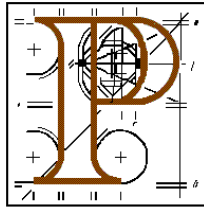


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2014

Cork County

Planning Register Reference Number: 14/06188

An Bord Pleanála Reference Number: PL 04.244411

APPEAL by Seán R. McCarthy Consulting Engineers Limited of The Orchard, Cork Road, Fermoy, County Cork and by others against the decision made on the 12th day of January, 2015 by Cork County Council to grant subject to conditions a permission to JR Oronco Limited care of McCutcheon Halley Walsh of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: A Motorway Service Area, to include a shop/restaurant building (with a drive through and take-away facility and ancillary plant, storage/service areas), forecourt and canopy, fuel facilities for heavy commercial vehicles (HCV) with canopy over, underground fuel tanks, LPG tanks, sub-station, drainage facilities, signage, landscaping, picnic and external seating/amenity areas, set-down and parking areas (with control barriers to HCV parking), footpaths and a new entrance and roundabout on to the R639 regional route (with amendments to the existing entrance serving the Teagasc facility at Moorepark) and all associated ancillary development works, all at Junction 14 on the M8 Motorway, Gortore and Moorepark West (townlands), Fermoy, County Cork. The proposed development was revised by further public notice received by the planning authority on the 5th day of December, 2014.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out 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 any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to -

- (a) the provisions of the Service Station Policy of the National Roads Authority, published in August 2014, which identifies the area of junction 13/junction 14 of the M8 as being suitable for the provision of an offline service station,
- (b) the proposed improvements to the water supply connectivity in the area, and
- (c) the nature and scale of the proposal including the proposed connection to the public sewer,

the Board considered that the proposed development, subject to compliance with the conditions set out below, would provide a needed facility for motorway users, would not have an unduly negative impact on the vitality of nearby retail centres, would be acceptable in terms of traffic safety and convenience, would not be injurious to rural amenities, would not pose a risk to public health and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that the proposed connection between the Downings Bridge water supply and the Fermoy water supply together with associated safeguards as agreed with Irish Water in the course of the application was sufficient to protect drinking water resources in the area. The Board further considered that the proposal was of strategic importance and was an exceptional development which is permissible adjacent to a motorway interchange notwithstanding that it is located in a green belt area.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 25th day of November, 2014, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed drive-through facility associated with the restaurant shall be omitted from the proposal. Revised drawings showing this amendment shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In order to prevent an undue impact from the proposal on the vitality and viability of nearby town centres and in order to improve the layout of the facility itself.

3. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Details of all directional signage to the proposed development shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety.

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-

- (i) An LAeqT value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. [The T value shall be one hour.]

- (ii) An LAeqT value of 45 dB(A) at any other time. [The T value shall be 15 minutes]. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

- (b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1 and 2 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the [residential] amenities of property in the vicinity of the site.

7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. (a) All inflammable substances shall be stored in accordance with the requirements of the planning authority.
- (b) All storage tank areas and drum storage areas shall be rendered impervious to the materials stored therein. In addition, storage tank areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area. Drum storage areas shall be bunded to a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored therein. The height of the bund for any drum storage area shall not be less than 300 millimetres.
- (c) All liquids and hydrocarbons stored on site shall be stored in a waterproof bunded area of sufficient volume to hold 110% of the volume of the largest tank within the bund. All valves on the tanks shall be contained within the bunded area. All operations involving the loading and unloading of hydrocarbon products shall take place in this bunded area in such a manner as to avoid any pollution of waters. The bunded area shall be fitted with a locking valve which shall be opened only to discharge storm water to an interceptor. The developer shall ensure that this valve is locked at all times.

Reason: In the interest of orderly development, to safeguard the amenities of the area, and to prevent water pollution.

11. Any site surface water contaminated with hydrocarbons shall discharge via a grit trap and appropriate interceptor before discharging to the surface water drainage system. An inspection chamber with a sump shall be constructed between the interceptor and the surface water drain. The sump shall be of a minimum size of 500 millimetres square and 400 millimetres deep. The interceptor and sump shall be installed and operated to the satisfaction of the planning authority. The developer shall undertake an inspection of the interceptor traps monthly and shall maintain a register of the outcome of such inspections. The register shall be made available for inspection by the planning authority at all reasonable times.

Reason: To safeguard the amenities of the area.

12. A fats, oil and grease (FOG) interceptor/removal equipment shall be installed on each separate foul discharge pipe from the food preparation and utensil washing area of the proposed development. These shall be installed, serviced and operated in accordance with the manufacturer's recommendations. Service records shall be maintained on site for inspection by the planning authority.

Reason: In the interest of orderly development.

13. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

14. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a revised site layout showing:-
- (a) provision of three coach spaces,
 - (b) details of the location of an electric charging point,
 - (c) details of the location of motor cycle parking, and
 - (d) adequate internal road geometry to facilitate circulation of HCV traffic to required standard.

Reason: In the interest of traffic safety.

15. Prior to commencement of development the developer shall confirm in writing with the planning authority, details of agreement with Irish Water in regard to the connection between the Fermoy and Downing Bridge water supply schemes together with details of suitable alarm and automatic shutdown system for the Downing Bridge supply. These measures shall be put in place prior to the opening of the facility.

Reason: In the interest of public health.

16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Dated this day of 2015.