In this regard, I note that there are a number of sharp bends located along various access roads to the site. Indeed, as has been pointed out by the appellants, sections of the local road network are signposted as being unsuitable for heavy goods vehicles. Nonetheless, I consider that due regard must be had to the fact that the proposed development relates to a site within an existing industrial estate which irrespective of the particular use to which the site is put is likely to generate significant volumes of traffic including heavy goods vehicles. The current use of the site as a parking lot for United Transport Services Company must generate significant volumes of traffic including car transporter traffic. Even if such car transporters are used only on a relatively infrequent basis they



are nonetheless extremely large vehicles and most unsuited to the local rural road network. In these circumstances, and having regard to the established industrial use of the site I consider that the impact of the proposed development in terms of traffic generation can be regarded as being of a relatively marginal nature.

## 6.0 RECOMMENDATION

I recommend that planning permission for the proposed development be granted for the reason set out in the First Schedule below and subject to the conditions set out in the Second Schedule.

### FIRST SCHEDULE

Having regard to the established use of the site, it is considered that subject to compliance with the conditions set out in the Second Schedule, the proposed development would be acceptable in terms of traffic safety and convenience and would not result in undue injury to the amenities of the area and would, therefore, be in accordance with the proper planning and development of the area.

### SECOND SCHEDULE

1. The quantity of material imported into the site shall not exceed 95,000 tonnes per annum.

**Reason:** To control the scale of the development.

2. 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.

3. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, full details of which shall be submitted to and agreed with the Planning Authority prior to the commencement of development. This scheme shall include a timescale for its implementation.

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

4. Prior to the commencement of development, details of finishes to the proposed perimeter wall shall be submitted for the written agreement of the Planning Authority.

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

5. There shall be no outside storage of materials.

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

6. Details of the colour and texture of all external finishes to proposed buildings and structures on site shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

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

7. Full details of all external lighting within the curtilage of the site shall be agreed in writing with the Planning Authority prior to the commencement of development.

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

8. The proposed facility shall not be open to receive waste outside the hours of 8 a.m. to 6 p.m. Monday to Friday and 8 a.m. to 2 p.m. Saturday.

**Reason:** In the interest of clarifying the scope of this permission.

9. The developer shall pay a sum of money to the planning authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of road improvement works facilitating the proposed development. The amount of the contribution and the arrangements for payment shall be agreed between the developer and the planning authority or, in default of agreement, shall be determined by An Bord Pleanála.

In the case of expenditure that is proposed to be incurred, the requirement to pay this contribution is subject to the provisions of section 26(2)(h) of the Local Government (Planning and Development) Act, 1963 generally, and in particular, the specified period for the purposes of paragraph (h) shall be the period of seven years from the date of this order.

**Reason:** It is considered reasonable that the developer should contribute towards the expenditure that was and/or that is proposed to be incurred by the planning authority in respect of works facilitating the proposed development.

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**PADDY KEOGH**  
**SENIOR PLANNING INSPECTOR**

**January, 2001.**

**SR**