



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1
D01 V902

04/09/2020

Re: Section 5 – R593/20 Tara Steel Site, Tivoli Industrial Estate, Cork City

Dear Sir/ Madam,

Please find enclosed a referral under Section 5(4) of the Planning & Development Act 2000 with a cheque for €110.00
The reference number is R593/20.

Question Referred

Confirmation that the use of an existing industrial site and buildings for a Resource Recovery and Recycling Centre (RRRC) and ancillary storage is not development

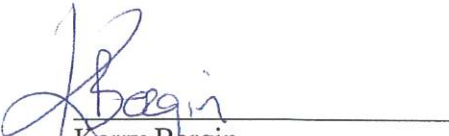
Applicant Details

Forge Hill Recycling Unlimited Company
Forge Hill
Cork

Person/Agent Acting on behalf of Applicant

O' Callaghan Moran & Associates
Unit 15, Melbourne Business Park
Model Farm Road
Cork
T12 WR89

Yours faithfully,


Kerry Bergin
Development Management
Community Culture and Placemaking
Cork City Hall



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

The Secretary
An Bord Pleanála
64 Marlborough Street
DUBLIN 1
D01 V902

21/08/2020

REFERRAL UNDER SECTION 5(4) OF THE PLANNING AND DEVELOPMENT ACT 2000

FORMER TATA STEEL SITE, TIVOLI INDUSTRIAL ESTATE, CORK CITY

This referral is made under section 5(4) of the *Planning and Development Act 2000* (as amended).

This referral is structured as follows:

1. Introduction
2. Background
3. Grounds of Referral
4. Screening for Appropriate Assessment
5. Conclusion

Appendices 1 – 4

1. INTRODUCTION

1.1 RELEVANT LEGISLATIVE PROVISION

All relevant legislative provisions of the Planning and Development Act, 2000 (as amended) and the Planning and Development Regulations, 2001 (as amended) are included as Appendix 1 to this referral. In this referral, 'the Act' means the Planning and Development Act 2000, as amended, and 'the Regulations' means the Planning and Development Regulations 2001, as amended.

1.2 PARTICULARS OF REFERRAL

Various particulars required under section 127 of the Act are provided with this referral. The subject matter and grounds of the referral and the reasons, considerations and arguments on which they are based are included below in the body of this referral. Also enclosed is the fee of €110.

The referral is made by:

Development Management
Community, Culture and Placemaking
Cork City Council
City Hall
Cork
Telephone (021) 492-4762
Email michelle_broderick@corkcity.ie



We are Cork.

1.3 THE QUESTION REFERRED

As per the application received from Forge Hill Recycling Unlimited Limited the question referred here is:

Is the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities development and if so, is it exempted development.

1.4 THE REFERRAL SITE

For ease of reference, the lands which are the subject of this referral are referred to as 'the referral site' in this referral.

The referral site is located in the Tivoli Industrial Estate located between the River Lee and N8 Cork to Dublin road. The Cork – Cobh Rail Line, located to the north of the subject site, runs parallel to the N8. Access to the site is via the N8 Silversprings Junction flyover. A site location map is attached here as Appendix 2.

The site is bound by the Tivoli Industrial estate access roads to the north and west and Port of Cork shipyards and warehouses to the south and west. The site comprises a large structure, with office annex, formerly occupied by Tata Steel associated parking and marshalling yards.

2. BACKGROUND

2.1 GENERAL BACKGROUND

The subject site was subject to a separate Section 5 Referral (ABP ref No. 306161) to the Board which was determined on 13/05/2020.

The subject referral is subsequent to a request for a Planning Authority declaration on the question to which this referral relates (as set out in Section 1.3 above). The request for declaration is recorded under Cork City Council Ref: R 593/20.

The application and cover letter, submitted to Cork City Council on 4 August 2020 2019 by O'Callaghan Moran & Associates on behalf of Waste Recovery Services (Fermoy) Ltd., are attached hereto as Appendix 3.

2.2 SITE PLANNING HISTORY

There are two planning permissions associated with the subject site as follows -

Parent Permission

73/4551, the 'parent permission' granted 26 February 1974 for:
Erection of steel stock depot, offices etc. at Tivoli Industrial Estate

Amendment Permission

77/6677, the 'parent permission' granted 24 March 1977 for:
Erection of steel stock depot, offices etc. at Tivoli Industrial Estate

It is noted that neither of the permissions explicitly permitted a *Factory* or established the principle of the undertaking of *Industrial Processes* on the subject site. Copies of both grants are attached thereto as Appendix 4.

2.3 DEVELOPMENT PLAN OBJECTIVES

Cork City Development Plan 2015-2021

The Cork City Development Plan 2015-2019 (CCDP) was made by the elected members of Cork City Council on 23/03/2015 and came into effect on 20/04/2015.

The referral site is zoned: *Local Area Plan to be Prepared*. The CCDP states:

14.14 The Port of Cork proposes to relocate the existing container shipping operations from Tivoli to the lower harbour, namely, Ringaskiddy. When implemented, this will create an opportunity to redevelop Tivoli Docks for alternative purposes.

14.15 Tivoli has an extensive south facing waterfront and the commuter rail line runs along its northern boundary. The CASP Update identifies it as an area with future potential for residential and employment uses. The City Council is committed to supporting the regeneration of the Tivoli area through the preparation of a local area plan in order to determine a development strategy, i.e. an appropriate mix of land-uses and sequencing of development. The timing of the preparation of a local area plan will be linked to the programme for relocation of the Port and the likely timetable for lands becoming available for redevelopment.

14.16 It will be important to ensure that the mix of uses and timing of redevelopment of Tivoli does not take away from the potential of the City Centre and North and South Docklands for economic development and employment generating uses. Key issues to be resolved prior to redevelopment of Tivoli include the relocation of Port activities and related industrial uses including the 'SEVESO' uses and resolution of access issues, including public transport provision.

Objective 14.4 Tivoli

To prepare a local area plan for the redevelopment of Tivoli in consultation with key stakeholders, in particular Port of Cork, taking account of the following requirements:

- a. To develop a vision for the future redevelopment of the Tivoli Docks taking account of its waterfront location and potential commuter rail access;*
- b. To investigate the feasibility of developing the area as a new medium-density waterside residential quarter incorporating in the region of 3,000 residential units, complemented by local services and recreational amenities, which should include high quality parks and riverside walks (and if feasible access for water-based activities) to serve local residents, workers and the wider community;*
- c. To identify suitable types and quantum of other uses, including employment uses, which would complement the residential development;*
- d. To develop a transport and access strategy for the area, in particular the provision of high quality public transport;*
- e. To identify a strategy for the phasing of development in the area.*

The Tivoli Docks Issues Paper was issued in 2017 and work is ongoing in the preparation of the local area plan.

3. GROUNDS OF REFERRAL

The planning authority contends that:

- (1) The 1974 did not explicitly permit the use of the referral site for *Industrial Processes* as relied upon in the cover letter submitted as part of the Section 5 application to Cork City Council,

- (2) The proposed use does not accord with the definition of *industrial process* as set out in Article 5(1) of *Planning and Development Regulations 2001* (as amended), but may be better described as a *repository* as detailed in the same article, and
- (3) It has not been established to the satisfaction of the Planning Authority that the proposed use is not a material change of use.

4. SCREENING FOR APPROPRIATE ASSESSMENT

Section 177U (9) of the Act requires planning authorities and the Board to screen declarations or referrals under section 5 of the Act for appropriate assessment. The provisions of the Habitats Directive, the Appropriate Assessment Guidelines for Planning Authorities 2009 (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058).

The subject site is approximately 1km west the Cork Harbour SPA. The subject site is located close to the northern edge of the River Lee which hydraulically links to both the Cork Harbour SPA and the Great Island Channel SAC further downstream.

In determining the previous referral associated with the site (ABP Ref. 306161) the Inspector's Report found that the previous proposal for the site would not require appropriate assessment as it would not be likely to have a significant effect on the integrity of a European Site.

As the current proposal is largely similar to that previously assessed it is concluded likewise, that the use of the site for storage of baled dry recyclable wastes pending export, is not likely to have a significant effect on the integrity of European Sites.

5. CONCLUSION

The planning authority contends that it is unclear as to whether the matter to which this referral relates, *whether use of an existing industrial building and associated storage area at the Former Tata Steel Site, Tivoli Industrial Estate, Cork City* is or is not exempted development.

The planning authority looks forward to the Board's consideration and determination of this referral. Please do not hesitate to contact this office should any further information be required.

- encl. Appendix 1 Legislative Provisions
Appendix 2 Site Location Map
Appendix 3 Copy of Section 5 Determination Application to Cork City Council
Appendix 4 Copies of Planning Permissions associated with the Referral Site
Fee € 110

**APPENDIX 1
LEGISLATIVE PROVISIONS**

PLANNING AND DEVELOPMENT ACT, 2000 (AS AMENDED)

Section 2(1),

2.—(1) “structure” means any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and—

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes—

(i) the interior of the structure,

(ii) the land lying within the curtilage of the structure,

(iii) any other structures lying within that curtilage and their interiors, and

(iv) all fixtures and features which form part of the interior or exterior of any structure or structures referred to in *subparagraph (i) or (iii)*;

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1),

3.—(1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 3(2)

3. (2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(a) where any structure or other land or any tree or other object on land becomes used for the exhibition of advertisements, or

(b) where land becomes used for any of the following purposes—

(i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,

(ii) the storage of caravans or tents, or

(iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris, the use of the land shall be taken as having materially changed.

Section 4(1)(h)

The following shall be exempted developments for the purposes of this Act-development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures;

Section 4(2),

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 5(1),

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

Section 5(4),

5.—(4) Notwithstanding subsection (1), a planning authority may, on payment to the Board of such fee as may be prescribed, refer any question as to what, in any particular case, is or is not development or is or is not exempted development to be decided by the Board.

Section 177U (9) (screening for appropriate assessment)

177U.—(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

PLANNING AND DEVELOPMENT REGULATIONS, 2001 (AS AMENDED)

Part 2 – Exempted Development

Article 5(1)

5.—(1) In this Part –

“industrial building” means a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process;

“industrial process” means any process which is carried on in the course of trade or business, other than agriculture, and which is–

(a) for or incidental to the making of any article or part of an article, or

(b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals, and for the purposes of this paragraph, “article” includes–

(i) a vehicle, aircraft, ship or vessel, or

(ii) a sound recording, film, broadcast, cable programme, publication and computer program or other original database

Article 6 (1)

6.—(1) Subject to article 7, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 (1) (a) (viii)

9.—(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—

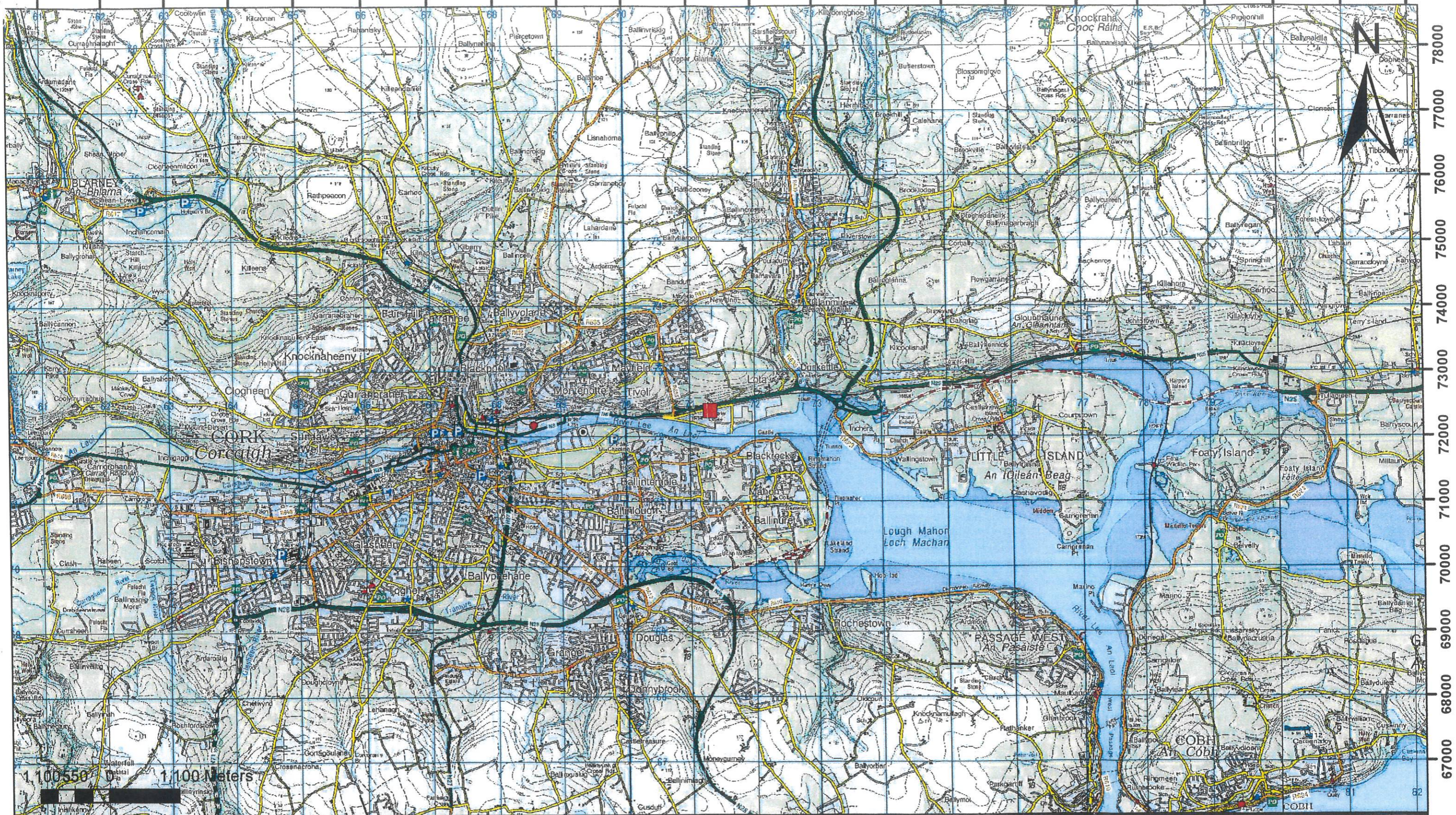
(a) if the carrying out of such development would—

(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,



**APPENDIX 2
SITE LOCATION MAP**

161000 162000 163000 164000 165000 166000 167000 168000 169000 170000 171000 172000 173000 174000 175000 176000 177000 178000 179000 180000 181000 182000



O'Callaghan Moran & Associates,
 Unit 15 Melbourne Business Park,
 Model Farm Road, Cork.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

CLIENT Forge Hill Recycling
 Unlimited Company

TITLE Site Location

OS Licence
 No.
 AR 0038720

Details:
 ■ Site Location

OS Sheet No.
 1606, 1806

Prepared by:
 Austin Hynes
 Unit 15 Melbourne Business Park
 Model farm Road
 Cork

Date: 31/07/2020

Drawing No.
 20-231-0201

Scale
 1:50000

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, produced or disclosed to anyone without the prior written permission of O'Callaghan Moran & Associates and shall be returned upon request.



O'Callaghan Moran & Associates,
 Unit 15 Melbourne Business Park,
 Model Farm Road, Cork.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, produced or disclosed to anyone without the prior written permission at O'Callaghan Moran & Associates and shall be returned upon request.

CLIENT Forge Hill Recycling
 Unlimited Company

TITLE Site Location

OS Licence
 No.
 AR 0038720

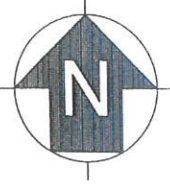
Details:
 — Site Area

Prepared by:
 Austin Hynes
 Unit 15 Melbourne Business Park
 Model farm Road
 Cork

Date: 31/07/2020

Drawing No.
 20-231-0202

Scale
 1:2500



O' Callaghan Moran & Associates.
 Unit 15 Melbourne Business Park
 Model Farm Road, Cork, Ireland.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, reproduced or disclosed to anyone without the prior written permission of O'Callaghan Moran & Associates and shall be returned upon request.

CLIENT

Forge Hill Recycling Unlimited Company

TITLE

Site Layout

Prepared by
 Austin Hynes
 O'Callaghan Moran and Associates
 Unit 15 Melbourne Business park
 Model Farm Road
 Cork

OSI No.
 V_50115540_1.dwg
 OS Licence No.
 AR 0038720

Drawing No.
 20-231-0203

Date
 31/07/2020

SCALE
 1:1000

REV.
 A

APPENDIX 3

COPY OF SECTION 5 DETERMINATION APPLICATION TO CORK CITY COUNCIL

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924762

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Tivoli Docks Cork.

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities development and if so, is it exempt development?

ADDITIONAL DETAILS REGARDING QUESTION/WORKS/DEVELOPMENT:

(Use additional sheets if required).

Forge Hill Recycling unlimited Company (FHR) operates a non-hazardous waste recovery facility at Forge Hill under an Integrated Emissions Licence granted by the Environmental Protection Agency. The licence authorises the acceptance and processing of municipal dry recyclable waste. The sources are primarily households and commercial dry recyclable collections and the materials include mainly paper, card, plastic bottles, plastic film, steel cans and aluminium cans.

The mixed wastes are mechanically separated by type (plastic, paper, cardboard and ferrous and non-ferrous metals). The processing is highly automated and manual picking is mostly limited to quality control. The segregated materials are baled and stored prior to export for further processing, for example in paper mills, steel mills, aluminium smelters and plastic conversion factories.

The Covid19 pandemic presents a significant threat to the export of the recyclable materials. A ban or exports or severe disruption of the market would have major implications for FHR's household and commercial waste collections. FHR has limited storage space at its Forge Hill facility and once that capacity has been reached FHR would have to stop accepting and processing waste. Therefore to maintain the household and essential commercial business collection services, additional contingency off-site storage capacity is required.

FHR has identified a warehouse with a paved service yard at Tivoli Docks owned by the Port of Cork Company that is suitable for the temporary contingency storage of baled recyclable materials. The only activity carried out will be storage. A baling unit will be provided to repair any bale damaged in transit from the FHR facility.

The provision of contingency storage capacity requires authorisation under the Waste Management Act 1996, as amended and the regulatory authority is Cork City Council. At a meeting to discuss the proposed development Mr. Tony O'Sullivan Senior Executive Engineer Environment indicated that the development could be accommodated by means of a Certificate of Registration or a Waste Facility Permit.

Having reviewed the Waste Facility Permit & Registration Regulations 2007, as amended FHR considers that a Waste Permit is required and that the appropriate Class is Class 10 the recovery of waste where the annual intake does not exceed 50,000 tonnes. The Regulations require that a local authority in making a decision on a permit application determines that the facility is compliant with planning or is exempt from planning permission under Section 5 of the Planning & Development Act 2000, as amended.

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

We are not aware of any enforcement proceedings connected to the site.

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

The current authorised use of the site is for industrial purposes. The original planning permission (73/4551) was granted for a steel depot and office. A subsequent permission (77/6677) authorised the construction of the covered storage area.

6. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	Warehouse 3,278 sq.M
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) ----- ----- -----	Proposed/existing use (please circle) ----- ----- -----

8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	It is proposed to lease the property	
If you are not the legal owner, please state the name and address of the owner if available	Port of Cork Company Custom House Quay Cork Copy of landlord's consent enclosed	

9. I / We confirm that the information contained in the application is true and accurate:

Signature: Jim O'Callaghan Date: 30th July 2020

CONTACT DETAILS

10. Applicant:

Name(s)	Forge Hill Recycling Unlimited Company
Address	Forge Hill ----- Cork ----- -----

11. Person/Agent acting on behalf of the Applicant (if any):

Name(s):	O'Callaghan Moran & Associates	
Address:	Unit 15, Melbourne Business Park Model Farm Road Cork T12 WR89	
Telephone:	021 434 5366	
E-mail address:	admin@ocallaghanmoran.com	
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

**The Development Management Section, Community, Culture & Placemaking
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.**

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION: The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.



Friday 8 May 2020

Dear Mr Bruton,

This is to confirm that the Port of Cork consents to Forge Hill Recycling Unlimited Company submitting a Section 5 Declaration application and a Waste Permit application relating to the contingency temporary storage of wastes at premises known as ex "Tata Steel Building", at Tivoli, Port of Cork.

Yours sincerely

P.P. 
Conor Mowlds
Chief Commercial Officer

APPENDIX 4
COPIES OF PLANNING PERMISSIONS ASSOCIATED WITH THE REFERRAL SITE

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

SUBJECT TO CONDITIONS UNDER SECTION 26 OF THE ACT

Rec'd 26/2/74

To : M/s Gamble Simms,
c/o M/s Brodie & Hawthorn,
Chartered Architects,
55, Malone Avenue, Belfast BT9 6EP

Reference No. in
Planning Register T.P. 4551

Application
Received : 27th December, 1973.

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have by order dated 26 FEB 1974 decided to grant

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development of land, namely:—

Erection of steel stock depot, offices etc at Tivoli Industrial Estate.

In accordance with plans and particulars submitted on 27th December, 1973.

SUBJECT to the conditions (if any) set out in Column 1 of the Schedule hereto. The reasons for the imposition of the said conditions are set out in Column 2 of the Schedule.

If there is no appeal against the said decision, a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the Corporation of Cork

26 FEB 1974

Date:

Staff Officer, ASSISTANT TOWN CLERK
Planning Department

SCHEDULE — Overleaf.

NOTIFICATION OF A GRANT OF

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

Reg Post
23 MAR 1974

under Section 26 of the Act.

55444

To: M/s Gamble Simms,

c/o m/s Brodie & Hawthorn,

Reg. No. T.P. 4551.

Chartered Architects,

55 Malone Ave., Belfast BT9 6EP.

Application Received: 27th December, 1973.

APPLICATION BY M/s Gamble Simms,

OF c/o m/s Brodie & Hawthorn, Chartered Architects, 55 Malone Ave., Belfast.

FOR:—

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

FOR... Erection of steel stock depot, offices etc.

AT Tivoli Industrial Estate.

Further to notification of decision to grant dated 26th February, 1974.

the Cork Corporation hereby conveys a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development/retention described subject to the conditions (if any) set out in the said notification.

The permission/approval is also subject to further approval being obtained in accordance with article 5 of the Local Government (Planning and Development) Act, 1963, (Permission) Regulations, 1964, prior to the

commencement of

the development

any part of the development other than

Signed on behalf of the Corporation of Cork

NOTIFICATION OF A DEATH OF

OUTLINE: PREVIOUSLY TERMINATED & REINSTATED

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

10/1/2011

Signed on behalf of the Corporation of Cork

1. Prior to commencement of development the developer must make a contribution of £40 to Cork Corporation towards the costs of drainage works facilitating the proposed development subject to:

1. The Cork Drainage Works will facilitate the proposed development.

(a) Where the proposed works are not commenced within fifteen years of completion of the development, the Planning Authority shall return the contribution;

*Recd 9/7/76
Rec No 1044*

(b) Where the proposed works are within the said period, carried out in part only or in such manner as to facilitate the development to a lesser extent, the Planning Authority shall return a proportionate part of the contribution;

(c) The Planning Authority shall pay interest on the contribution as long as and in so far as it is retained unexpended by the Local Authority.

2. The concrete beds of all foul drains and surface water pipes must consist of 150 m.m. reinforced concrete as shown in drawings; and foundation concrete in protection G2 must be reinforced with 2 no. 12 mm dia. bars.

2. In the interests of the proper drainage of the area.

3. A bund equal to 110% of the volume of the oil storage tanks must be provided.

3. To guard against oil spillage.

4. Detailed landscape proposals must be submitted and approved prior to the commencement of occupancy of the buildings.

4. In the interests of the amenities of the area.

NOTE 1: Any appeal against a decision of a planning authority under section 26 of the Act of 1963 may be made to the Minister for Local Government.

The applicant for permission may appeal within one month beginning on the day of receipt of him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the applicant, particulars of the proposed development and the date of the decision of the planning authority should be stated.

NOTE 2: Grant of Permission under the Local Government (Planning and Development) Act, 1963 is not to be taken as a waiver of the provisions of any Building Bye-Law, Local Order, Regulation or other Statutory Provision in force in the Cork County Borough. Approval under the Corporation's Building Bye-Laws should also be obtained in addition to a Planning Permission.

NOTIFICATION OF DECISION TO GRANT

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

WITHOUT CONDITIONS UNDER SECTION 26 OF THE ACT

To: ~~Sheld. Industrial Est., Ltd.,~~

Reference No. in
Planning Register T.P. ~~2577~~

~~Sheld. Industrial Est.,~~

~~Co. Cork,~~

Application
Received: ~~21st January, 1977~~

In pursuance of the powers conferred upon them by the above-mentioned Act, the Cork Corporation have by order dated 24-3-77 decided to grant

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

for the development of land, namely:—

~~Additional covered area at existing steel depot~~
~~at Sheld. Industrial Est., Co. Cork~~

~~In accordance with plans and particulars submitted on 28/1/77~~

If there is no appeal against the said decision, a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

in accordance with the decision will be issued after the expiration of the period within which an appeal may be made to the Minister for Local Government (see footnote).

It should be noted that until a grant of

~~OUTLINE PERMISSION~~ / PERMISSION / ~~APPROVAL~~

has been issued the development in question is NOT AUTHORISED.

Signed on behalf of the Corporation of Cork

Date: 25-3-77

~~Planning Officer,~~ ASSISTANT TOWN CLERK

NOTE 1: Any appeal against a decision of a planning authority under section 26 of the Act of 1963 may be made to the Minister for Local Government.

The applicant for permission may appeal within one month beginning on the day of receipt by him of the decision. Any other person may appeal to the Minister within three weeks beginning on the date of the decision.

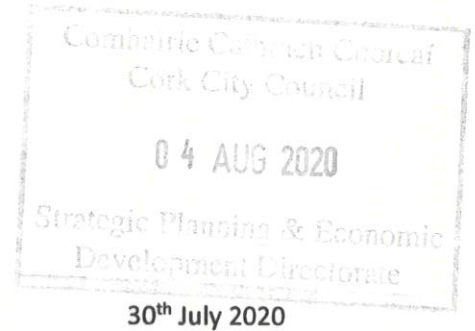
Appeals should be addressed to the Secretary, Department of Local Government (Planning Appeals Section), Custom House, Dublin 1. An appeal by the applicant for permission should be accompanied by this form. In the case of an appeal by any other person the name of the applicant should be stated.

Unit 15
Melbourne Business Park
Model Farm Road
Cork T12 WR89



T: 021 434 5366
E: admin@ocallaghanmoran.com
www.ocallaghanmoran.com

The Development Management Section
Community, Culture & Placemaking Directorate,
Cork City Council,
City Hall, Anglesea Street,
Cork



Re: Section 5 Declaration that the use of the former TATA Steel industrial site and buildings at Tivoli Docks, Cork for temporary contingency storage of bales of recyclable wastes is not development.

Dear Sir/Madam,

Our client, Forge Hill Recycling Company Unlimited (FHR), operates a non-hazardous waste recovery facility at Forge Hill under an Integrated Emissions Licence granted by the Environmental Protection Agency. The licence authorises the acceptance and processing of municipal dry recyclable waste. The sources are primarily households and commercial dry recyclable collections and the materials include mainly paper, card, plastic bottles, plastic film, steel cans and aluminium cans.

The mixed wastes are mechanically separated by type (plastic, paper, cardboard and ferrous and non-ferrous metals). The processing is highly automated and manual picking is mostly limited to quality control. The segregated materials are baled and stored prior to export for further processing, for example in paper mills, steel mills, aluminium smelters and plastic conversion factories.

The Covid19 pandemic presents a significant threat to the export of the recyclable materials. A ban or exports or severe disruption of the market would have major implications for FHR's household and commercial waste collections. FHR has limited storage space at its Forge Hill facility and once that capacity has been reached FHR would have to stop accepting and processing waste. Therefore to maintain the household and essential commercial business collection services, additional contingency off-site storage capacity is required.

FHR has identified a warehouse with a paved service yard at Tivoli Docks owned by the Port of Cork Company Ltd that is suitable for a temporary contingency storage of baled recyclable materials. The only activity carried out will be storage. A baling unit will be provided to repair any bale damaged in transit from the FHR facility.

The provision of contingency storage capacity requires authorisation under the Waste Management Act 1996, as amended and the regulatory authority is Cork City Council. At a meeting to discuss the proposed development, Mr. Tony O'Sullivan SEE Environment indicated that the development could be accommodated by means of a Certificate of Registration or a Waste Facility Permit.

Having reviewed the Waste Facility Permit & Registration Regulations 2007, as amended, FHR considers that a Waste Permit is required and that the appropriate Class is Class 10 the recovery of waste where the annual intake does not exceed 50,000 tonnes. The Regulations require that a local authority in making a determination on a permit application that the facility is compliant with planning or is exempt from planning permission under Section 5 of the Planning & Development Act 2000, as amended.

Our client requests a declaration in accordance with Section 5 of the Planning and Development Act 2000, as amended), confirming that the use of the former TATA Steel industrial building and site at Tivoli for the temporary contingency storage of baled recyclables is not development and therefore does not require planning permission as:

The current authorised use of the site is for industrial purposes and the existing permission on the site (Ref. Nos. 73/4551 & 77/6677) are still valid and the temporary storage of baled recycled materials comes within the definition of industrial use.

Site Location

The site is in the Tivoli Docks and Industrial Estate, as shown on the enclosed maps (1:10,560). It is entered off the Tivoli Estate access road to the north of the site. The site comprises one industrial building, one roofed storage area, an office and associated parking and yard areas.

Site Planning History

The original planning permission (73/4551) was granted for a steel depot and office. A subsequent permission (77/6677) authorised the construction of the covered storage area.

Nature of Development

As referred to above, in the event that the export of the recyclable materials is disrupted, the bales will be transported from Forge Hill to Tivoli on curtain sided articulated trailers. At Tivoli, the bales will be off-loaded and stacked inside the warehouse. In addition, containers of baled materials loaded at Forge Hill will be moved to Tivoli and stored in the service yard.

The only activity carried out will be storage of baled recyclables and no waste processing will be conducted. The maximum amount stored will be 24,000 tonnes. Once access to the overseas processing facilities is regained, FHR will arrange for the removal of the bales from the Tivoli site and will resume exporting directly from the Forge Hill facility.

Assessment

FHR considers that the temporary contingency storage of the baled recyclables at the site in Tivoli is not development and/or does not constitute a material change of use and does not therefore require planning permission as:

- The use of the site for industrial purposes is authorised and long-established.

The use of the site for the storage of the baled recyclables falls within the definition of an industrial process and, as such, is not development, does not constitute a material change of use and therefore does not require planning permission

Article 5(1) of the 2001 Planning and Development Regulations 2001 as amended defines an 'industrial building' as *a structure (not being a shop, or a structure in or adjacent to and belonging to a quarry or mine) used for the carrying on of any industrial process*. The Regulations define 'industrial process' as:

"any process which is carried on in the course of trade or business, other than agriculture, and which is:

(a) for or incidental to the making of any article or part of an article, or

(b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals...

The treatment of waste to recovery recyclables, with the subsequent baling of the recovered materials is an industrial process and the storage of the bales is incidental to this process.

Enclosures

Section 5 Declaration Application Form

2 Copies of a site location drawing (1:10,560)

2 copies of a site location drawing (1:2,500)

2 copies of a site layout drawing (1:1000)

A letter from the Port of Cork Company consenting to the submission of a Section 5 Declaration Application.

A cheque in the sum of €80.

Address for Correspondence

Please address correspondence on this matter to the undersigned at

O'Callaghan Moran & Associates
Unit 15,
Melbourne Business Park
Model Farm Road,
Cork T12 WR89

Yours Sincerely,


Jim O'Callaghan

COMHAIRLE CATHRACH CHORCAÍ CORK CITY COUNCIL

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie
Fón/Tel: 021-4924762
Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Tivoli Docks Cork.

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the use of an existing industrial building and associated storage area in the Port of Cork for the temporary storage of baled dry recyclable wastes pending export from the port to overseas recycling facilities development and if so, is it exempt development?

ADDITIONAL DETAILS REGARDING QUESTION/WORKS/DEVELOPMENT:

(Use additional sheets if required).

Forge Hill Recycling unlimited Company (FHR) operates a non-hazardous waste recovery facility at Forge Hill under an Integrated Emissions Licence granted by the Environmental Protection Agency. The licence authorises the acceptance and processing of municipal dry recyclable waste. The sources are primarily households and commercial dry recyclable collections and the materials include mainly paper, card, plastic bottles, plastic film, steel cans and aluminium cans.

The mixed wastes are mechanically separated by type (plastic, paper, cardboard and ferrous and non-ferrous metals). The processing is highly automated and manual picking is mostly limited to quality control. The segregated materials are baled and stored prior to export for further processing, for example in paper mills, steel mills, aluminium smelters and plastic conversion factories.

The Covid19 pandemic presents a significant threat to the export of the recyclable materials. A ban on exports or severe disruption of the market would have major implications for FHR's household and commercial waste collections. FHR has limited storage space at its Forge Hill facility and once that capacity has been reached FHR would have to stop accepting and processing waste. Therefore to maintain the household and essential commercial business collection services, additional contingency off-site storage capacity is required.

FHR has identified a warehouse with a paved service yard at Tivoli Docks owned by the Port of Cork Company that is suitable for the temporary contingency storage of baled recyclable materials. The only activity carried out will be storage. A baling unit will be provided to repair any bale damaged in transit from the FHR facility.

The provision of contingency storage capacity requires authorisation under the Waste Management Act 1996, as amended and the regulatory authority is Cork City Council. At a meeting to discuss the proposed development Mr. Tony O'Sullivan Senior Executive Engineer Environment indicated that the development could be accommodated by means of a Certificate of Registration or a Waste Facility Permit.

Having reviewed the Waste Facility Permit & Registration Regulations 2007, as amended FHR considers that a Waste Permit is required and that the appropriate Class is Class 10 the recovery of waste where the annual intake does not exceed 50,000 tonnes. The Regulations require that a local authority in making a decision on a permit application determines that the facility is compliant with planning or is exempt from planning permission under Section 5 of the Planning & Development Act 2000, as amended.

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

We are not aware of any enforcement proceedings connected to the site.

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

The current authorised use of the site is for industrial purposes. The original planning permission (73/4551) was granted for a steel depot and office. A subsequent permission (77/6677) authorised the construction of the covered storage area.

6. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	Warehouse 3,278 sq.M
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input type="checkbox"/>
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle)	Proposed/existing use (please circle)
-----	-----
-----	-----
-----	-----

8. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner	B Other <input checked="" type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question	It is proposed to lease the property	
If you are not the legal owner, please state the name and address of the owner if available	Port of Cork Company Custom House Quay Cork Copy of landlord's consent enclosed	

9. I / We confirm that the information contained in the application is true and accurate:

Signature: Jim O'Callaghan Date: 30th July 2020

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

**The Development Management Section, Community, Culture & Placemaking
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.**

- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION: The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.



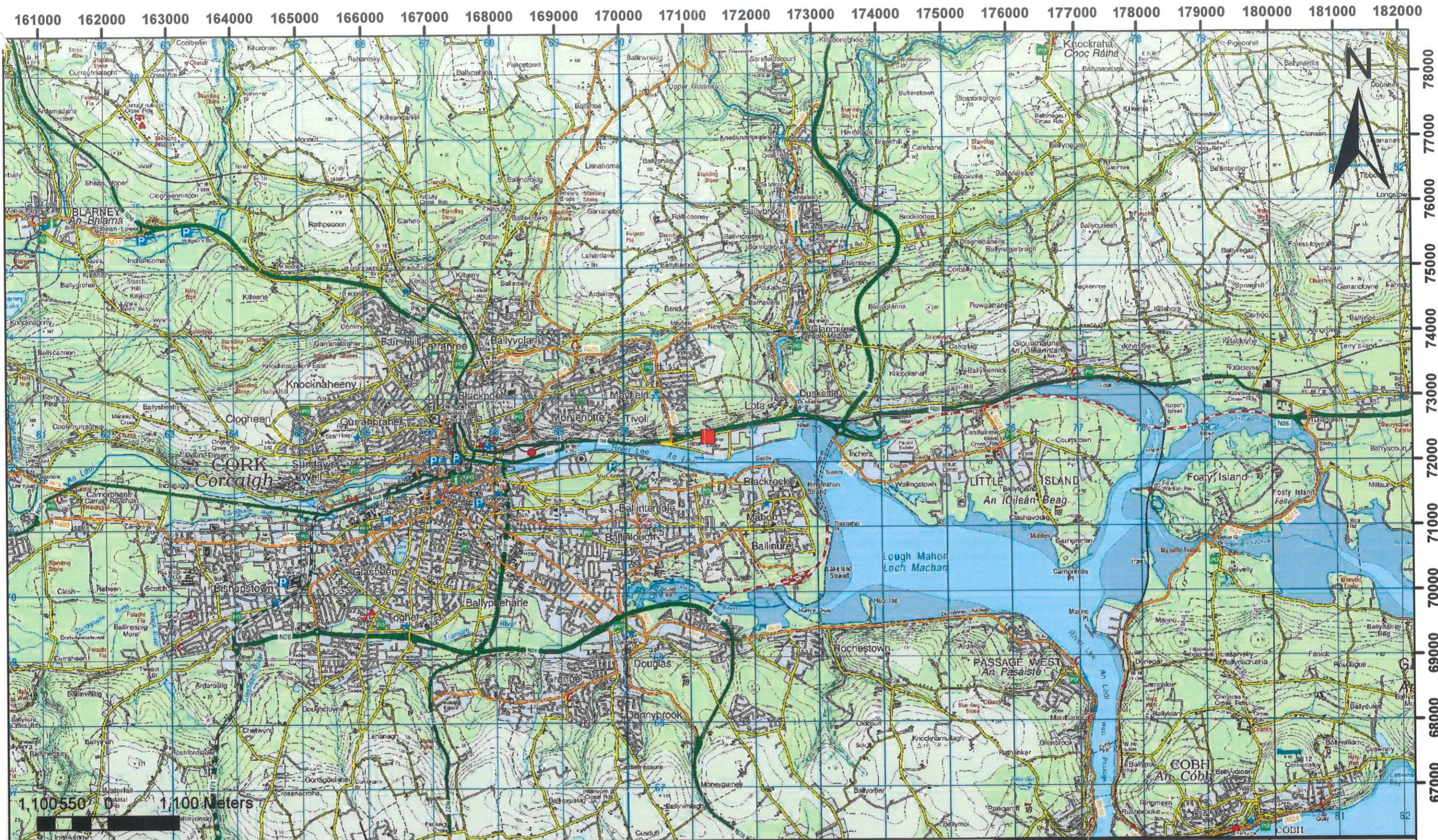
Friday 8 May 2020

Dear Mr Bruton,

This is to confirm that the Port of Cork consents to Forge Hill Recycling Unlimited Company submitting a Section 5 Declaration application and a Waste Permit application relating to the contingency temporary storage of wastes at premises known as ex "Tata Steel Building", at Tivoli, Port of Cork.

Yours sincerely

P.F. 
Conor Mowlds
Chief Commercial Officer



O'Callaghan Moran & Associates,
 Unit 15 Melbourne Business Park,
 Model Farm Road, Cork.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, produced or disclosed to anyone without the prior written permission at O'Callaghan Moran & Associates and shall be returned upon request.

CLIENT Forge Hill Recycling
 Unlimited Company

TITLE Site Location

OS Licence
 No.
 AR 0038720

Details:
 ■ Site Location

OS Sheet No.
 1606, 1806

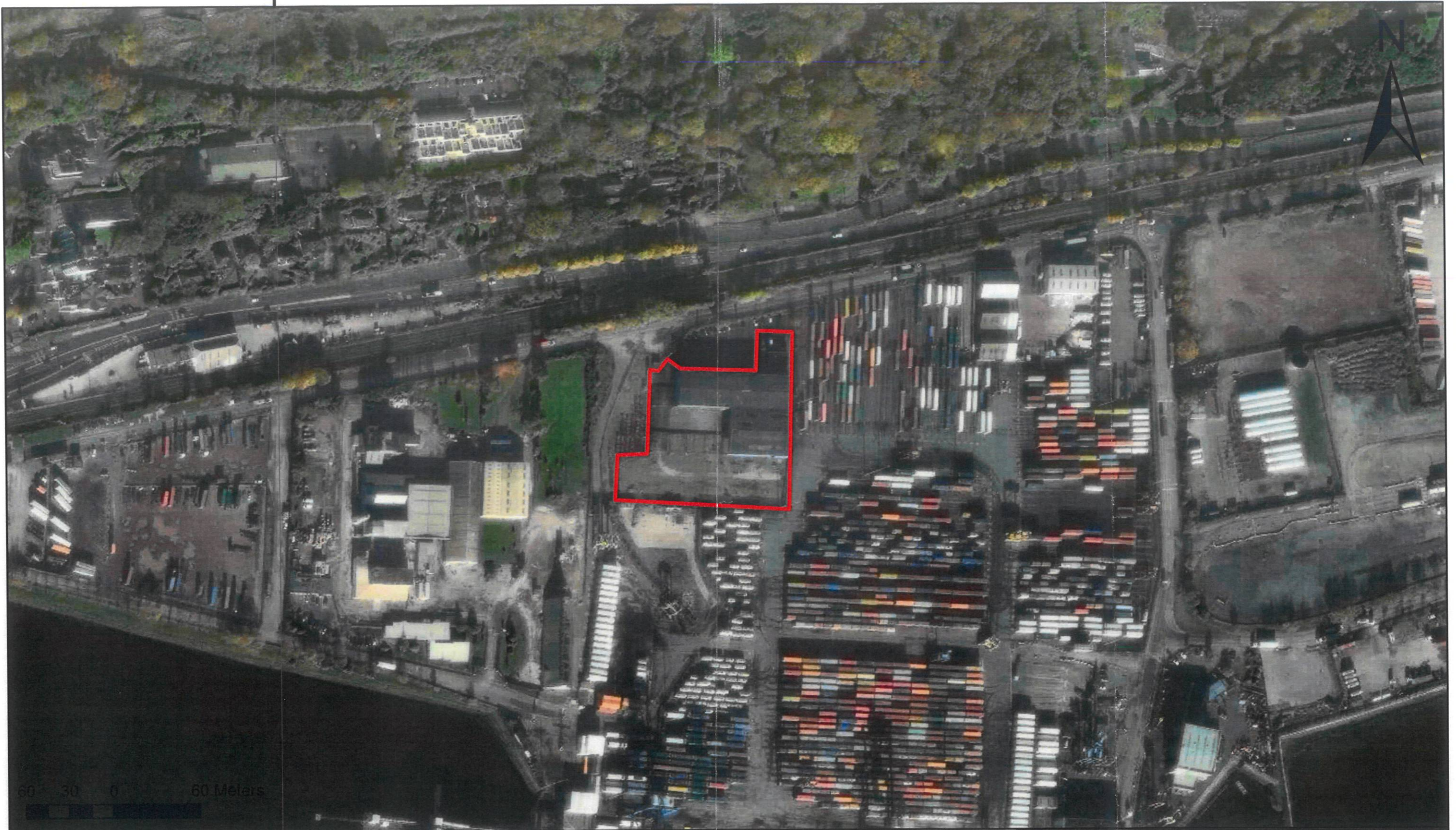
Prepared by:
 Austin Hynes
 Unit 15 Melbourne Business Park
 Model farm Road
 Cork

Date: 31/07/2020

Drawing No.
 20-231-0201

Scale
 1:50000

171000



O'Callaghan Moran & Associates,
 Unit 15 Melbourne Business Park,
 Model Farm Road, Cork.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, produced or disclosed to anyone without the prior written permission at O'Callaghan Moran & Associates and shall be returned upon request.

CLIENT Forge Hill Recycling
 Unlimited Company

TITLE Site Location

OS Licence
 No.
 AR 0038720

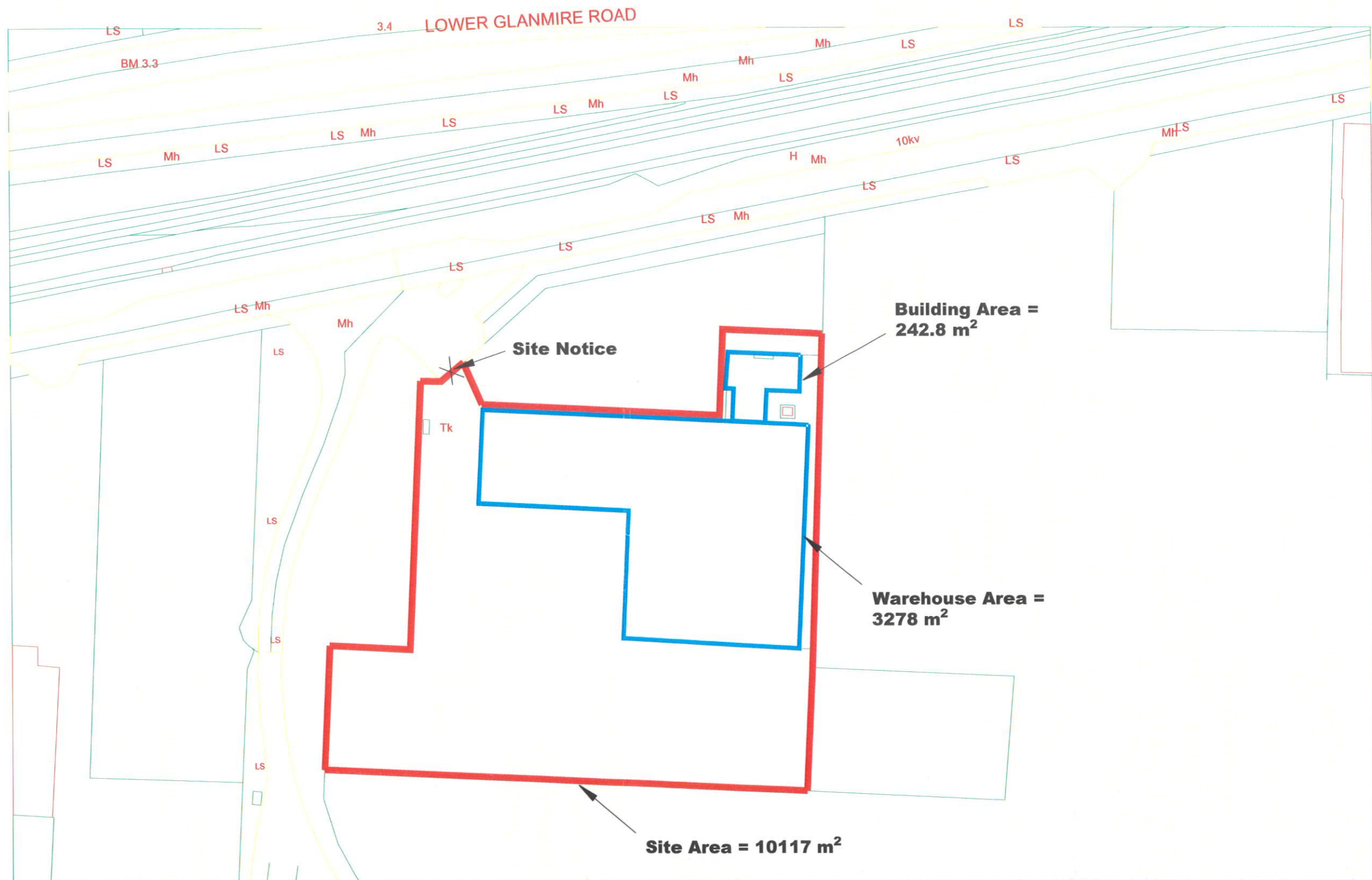
Details:
 — Site Area

Prepared by:
 Austin Hynes
 Unit 15 Melbourne Business Park
 Model farm Road
 Cork

Date: 31/07/2020

Drawing No.
 20-231-0202

Scale
 1:2500



O' Callaghan Moran & Associates.
 Unit 15 Melbourne Business Park
 Model Farm Road, Cork, Ireland.
 Tel. (021) 4345366
 email: info@ocallaghanmoran.com

CLIENT
 Forge Hill Recycling Unlimited Company

Prepared by
 Austin Hynes
 O'Callaghan Moran and Associates
 Unit 15 Melbourne Business park
 Model Farm Road
 Cork

OSI No.
 V_50115540_1.dwg
 OS Licence No.
 AR 0038720

Drawing No.
 20-231-0203

This drawing is the property of O'Callaghan Moran & Associates and shall not be used, reproduced or disclosed to anyone without the prior written permission of O'Callaghan Moran & Associates and shall be returned upon request.

TITLE
 Site Layout

Date
 31/07/2020

SCALE
 1:1000

REV.
 A