



An
Coimisiún
Pleanála

Direction
CD-020136-25
ABP-319609-24

The submissions on this file and the Inspector's report were considered at a meeting held on 04/07/2025.

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

Planning

Commissioner:

Eamonn James Kelly

Eamonn James Kelly

Date: 04/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the Cork County Development Plan 2022-2028, and to the MH-I-04 Industrial Area zoning of the site located within the development boundary of Mitchelstown, the proposed development, subject to compliance with the conditions set out below, would accord with the zoning policy to develop medium to large scale industry including for warehouse uses at this location within the town, would facilitate safe active travel options between the subject site and Mitchelstown Town Centre, would not have a significant impact on the residential amenities of the adjoining neighbouring properties, would not result in a significant impact on the operation of the road network, would not result in a traffic hazard, and would provide for

biodiversity within the site. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the 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 received by the planning authority on the 4th day of September 2023 and 29th day of January 2024, 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 mitigation measures contained in the submitted Ecological Impact Assessment report and Bat Activity Survey Report shall be implemented in full and remain effective throughout the lifetime of the development.

Reason: To protect the environment and the amenity of neighbouring residential properties.

3. The proposed development shall be amended as follows:

(a) Provision shall be made for a shared active travel facility (Please refer to TL106 of the Cycle Design Manual NTA/Department of Transport 2023) along the site frontage instead of the proposed pedestrian footpath.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

4. The developer shall carry out the proposed road widening, shared active travel facility (as per condition number 3) and pedestrian crossing along with integrated traffic calming works as the first phase of the development at their own expense. A phasing plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

5. (a) Noise levels emanating from the proposed development when measured at existing Noise Sensitive Locations shall not exceed 55 dBA (30-minute LAR) between 0700 hours and 1900 hours, 50 dBA (30-minute LAR) between 1900 hours and 2300 hours and 45 dBA (15-minute Leq) between 2300 and 0700 hours.

(b) The mitigation measures contained in the submitted Noise Impact Assessment Report, as supplemented by submissions received 4 September 2023 and 29 January 2024, shall be implemented and remain effective throughout the lifetime of the development.

Reason: To safeguard the amenities of the area and control noise emissions from the development.

6. Prior to the commencement of development the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and wastewater collection network.

Reason: In the interest of public health and to ensure adequate water and wastewater facilities.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interests of public health and surface water management.

8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

Reason: In the interests of amenity and public safety.

9. Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development including noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and amenity.

10. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan

(RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interests of proper planning and sustainable development.

11. 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and 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.

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

Reason: To safeguard the amenity of property in the vicinity.

13. The landscaping scheme as submitted to the planning authority on the 4th day of September 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of seven years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity.

15. A post construction, Stage 3, Road Safety Audit shall be carried out by a suitably qualified Audit Team for the completed road works. The team shall be provided with confirmed speed survey data to inform the auditors. Recommendations following the audit shall be agreed with the roads authority and implemented, as appropriate, at the sole expense of the developer.

Reason: In the interests of road safety and orderly development.

16. The developer shall implement, review, and update the submitted Workplace Travel Plan (Mobility Management Plan) on an ongoing basis. The Mobility Management Plan shall inform the detail regarding the on-site facilities for staff including the showers and lockers. Updates shall include updated

informing travel survey information. Recommended measures shall be implemented, as appropriate. Updated Plans shall be submitted to the Planning Authority on request.

Reason: In order to encourage active travel in the interests of sustainability.

17. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road.

Reason: In the interests of public health and visual amenity.

18. 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.

19. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the (a) the overlay road works along the R513 for 100m on both sides of the proposed site entrance and (b) footpath

upgrade works along the R513, which benefits the proposed development. 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 may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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