



An
Bord
Pleanála

Board Direction
BD-011612-23
ABP-311068-21

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/01/2023.

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

Reasons and Considerations

1. Having regard to the peripheral location of the site on the outskirts of Mallow Town, to the nature, range and scale of facilities to be provided including a petrol station with a retail shop which exceeds the 100 square metre retail floorspace cap for motor fuel shops and drive-thru and sit-down restaurants, to the extent of car parking to be provided including provision for HGV and Coach parking, to the presence of a similar service area in the vicinity of the site and to the lack of appropriate links to the town centre, the proposed service station would conflict with the DoECLG Spatial Planning and the National Roads Guidelines for Planning Authorities which requires such facilities to be plan-led and to be designed to avoid the attraction of short car-based trips from the local area. The proposed development would also conflict with the retail policy objectives of the Cork County Development Plan 2022-2028 for the regionally important retail centre of Mallow Town, as the scale of the retail offering at this location would detract from the vitality and viability of the Town Core and would, therefore, conflict with the objectives of the Retail Planning Guidelines for Planning Authorities which requires that such applications be assessed against

a range of criteria including the sequential test and that this test be carried out in a realistic and defensible manner. The proposed development would, therefore, conflict with the objectives of the County Development Plan and with the proper planning and sustainable development of the area.

2. On the basis of the information provided with the application and appeal, including the Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects would not adversely affect the integrity of the Blackwater River Special Area of Conservation (Site Code: 002170) or any other European site, in view of the site's conservation objectives. The Board considered that the information before it was insufficient to undertake a complete assessment of all aspects of the proposed development particularly in relation to the adequacy of the baseline studies and having regard to the potential for discharge of contaminated water to the Hospital Stream, which is hydrologically connected to the Blackwater River Special Area of Conservation (Site Code: 002170). In such circumstances, the Board is precluded from granting permission.

Note: In not agreeing with the Inspector's recommended reasons for refusal in relation to the prematurity of the proposed development pending the final determination of the road layout of the N/M20 and the N72/N73, the Board noted that the emerging preferred routes that have been selected for both projects were both at a significant spatial remove from the appeal site and also had regard to the partially brownfield nature of the site adjoining an existing approach road in an existing built-up area and concluded that refusal on these particular issues was not warranted.

Board Member

Maria Fitzgerald
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Date: 05/01/2023

