

**DIRECTION IN THE MATTER OF SECTION 31
OF THE PLANNING AND DEVELOPMENT ACT 2000
(AS AMENDED BY S.21 OF THE PLANNING AND DEVELOPMENT
(AMENDMENT) ACT 2010)**

COUNTY CORK DEVELOPMENT PLAN 2014 DIRECTION 2015

“Development Plan” means the County Cork Development Plan 2014

“The Planning Authority” means Cork County Council

WHEREAS the functions of the Minister for the Environment, Community and Local Government under the Planning and Development Acts 2000 to 2014, other than Chapter 1 of Part VI of the Planning and Development Act 2000, have been delegated to the Minister of State at the Department of the Environment, Community and Local Government pursuant to the Environment, Community and Local Government (Delegation of Ministerial Functions) Order 2014 (S.I. 524 of 2014).

WHEREAS the Minister of State at the Department of the Environment, Community and Local Government is, for the reasons set out in the Statement of Reasons hereto, of the Opinion that

- (i) Cork County Council in making the County Cork Development Plan 2014 has ignored or has not taken sufficient account of the submissions made by the Minister for the Environment, Community and Local Government in February 2014,

and

- (ii) the County Cork Development Plan 2014 is not in compliance with the requirements of s.9, s.10 and s.12 of the Planning and Development Act 2000 (as amended).

In framing the said opinion, the Minister of State has considered the report and recommendations of the Chief Executive of the Planning Authority dated February 2015. Having considered the said report and recommendations has decided (i) that no material amendment to the draft direction of December 2014 is required, and (ii) that further investigation is not necessary in order to clarify any aspects of the report.

NOW, THEREFORE in exercise of the powers conferred on him by s.31 of the Planning and Development Act 2000 (as amended), the Minister of the Environment, Community and Local Government hereby directs as follows:

- (1) This Direction may be cited as the Planning and Development (County Cork Development Plan 2014) Direction 2015.
- (2) The County Council of Cork is hereby directed to take the following steps with regard to the County Cork Development Plan 2014 (“the Development Plan”).
 - i. The written statement in respect of the Zoning and Land Use (Chapter 14, Section 14.3.24 – Economy and Employment - Objective ZU 3-7) in the County Cork Development Plan 2014 is to be amended by deleting the following text:
 - b) Industrial areas that are not used for small to medium sized industry, warehousing or distribution are considered generally to be suitable for waste management activities (including the treatment and recovery of waste material but not including landfill or contract incineration facilities). In the interests of clarity, contract incineration facilities comprise those whose primary role is to manage wastes that are not generated by the company.
 - c) The provision of strategic large scale waste treatment facilities will be considered in ‘Industrial Areas’ designated as Strategic Employment Areas in the local area plans subject to the requirements of, National Policy, future Regional Waste Management Plans and the objectives set out in local area plan’s.

And

Inserting the following text:

- b) The provision of strategic large scale waste treatment facilities including waste to energy recovery facilities will be considered in ‘Industrial Areas’ designated as Strategic Employment Areas in the local area plans subject to the requirements of, National Policy, future Regional Waste Management Plans and the objectives set out in local area plan’s.

STATEMENT OF REASONS

- 1) A written submission on the draft County Cork Development Plan 2014 was made to Cork County Council on behalf of the Minister for the Environment, Community and Local Government in February 2014.

The written submission outlined that the proposed variation concerning the Planning Authority’s policy framework for waste would be significantly inconsistent with the Government’s waste policy, A Resource Opportunity - Waste Management Policy in Ireland, which sets out the actions through which Ireland will make the further progress necessary to become a recycling society, with a clear focus on resource efficiency and the virtual elimination of landfilling of municipal waste. The policy contains measures to

ensure that prevention, reuse, recycling and recovery are favoured to the disposal of waste; the measures already in place to encourage the development of alternatives to landfill include a landfill levy of €75 per tonne and regulations which require the diversion from landfill of food waste arising on specified premises.

It is this policy approach, consistent with the waste hierarchy as set out in the Waste Framework Directive, rather than determination in favour of or against any particular process or technology, that must guide the necessary process of infrastructural diversification, which can be expected to involve the deployment of a variety of technologies and treatment processes across a network of facilities.

In this context, the County Cork Development Plan Objective ZU 3 – 7 is considered to undermine, and indeed, run counter to Government policy by imposing restrictions on critical locations particular processes or technologies in an inconsistent, opaque and ambiguous manner. It is because of this ambiguity and the fact that the Objective is open to interpretation, that it is considered that Objective ZU 3-7 is restrictive on the development of contract incineration facilities in Cork.

While a restriction on waste disposal (through landfill) could be seen to be consistent with the objectives set out in A Resource Opportunity, any prohibition on energy recovery through incineration would be out of step with the waste hierarchy and therefore with national waste policy.

It is considered that Objective ZU 3-7 must be reformulated as set out above so that contract incineration in the county is clearly open for consideration and so that the overall Objective is clearly and unambiguously consistent with National Waste Policy.

- 2) The decision by the members to alter the policies and objectives in regard to the waste policy objectives as outlined in this direction does not provide for proper planning and sustainable development and therefore the County Cork Development Plan 2014 is not in compliance with the requirements of s.9, s.10 and s.12 of the Planning and Development Act 2000 (as amended), in particular, that the members of the authority are restricted to considering the proper planning and sustainable development and any relevant policies or objectives for the time being of the Government or any Minister of the Government.

GIVEN under my hand,



Minister for Housing, Planning and
Co-ordination of Construction 2020
this 4th day of March 2015