



An  
Bord  
Pleanála

**Board Direction**  
**BD-007210-20**  
**ABP-307394-20**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 17/12/2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to the form, nature, scale and layout of the proposed development, to the independence of the proposed development from anaerobic digestion facilities in the region, and to the provisions of:

- (a) Renewable Energy Directive (2018/2001) (RED II),
- (b) National Energy and Climate Plan 2021-2030,
- (c) Climate Action Plan 2019,
- (d) Climate Action and Low Carbon Development Act, 2015,
- (e) Project Ireland 2040 - National Planning Framework,
- (f) National Development Plan 2018-2027,
- (g) Regional Spatial and Economic Strategy for the Southern Region, and
- (h) Cork County Development Plan 2014,

the Board considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the EU, national, regional and local policy, would be acceptable in terms of traffic safety, would not have an

unacceptable impact on the amenities of the area, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Conditions**

1. The proposed 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 6<sup>th</sup> day of December 2019 and the 14<sup>th</sup> day of April 2020, 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 proposed development shall be carried out in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. This permission is for a period of 10 years from the date of this Order.

**Reason:** In the interest of clarity.

3. The mitigation measures identified in the Environmental Report and other particulars submitted with the application, shall be implemented in full by the developer, except as may otherwise be required in order to comply with the following conditions.

**Reason:** In the interests of clarity and environmental protection.

4. During the operational phase of the proposed development, deliveries shall only take place between the hours of 0800 and 2000 Mondays to Sundays inclusive. Deviation from these times will only be permitted in exceptional circumstances where prior written approval has been given by the planning authority.

**Reason:** In the interest of residential amenity.

5. All external finishes to the proposed buildings and above ground structures shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works in respect of both the construction and operation phases of the proposed development.

**Reason:** In the interest of environmental protection and public health.

7. The developer shall enter into a water connection agreement with Irish Water prior to commencement of development.

**Reason:** In the interest of public health.

8. Details of road signage required on the approaches to the entrance to the site shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of public safety.

9. The construction of the proposed development shall be managed in accordance with a Construction and Environmental Management Plan and Traffic 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 proposed development, including noise and dust management measures, surface water management proposals, control and management of accidental spillages, detailed design of watercourse crossings, the management of construction traffic, the means to protect the public road and off-site disposal of construction waste.

**Reason:** In the interests of public safety, the protection of ecology and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900, Mondays to Fridays inclusive, between the hours of 0800 to 1400 on Saturdays and not at all on Sundays or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In order to safeguard the amenities of property in the vicinity.

11. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of works proposed to be carried out for the provision of improved road markings on the N73 national secondary road in the vicinity of the site. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

12. 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 the 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.

**Board Member**

**Date:** 18/12/2020

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Paul Hyde