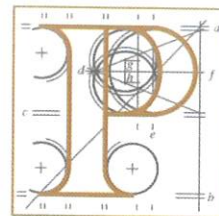


Cur Case Number: ABP-306976-20

Planning Authority Reference Number: R560/19



An
Bord
Pleanála

Cork City Council
Anglesea Road
Cork
T12 T997

Date: 29 JUL 2020

Re: Whether construction works at the existing permitted recycling and transfer station is or is not development and is or is not exempted development.
Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork.


Dear Sir / Madam,

An order has been made by An Bord Pleanála determining the above-mentioned referral under the Planning and Development Acts 2000 to 2019. A copy of the order is enclosed.

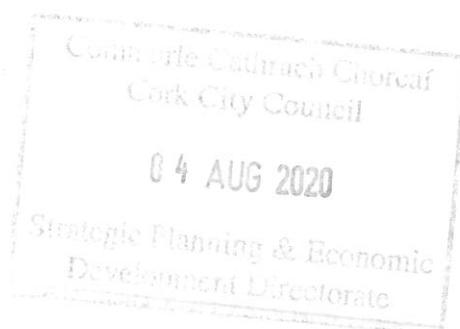
In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (www.pleanala.ie). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours sincerely,

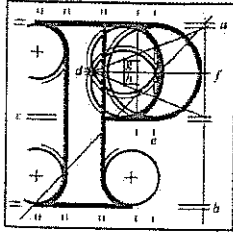

Erica Kearns
Executive Officer

RL100PAN



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Ríomhphost	Email	bord@pleanala.ie

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D01 V902	D01 V902



An
Bord
Pleanála

Board Order
ABP-306976-20

Planning and Development Acts 2000 to 2019

Planning Authority: Cork City Council

Planning Register Reference Number: R560/19

WHEREAS a question has arisen as to whether construction works at the existing permitted waste recycling and transfer station at Units 1 to 3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is or is not development or is or is not exempted development:

AND WHEREAS Elmwick Limited trading as Red Fox Recycling care of Coakley O'Neill of NSC Campus, Mahon, Cork requested a declaration on the question from Cork City Council and the Council issued a declaration on the 19th day of February, 2020 stating that the said matter is development and is not exempted development:

AND WHEREAS Elmwick Limited trading as Red Fox Recycling referred the declaration for review to An Bord Pleanála on the 18th day of March, 2020:

AND WHEREAS the said question is limited solely to the following construction works:

- The improvement of the existing drainage on site by means of the installation of surface water drainage,
- the concreting of the existing yard,
- provision of wash down area,
- marking out of car and truck parking spaces:

AND WHEREAS An Bord Pleanála, in considering this referral, had regard particularly to –

- (a) sections 2(1), 3(1), and 4(1)(h) of the Planning and Development Act 2000, as amended,
- (b) Articles 5 to 11 of the Planning and Development Regulations 2001, as amended,
- (c) Part 1 of Schedule 2 to the Planning and Development Regulations 2001, as amended,
- (d) the location of the proposed construction works within an authorised waste recycling and transfer station,
- (e) the planning history of the site, and
- (f) the report of the Planning Inspector:

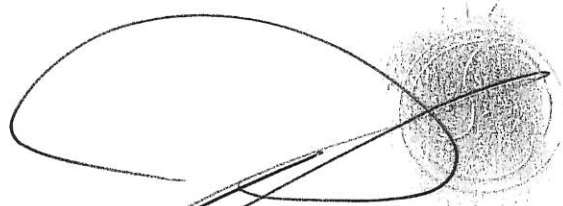
AND WHEREAS An Bord Pleanála has concluded that -

- (a) the construction works constitute 'development' for the purposes of the Planning and Development Act, and
- (b) the proposed works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works for the maintenance, improvement or other alteration of Units 1 to 3 Churchfield Industrial Estate 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:

NOW THEREFORE An Bord Pleanála, in exercise of the powers conferred on it by section 5 (3) (a) of the 2000 Act, hereby decides that construction works comprising the improvement of the existing drainage on site by means of the installation of surface water drainage, the concreting of the existing yard, provision of a wash down area and the marking out of car and truck parking spaces at the existing permitted waste recycling and transfer station at Units 1 to 3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development and is exempted development.

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.



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

Dated this 28th day of *July* 2020



Halla na Cathrach
Corcaigh
T12 T997

City Hall
Cork
T12 T997

The Secretary,
An Bord Pleanála,
64 Marlborough Street,
Dublin 1.
D01V902

Your Ref: APB-306976-20

25th May 2020

**Re: Section 5 Declaration
Construction works at the existing permitted waste recycling and transfer station
Unit 1-3 Churchfield Industrial Estate
Our Reference – R560/19**

Dear Sir/Madam,

I refer to the above appeal and I the Planning Authority wishes to respond as follows:

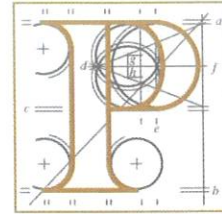
- (i) Please find enclosed the completed Declaration issued by the Planning Authority on 19th February, 2020 (second page was missing in documents previously sent)

Yours faithfully,

Kerry Bergin
Assistant Staff Officer
Community Culture and Placemaking
Planning Department
Cork City Council

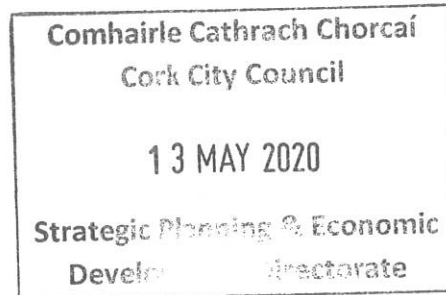
Our Case Number: ABP-306976-20

Planning Authority Reference Number: R560/19



**An
Bord
Pleanála**

Cork City Council
Cork City Council
Anglesea Road
Cork
Co. Cork
T12 T997



Date: 12 May 2020

Re: Whether construction works at the existing permitted recycling and transfer station at Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development which is exempted development?
Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork

Dear Sir / Madam,

An Bord Pleanála has asked me to refer to the documents already received from you in relation to the above-mentioned appeal.

To enable consideration of the appeal to proceed, the following further documentation relevant to the application and to your decision is required:-

- **Please forward the Declaration issued by Planning Authority on 19th February, 2020 (second page missing in documents previously sent)**

Would you be good enough to have these documents forwarded by **return of post** please.

Yours faithfully,

Doina Chiforescu
Administrative Assistant
Direct Line: 01-8737133

BP10

*Responded with Document's
24/05/2020*

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Baile Átha Cliath 1 Dublin 1
D01 V902 D01 V902

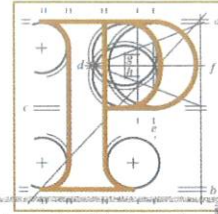
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D01 V902 D01 V902

Our Case Number: ABP-306976-20

Planning Authority Reference Number: R560/19



An
Bord
Pleanála

Cork City Council
Cork City Council
Anglesea Road
Cork
Co. Cork
T12 T997



Date: 07 May 2020

Re: Whether construction works at the existing permitted recycling and transfer station at Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development which is exempted development?
Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork

Dear Sir / Madam,

An Bord Pleanála has received your submission in relation to the above-mentioned referral and will take it into consideration in its determination of the referral in accordance with the Planning and Development Act, 2000, (as amended).

Please note that section 129(4) of the 2000 Act, (as amended), provides that a party to a referral shall not be entitled to elaborate in writing upon submissions made or make any further observations in writing unless requested to do so by An Bord Pleanála.

Yours faithfully,

Doina Chiforescu
Administrative Assistant
Direct Line: 01-8737133

BPRL20



Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Riomphost

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64 Marlborough Street
Dublin 1
D01 V902



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

Date: 22/04/2020

R560/19
ABP-306976-20

*Comments
sent via e-mail*

Units 1-3, Churchfield Estate

Dear Sir/Madam

I refer to your letter dated 25th March in relation to this appeal and attach Cork City Council's submission on this matter.

Yours faithfully

John A Murphy
Clerical Officer
Strategic Planning & Economic Development Directorate



We are Cork.

Submission for ABP – Units 1-3 Churchfield Industrial Estate

(1) Please send the following to ABP as the submission from the Planning Authority of Cork City Council

The Planning Authority respectfully requests that the Board uphold the declaration of Cork City Council and in addition to the planning report dated 15/02/2020, we wish to add the following comments:

- Correspondence from the Environment Section clearly shows that there has been no activity at this site for a considerable number of years – Ref: Email from Sarah Molloy, dated 10/02/2020.
- **Unit 3 – T.P 04/28034**, planning permission was granted on the 31/03/2004. Condition 8 of T.P 04/28034 levied contributions of €6,964.77. These contributions were not paid. A Site/ Compliance Contribution Planning Inspection was undertaken by the Planning Authority of Unit 3 on the 24th August, 2010 for file TP 04/28034 (in use then as **(G&K Community Training Centre)**).

The Company Register showed that Blarney Wheel A Bins Ltd had dissolved in 2006.

Given that the premises for file TP 04/28034 was no longer in use and the applicant was insolvent, a decision was taken on 26/08/2010 not to pursue levies.

- **Units 1&2**, planning permission for **T.P 04/28849** expired on the 3rd Jan, 2010. Financial development contributions were levied on Condition No 7 (€9,330.00). These contributions were not paid.
A site/ Compliance Contribution Planning Inspection undertaken by the Planning Authority on the 25/08/2008 showed that there appeared to be no remaining traces of Blarney Wheel-a-Bins except the site itself and portions of burned warehouses. Empty containers were being stored at this site at this time.
On the 22nd July, 2010, another site/ Compliance Contribution Planning Inspection undertaken by the Planning Authority, and it is indicated in this report that the neighbouring operator was using the warehouse occasionally but was not in ownership of it.
The use was considered discontinued by the Planning Authority and no contributions were levied.

The Site/ Compliance Contribution Inspection reports are available for viewing.

- The Planning Authority would also like to bring to the Boards attention the Waste Facility Permit application which was made to Cork City Council on the 04th November, 2019.

M. Delaney, Executive Planner

From:
Subject:

Sarah Molloy
RE: Churchfield

I had a look through the Churchfield file looking at all their waste facility permits and site inspection reports.

Their first permit 02/08 (register no. 932) was issued 19th December 2008 and valid until 31st October 2011. The tonnage limit of this permit was 7,500 tonnes per annum. Based on the site inspection reports, skips were stored on site but waste was not accepted on the site until approximately November 2009. Following this, the waste process on site was shredding and packaging of cardboard.

During a site inspection on 10th September 2010, it was noted that all waste entering the site came through Ashgrove Recycling.

In 2011, the processing of cardboard was due cease on site following inspection in March and the permit was due to be surrendered to allow for a new permit for processing scrap metal. This new permit (permit number WFP-CC-04/2011 was issued on 6th October 2011 and valid until 31st October 2016 with tonnage limit of 25,000 tonnes. There were 2 minor amendments made to the permit due to a typo and the addition of accepting construction and demolition waste, resulting in the permit number changing to WFP-CC-04-2011-b in 2012.

In 2014, during an inspection on 18th November, it was noted that waste was not being accepted on site. However, storage of skips and equipment continued on site.

In 2016, waste was still not accepted on site and the permit was renewed. The new permit (WFP-CC-03/2016) was issued 19th October 2016 and had a tonnage limit of 25,000 tonnes.

No waste was accepted on site under this permit.

In July 2019, that permit was surrendered and the site was cleaned and emptied.

I hope this helps, let me know if you've any further queries.
Kind Regards,
Sarah.

From: Michelle Delaney

Re: Unit 1-3 Churchfield Industrial Estate, I am trying to establish the history of the site since permission was granted in 2004 for a waste facility.

The following is unclear: if this permission was implemented, the extent and type of activity (tonnage etc) and the number of years this site was active.

When the site was last used is of particular interest.

When convenient, could you provide a summary based on information sent in with the WPLs?

Many thanks,

Michelle Delaney

Our Case Number: ABP-306976-20

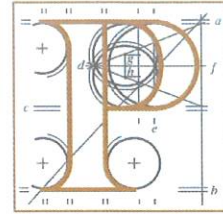
Planning Authority Reference Number: R560/19

Comhairle Cathrach Chorcaí
Cork City Council

30 MAR 2020

Strategic Planning & Economic
Development Directorate

Cork City Council
Anglesea Road
Cork
Co. Cork
T12 T997



An
Bord
Pleanála



Date: 25 March 2020

Re: Whether construction works at the existing permitted recycling and transfer station at Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development which is exempted development?

Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork

Dear Sir / Madam,

Enclosed is a copy of a referral under the Planning and Development Act, 2000, (as amended).

In order to comply with section 128 of the Planning and Development Act, 2000, (as amended), please forward, within a period of 2 weeks beginning on the day on which a copy of the referral is sent to you, copies of any information in your possession which is relevant to the referral, including

- (i) details of previous decisions affecting the site;
- (ii) any correspondence that has taken place between the person(s) issued with a declaration under subsection (2)(a) of section 5 of the 2000 Act, (as amended), and the planning authority.
- (iii) the name and address of the owner of the land in question and the name of the occupier of the said land, if different;
- (iv) where no declaration was issued by you, indicate the date that the referral was due to be issued in accordance with subsection (2) of section 5 of the 2000 Act, (as amended)

In accordance with section 129 of the 2000 Act, (as amended), you may make submissions or observations in writing to the Board in relation to the referral within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered and where none have been validly received, the Board may determine the referral without further notice to you.

Please quote the above referral number in any further correspondence.

Teil	Tel	(01) 858 8100
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Facs	Fax	(01) 872 2684
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Ríomhphost	Email	bord@pleanala.ie

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D01 V902	D01 V902

Yours faithfully,



Doina Chiforescu
Administrative Assistant
Direct Line: 01-8737133

BPRL07

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Teil
Glaio Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

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D01 V902

Submission for ABP – Units 1-3 Churchfield Industrial Estate

(1) Kerry/ Michelle – Could you attach the following to the below submission-

- a) Planning report dated 15/02/2020 – *This might have been sent already to the Board.*
- b) Email from the Environment Section dated 10/02/2020
- c) And the comments below

(2) Please send the following to ABP as the submission from the Planning Authority of Cork City Council

The Planning Authority respectfully requests that the Board uphold the declaration of Cork City Council and in addition to the planning report dated 15/02/2020, we wish to add the following comments:

- Correspondence from the Environment Section clearly shows that there has been no activity at this site for a considerable number of years – Ref: Email from Sarah Molloy, dated 10/02/2020.
- **Unit 3 – T.P 04/28034**, planning permission was granted on the 31/03/2004. Condition 8 of T.P 04/28034 levied contributions of €6,964.77. These contributions were not paid. A Site/ Compliance Contribution Planning Inspection was undertaken by the Planning Authority of Unit 3 on the 24th August, 2010 for file TP 04/28034 (in use then as **(G&K Community Training Centre)**).

The Company Register showed that Blarney Wheel A Bins Ltd had dissolved in 2006.

Given that the premises for file TP 04/28034 was no longer in use and the applicant was insolvent, a decision was taken on 26/08/2010 not to pursue levies.

- **Units 1&2**, planning permission for **T.P 04/28849** expired on the 3rd Jan, 2010. Financial development contributions were levied on Condition No 7 (€9,330.00). These contributions were not paid.
A site/ Compliance Contribution Planning Inspection undertaken by the Planning Authority on the 25/08/2008 showed that there appeared to be no remaining traces of Blarney Wheel-a-Bins except the site itself and portions of burned warehouses. Empty containers were being stored at this site at this time.
On the 22nd July, 2010, another site/ Compliance Contribution Planning Inspection undertaken by the Planning Authority, and it is indicated in this report that the neighbouring operator was using the warehouse occasionally but was not in ownership of it.
The use was considered discontinued by the Planning Authority and no contributions were levied.

The Site/ Compliance Contribution Inspection reports are available for viewing.

- The Planning Authority would also like to bring to the Boards attention the Waste Facility Permit application which was made to Cork City Council on the 04th November, 2019.



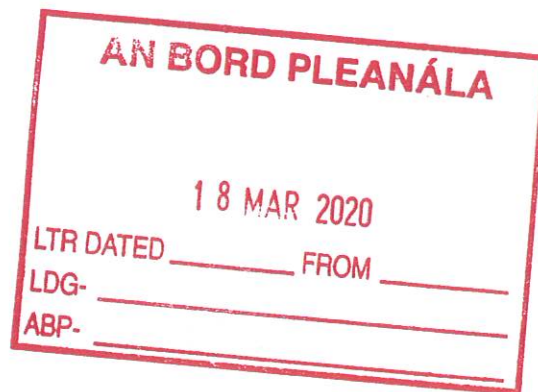
M. Delaney, Executive Planner



Comhairle Cathrach Chorcaí Cork City Council

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

Elmwick Ltd T/A Red Fox Recycling
c/o Aidan O' Neill
Coakley O Neill Town Planning Ltd
NSC Campus
Mahon
Cork



19/02/2020

**RE: Section 5 Declaration R560/19 Unit 1- 3 Churchfield
Industrial Estate**

A Chara,

With reference to your request for a Section 5 Declaration at the above named property, I wish to advise as follows:

In view of the above and having regard to —

- Sections 2 (1), 3(1), 4(1), 4(4) of the Planning and Development Act, 2000 as amended
- Article 6 and 9 of Part 2 of the Planning and Development Regulations, 2001 as amended
- Part 3 of Schedule 2 of the Planning and Development Regulations, 2001 as amended.
- Schedule 7 of the Planning and Development Regulations, 2001 as amended.

It is concluded that the following construction works at Units 1-3 Churchfield Industrial Estate, namely:

- Demolition of an annex (50m²) to be replaced by a portocabin
- Improvement of the existing drainage on site by means of the installation of surface water drainage.
- Concreting of the existing yard
- Installation of a weighbridge
- Wash down area
- Marking out of car and truck parking spaces



We are Cork.

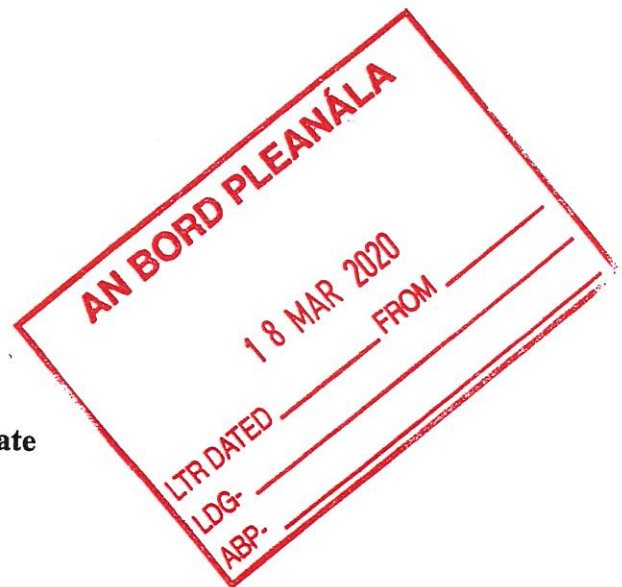
Is development and is not exempted development for the following reasons:

- (a) There are no other exemptions under either the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations 2001, as amended, that apply in respect of this development.
- (b) The use of this premises as a waste transfer station has been abandoned and therefore, would consist of works to a structure the use of which is an unauthorised use.
- (c) Irrespective of the above, the construction of these works amounts to an intensification of use which constitutes a material change of use, in light of the planning implications for the planning unit and is, therefore, development having regard to the provisions of section 3(1) of the Planning and Development Act, 2000,
- (d) On the basis of the documentation on file, evidence has not been provided to demonstrate that the subject development is in breach of any threshold or sub-threshold requirement for an Environmental Impact Assessment, or appropriate assessment.

Is misa le meas,



Kerry Bergin
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin
D01V902

18th March, 2020

AN BORD PLEANÁLA	
LDG-	<u>025319-20.</u>
ABP-	
18 MAR 2020	
Fee: €	<u>220</u> Type: <u>cheque</u>
Time: <u>13:33</u>	By: <u>hand</u>

Dear Sir/Madam

RE: REFERRAL OF A DECLARATION MADE BY CORK CITY COUNCIL (SECTION 5(3)(A) OF THE PLANNING AND DEVELOPMENT ACT, 2000, AS AMENDED)

We, Coakley O'Neill Town Planning Ltd, NSC Campus, Mahon, Cork, have been instructed by Elmwick Ltd T/A Red Fox Recycling, Mill House, Old Mallow Road, Cork, to refer a declaration made by Cork City Council, reference R560/19, on 19th February, 2020 to An Bord Pleanála under section 5(3)(a) of the Planning and Development Act, 2000, as amended in relation to the following question:

Whether construction works at the existing permitted waste recycling and transfer station at Units 1-3 Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork is development which is exempted development?

Cork City Council in its declaration dated 19th February, 2020, concluded that the proposed construction works constitutes development which is not exempted development.

The last date for receipt of this referral is 18th March, 2020, and the appropriate fee of €220 is enclosed.

1. Site Location and Description

The subject site is an existing, established waste recycling and transfer station at Units 1-3 Churchfield Industrial Estate, off the John F Connolly Road, Churchfield, in the north central suburb of Cork City. Adjoining uses include Ashgrove Recycling and Waste Management, County Clean, and Cork Mini Skip Hire. Unit 4 Churchfield Industrial Estate is part occupied by Sample Studios multi-media arts studio. The referrer has a wayleave over the existing access from the John F Connolly Road.



Plate 1: Site Location (generally identified in red)

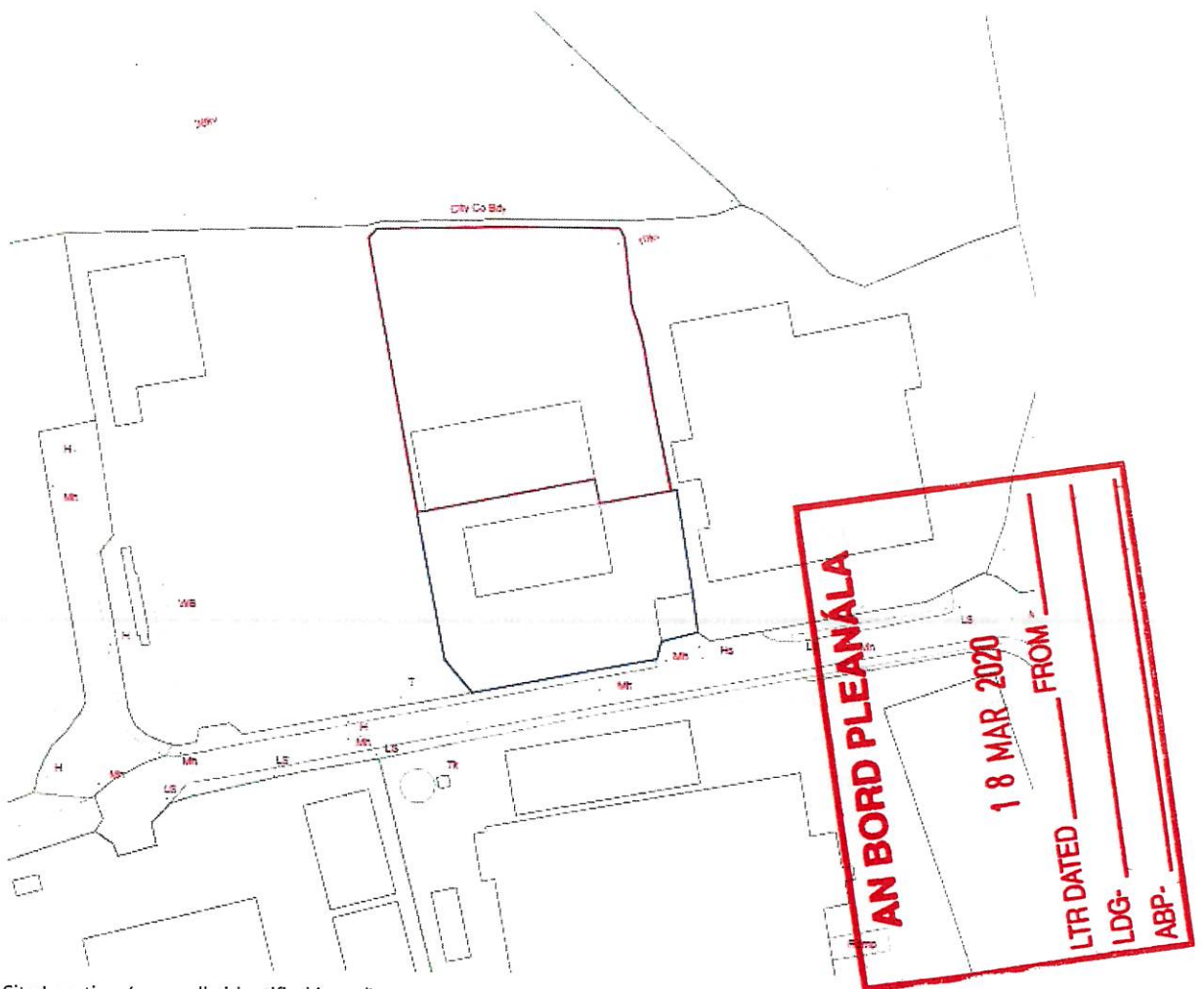


Plate 2: Site Location (generally identified in red)

AN BORD PLEANALA
18 MAR 2020
LTR DATED _____ FROM _____
LDG- _____
ABP- _____

2. Proposed Construction Works

As set out in drawing nos. PA-01 Rev 2 (Record Place Map); PA-02 Rev 3 (Urban Place Map); PA-03 Rev 3 (Entrance Sight Lines); PA-04 Rev 3 (Existing Site Layout Plan of Facility); PA-05 Rev 3 (Proposed Site Layout Plan of Facility); PA-06 Rev 3 (Foul & Storm Sewers Layout of Facility); and PA-07 Rev 2 (Foul & Storm Services Layout of Facility (Rear of Yard), which accompany this referral, the proposed works comprise:

- demolition of an annex (50m²);
- improvement of the existing drainage on site by means of the installation of surface water drainage;
- concreting of the existing yard;
- wash down area; and
- marking out of car and truck parking spaces

The referral to Cork City Council included the installation of a weighbridge and a replacement portacabin¹. These aspects of the proposed works have been removed from this referral, and a planning application will be submitted for these in due course.

3. Declaration of Cork City Council

Cork City Council in its declaration dated 19th February, 2020 (reference R560/19) concluded that the proposed construction works constitutes development which is not exempted development for the following reasons:

Having regard to:

- Sections 2(1), 3(1), 4(1), 4(4) of the Planning and Development Act, 2000, as amended;
- Article 6 and 9 of Part 2 of the Planning and Development Regulations, 2001, as amended;
- Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;
- Schedule 7 of the Planning and Development Regulations, 2001, as amended.

It is concluded that the following construction works at Units 1-3 Churchfield Industrial Estate, namely

- demolition of an annex (50m²) to be replaced by a portacabin
- improvement of the existing drainage on site by means of the installation of surface water drainage;
- concreting of the existing yard;
- installation of surface mounted weighbridge;
- wash down area; and
- marking out of car and truck parking spaces

is development and is not exempted development for the following reasons:

¹ It could be stated, however, that the weighbridge and portacabin structures that are ancillary to and incidental to the permitted land use, and serve no other purpose. These minor elements will contribute to the effective management of waste on site in accordance with condition no. 6 attached to the permissions under T.P.04/28034 and T.P.04/28849.

3. Do the works materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

The key test on exemption under 4(1)(h) is whether the resulting appearance would be inconsistent with the character of the original structure and not whether it would be materially changed. Furthermore, whether the external appearance is affected for better or worse is not at issue. With respect to this, at the Supreme Court (Cairnduff V O'Connell) Finlay CJ found that while the reinstatement of a staircase and balcony as well as the addition of a new window did materially affect the external appearance of the building in question, they were not out of character. While character is not defined in the planning legislation, relevant case law (Cairnduff - v - O'Connell [1986] ILRM 465) would indicate that the character of the structure relates to its shape, colour, design, ornamental features and layout, and not to its particular use.

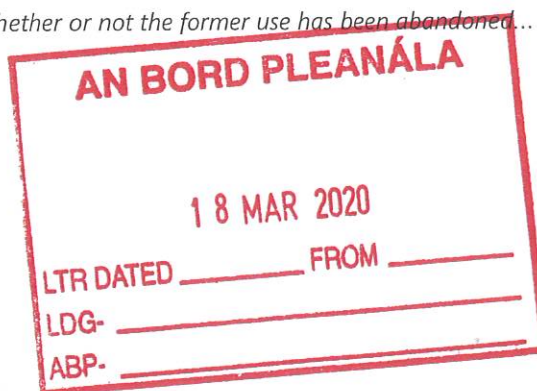
Under referral case reference PL18 .RL3585, the Board determined in February, 2018 that the breaking out and remaking of a concrete service yard at Tesco, Monaghan Shopping Centre, Monaghan, Co. Monaghan, is development that is exempted development, on the basis that the works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works 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(4) of the Planning and Development Act, 2000, as amended, de-exempts exempted development if an EIA or AA is required.

Class 50(a) of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, states that the demolition of a building within the curtilage of a business premises is exempted development provided (1) no such building shall abut on another building in separate ownership and (2)(b) the cumulative floor area of any such building shall not exceed 100m².²

In relation to the abandonment of development, the advice of Garret Simons (Planning and Development Law, 2nd edition, pages 88-89) is set out below:

...2-75 The mere suspension of development will not, generally, amount to abandonment. It has been held, however, that where a previous development has not merely been suspended for a temporary and determined period but has ceased for a considerable time, with no evinced intention of resuming it at any particular time, it is a question of fact whether or not the former use has been abandoned...



² It is noted that the Planning Authority refers to Part 3 of Schedule 2 of the Planning and Development Regulations, 2001, as amended, in its declaration, however, this refers to rural development, which is not applicable.

5. Planning Policy

As set out in Plate 3 below, the proposed development site is located in a Light Industry and Related Uses zone in the Cork City Development Plan 2015, for which the objective (ZO5) is to provide for light industry and related uses. Section 15.11 of the Plan states that:

The zoning objective for areas zoned light industry is to protect the industrial nature of the development and provide for light industry where the primary activity is the manufacturing of a physical product. The following uses will be acceptable in principle in this zone: light industry; warehousing and distribution; wholesaling; trade showrooms; retail showrooms (where ancillary to manufacturing, fitting and trade); and incubator units."

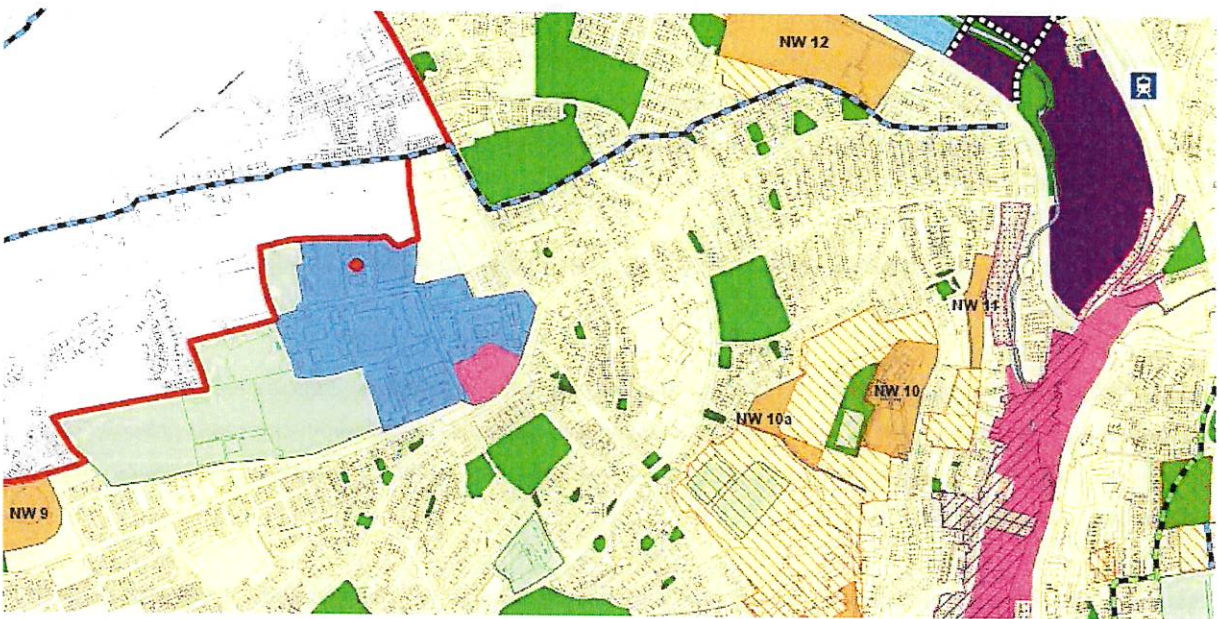
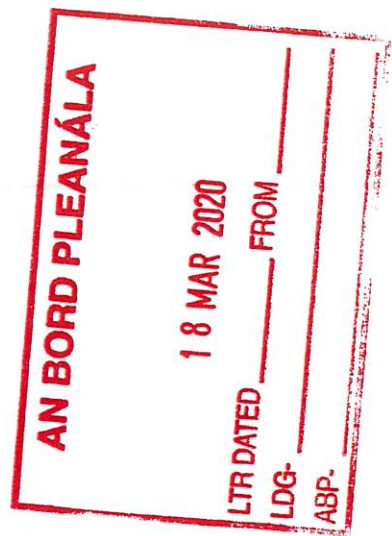
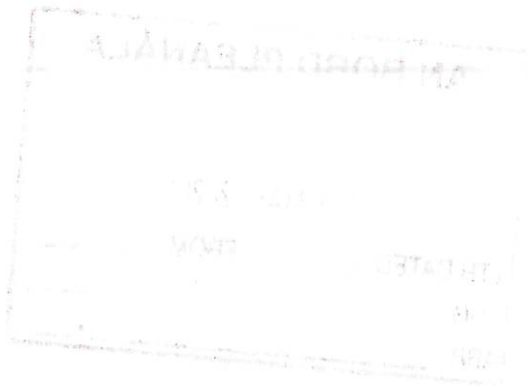


Plate 3: Zoning Map (site generally identified in red)



6. Planning History

The existing, established waste recycling and transfer station was permitted and implemented under the following planning applications:

- T.P.04/28034 (Unit 3), granted 31st March, 2004 (retention of change of use of warehousing to a waste recycling and transfer facility), subject to 9no. conditions, including the submission of waste management details in the interests of the orderly disposal of wastes (condition no. 6);
- T.P.04/28849 (Units 1-2), granted 22nd November, 2004 (retention of change of use of warehousing to a waste recycling and transfer facility), subject to 7no. conditions, including the submission of waste management details in the interests of the orderly disposal of wastes (condition no. 6).

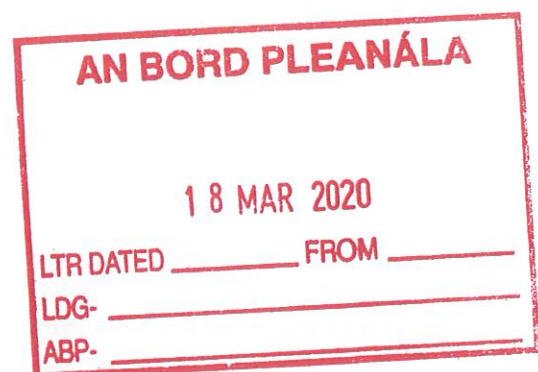
Copies of these decisions are attached at Appendix 2 to this referral. The permissions allowed for the segregation and processing of a variety of waste, excluding food/organic waste.

TP12/35137 for an extension to the existing waste recycling and transfer station, was granted on 4th April, 2012, and expired on 3rd April, 2017, This permission was not implemented.

Therefore, the permitted land use is a waste recycling and transfer facility.

The site was previously occupied by another company who operated a Waste Permit (WFP-CC-03/2016) under Churchfield Recycling. The permit was valid until 31st October, 2021. The site has been subject to successive Waste Permits issued by Cork City Council since 2008.

The site was sold in September 2018 and due to the change of ownership the Waste Permit (WFP-CC-03/2016) was surrendered by Churchfield Recycling, as is required by the Waste Management legislation. The current applicant for the Waste Permit is the proposed operator for the site.



7. Referral

We would ask the Board to note that the applicant does not dispute the fact that the proposed works constitute development within the meaning of Section 3(1) of the Planning and Development Act, 2000, as amended.

What is at issue is the rationale put forward by Cork City Council that these works constitute development which is not exempted development.

We will address each reason in turn.

In its declaration, the Planning Authority has concluded that:

- (a) *there are no other exemptions under either the Planning and Development Act, 2000, as amended, or the Planning and Development Regulations, 2001, as amended, that apply in respect of this development.*

However, it is our submission that the improvement of the existing drainage on site, and the concreting of the existing yard, and to the nature of these minor works, it can be determined that, the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended, apply.

The proposed works as outlined in Section 2 of this report are for the improvement of the existing, established waste recycling and transfer facility, being works which do not materially affect the external appearance of the facility so as to render the appearance inconsistent with the character of the existing permitted structure or of neighbouring structures which are primarily of a similar nature and character.

As noted in Section 4 of this report, while character is not defined in the planning legislation, relevant case law (Cairnduff - v - O'Connell [1986] ILRM 465) would indicate that the character of the structure relates to its shape, colour, design, ornamental features and layout, and not to its particular use. The proposed works do not materially affect the character of the structure.

Having regard to Section 4 of this report, it is the case that:

1. The works are being carried out for the maintenance, improvement or other alteration of a structure;
2. The works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of neighbouring structures; and
3. The works do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure.

We also note referral case reference PL18 .RL3585, where the Board determined in February, 2018 that the breaking out and remaking of a concrete service yard at Tesco, Monaghan Shopping Centre, Monaghan, Co. Monaghan, is development that is exempted development, on the basis that the works come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended.

We would ask the Board to share our view that, as was the case with referral reference PL18 .RL3585, the proposed works specified in Section 2 of this report fall to be considered under Section 4(1)(h) of the Planning and Development Act, 2000, as amended, and, as the proposed works are being carried out for the maintenance, or

improvement of Units 1-3 Churchfield Industrial Estate, which do not materially affect the external appearance of Units 1-3 so as to render the appearance inconsistent with the character of the existing permitted structure or of neighbouring structures which are primarily of a similar nature and character, are therefore exempted development.

Furthermore, in relation to the proposed demolition works, having regard to Class 50(a) of the Planning and Development Regulations, 2001, as amended, the demolition of the annex is exempted development as it does not abut on another building in separate ownership and (2)(b) the cumulative floor area of the annex to be demolished does not exceed 100m².

In its declaration, the Planning Authority also concluded that:

(b) the use of this premises as a waste transfer station has been abandoned and, therefore, would consist of works to a structure the use of which is an unauthorised use;

Having regard to the advice of Garret Simons (Planning and Development Law, 2nd edition, pages 88-89) as set out in Section 4 of this report, the existing and established waste recycling and transfer, was authorised by Cork City Council who issued Facility Waste Permits from 2008 including Permit No. 02/08, WFP-CC-04/2011-b and WFP-CC-03/2016 being approved in place until 31st October, 2021. The Waste Facility Permit was only surrendered, as is required by the Waste Management legislation, due to the change of ownership. Copies of Waste Permits from 2008 are attached at Appendix 3 to this referral.

For a comprehensive record of the history of the site, please refer to the signed statement by Jim Collins at Appendix 4 to this referral. This sets out how the site has been in use as a waste transfer and recycling station since 2008, when it changed hands, and the ongoing liaison with Cork City Council, which comprehensively rebuts any contention that the permitted use of the site has been abandoned.

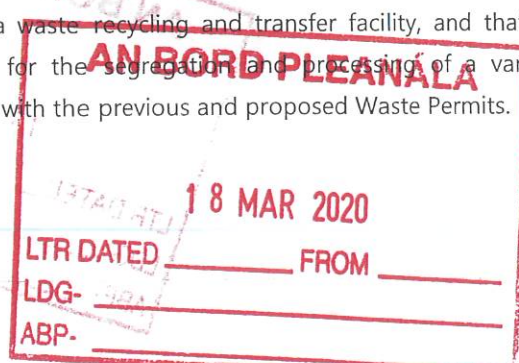
We would also ask the Board to note that an application for a new Waste Permit was submitted to Cork City Council Waste Enforcement Section in October, 2019, and is on hold pending the resolution of this instant planning issue.

Furthermore, commercial rates have been paid to Cork City Council on the site from 2008 up to 2019, as attached at Appendix 5 to this referral.

In this context, we fail to see how the use of the premises as a waste recycling and transfer station has been abandoned, when clearly there is ample evidence to the contrary.

We are also very clear that the waste recycling and transfer station use is not authorised, as the site has the benefit of permission under T.P.04/28034 (Unit 3), granted 31st March, 2004, and T.P.04/28849 (Units 1-2), granted 22nd November, 2004., and both these permissions were implemented.

Therefore, the permitted land use is a waste recycling and transfer facility, and that land use has not been abandoned. The permissions allowed for the segregation and processing of a variety of waste, excluding food/organic waste, which is consistent with the previous and proposed Waste Permits.



In its declaration, the Planning Authority also concluded that:

- (c) *Irrespective of the above, the construction of these works amounts to an intensification of use which constitutes a material change of use, in light of the planning implications for the planning unit, and is, therefore, development having regard to the provisions of section 3(1) of the Planning and Development Act, 2000;*

In the first instance, we note on the one hand the Planning Authority argues that the established use has been abandoned, but, on the other, contends that an intensification of use will occur because of the proposed works. This is completely contradictory, as the permitted use of site cannot be considered to be abandoned if it is also contended that it is to be intensified. This only serves to highlight our view that the applicant did not receive a fair and balanced assessment by the Planning Authority in its S5 Declaration.

With respect, the level of works proposed are, at best, minor in nature, and are works that would typically be carried out for maintenance or improvement purposes in respect of any permitted, long-standing use. As has been set out above, these works satisfy the provisions of Section 4(1)(h) of the Planning and Development Act, 2000, as amended. We would also advise the Board that there are no conditions attached to the permissions granted under T.P. 04/28034 and T.P. 04/28849 that restrict the annual tonnage to be processed at the site.

In addition, no intensification of use occurs as a result of the proposed works. These maintenance works will only improve the existing yard area for a new operator under a new Waste Permit to be able to continue to operate the use of the site as an established waste recycling and transfer station. No other works are proposed in this Section 5 that would lead to an intensification of use. Traffic movements would be consistent with, and contemplated by, the successive Waste Permits that have applied to the site. In this regard, no intensification issue arises.

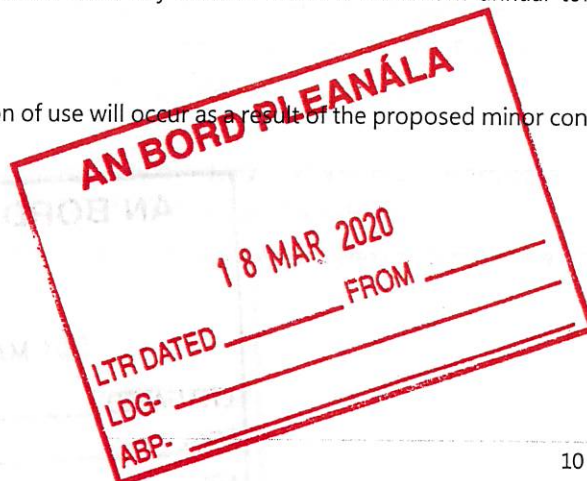
As noted in Section 6 of this report, the site was previously occupied by another company who operated a valid Waste Permit (WFP-CC-03/2016) until 31st October, 2021.

Prior to that, and as noted above, Cork City Council issued Facility Waste Permits from 2008 including Permit No. 02/08 and WFP-CC-04/2011-b.

Of importance is that the original Waste Permit was issued on the basis of an annual tonnage of 30,000T of which residual waste was not to exceed 7,500T per annum.

The applicant's Waste Permit application now before Cork City Council seeks a maximum annual tonnage of 24,000T.

In this context, it is submitted that no intensification of use will occur as a result of the proposed minor construction works.



In its declaration, the Planning Authority also concluded that:

- (d) *On the basis of the documentation on file, evidence has not been provided to demonstrate that the subject development is in breach of any threshold or sub-threshold requirement for an Environmental Impact Assessment or appropriate assessment.*

In relation to the potential requirement for an Environmental Impact Assessment Report (EIAR), and having regard to Article 93 and Section 10 of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended, a mandatory EIA is not required in respect of the proposed development.

While the proposed development does not fall under the thresholds of the Schedule 5 Part 1 (Annex I) list, activities requiring mandatory EIA, or Schedule 5 Part 2 (Annex II) list, activities requiring consideration for EIA, it does potentially fit into Class 11(b) of Schedule 5 Part 2, in respect of 'Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule'.

The maximum annual tonnage proposed is 24,000T, which is below the prescribed threshold, and is therefore classified as a sub-threshold development for the purposes of EIA.

Having regard to Section 103(1) of the Planning and Development Act, 2000, as amended, where a sub-threshold development is proposed, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development. This is carried out as follows:

CRITERION	PRELIMINARY ASSESSMENT
<p>Is the size and nature of the proposed development exceptional in the context of the existing environment</p>	<p>This is an existing, permitted waste transfer and recycling station, in an area where there are existing permitted waste transfer and recycling facilities or varying sizes, including Country Clean and Ashgrove Recycling, which are larger facilities. The activity, by reason of its size and nature, is not exceptional in the context of the existing environment.</p>
<p>Will the development result in the production of any significant waste, or result in significant emissions or pollutants?</p> <div data-bbox="209 1637 724 1975" style="border: 2px solid red; padding: 10px; margin-top: 10px;"> <p style="text-align: center; font-weight: bold; color: red;">AN BORD PLEANÁLA</p> <p style="text-align: center; font-weight: bold; color: red;">1 8 MAR 2020</p> <p>LTR DATED _____ FROM _____</p> <p>LDG- _____</p> <p>ABP- _____</p> </div>	<p>The activity will process waste for onward treatment. No significant waste will be generated by the activity of itself. The construction works are minor in nature, and are for the purposes of maintenance/improvement. No significant water or air-borne pollution is envisaged as a result of the activity.</p> <p>The activity will not result in significant emissions or pollutants beyond the acceptable limits to be set out in a Waste Permit.</p>

Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?	The site is not located on, in or adjoining any ecologically sensitive site. Two European Sites, comprising Cork Harbour SPA and Great Island Channel SAC, occur within a 20km radius of the site. No Appropriate Assessment is required.
Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	Only minor construction works are proposed. No food waste or hazardous waste will be accepted at the site. Therefore, there is no potential for significant environmental effects.

Conclusion		
There is no real likelihood of significant effects on the environment.	No	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required	No
	Schedule 7A Assessment	No
There is a real likelihood of significant effects on the environment	EIAR required	No

Table 1: EIA Preliminary Screening (Based on the screening assessment presented by An Bord Pleanála, Environmental Impact Assessment, An Approach to Implementation, March, 2019)

In terms of Appropriate Assessment, the closest European Sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel SAC (site code 001058), which are c. 20km away. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest Natura 2000 sites, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European Site.



8. Conclusion

In conclusion, it is submitted that:

- the proposed improvement of the existing drainage on site, and the concreting of the existing yard, constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended.
- These works also come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works 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.
- The demolition of the annex is exempted development in the context of Class 50(a) of the Planning and Development Regulations, 2001, as amended.
- the use of this premises as a waste transfer station has not been abandoned and the existing use is not an unauthorised use;
- the construction works does not constitute an intensification of use; and
- there is no requirement for EIA or AA.

We would respectfully request the Board to conclude that having regard to:

- Sections 2(1), 3(1), 4(1)(h) of the Planning and Development Act, 2000, as amended;
- Article 6 and 9 of Part 2 of the Planning and Development Regulations, 2001, as amended;
- Part 1 of Schedule 2 of the Planning and Development Regulations, 2001, as amended;
- The planning history of the site; and
- The location of the development within an existing, established waste recycling and transfer station.

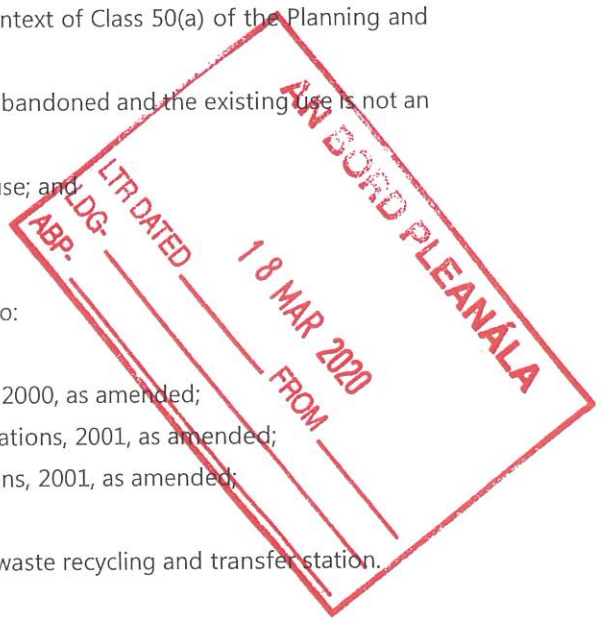
, it is concluded that the following construction works at Units 1-3 Churchfield Industrial Estate, namely

- demolition of an annex (50m²)
- improvement of the existing drainage on site by means of the installation of surface water drainage;
- concreting of the existing yard;
- wash down area; and
- marking out of car and truck parking spaces

constitute development, being works which come within the scope of section 3(1) of the Planning and Development Act 2000, as amended;

that the proposed improvement of the existing drainage on site, and the concreting of the existing yard, come within the scope of section 4(1)(h) of the Planning and Development Act 2000, as amended, being works 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; and

that the demolition of the annex comes within the scope of Class 50(a) of the Planning and Development Regulations, 2001, as amended.



Please refer all correspondence in relation to this matter to Aiden O'Neill, Coakley O'Neill Town Planning Ltd, NSC Campus, Mahon, Cork.

Yours faithfully

Aid O'Neill

Aiden O'Neill
Director
Coakley O'Neill Town Planning Ltd



COMHAIRLE CATHRACH CHORCAÍ - CORK CITY COUNCIL

PLANNING AND DEVELOPMENT ACT, 2000

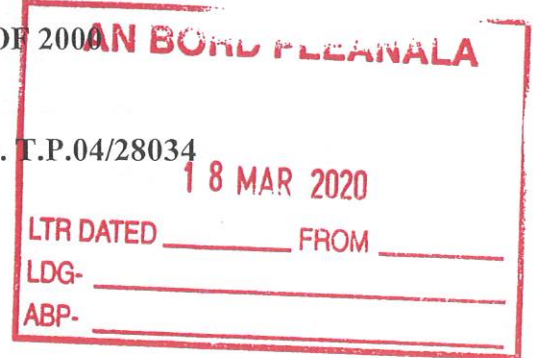
NOTIFICATION OF DECISION TO REFUSE TO GRANT

PERMISSION

UNDER SECTION 34 OF THE ACT OF 2000

To: Blarney Wheel-A-Bins Ltd.,
c/o Dixon Brosnan,
Environmental Consultants,
Tellengana Lodge,
Blackrock Road,
Cork.

Reg. No. T.P.04/28034



Application Received: 28/01/04

In pursuance of the powers conferred upon them by the above mentioned Act, the Cork City Council have by order dated _____ 2004 decided to **REFUSE** to grant **PERMISSION** for the development of land namely:-
Permission for retention of change of use of warehousing to a waste recycling and transfer facility at Unit 3, Churchfield Industrial Estate, Churchfield, Cork.

for the reasons set out in the Schedule hereto.

Signed on behalf of the Cork City Council

Date:

DIRECTOR OF SERVICES,
PLANNING & DEVELOPMENT.

SCHEDULE

The site is located in an area zoned as "Light Industry" in the Cork City Development Plan 2004, the objective of which is set out in paragraphs 3.35-3.41 and 10.4 of the Development Plan.

To permit the proposed development given the proliferation of similar land uses in the immediate vicinity, would act as a disincentive to the attraction of quality industrial development, and thus would be contrary to the provisions of the current Development Plan and contrary to the proper planning and sustainable development of the area.

N.B. - SEE NOTES OVERLEAF

**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

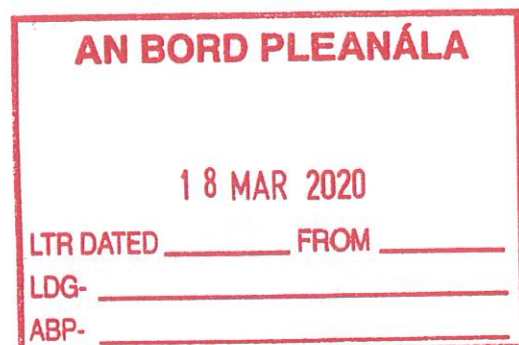
Column 1. Conditions	Column 2. Reasons For Conditions
1. The development shall be carried out in accordance with the drawings and specifications submitted to the Planning Authority on 28/01/04 except where altered or amended by conditions in this permission.	1. To enable the Planning Authority to check the proposed development when completed.
2. Full details of all signage shall be submitted to and agreed with the Planning Authority prior to the commencement of development.	2. In the interests of visual amenity.
3.(a) Foul and Surface water drainage shall be on separate systems. The foul drain shall discharge to the foul sewer. The surface water drain shall discharge to the surface water sewer.	3. In the interests of public health.
(b) Full details of a screen and grit trap shall be submitted.	
(c) Within 4 weeks of the date of grant of this permission the applicant shall submit a discharge license for the discharge of trade effluent to the public sewer.	



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1. Conditions	Column 2. Reasons For Conditions
3 cont/d.... Full drainage details shall be submitted to and agreed with the Planning Authority prior to the commencement of development.	
4.(a) All work shall be carried out to the satisfaction of the Roads, Water, and Drainage Department.	4. In the interests of proper planning and Development.
(b) Any re-location of existing services shall be carried out to the satisfaction and agreement of Cork City Council and at the applicant's expense.	
5.(a) The water supply shall be metered. The metering arrangements shall be agreed with the City Council Water Section.	5. In the interests of a satisfactory water supply.
(b) Cold water storage of not less than one days demand shall be provided.	
(c) All fittings except drinking points shall be fed from storage.	
(d) A 1:1000 map showing the proposed position of meter(s) shall be submitted to the Water Department prior to development commencing. New Meters shall be to Cork City Council Specifications and shall be installed by Cork City Council Staff.	



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

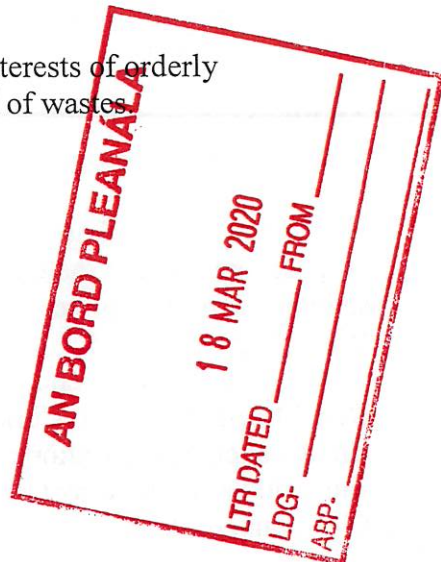
SECOND SCHEDULE

Column 1. Conditions	Column 2. Reasons For Conditions
5 cont/d....	

- (e) Any additional fire hydrants required by the Fire Authority shall be fitted.
- (f) The water connections shall be agreed with the City Council Water Section before work commences.
- (g) Any redundant water services shall be traced back to the public main by the developer and shall be blanked off by Cork City Council at the developers expense.
- (h) All work shall comply to the City Councils' General Specifications for Watermains and Service for New Developments.

6. Prior to the commencement of development the following waste management details shall be submitted to and agreed with the Planning Authority (Environment Section).

In the interests of orderly disposal of wastes



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1. Conditions 6 cont/d....	Column 2. Reasons For Conditions
--------------------------------------	----------------------------------

- (a) The operator shall submit a report on waste managed within the facility, annually to the Environment Department of Cork City Council by 31st January. The report shall show the types and quantities and destinations of each fraction, (including hazardous waste), of the waste recovered, treated or disposed.
- (b) Full details of a emergency plan for the entire development shall be submitted to the Planning Authority.
- (c) All toxic or hazardous waste shall be disposed of in a manner agreed by Cork City Council and shall not be presented for refuse collection or disposal at any landfill site or municipal waste treatment facility.



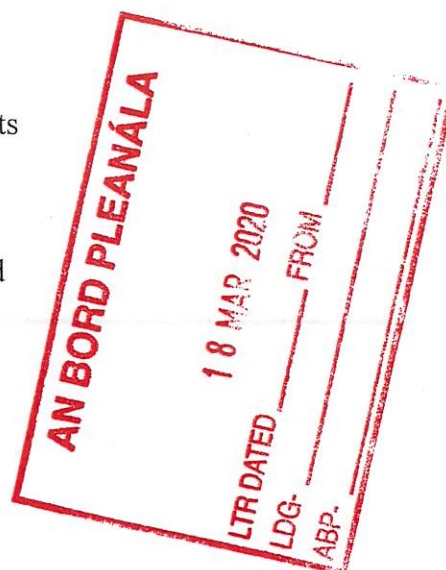
**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1. Conditions	Column 2. Reasons For Conditions
----------------------	----------------------------------

6 cont/d....

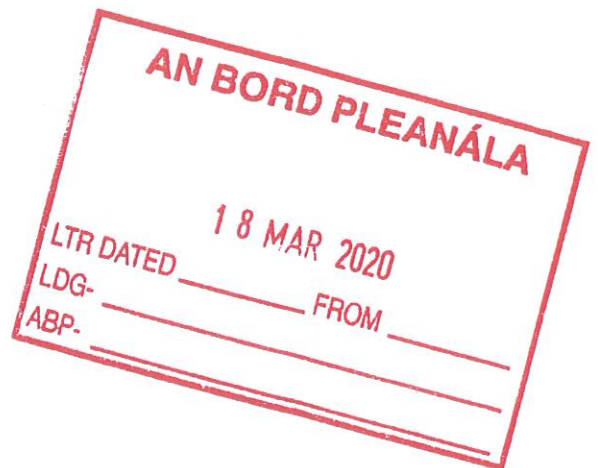
- (d) Full details of measures to ensure that asbestos is segregated from the bulk waste materials prior to the emptying of the latter into the intake pit shall be submitted to the Planning Authority. No asbestos shall be broken by the operation in the facility or the rotating screen. Asbestos segregated from waste shall be disposed of in accordance with the Planning Authority (Environment Section) requirements. Full details shall be submitted to and agreed with the Planning Authority prior to the commencement of development.
- (e) The operator shall make specific arrangements for dealing with toxic or hazardous waste e.g. batteries, photocopier cartridges, oils, solvents, fluorescent tubes, delivered to the facility. Hazardous waste shall be segregated from the bulk waste and stored in designated containers. Hazardous waste shall not be presented for refuse collection or disposal to any landfill site or municipal waste treatment facility, but shall be presented for treatment or recovery or disposal to a competent hazardous waste handler.
- (f) The operator shall inform the Planning Authority on request, on the use and destination of recovered materials such as soil, clay and gravel.



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1. Conditions	Column 2. Reasons For Conditions
6 cont/d....	
(g) No incineration of waste shall take place at the facility.	
(h) Unrecoverable waste shall not be stored on site but be removed from the facility within 48 hours of arrival there.	
(i) The operator shall satisfy himself as to the safety and suitability for reuse of the timber processed at the facility. Consideration shall be given to glass, metal and preservatives in the processed material.	
(j) The operator shall be responsible for the cleaning of the public road of any mud, dirt, grit, debris or litter caused by the development, during either the construction and site clearance, or operation of the facility.	
(k) No composting shall take place on site.	
7. Prior to the commencement of development a fully detailed landscaping plan; which shall provide for semi-mature planting (200-250 m.m. girth) shall be submitted.	7. In the interests of the visual amenities of the area.



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1.	Conditions	Column 2.	Reasons For Conditions
8.	<p>Prior to the commencement of the proposed development, the Developer shall pay a contribution to Cork City Council in respect of the following classes of public infrastructure and facilities benefiting development in the City of Cork and that is provided or that is intended to be provided by or on behalf of Cork City Council:</p> <p>Class 1 - Roads, Transportation Infrastructure and Facilities</p> <p>Class 2 - Water and Drainage Infrastructure and Facilities</p> <p>Class 3 - Parks, Recreation, Amenity and Community Facilities</p>	8.	<p>To comply with the General Development Contribution Scheme which was adopted by Cork City Council on 12th January, 2004 and in the interests of proper planning and sustainable development of the area.</p>

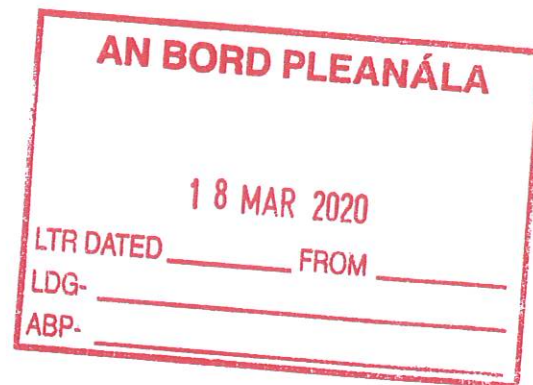
The present value of the contribution as determined under the General Development Contributions Scheme made by Cork City Council on the 12th January 2004 ('the GDC Scheme') is €6964.77 subject to indexation in accordance with the Consumer Price Index prevailing at the date of payment and subject further to such exemptions or reductions as apply to the proposed development having regard to the provisions of Table 5 of the GDC Scheme and to such partial refund of 64 % of the contributions paid in respect of first time buyers of residential property, not exceeding 108 square metres, as set out in Table 5 of the GDC Scheme.



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28034**

SECOND SCHEDULE

Column 1. Conditions	Column 2. Reasons For Conditions
9. Within one month of the date of grant of this permission, full details of a screen type fencing, incorporating a fine mesh to contain on site wind blown material shall be submitted to and agreed with the Planning Authority. This fencing shall be a dark green coated finish.	9. In the interests of visual amenity.



COMHAIRLE CATHRACH CHORCAÍ - CORK CITY COUNCIL

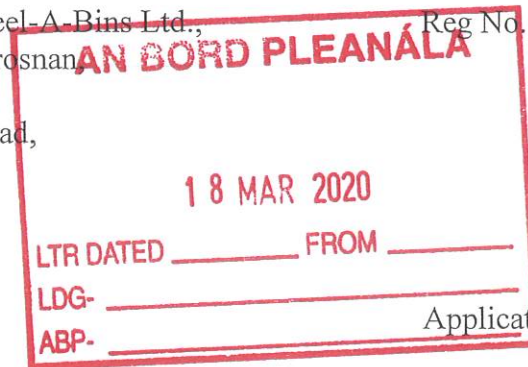
PLANNING AND DEVELOPMENT ACT 2000

NOTIFICATION OF DECISION TO GRANT

PERMISSION

SUBJECT TO CONDITIONS UNDER SECTION 34 OF THE ACT OF
2000

TO: Blarney Wheel A Bins Ltd., Reg No. T.P.04/28849
c/o Dixon Brosnan
Dun Eoin,
Ballinrea Road,
Carrigaline,
Co. Cork.



Application Received: 30/09/04

In pursuance of the powers conferred upon them by the above mentioned Acts, Cork City Council have by order dated _____ decided to grant

PERMISSION for the development of land, namely:

Permission for retention of change of use of warehousing to a waste recycling and transfer facility at Units 1 & 2, Churchfield Industrial Estate, Churchfield, Cork.

In accordance with plans and particulars submitted on 30/09/04

Subject to the conditions set out in Column 1 of the attached Schedule, for the reasons for the imposition of such conditions are set out in Column 2 of said Schedule.

If there is no appeal against said decision, a grant of **PERMISSION** in accordance with the decision, will be issued after the expiration of the period within which an appeal may be made to An Bord Pleanála (see footnote).

It should be noted that until a grant of **PERMISSION** has been issued, the development in question is **NOT AUTHORISED**.

NB. This permission is subject to 7 condition(s).

Signed on behalf of Cork City Council

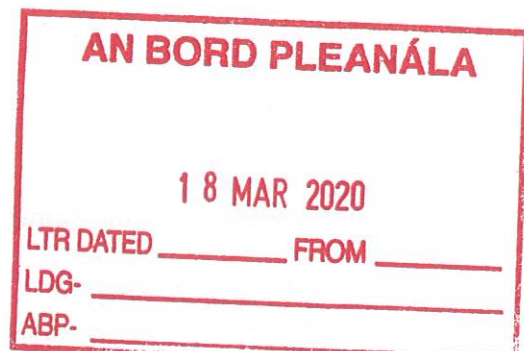
Senior Staff Officer, Planning & Development Directorate. Date:

NB See Notes Overleaf.

**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1.	Conditions	Column 2.	Reasons For Conditions
1.	The development shall be carried out in accordance with the drawings and specifications submitted to the Planning Authority on 30/09/04 except where altered or amended by conditions in this permission.	1.	To enable the Planning Authority to check the proposed development when completed.
2.	Full details of all signage shall be submitted to and agreed with the Planning Authority prior to the commencement of development.	2.	In the interests of visual amenity.
3.(a)	Foul and Surface water drainage shall be on separate systems. The foul drain shall discharge to the foul sewer. The surface water drain shall discharge to the surface water sewer.	3.	In the interests of public health.
(b)	Full details of a screen and grit trap shall be submitted.		
(c)	Within 4 weeks of the date of grant of this permission the applicant shall submit a discharge license for the discharge of trade effluent to the public sewer.		



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1. Conditions	Column 2. Reasons For Conditions
3 cont/d.... Full drainage details shall be submitted to and agreed with the Planning Authority prior to the commencement of development.	
4.(a) All work shall be carried out to the satisfaction of the Roads, Water, and Drainage Department.	4. In the interests of proper planning and Development.
(b) Any re-location of existing services shall be carried out to the satisfaction and agreement of Cork City Council and at the applicant's expense.	
5.(a) The water supply shall be metered. The metering arrangements shall be agreed with the City Council Water Section.	5. In the interests of a satisfactory water supply.
(b) Cold water storage of not less than one days demand shall be provided.	
(c) All fittings except drinking points shall be fed from storage.	
(d) A 1:1000 map showing the proposed position of meter(s) shall be submitted to the Water Department prior to development commencing. New Meters shall be to Cork City Council Specifications and shall be installed by Cork City Council Staff.	



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1.	Conditions	Column 2. Reasons For Conditions
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5 cont/d....

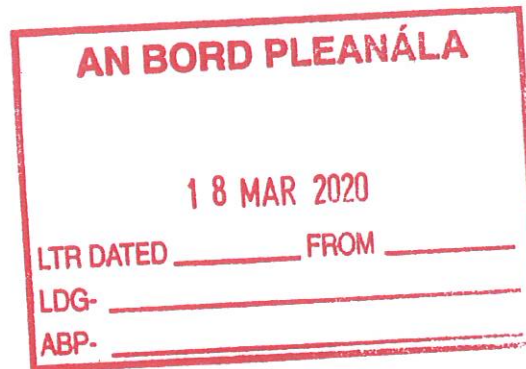
(e) Any additional fire hydrants required by the Fire Authority shall be fitted.

(f) The water connections shall be agreed with the City Council Water Section before work commences.

(g) Any redundant water services shall be traced back to the public main by the developer and shall be blanked off by Cork City Council at the developers expense.

(h) All work shall comply to the City Councils' General Specifications for Watermains and Service for New Developments.

6.(a) Waste segregation, recovery, and temporary storage of waste pending transportation, only, may be carried out on the site. Processing or treatment of waste shall not be carried out on the site.



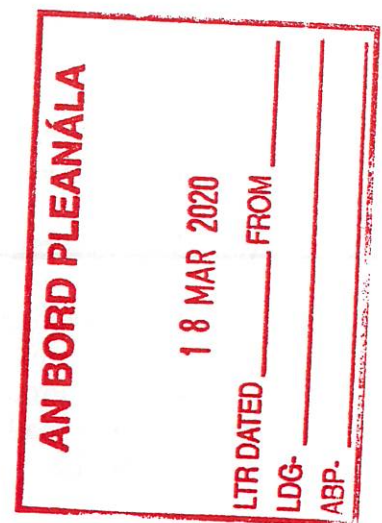
6. In the interests of orderly disposal and management of waste.

**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1. Conditions	Column 2. Reasons For Conditions
6 cont/d....	

- (b) The developer shall provide and maintain within the confines of the site, adequate facilities for the storage of recovered materials e.g. paper, cardboard, glass, metal. The developer shall make arrangements for the proper collection and submission for recycling of these materials.
- (c) The Developer shall ensure that no appreciable negative environmental impacts occur because of the operation of this development. The developer shall ensure that nuisance or pollution is not caused by dust, noise, odour, litter, dirt on public roads, surface water runoff, and spillage of fuel oils and other chemicals. Operations liable to produce dust shall be screened and dust suppression devices used where appropriate. Fuel oils and other chemicals shall be adequately banded, with bunds having volumes of at least 110% of the volume of fuel stored. Prior to commencement of development the developer shall submit to the Planning Authority for agreement, details outlining how these issues are to be addressed.



**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1. Conditions	Column 2. Reasons For Conditions
----------------------	----------------------------------

6 cont/d.....

- (d) Composting of waste shall not be carried out on the site. Putrescible waste shall be removed off site within 24 hours, to an authorised facility.

- (e) The developer shall install a leachate collection system in accordance with the planning proposal. The collection system shall be maintained and materials arising from cleaning operations shall be removed to an authorised facility.

- (f) The developer shall install a hard standing area for the parking and manoeuvring of trucks.

- (g) Waste recovery operations shall be carried out only within the building, and shall not be carried out outside the building.

- (h) All hazardous waste shall be disposed of in a manner agreed by Cork City Council and shall not be presented for refuse collection or for disposal at any sanitary landfill site. Prior to commencement of development the developer shall submit to the Planning Authority for its written agreement, proposals for disposal of this waste.

AN BORD PLEANÁLA

1 8 MAR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

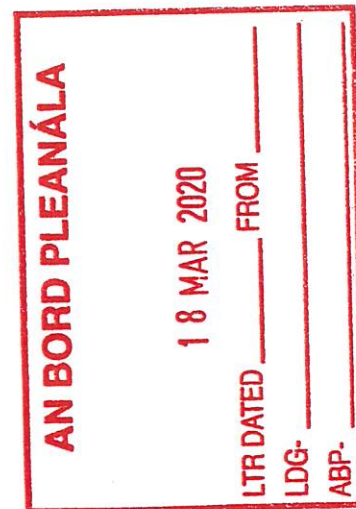
**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

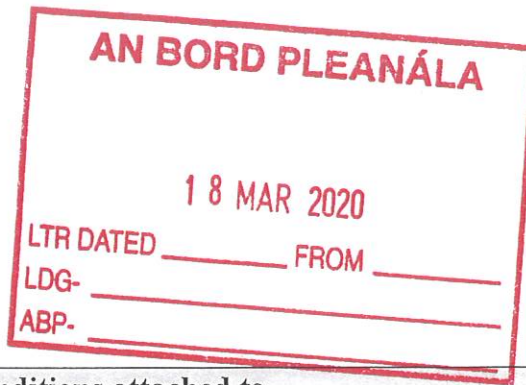
Second Schedule

Column 1. Conditions	Column 2. Reasons For Conditions
----------------------	----------------------------------

6 cont/d....

- (i) All waste oil shall be dealt with in a manner agreed with Cork City Council and shall not be presented for refuse collection or for disposal at any landfill site. Prior to commencement of development the developer shall submit to the Planning Authority for its written agreement, proposals for dealing with waste oil.
- (j) Upon commissioning of the structure, noise from activities associated with this development shall not give rise to noise levels off site exceeding 55 dB(A) Leq, 15 minutes during the hours of 0800-2200 and 45 dB(A), Leq, 15 minutes during the hours of 2200-0800. There shall be no audible tonal or impulsive noise.
- (k) All entrance doors in the external envelope shall be tightly fitting and self closing. All windows shall be double glazed and tightly fitting. Adequate noise attenuators shall be fitted at any openings required for ventilation or air conditioning purposes.
- (l) Prior to commencement of development the developer shall submit to the Planning Authority for its written agreement, full details of air extraction and conditioning proposed. Details shall include type, size, location, noise levels, of extractors and ducting.





**Schedule of Conditions attached to
Planning Permission issued by Cork
City Council - Ref. T.P.04/28849**

Second Schedule

Column 1. Conditions	Column 2. Reasons For Conditions
6 cont/d.....	

(m) Prior to commencement of development the developer shall submit to the Planning Authority for agreement, full details of service plant such as conveyor belts, compactors and trommel mills. Details shall include location and anticipated noise levels.

7. Prior to the commencement of the proposed development, the Developer shall pay a contribution to Cork City Council in respect of the following classes of public infrastructure and facilities benefiting development in the City of Cork and that is provided or that is intended to be provided by or on behalf of Cork City Council:

To comply with the General Development Contribution Scheme which was adopted by Cork City Council on 12th January, 2004 and in the interests of proper planning and sustainable development of the area.

Class 1 - Roads, Transportation Infrastructure and Facilities

Class 2 - Water and Drainage Infrastructure and Facilities

Class 3 - Parks, Recreation, Amenity and Community Facilities

Appendix 1



Appendix 2.



Appendix 3



Comhairle Cathrach Chorcaí 18 MAR 2020
Cork City Council



WASTE PERMIT
ISSUED UNDER
WASTE MANAGEMENT ACT, 1996 (AS AMENDED)
AND
WASTE MANAGEMENT (FACILITY PERMIT AND REGISTRATION)
REGULATIONS, 2007 (AS AMENDED)

Waste Permit Register Number:	<u>WFP-CC-03/2016</u>
Permit Holder:	Churchfield Recycling Ltd.
Address:	John F. Connolly Road Churchfield Industrial Estate Cork
Location of Site:	John F. Connolly Road Churchfield Industrial Estate Cork
Date Issued:	19/10/2016
Expiry Date:	31/10/2021

Waste Permit Register No.: WFP-CC-03/2016

Activities Permitted

A Permit is hereby granted under the Waste Management (Facility Permit and Registration) Regulations, 2007, S.I. No. 821 of 2007 (as amended), by Cork City Council, to *Churchfield Recycling Ltd* to carry on waste recovery activities under paragraph R4 principally, and paragraph 13 of the Fourth Schedule of the Waste Management Act, 1996 as amended and the Protection of the Environment Act, 2003 as amended, and Class 4 (principally) and Class 12 of Part I of Third Schedule of the Regulations, for the period commencing on the date of issue of this permit and ending on 31st October 2021, at John F. Connolly Road, Churchfield Industrial Estate, Cork, in accordance with the Application and plans received on 16th August 2016 and subsequent submission of further information and clarifications on 16th September 2016, and in accordance with conditions set out below.

Permitted Waste Recovery Activity in accordance with Part 1 of the First Schedule of the Waste Management (Facility Permit and Registration) Regulations, 2007:

Class 4: The recovery of scrap metal or other metal waste.

Permitted Waste Recovery Activity, in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2007:

R4: Recycling / reclamation of metals and metal compounds

R5: Recycling / reclamation of other inorganic materials

R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of collection in section 5(1)), pending collection, on the site where the waste is produced)".

It is the responsibility of the permit holder to ensure that the permitted waste activity is carried on in accordance with the General Conditions specified in the Regulations and quoted below, and the Schedule of Conditions attached herein.

The General Conditions specified in the Regulations are as follows:

- (a) The activity concerned shall not cause, or be likely to cause, environmental pollution.
- (b) Any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (c) The best available technology will be used to prevent or eliminate or, where that is not practicable to limit, abate or reduce an emission from the activity concerned.

The granting of this permit, and any condition imposed by it, does not exempt the holder of the permit from the need to comply with the statutory obligations of any other legislation, including water pollution, health and safety, air pollution, waste, litter and planning legislation.

INTERPRETATION

Act	<i>The Waste Management Act, 1996 as amended.</i>
Disposal	<i>Any of the activities provided for in Section 4 of the Act and listed in the Third Schedule thereof.</i>
Emission	<i>As defined in Section 5(1) of the Act.</i>
EMP	<i>Environmental Management Programme.</i>
End of life vehicle	<i>A vehicle having the meaning as such, as described in the European Waste Catalogue and Hazardous Waste List for the time being in force.</i>
Environmental Pollution	<i>As defined in Section 5(1) of the Act.</i>
European Waste Catalogue	<i>As defined in Section 5(1) of the Act.</i>
Site	<i>That area, or areas defined in condition 1.3 of this permit.</i>
Hazardous Waste	<i>As defined in Section 4(2) of the Act.</i>
Local Authority	<i>Cork City Council.</i>
Maintain	<i>Keep in a fit state, including such regular inspection, servicing and repair as may be necessary to adequately perform its function.</i>
Oil Separator	<i>Device installed according to the International Standard I.S.EN 858-2:2003 (Separator systems for light liquids, (e.g. oil and petrol)-Part 2:Selection of nominal size, installation, operation and maintenance.</i>
Permit	<i>A Waste Permit issued in accordance with the Waste Management (Facility Permit and Registration) Regulations, 2007.</i>
Permit Holder	<i>The person, or party to whom this permit has been issued.</i>
Recycling	<i>As defined in Section 5(1) of the Act.</i>
Recovery	<i>Any of the activities provided for in Section 4 of the Act and listed in the Fourth Schedule thereof.</i>

17 01 03	Tiles and ceramics <i>(from construction & demolition)</i>
17 01 07	Mixture of concrete, bricks, tiles and ceramics <i>(from construction & demolition)</i>
17 04 01	Copper, bronze, brass <i>(from construction & demolition)</i>
17 04 02	Aluminium <i>(from construction & demolition)</i>
17 04 07	Mixed metals <i>(from construction & demolition)</i>
17 04 11	Cables other than 17 04 10* <i>(from construction & demolition)</i>
19 10 01	Iron and steel waste <i>(from shredded metal)</i>
19 10 02	Non-ferrous waste <i>(from shredded metal)</i>
19 12 02	Ferrous metal <i>(from mechanical treatment)</i>
19 12 03	Non-ferrous metal <i>(from mechanical treatment)</i>
20 01 40	Metals <i>(from municipal wastes)</i>

The permit holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types. Any changes to waste types accepted must be agreed in advance with the Local Authority.

- 1.6 The permit holder shall be responsible for ensuring that the recovery activities on site shall be operated in accordance with the conditions attached to this permit.
- 1.7 The permit holder shall ensure that any end-of-life vehicle (ELV) accepted at the site for recovery shall be accompanied by a Certificate of Destruction issued by an Authorised Treatment Facility. No ELVs shall be accepted at the site unless they have undergone a full de-pollution process at an Authorised Treatment Facility in accordance with the requirements of the End of Life Vehicle Regulations (S.I. 282 of 2006).
- 1.8 In operating the recovery activities at the site which is the subject of this waste permit, the permit holder will obtain the following insurance:
- A Public Liability Policy to the value of €6,500,000 in the name of the Permit Holder in relation to the operation of the recycling site, and extended to indemnify Cork City Council.

The permit holder must submit details of the above insurance to the Local Authority for approval within 2 months of the date of issue of this waste permit.

- 1.9 This permit is valid until the **31st October 2021**.
- 1.10 The permit holder shall comply at all times with the provisions of the Community Acts detailed in the table below:

<i>Relevant Provisions (1)</i>	<i>Community Act (2)</i>
<i>Articles 2, 4 (b) and (c)</i>	<i>Council Directive 75/439/EEC of 16th June 1975, on the disposal of waste</i>

Waste Permit
issued under
the Waste Management Act, 1996 as amended
and
the Waste Management (Facility Permit and Registration) Regulations, 2007
by
Cork City Council

Waste Permit Register Number: WFP-CC-04/2011-a

Permit Holder: Churchfield Recycling Ltd.

Address: John F. Connolly Road
Churchfield Industrial Estate
Cork

Location of Site: John F. Connolly Road
Churchfield Industrial Estate
Cork

Date Issued: 12/12/2011

Expiry Date: 31/10/2016

INTERPRETATION

Act	<i>The Waste Management Act, 1996 as amended.</i>
Disposal	<i>Any of the activities provided for in Section 4 of the Act and listed in the Third Schedule thereof.</i>
Emission	<i>As defined in Section 5(1) of the Act.</i>
EMP	<i>Environmental Management Programme.</i>
End of life vehicle	<i>A vehicle having the meaning as such, as described in the European Waste Catalogue and Hazardous Waste List for the time being in force.</i>
Environmental Pollution	<i>As defined in Section 5(1) of the Act.</i>
European Waste Catalogue	<i>As defined in Section 5(1) of the Act.</i>
Site	<i>That area, or areas defined in condition 1.3 of this permit.</i>
Hazardous Waste	<i>As defined in Section 4(2) of the Act.</i>
Local Authority	<i>Cork City Council.</i>
Maintain	<i>Keep in a fit state, including such regular inspection, servicing and repair as may be necessary to adequately perform its function.</i>
Oil Separator	<i>Device installed according to the International Standard I.S.EN 858-2:2003 (Separator systems for light liquids, (e.g. oil and petrol)-Part 2: Selection of nominal size, installation, operation and maintenance.</i>
Permit	<i>A Waste Permit issued in accordance with the Waste Management (Facility Permit and Registration) Regulations, 2007.</i>
Permit Holder	<i>The person, or party to whom this permit has been issued.</i>
Recycling	<i>As defined in Section 5(1) of the Act.</i>
Recovery	<i>Any of the activities provided for in Section 4 of the Act and listed in the Fourth Schedule thereof.</i>

Condition 1:	Scope of Permit
---------------------	------------------------

- 1.1 The permit holder shall ensure that waste activities at this site shall be restricted to those listed and described in Activities Permitted, and shall be as set out in the permit application or as modified under Condition 1.4 of this permit and subject to the conditions of this permit.
- 1.2 This waste permit is issued under the Waste Management (Facility Permit and Registration) Regulations, 2007, to Churchfield Recycling Limited i.e. the Permit Holder for a Waste Permit in respect of a site at John F. Connolly Road, Churchfield Industrial Estate, Cork. This permit is strictly non-transferable.
- 1.3 For the purposes of this permit, the site authorised by this permit, is the area of land outlined in red on drawing number IE0310549-30-DR-0003 submitted with the application. Any reference in this permit to “permit” shall mean the area thus outlined in colour. The permit holder shall ensure that the permitted recovery activities shall be carried on only within the area outlined.
- 1.4 The permit holder shall ensure that no alterations to, or reconstruction in respect of, the activity or any part thereof which would, or is likely to, result in
- (i) a material change or increase in:
 - the nature or quantity of any emission.
 - the abatement/treatment or recovery systems.
 - the range of processes to be carried out, or
 - (ii) any changes in:
 - site management infrastructure or control with adverse environmental significance,
- shall be carried out or commenced without prior written notice to, and without the written agreement of, the Local Authority.
- 1.5 The permit holder shall ensure that waste which is accepted at the shall be restricted to the following types:

EWC Code	Description
16 01 06	End-of-life vehicles containing neither liquids nor other hazardous components
16 01 17	Ferrous metal (<i>from ELVs</i>)
16 01 18	Non-ferrous metal (<i>from ELVs</i>)
16 06 01*	Lead batteries
17 04 01	Copper, bronze, brass (<i>from construction & demolition</i>)
17 04 02	Aluminium (<i>from construction & demolition</i>)
17 04 07	Mixed metals (<i>from construction & demolition</i>)
17 04 11	Cables other than 17 04 10* (<i>from construction & demolition</i>)

	<i>by certain dangerous substances.</i>
<i>Articles 2.2 to 2.4.</i>	<i>Council Directive 91/689/EEC of 12th December 1991, on hazardous waste.</i>

REASON: To clarify the scope of this waste permit.

Waste Permit
issued under
the Waste Management Act, 1996 as amended
and
the Waste Management (Facility Permit and Registration) Regulations, 2007
by
Cork City Council

Waste Permit Register Number: WFP-CC-04/2011-b

Permit Holder: Churchfield Recycling Ltd.

Address: John F. Connolly Road
Churchfield Industrial Estate
Cork

Location of Site: John F. Connolly Road
Churchfield Industrial Estate
Cork

Date Issued: 10/10/2012

Expiry Date: 31/10/2016

Activities Permitted

A Permit is hereby granted under the Waste Management (Facility Permit and Registration) Regulations, 2007, S.I. No. 821 of 2007 (as amended), by Cork City Council, to *Churchfield Recycling Ltd* to carry on waste recovery activities under paragraph R4 principally, and paragraph 13 of the Fourth Schedule of the Waste Management Act, 1996 as amended and the Protection of the Environment Act, 2003 as amended, and Class 4 (principally) and Class 12 of Part I of Third Schedule of the Regulations, for the period commencing on the date of issue of this permit and ending on 31st October 2016, at John F. Connolly Road, Churchfield Industrial Estate, Cork, in accordance with the Application and plans received on 5th August 2011, and in accordance with conditions set out below.

Permitted Waste Recovery Activity in accordance with Part 1 of the First Schedule of the Waste Management (Facility Permit and Registration) Regulations, 2007:

Class 4: The recovery of scrap metal or other metal waste.

Permitted Waste Recovery Activity, in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2007:

R4: Recycling / reclamation of metals and metal compounds

R5: Recycling / reclamation of other inorganic materials

R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of collection in section 5(1)), pending collection, on the site where the waste is produced)".

It is the responsibility of the permit holder to ensure that the permitted waste activity is carried on in accordance with the General Conditions specified in the Regulations and quoted below, and the Schedule of Conditions attached herein.

The General Conditions specified in the Regulations are as follows:

- (a) The activity concerned shall not cause, or be likely to cause, environmental pollution.
- (b) Any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (c) The best available technology will be used to prevent or eliminate or, where that is not practicable to limit, abate or reduce an emission from the activity concerned.

The granting of this permit, and any condition imposed by it, does not exempt the holder of the permit from the need to comply with the statutory obligations of any other legislation, including water pollution, health and safety, air pollution, waste, litter and planning legislation.

17 01 07	Mixture of concrete, bricks, tiles and ceramics (<i>from construction & demolition</i>)
17 04 01	Copper, bronze, brass (<i>from construction & demolition</i>)
17 04 02	Aluminium (<i>from construction & demolition</i>)
17 04 07	Mixed metals (<i>from construction & demolition</i>)
17 04 11	Cables other than 17 04 10* (<i>from construction & demolition</i>)
19 10 01	Iron and steel waste (<i>from shredded metal</i>)
19 10 02	Non-ferrous waste (<i>from shredded metal</i>)
19 12 02	Ferrous metal (<i>from mechanical treatment</i>)
19 12 03	Non-ferrous metal (<i>from mechanical treatment</i>)
20 01 40	Metals (<i>from municipal wastes</i>)

The permit holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types. Any changes to waste types accepted must be agreed in advance with the Local Authority.

- 1.6 The permit holder shall be responsible for ensuring that the recovery activities on site shall be operated in accordance with the conditions attached to this permit.
- 1.7 The permit holder shall ensure that any end-of-life vehicle (ELV) accepted at the site for recovery shall be accompanied by a Certificate of Destruction issued by an Authorised Treatment Facility. No ELVs shall be accepted at the site unless they have undergone a full de-pollution process at an Authorised Treatment Facility in accordance with the requirements of the End of Life Vehicle Regulations (S.I. 282 of 2006).
- 1.8 In operating the recovery activities at the site which is the subject of this waste permit, the permit holder will obtain the following insurance:
- A Public Liability Policy to the value of €6,500,000 in the name of the Permit Holder in relation to the operation of the recycling site, and extended to indemnify Cork City Council.

The permit holder must submit details of the above insurance to the Local Authority for approval within 2 months of the date of issue of this waste permit.

- 1.9 The permit holder shall comply at all times with the provisions of the Community Acts detailed in the table below:

<i>Relevant Provisions (1)</i>	<i>Community Act (2)</i>
<i>Articles 2, 4 (b) and (c)</i>	<i>Council Directive 75/439/EEC of 16th June 1975, on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22nd December 1986</i>
<i>Articles 9, and 14</i>	<i>Council Directive 75/442/EEC of 15th</i>

Waste Permit
issued under
the Waste Management Act, 1996 as amended
and
the Waste Management (Facility Permit and Registration) Regulations, 2007
by
Cork City Council

Waste Permit Register Number: WFP-CC-04/2011

Permit Holder: Churchfield Recycling Ltd.

Address: John F. Connolly Road
Churchfield Industrial Estate
Cork

Location of Site: John F. Connolly Road
Churchfield Industrial Estate
Cork

Date Issued: 06/10/2011

Expiry Date: 31/10/2016

*Was Revived by C.C.C
Re ELV's.*

Activities Permitted

A Permit is hereby granted under the Waste Management (Facility Permit and Registration) Regulations, 2007, S.I. No. 821 of 2007 (as amended), by Cork City Council, to *Churchfield Recycling Ltd* to carry on waste recovery activities under paragraph R4 principally, and paragraph 13 of the Fourth Schedule of the Waste Management Act, 1996 as amended and the Protection of the Environment Act, 2003 as amended, and Class 4 (principally) and Class 12 of Part I of Third Schedule of the Regulations, for the period commencing on the date of issue of this permit and ending on 31st October 2016, at John F. Connolly Road, Churchfield Industrial Estate, Cork, in accordance with the Application and plans received on 5th August 2011, and in accordance with conditions set out below.

Permitted Waste Recovery Activity in accordance with Part 1 of the First Schedule of the Waste Management (Facility Permit and Registration) Regulations, 2007:

Class 4: The recovery of scrap metal or other metal waste.

Permitted Waste Recovery Activity, in accordance with the Fourth Schedule of the Waste Management Acts, 1996 to 2007:

R4: Recycling / reclamation of metals and metal compounds

R13: Storage of waste pending any of the operations numbered R1 to R12 (excluding temporary storage (being preliminary storage according to the definition of collection in section 5(1)), pending collection, on the site where the waste is produced)".

It is the responsibility of the permit holder to ensure that the permitted waste activity is carried on in accordance with the General Conditions specified in the Regulations and quoted below, and the Schedule of Conditions attached herein.

The General Conditions specified in the Regulations are as follows:

- (a) The activity concerned shall not cause, or be likely to cause, environmental pollution.
- (b) Any emissions from the activity concerned will not result in the contravention of any relevant standard, including any standard for an environmental medium, or any relevant emission limit value, prescribed under any enactment.
- (c) The best available technology will be used to prevent or eliminate or, where that is not practicable to limit, abate or reduce an emission from the activity concerned.

The granting of this permit, and any condition imposed by it, does not exempt the holder of the permit from the need to comply with the statutory obligations of any other legislation, including water pollution, health and safety, air pollution, waste, litter and planning legislation.

Condition 1:	Scope of Permit
---------------------	------------------------

- 1.1 The permit holder shall ensure that waste activities at this site shall be restricted to those listed and described in Activities Permitted, and shall be as set out in the permit application or as modified under Condition 1.4 of this permit and subject to the conditions of this permit.
- 1.2 This waste permit is issued under the Waste Management (Facility Permit and Registration) Regulations, 2007, to Churchfield Recycling Limited i.e. the Permit Holder for a Waste Permit in respect of a site at John F. Connolly Road, Churchfield Industrial Estate, Cork. This permit is strictly non-transferable.
- 1.3 For the purposes of this permit, the site authorised by this permit, is the area of land outlined in red on drawing number IE0310549-30-DR-0003 submitted with the application. Any reference in this permit to “permit” shall mean the area thus outlined in colour. The permit holder shall ensure that the permitted recovery activities shall be carried on only within the area outlined.
- 1.4 The permit holder shall ensure that no alterations to, or reconstruction in respect of, the activity or any part thereof which would, or is likely to, result in
- (i) a material change or increase in:
 - the nature or quantity of any emission.
 - the abatement/treatment or recovery systems.
 - the range of processes to be carried out, or
 - (ii) any changes in:
 - site management infrastructure or control with adverse environmental significance,
- shall be carried out or commenced without prior written notice to, and without the written agreement of, the Local Authority.
- 1.5 The permit holder shall ensure that waste which is accepted at the shall be restricted to the following types:

EWC Code	Description
16 01 06	End-of-life vehicles containing neither liquids nor other hazardous components
16 01 17	Ferrous metal (<i>from ELVs</i>)
16 01 18	Non-ferrous metal (<i>from ELVs</i>)
16 06 01*	Lead batteries
17 04 01	Copper, bronze, brass (<i>from construction & demolition</i>)
17 04 02	Aluminium (<i>from construction & demolition</i>)
17 04 07	Mixed metals (<i>from construction & demolition</i>)
17 04 11	Cables other than 17 04 10* (<i>from construction & demolition</i>)

19 10 01	Iron and steel waste (<i>from shredded metal</i>)
19 10 02	Non-ferrous waste (<i>from shredded metal</i>)
19 12 02	Ferrous metal (<i>from mechanical treatment</i>)
19 12 03	Non-ferrous metal (<i>from mechanical treatment</i>)
20 01 40	Metals (<i>from municipal wastes</i>)

The permit holder shall ensure that adequate steps are taken to prevent acceptance of any other waste types. Any changes to waste types accepted must be agreed in advance with the Local Authority.

- 1.6 The permit holder shall be responsible for ensuring that the recovery activities on site shall be operated in accordance with the conditions attached to this permit.
- 1.7 The permit holder shall ensure that any end-of-life vehicle (ELV) accepted at the site for recovery shall be accompanied by a Certificate of Destruction issued by an Authorised Treatment Facility. No ELVs shall be accepted at the site unless they have undergone a full de-pollution process at an Authorised Treatment Facility in accordance with the requirements of the End of Life Vehicle Regulations (S.I. 282 of 2006).
- 1.8 In operating the recovery activities at the site which is the subject of this waste permit, the permit holder will obtain the following insurance:
- A Public Liability Policy to the value of €6,500,000 in the name of the Permit Holder in relation to the operation of the recycling site, and extended to indemnify Cork City Council.

The permit holder must submit details of the above insurance to the Local Authority for approval within 2 months of the date of issue of this waste permit.

- 1.9 The permit holder shall comply at all times with the provisions of the Community Acts detailed in the table below:

<i>Relevant Provisions (1)</i>	<i>Community Act (2)</i>
<i>Articles 2, 4 (b) and (c)</i>	<i>Council Directive 75/439/EEC of 16th June 1975, on the disposal of waste oils, as amended by Council Directive 87/101/EEC of 22nd December 1986</i>
<i>Articles 9, and 14</i>	<i>Council Directive 75/442/EEC of 15th July 1975, on waste as amended by Council Directive 91/156/EEC of 18th March 1991.</i>
<i>Articles 4, 5, 8, 9, 10 and 18.</i>	<i>Council Directive 80/68/EEC of 17th December 1979, on the protection of groundwater against pollution caused</i>

Waste Management Act, 1996 - 2005
Protection of the Environment Act 2003
Waste Management (Permit) Regulations 1998. S.I. No. 165 of 1998

Register No. 932 .
Permit No. 02/08 .

Date 19th December 2008

A Permit, under the Waste Management (Permit) Regulations, 1998, S.I. No. 165 of 1998, is hereby granted by Cork City Council, to Churchfield Recycling Centre Ltd., to carry on waste recovery activities under paragraph 5 of Part I of the First Schedule of the Regulations of 1998, and paragraph 13 of the Third Schedule and paragraphs 2, 3, 4, & 13 of the Fourth Schedule of the Waste Management Act, 1996 as amended and Protection of the Environment Act 2003, from the date of issue of this permit to 31st of October 2011, at Churchfield Recycling Centre, Churchfield Industrial Estate, John F Connolly Road, Cork, in accordance with the application and plans received on 8th of May 2008, and in accordance with the following conditions:

Conditions

1. Materials Management

1.1 Only wastes described in the application and included in the following may be managed at the facility on the site:

Waste	EWC Code
paper & cardboard packaging	15 01 01
mixed packaging	15 01 06
plastic packaging	15 01 02
wood packaging	15 01 03
glass packaging	15 01 07
mixed municipal waste	20 03 01
mixed Metals	17 04 07
concrete C&D	17 01 01
mixed C&D	17 09 04
cables C&D	17 04 11
concrete, bricks, tiles & ceramics C&D	17 01 07
kitchen waste	20 01 08

1.2 Materials other than those for which a permit has been granted shall be immediately removed from the site to a facility approved under the Waste Management Acts.

1.3 Recovered waste streams shall be sent only to recycling facilities approved under the Waste Management Acts.

1.4 Residual waste, following recovery, shall be sent only to facilities approved under the Waste Management Acts. Waste at the facility shall be managed so that the maximum quantity of residual waste consigned from the facility for onward transport and submission for disposal at authorised facilities shall not exceed 7,500 tonnes per annum.

1.5 Waste, including residual waste or mixed dry recyclables, intended for export from the state for recovery must be shipped under the transfrontier shipment procedures of Council Regulation (EEC) No. 259/93 as amended, and may not be exported from the state for direct landfilling.

1.6 Materials shall be accepted only from persons approved under the Waste Management (Collection Permit) Regulations 2007 and waste contractors in possession of valid waste collection permits.

2. Water Quality and Groundwater Protection

2.1 Measures shall be put in place to ensure that surface water discharges from the site are free from contaminants, and particularly contaminants such as, oil, diesel, brake fluid, herbicides, pesticides, fungicides, and paint.

2.2 It shall be ensured that contamination of groundwater e.g. by oil, diesel, herbicides, pesticides, and fungicides is not caused by the operation of the facility.

2.3 It shall be ensured that discharges of List I and List II substances of Directive 76/464/EEC to surface water or groundwater are prevented.

2.4 A solid impermeable surface shall be maintained under the operational portion of the facility. All damaged or cracked surfaces shall be repaired immediately. All surface water shall discharge through a Class 2 petrol interceptor to the public surface water system. The interceptor shall be cleaned regularly and waste from it shall be disposed of at a facility approved under the Waste Management Acts.

2.5 A maintenance regime shall be put in place for the two holding tanks on the site. Waste from these tanks shall be disposed of at a facility approved under the Waste Management Acts.

2.6 The following standards shall apply to the surface water discharge from the site.

The pH shall lie in the range 6 to 10.

The conductivity shall not exceed 2mS/cm

The temperature shall not exceed 21 C

The B.O.D shall not exceed 10mg/l
 The concentration of suspended solids shall not exceed 30 mg/l
 Diesel range organics shall not exceed 0.2 mg/l

3. Emissions to Atmosphere

There shall be no emissions from the facility to atmosphere. In addition there shall be no dust or odours of significant level, or nuisance, caused by the operation of the facility beyond the site boundary. There shall be no burning of any materials at the facility.

4. Noise

4.1 Noise from activities on the site shall not give rise to noise levels off the site exceeding 55dB (A) Leq, 15 minutes. There shall be no audible tonal or impulsive noise.

4.2 In the event that the levels of 4.1 levels are exceeded, and noise nuisance is caused to sensitive receptors off site, corrective measures shall be put in place to ensure compliance.

5. Monitoring

Environmental monitoring as outlined in Table 1 below shall be carried out by an independent environmental consultant to assess the impact of the operation of the facility on the environment.

Table 1

Medium	Medium Detail	Parameters	Frequency
Air	Dust monitoring	Dust deposition in mg/m ² /day shall be measured at the four measuring stations D1, D2, D3, & D4 indicated on the application drawing. Dust deposition over a month shall be measured using a Bergerhoff meter.	Biannually
Surface water	The discharge from the oil interceptor to the surface waste sewer shall be	BOD, COD, Conductivity, Temperature, Suspended Solids,	Biannually

	sampled and tested	Ph, PAH, DRO, PRO, and SO ₄ . Assess compliance with Conditions 2.1 and 2.6 above.	
Noise	Noise shall be measured with an approved calibrated noise meter at the entrance to the facility and at all sensitive noise receptors as necessary	Noise shall be measured and assessed for compliance with conditions of the permit	Biannually

6. Hazardous Waste

6.1 Hazardous waste shall not be accepted at the facility.

6.2 Procedures shall be put in place for dealing with any hazardous wastes, e.g. asbestos, paint tins, waste oil, pesticides, batteries, which might be inadvertently brought onto the site. Such procedures shall include segregation from other waste, safe handling and storage of these wastes and their subsequent removal to facilities approved under the Waste Management Acts, under C1 procedures by a licensed carrier. Staff training in these procedures shall be put in place. The storage areas for each hazardous waste type shall be clearly labelled.

7. Fuel Storage

7.1 There shall be no storage on the site of petrol, or any Class I, or Class II fuels.

7.2 If it is proposed to store diesel fuel at the facility secure and safe structures, tanks, plant, and equipment shall be installed for the storage and dispensing of diesel fuel. Diesel fuel shall not be stored in an enclosed space.

Diesel storage shall be either:

(a) Approved type external fuel storage tank/tanks which shall be bunded. Bunding volume shall be at least 110% of the volume of the storage tanks. Storage tanks and bunding shall be impervious to the fuel being stored, and drainage plugs and valves must be kept closed at all times, except when draining down of surface water, if this is found to be necessary. All fuel storage tanks shall be clearly labelled.

Or

(b) Approved type double skinned buried storage tank/tanks. The tanks shall be fitted with an alarm to detect leaks. Tanks shall be fitted with breather pipes.

8. Litter and Flytipping

8.1 Measures shall be put in place to ensure that the operation of the facility does not give rise to dirt or litter on the public road, footpaths or open spaces. Such dirt or litter shall be removed immediately. Responsibility for removal shall rest with the Permit holder.

8.2 Measures shall be taken to prevent flytipping. Flytipped waste shall be removed immediately to an approved facility. Responsibility for removal shall rest with the Permit holder.

8.3 The site shall be kept clean, neat and tidy.

9. Notification and Record Keeping

9.1 Records shall be kept of all materials entering and leaving the facility.

Records shall include (a) name of carrier (b) registration no. of vehicle (c) type of waste (d) EWC code (e) quantity of waste in tonnes (f) origin of the waste (g) name of the person or company to whom waste is transported for recovery, recycling or disposal.

9.2 Records shall be kept of all complaints relating to the facility. Records of complaints shall include (a) date and time of complaint (b) name and address of complainant (c) details of complaint (d) action taken on foot of complaint (e) details of response to complainant.

9.3 Records shall be kept of all environmental incidents. Records shall include (a) date and time (b) description of the incident (c) list and quantities of contaminants involved (d) areas affected by the incident (e) impact of the incident on the environment, people, and animals (f) action taken (g) reports by environmental consultants and Cork City Council.

9.4 Cork City Council shall be notified of environmental incidents, immediately upon their occurrence.

9.5 Records shall be kept of all correspondence with Cork City Council and other statutory bodies e.g. EPA, HSA.

AN BORD PLEANÁLA

18 MAR 2020

LTR DATED _____ FROM _____

LDG- _____

ABP- _____

10. Contingency Plans

10.1 Fire fighting procedures shall be put in place. All staff shall be trained in basic fire prevention and fire fighting. Adequate fire fighting equipment shall be maintained on the site. In the event of a fire, which cannot be brought under control, occurring at the facility, the Fire Brigade shall be notified.

10.2 In the event of an environmental incident i.e. where pollution to air, water, soil, plants, animals, or persons is caused by the operation of the facility, the following procedure shall apply:

- Measures shall be taken to prevent further pollution e.g. sealing of gullies and drains or isolating the source of the pollution if possible;
- Cork City Council shall be informed immediately; outside normal working hours the Fire Brigade shall be informed;
- Measures shall be taken, in consultation with Cork City Council, to clean up the pollution caused;
- Measures shall be put in place to prevent a recurrence of the incident.

11. Facility Management

11.1 The site to which this permit relates is at Churchfield Recycling Centre Churchfield Industrial Estate (former Blarney Wheel A Bin site), John F Connolly Road, Cork, and is as shown on the three drawings submitted as part the application. The drawings are:

- (1) Site Layout dated 24/04/08 prepared by G. Keane, Civil Engineer
- (2) Urban Place Map by Ordnance Survey Ireland, Plot Ref. No. 1305216_1_1, Plot Date 08-May-2008
- (3) High Flown Orthophotography print, Plot Ref. No. 1305216_2_1, Plot Date 08-May-2008

11.2 It is the responsibility of the permit holder to ensure that all the requirements, including procedures and measures, of this permit are adhered to.

11.3 The permit holder shall submit an Annual Environmental Report (AER) to Cork City Council by 31st January each year, relating to the activities of the previous year. The AER shall comprise of:

- (a) a report on all environmental incidents
- (b) a summary of all complaints
- (c) details of the materials managed at the facility as outlined in paragraph No 9 above
- (d) the results of environmental monitoring carried out

11.4 A copy of this permit shall be kept on the site at all times, and shall be made available for inspection by authorised personnel at all reasonable times.

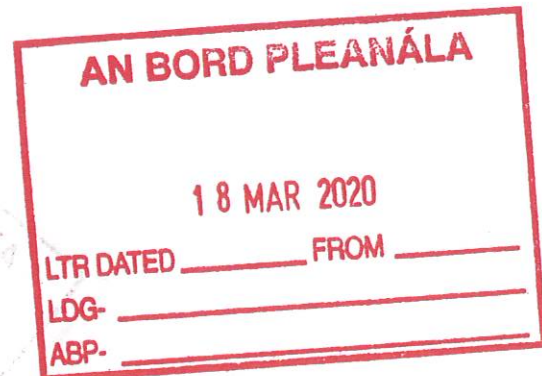
AMERICAN AIRLINES
17 MAY 50
FROM: _____ TO: _____
CLASS: _____





Appendix 4

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin
D01V902



14th March, 2020

RE: REFERRAL OF A DECLARATION MADE BY CORK CITY COUNCIL
(SECTION 5(3)(A) OF THE PLANNING AND DEVELOPMENT ACT, 2000, AS
AMENDED)

To Whom It May Concern,

I am a Director of Redfox Recycling Mill House Old Mallow Road
Cork and am writing regarding the referral of a declaration by Cork
City Council reference R560/19.

The purpose of this letter is to submit a statement of account (as
attached) by James Collins (snr) Director of Ashgrove Plant Ltd
regarding the history of Units 1-3 John F. Connolly Road
Churchfield Industrial Estate which are the subject of the referral.

This is to advise James Collins (snr) is my father and in his
capacity as a Director of Ashgrove Plant Ltd has provided a
statement referencing the use of the site from 2008-2019.

Regards

Dylan Collins



14/03/20

AN BORD PLEANÁLA

18 MAR 2020

RECEIVED FROM

To whom it may concern,

My name is James Collins (snr) and I am the father of the applicant making a declaration regarding Units 1-3 John F. Connolly Road Churchfield Industrial Estate which are the subject of an application by Redfox Recycling to Cork City Council for a Waste Facility Permit.

I am a Director & the Facilities Manager at Ashgrove Plant Ltd which is waste and recycling company in Cork and the former tenants of Units 1-3 John F. Connolly Road Churchfield Industrial Estate.

I am writing this letter to provide background with regards to the use of the site which is adjacent to our property at Churchfield Industrial Estate, John F Connolly Road, Churchfield, Cork. Ashgrove Plant Hire Ltd through its company Churchfield Recycling held Waste Facility Permits issued in line with by Cork City Council from 2008-2019.

I have provided following below a timeline to confirm and attest to the fact the business held a Waste Facility Permit at Units 1-3 John F. Connolly Road Churchfield Industrial Estate from 2008-2019.

Timeline:

- 2003- A company "Blarney Wheelie Bins" leased Units 1-3 John F. Connolly Road Churchfield Industrial Estate and applied for planning from Cork City Council to operate a waste and recycling facility.
- 2004- Blarney Wheelie Bins" were awarded planning by Cork City Council (Reference TP 28034 and TP 28849) to develop a waste and recycling facility at Units 1-3 John F. Connolly Road Churchfield Industrial Estate.
- 2007: Blarney Wheelie Bins experienced financial difficulty and vacated the site.
- 2007- The site owner's representative Gordon Keane contacted myself to request Ashgrove Plant remove waste material and rehabilitate the site in agreement with Cork City Council. The site clean-up was completed in January 2008.
- 2008: Ashgrove Plant Ltd reached agreement with the site owner to use the site for the purposes of waste and recycling to meet the requirements of our business.

- 2008: Ashgrove Plant established a new business Churchfield Recycling and the company applied for a permit to Cork City Council to operate a waste and recycling facility at Units 1-3 John F. Connolly Road Churchfield Industrial Estate. Cork City Council awarded Churchfield Recycling a permit (Permit 02/08) in 2008. The company operated a recycling activity on the site but due to the economic environment the company decided to hold all development plans on the site whilst maintaining the permit and continuing to pay rates with a view to future development. The company met all its obligations under the permit and submitted all reports as required by the Local Authority. A copy of the permit and evidence of the payment of rates has been provided.
- 2012 Churchfield Recycling applied to Cork City Council for a renewal of the existing waste facility permit. Churchfield Recycling were awarded a permit renewal in 2012 (WFP-CC-04/2011-b). The facility was used for the parking and storage of waste equipment. The company at all times met all its obligations under the permit and submitted all reports as required by the Local Authority but due to the economic environment the company decided to hold all development plans. The company maintained the Waste Facility permit and paid rates on the site with a view to future development.
- 2016 Churchfield Recycling applied to Cork City Council for a renewal of the waste facility permit. Cork City Council granted Churchfield Recycling a permit in 2016 (WFP-CC-03/2016). A copy of the permit and evidence of the payment of rates has been provided. After a review of the Churchfield Recycling business Ashgrove Plant Ltd decided for strategic reasons not to pursue the development of the waste and recycling facility. The property was subsequently put on the market and sold.

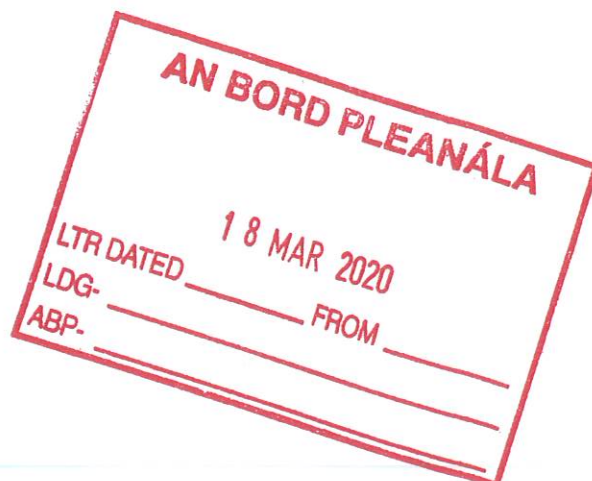
The purpose of this letter is to provide a statement and record of the history of Ashgrove Plant Hire Ltd involvement in the Units 1-3 John F. Connolly Road Churchfield Industrial Estate. The company through Churchfield Recycling with the approval of Cork City Council held Waste Facility Permits on the site from 2008-2019.

The company had planned to develop the facility however the site was purchased by James Collins (jnr) on the basis of using the site to develop a recycling and waste transfer facility.

Yours sincerely,



Jim Collins
Director Ashgrove Plant Hire
Ph: 0868232311



Appendix 5



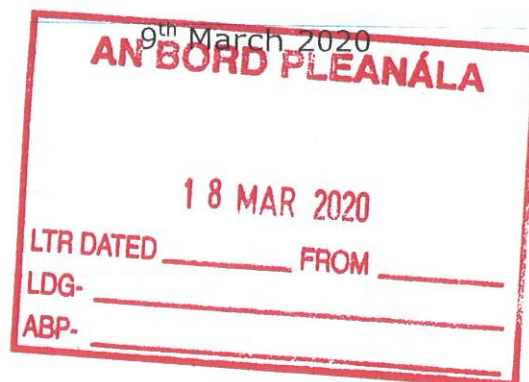
Comhairle Cathrach Chorcaí Cork City Council

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

Tel: 021-4924371
Fax: 021-4924637

REDFOX RECYCLING
C/O QUINTAS PARTNERS
2ND FLOOR HERON HOUSE
BLACKPOOL RETAIL PARK
BLACKPOOL
CORK

RE: 4L/2 JOHN CONNELLY ROAD



Statement of Accounts.

Re: Rate No. RA0037200040107 (2184721)

Dear Sir/Madam,

Please find below a statement detailing rates demanded and payments made from 2008 onwards.

2008 Rates	€13,996.48
2009 Rates	€14,143.55
2010 Rates	€14,143.55
2011 Rates	€14,143.55
2012 Rates	€14,143.55
2013 Rates	€14,143.55
2014 Rates	€14,143.55
2015 Rates	€14,143.55
2016 Rates	€14,143.55
2017 Rates	€14,321.18
2018 Rates	€14,321.18
01/01/2019 to 31/03/2019	€3,531.25
Total Rates	€159,318.49



We are Cork.

Payments/adjustments made: €158,174.10

Receipt Number	Receipt Amount	Receipt Date
1147193	954.74	08/04/2019
91672441	1,432.12	12/03/2019
91671736	1,432.11	12/12/2018
91670367	1,432.12	19/11/2018
91668991	1,432.11	12/10/2018
91668264	1,432.12	14/09/2018
91667529	1,432.12	13/08/2018
91666797	1,432.12	12/07/2018
91666072	1,432.12	12/06/2018
91665342	1,432.12	14/05/2018
91664601	1,432.12	12/04/2018
91663874	1,432.12	15/03/2018
91663157	1,591.23	12/12/2017
91662442	1,591.24	14/11/2017
91661731	1,591.23	12/10/2017
91661018	1,591.24	12/09/2017
91660308	1,591.24	14/08/2017
91659594	1,591.24	12/07/2017
91658863	1,591.24	14/06/2017
91658161	1,591.24	12/05/2017
91657467	1,591.24	12/04/2017
70402600	1,571.51	02/12/2016
70401525	1,571.51	04/11/2016
70400405	1,571.51	06/10/2016
7065446	1,571.51	01/09/2016
7064313	1,571.51	03/08/2016
7063106	1,571.51	30/06/2016
7061971	1,571.51	01/06/2016
7060918	1,571.51	04/05/2016
7059739	1,571.51	04/04/2016
2176801	3,598.83	11/02/2016
5041715	2,636.18	05/01/2016
3159604	2,636.18	28/10/2015
3157651	2,636.18	25/09/2015
3155507	2,636.18	24/08/2015
5036995	7,071.77	25/06/2014

AN BORD PLEANAITA

18 MAR 2020

LTR DATED _____ FROM _____

LDG- _____

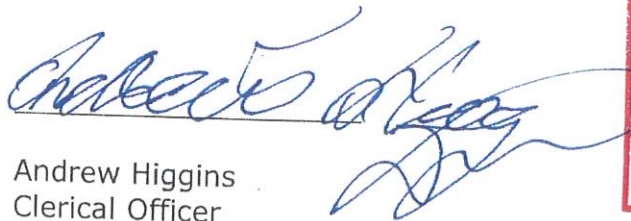
ABP- _____

5034629	7,071.78	20/05/2014
1065590	4,143.55	23/12/2013
5020143	4,000.00	13/11/2013
5014249	3,000.00	10/09/2013
7032598	3,000.00	15/08/2013
4101023	1,752.67	29/01/2013
1060988	1,796.96	29/12/2012
3132182	1,796.96	01/12/2012
3128577	1,796.96	23/10/2012
4084311	7,000.00	17/04/2012
3108554	7,071.77	26/11/2011
3104830	7,071.78	07/10/2011
5012048	14,143.55	26/05/2010
4048595	7,071.77	16/07/2009
4043739	7,071.78	24/04/2009
4029955	6,998.24	08/09/2008
1016917	6,998.24	07/04/2008

Balance due as at the 31st December 2019: €1,144.39

Should you have any further queries regarding the above please do not hesitate to contact me.

Yours faithfully,



Andrew Higgins
Clerical Officer

021-4924484

