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**Planning and Development Acts 2000 to 2018**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 18/6706**

**Appeal** by Declan Murray of Teereeven, Lissarda, County Cork against the decision made on the 4<sup>th</sup> day of December, 2018 by Cork County Council to grant subject to conditions a permission to Palfab Limited care of Lynch and Associates of The Corner House, South Square, Macroom, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** (a) Demolition of part of existing sawmill building (damaged by fire) on north side of existing sawmill, (b) alterations and rebuilding of sawmill (damaged by fire) in same location and (c) associated site works. The proposed development is being carried out on a site which comprises of an activity requiring an Integrated Pollution Control Licence. All at Dunisky, Lissarda, Macroom, 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 provisions of the current Cork County Development Plan, the existing established industrial use, the pattern of existing and permitted development in the vicinity and having regard to the submissions made in connection with the planning application and the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health. 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, 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 structure shall be used solely as that permitted herein and no change of use shall take place without the benefit of a further grant of planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, as amended.

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

3. This permission refers strictly to the development as described in the documents lodged with the planning authority on the 12<sup>th</sup> day of October, 2018, except as may otherwise be required in order to comply with the following conditions. For the avoidance of doubt, this permission does not infer any permission for the works previously permitted under planning register reference number 16/5563.

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

4. (a) 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.
- (b) Storm attenuation measures shall be incorporated into the proposed storm water system. Detailed storm water attenuation proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These proposals shall include detailed, site specific design, layout and section drawings and construction details together with detailed proposals for the operation, maintenance and silt management of the system.
- (c) No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse and detailed proposals for installation and maintenance of silt traps and other measures to ensure this shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) The developer shall establish a programme of monitoring to ensure effectiveness of silt control and other water quality protection measures. This programme shall include the carrying out of physical and chemical sampling on the stream adjacent to the site. Detailed proposals for the monitoring programme, including parameters, location of points and frequency of testing, shall be submitted to, and agreed in writing with, the planning authority before any development commences, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

- (e) 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:** In the interest of public health and to ensure a proper standard of development.

- 5. (a) The construction of the development shall be managed in accordance with a Construction Environmental 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 noise management measures and off-site disposal of construction/demolition waste.
- (b) Operations on site, both during the construction phase and following commissioning shall be carried out in such a manner that no polluting material enters the watercourses around the site.
- (c) Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 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

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
  - (ii) An Leq, 15 min value of 45 dB(A) at any other time. 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 1996:2007: Acoustics – Description and Measurement of Environmental Noise.

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

7. (a) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.
- (b) During the construction phase of the proposed development, the noise level emanating from the development, as measured at the nearest specified noise monitoring locations shall not exceed:-

An Leq, 1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

An Leq, 15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

**Reason:** To protect the residential amenities of property in the vicinity.

8. All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site.

**Reason:** To safeguard the amenities of the area.

9. No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The developer shall arrange for vehicles leaving the site to be kept clean.

**Reason:** In the interest of orderly development.

10. During construction, the developer shall provide adequate off-carriageway parking facilities for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

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

11. 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.

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

**Dated this            day of            2019.**