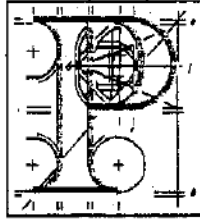


An Bord Pleanála



STRATEGIC INFRASTRUCTURE DEVELOPMENT PLANNING AND DEVELOPMENT ACTS 2000 TO 2010

An Bord Pleanála Reference Number: 04.PA0010

(Planning Authority: Cork County Council)

APPLICATION for permission under section 37E of the Planning and Development Act, 2000, as amended, in accordance with plans and particulars, including an environmental impact statement, lodged with An Bord Pleanála on the 28th day of November, 2008, as amended by additional information submitted to the Board on the 3rd day of August 2010, by Indaver Ireland, care of McIlroy Associates of 72 Haddington Road, Dublin.

PROPOSED DEVELOPMENT: 10 year planning permission sought for a waste to energy facility for hazardous and non-hazardous waste and a transfer station facility, on a 12 hectare site located on lands opposite the National Maritime College, at Ringaskiddy, County Cork. The development includes 23,390 square metres of buildings and will consist of the following elements:

- (A) Waste-energy facility (4.74 hectares) consisting of process building, 4 storey, 19,103 square metres, 42.5 metre maximum height; flue stack, 85 metres high; turbine hall, 1 storey, 875.8 square metres, 18.5 metres high; aerocondensor structure, 1 storey, 772 square metres, 20 metres high; security building, 1 storey, 85.8 square metres, 4 metres high; sampling laboratory, 1 storey high, 91.5 square metres, 4 metres high; solvent tank farm, service yard, solvent tanker unloading bays, ash and residue truck loading bays, tanker sampling bays, 1,800 cubic metre water storage tank, 8.0 metres high; pump house, 1 storey, 40 square metres, 4.5 metres high; 2 number weigh bridges, pipe racking, fuel storage tank; packaged sewage treatment plant, 38 kilovolt electrical compound, and ancillary site development works consisting of 26 number car parking spaces, underground attenuation/retention tanks, site services, 2 number site accesses, boundary fences and landscaping.
- (B) Transfer station facility (1.4 hectares) consisting of drum store building, 1 storey, 1,347.5 square metres, 9.2 metres high; solvent storage bund consisting of 4 number 25 cubic metre tanks, 6.7 metres high; drum wash and Repak building, 1 storey, 268 square metres, 4.3 metres high; administration building, 3 storey, 903 square metres, 11.2 metres high; tanker loading bay; service yard,

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truck/roadtanker parking spaces, 1,200 cubic metres fire water storage tank, 10 metres high; 100 cubic metres contaminated water storage tank, 5.0 metres high; packaged sewage treatment plant and ancillary site development works consisting of 44 number car parking spaces, 2 number weighbridges, site services, underground attenuation/retention tanks, 1 number site access including gates, boundary fences and landscaping.

Following a request by An Bord Pleanála to the applicant under section 37F(1) of the Planning and Development Act 2000, as amended, the Board received significant additional information in relation to the application in the form of revised drawings and an addendum to the environmental impact statement on the 3rd day of August, 2010, modifying the development of which public notice was given on the 15th day of September, 2010 followed by a further notice dated the 8th day of December, 2010 to allow an extension of time for the making of further submissions/observations.

DECISION

REFUSE permission under section 37G of Planning and Development Act, 2000, as amended, for the above proposed development based on the reasons and considerations under.

DETERMINE under section 37H(2)(c) the sum to be paid by the applicant in respect of costs associated with the application as set out in the Schedule of Costs below.

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 the submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. The Board is not satisfied that the provision of incineration capacity to deal with residual municipal waste, in addition to hazardous waste, at this site is appropriate, having regard to both the layout and limited size of the site and to the current strategy of the Cork local authorities in respect of waste management, as set out in the submissions of the planning authority in connection with the application, including to the oral hearing. Accordingly, the Board is not satisfied that the proposed development would be compatible with the Waste Management Strategy for the region or the Waste Management Plan for County Cork, 2004, and, therefore, considers that the proposed development would not be in accordance with the proper planning and sustainable development of the area.

2. The Board considers that the provision of an incinerator to treat hazardous and industrial waste (100,000 tonnes per annum) is in accordance with national policy, as set out in the National Hazardous Waste Management Plan, 2008-2012, and therefore invited revised proposals to provide such incinerator, whilst omitting facilities to treat municipal waste and reducing the scale of the development accordingly. It is considered that the revised proposal received by An Bord Pleanála on the 3rd day of August 2010, which is designed to facilitate future provision of municipal waste treatment, does not comply with this request in terms of reduction of the scale of the development. Therefore, the development as proposed would constitute overdevelopment of the site, which would seriously injure the amenities of the area and of property in the vicinity, and would not be in accordance with the proper planning and sustainable development of the area.
3. The road serving the site is at risk of flooding and the Board invited revised proposals to address this issue. The measures put forward in the submission received by An Bord Pleanála on the 3rd day of August 2010 entail significant works to the road, including substantially altering levels immediately adjoining the property of others and modifying surface water drainage. The Board is not satisfied that the impacts of these measures have been fully described and assessed, that there is certainty in terms of their implementation and the responsibility for same and, consequently, that access to the proposed development would be available at all times.
4. On the basis of the evidence put forward in connection with the application, that the site might be at risk of coastal erosion in the future, the Board requested details of the nature, extent and impact of appropriate measures to prevent such erosion. The Board is not satisfied that the submission of the 3rd day of August 2010 contains sufficient information in relation to implementation of such coastal protection measures and the impact of these works, including on other nearby property.

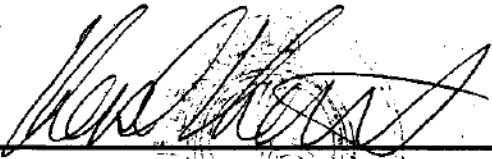
SCHEDULE OF COSTS

In accordance with section 37H of the Planning and Development Act 2000, as amended, the Board requires the following reasonable contribution to be paid by the applicant towards costs incurred by An Bord Pleanála, the Planning Authority and by persons who made submissions/observations to the Board in its consideration of the application:

To An Bord Pleanála	€382,341
To Cork County Council (reasonable costs incurred during consideration of the application)	€43,714
To Noonan Linehan (on behalf of CHASE)	€50,000
To CHEPA (Cllr. D'Alton)	€8,000

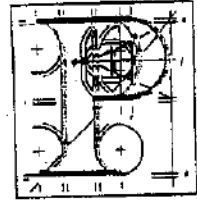
To Kinsale Environment Watch (Roma Fulton)	€300
To Mary Bowan (Monkstown, Glenville, Passage West)	€300
To Cork Environmental Alliance – Derry Chambers	€1,000
To CASE (Joan and John Masson)	€300
To An Taisce	€2,000
Total:	<u>€487,955</u>

A breakdown of the Boards costs is set out in the attached Appendix 1.



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

Dated this 9th day of June 2011.



Appendix 1.

Strategic Infrastructure Development
Cost of determining the Application and other Costs.

File No.04.PA0010

Brief Description of Development: A waste to energy facility for hazardous and non-hazardous waste and a transfer station facility at Ringaskiddy, County Cork.

1. Sum to be paid to the Board towards the costs of determining the application.

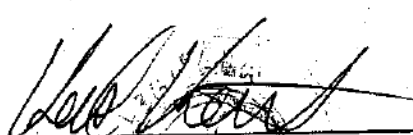
	Board's Costs	€
(1)	Cost based on Inspector's time:	363,779.22
(2)	Costs invoiced to Board.	133,062.64
(3)	Total chargeable costs.	496,841.86
(4)	Application fee paid.	100,000.00
(5)	Observer fees paid	14,500.00
(6)	Net amount due to be paid by applicant, or	382,341.86
(7)	Amount due to be refunded to applicant.	

2. Sum(s), which the Board considers reasonable, to be paid by the applicant to the planning authority or planning authorities.

	Name of Planning Authority	€
(1)	Cork County Council	43,714.00

3. Sum(s) to be paid by the applicant to other persons as a contribution to the costs incurred by such persons during the course of consideration of the application.

(1)	Name of Person	€
(2)	Noonan Linehan (on behalf of CHASE)	50,000.00
(3)	CHEPA (Cllr. D'Alton)	8,000.00
(4)	Kinsale Environment Watch (Roma Fulton)	300.00
(5)	Mary Bowan (Monkstown, Glenville, Passage West)	300.00
(6)	Cork Environmental Alliance - Derry Chambers	1,000.00
(7)	CASE (Joan and John Masson)	300.00
(8)	An Taisce	2,000.00


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Dated this 9th day of June 2011.