



Planning and Development Acts 2000 to 2018

Planning Authority: Cork County Council

Planning Register Reference Number: 17/00192

Appeal by Jason Swanton care of Dorothy Swanton of Licknavar, Skibbereen, County Cork and by Brendan McCarthy care of planning-appeals.ie of Derryveagh, Emyvale, County Monaghan against the decision made on the 19th day of December, 2017 by Cork County Council to grant subject to conditions a permission to Daly Products Limited care of O'Shea Consulting of 22 Barrington Street, Limerick in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a thermoplastic compounds production facility consisting of a two-storey office/laboratory building, two number production buildings, four number storage silos for storage of thermoplastic compounds in pellet form, warehouse, covered and bunded yard for storage of bins/skips, access road, vehicle yards, car park, two metres-high earth bund to east of site and associated site works and services, all at Poundlick, Baltimore Road, Skibbereen, County Cork.

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 the zoning objective of the site for business use in the West Cork Municipal District Local Area Plan 2017, and to the provisions of the Cork County Development Plan 2014 – 2020 in relation to industrial development, and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development of this serviced site would be appropriate and compatible with the existing industrial/commercial usage in the area, would not seriously injure the residential or visual amenities of the area, would not give rise to unacceptable environmental impacts, would not be prejudicial to public health and would, therefore, 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 was satisfied, based on its location, nature and scale, that the proposed development would be compatible with the zoning objective for the site and the existing pattern of development in the area. The Board was satisfied that, in relation to air, the mitigation proposed was appropriate for a facility of this nature and this location and that adequate information was available to the Board to enable it to make an informed decision on this matter. In relation to noise, the Board considered that, subject to compliance with standard noise control standards for a facility of this nature and scale, the impacts would be acceptable. The Board was satisfied that the proposed development would not be premature and that residential amenity and public health would be adequately protected.

Appropriate Assessment Screening

The Board noted the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination and adopted his conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any nearby European sites, in view of their conservation objectives

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 24th day of November, 2017 and by the unsolicited further information submitted on the 19th day of December, 2017, and by the further plans and particulars received by An Bord Pleanála on the 26th day of February, 2018, 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. Prior to commencement of development, the developer shall enter into a connection agreement with Irish Water in relation to the development.

Reason: In the interest of orderly development.

3. Details of the reinforced concrete retaining wall at the southern boundary of the site (supporting the L-8229-0) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on site. Such details shall include full design details, facing materials and fencing.

Reason: In the interests of road safety and visual amenity.

4. The development shall be amended as follows: -

- (a) A balancing tank for the storage of cooling water discharge shall be provided by the developer.

Details of the balancing tank, including its size and discharge rate, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order to protect the environment.

5. The site shall be landscaped, using only indigenous deciduous trees and hedging species in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) the establishment of a hedgerow along all side and rear boundaries of the site, and
- (b) new fencing along the southern boundary and additional planting of native trees and shrubs outside the natural hedging which exists along the entire southern boundary.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five 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 order to screen the development and in the interest of visual amenity.

6. The screening elements of the proposed development including retaining wall, bunding, acoustic fencing/barriers, shall be completed in the initial phase of the construction works.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape and in the interest of visual amenity.

7. All external finishes, materials and colours of the permitted development shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of visual amenity.

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:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;

- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Monitoring reports of noise, dust and vibration shall be submitted to the planning authority at monthly intervals during the construction of the proposed development;
- (k) Details of control measures for dewatering excavations;
- (l) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (m) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (n) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (o) Methodology for the use and control of any site piling proposed on-site during construction;
- (p) Access arrangements to be used by construction traffic visiting the site;
- (q) Details of any site security lighting proposed (which will not negatively impact on adjoining dwellings), and
- (r) Delivery of materials shall be organised so that deliveries are minimised at the morning or evening periods of peak flow.

Reason: In the interests of amenities, public health and safety, and orderly development.

9. Site development and building works shall be carried out only between the hours of 0700 and 1900 hours from Mondays to Fridays inclusive, between the hours of 0800 and 1400 hours on Saturdays and not at all on Sundays and 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 residential amenities of property in the vicinity.

10. Noise levels emanating during site operations when measured at the site boundary shall not exceed 55dBA (30 minute Leq) between 0800 hours and 1800 hours, and shall not exceed 45 dBA (15 min Leq) at any other time. All sound measurements shall be carried out in accordance with ISO Recommendations R 1996, "Assessment of Noise with Respect to Community Response" as amended by ISO Recommendations R 1996/1, 2 and 3, "Description and Measurement of Environmental Noise", as appropriate." If noise contains a discrete, continuous tone (whine, hiss screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dbA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels

Reason: To protect the local environment.

11. Prior to the commencement of development appropriate water pollution protection infrastructure (oil and sediment interceptors) shall be agreed in writing with the planning authority, and shall be installed on the surface water drainage system. This shall be in place prior to the commencement of operations at this facility. The drainage system shall be monitored and maintained for the lifetime of the facility to the written satisfaction of the planning authority.

Reason: To ensure the protection of Roaringwater Bay and Islands Special Area of Conservation.

12. Details of a facility for 20 number cycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Before first occupation of the proposed development the 20 number cycle stands shall be provided to the satisfaction of the planning authority.

Reason: To encourage more sustainable modes of transportation.

13. Sight distance of 65 metres to the west and 65 metres to the east shall be provided from centre point of entrance 2.4 metres back from the realigned nearside broken yellow line. No vegetation or structure shall exceed one metres in height within the sight distance triangle.

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

14. Before any development commences details of location of disabled car parking facilities to serve the proposed development shall be submitted to and agreed in writing by the Planning Authority. The spaces identified shall be designed and laid out to the appropriate current standard

Reason: To facilitate access by disabled persons.

15. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

16. Storm attenuation measures shall be incorporated into the proposed storm water system. Fully detailed storm water attenuation proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. These proposals shall include detailed site specific design, layout and section drawings and construction details as well as detailed proposals for the operation, maintenance and silt management of the system.

Reason: In the interest of public health.

17. Existing inlets or drains taking surface water from the public road (to the south of the site - the L-8229-0) into the site shall be piped where required and maintained, and shall be connected to the surface water system to the north of the site - downstream of the "hard surface" surface water system.

Reason: To prevent flooding of the public road.

18. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

19. 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.

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

Dated this day of 2018.