

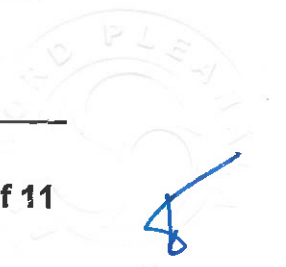
Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04516

Appeal by Kevin T. Finn of Kingston Close, Mitchelstown, County Cork against the decision made on the 24th day of June, 2021 by Cork County Council to grant subject to conditions a permission to Kerrygold Butter Packing Ireland Limited care of RKD Architects of 59 Northumberland Road, Ballsbridge, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: An extension (4,364 square metres) to the existing Butter Processing Facility (6,146 square metres) for the manufacture, packaging and distribution of Butter products permitted by Cork County Council planning application references 145908 and 196855. The proposal will comprise: extensions adjoining the main building ranging from circa 9.35 metres to 18.85 metres in height consisting of: circa 330 square metres of office/ancillary accommodation arranged over two storeys, circa 1,219 square metres of ground floor production space, with circa 331 square metres of first floor/mezzanine production space, circa 1,987 square metres of single storey storage/distribution space, enclosed plant space circa 118 square metres with open plant area above of circa seven metres in height and a single storey liquid ingredients intake building extension circa 68 square metres with open plant area above of circa 9.5 metres in height. Seven number new liquid



storage silos of circa 15 metres in height with associated access platforms. A new single storey maintenance store circa 103 square metres of circa 5.5 metres in height. A new enclosure for existing wastewater pre-treatment equipment circa 112 square metres of circa four metres in height. A new enclosure to the existing process water storage tank of circa 96 square metres of circa 5.5 metres in height. Relocation of existing liquid storage unit. Existing external signage relocated on western elevation. 36 number new car parking spaces in a new parking area containing 72 spaces of which 36 are displaced by the proposed extension, 17 number new bicycle parking spaces, four number new motorcycle parking spaces. Landscaping, hardstandings, underground services and ancillary works. All on site area of 2.62 hectare. All access to and from the site will remain by way of the existing access road to Castlefarm from the N73 (Kildorrery) roundabout. The application relates to a development which is located on a site which operates under Industrial Emissions License P0404-02, at Kerrygold Park, Mitchelstown, 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

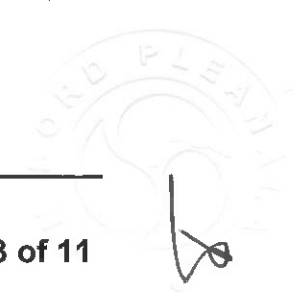
In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

Having regard to:

- (a) the established nature of the existing butter processing facility on the site, the nature, scale and form of the proposed development, and its location within an established agri-food industrial complex,
- (b) the mitigation measures which are proposed for the construction and operation phases of the proposed development,
- (c) the provisions of the current Cork County Development Plan and the Fermoy Municipal District Local Area Plan 2017, including the zoning of the subject lands under the latter plan for industrial use and the specific development objective for the expansion of the existing food-related industry on the site,
- (d) the pattern of development in the area including the proximity to the existing Dairygold facility and the separation distance of the site from existing dwellings and the town of Mitchelstown, and
- (e) the Inspector's report,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the current Cork County Development Plan and the Fermoy Municipal District Local Area Plan, would not seriously injure the residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

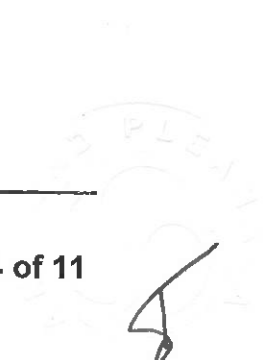


Conditions

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 22nd day of March 2021, the 27th day of April, 2021 and the 12th day of May 2021, 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. (a) All environmental mitigation measures set out in the Environmental Impact Assessment Report and associated documentation submitted by the applicant with the application shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this Order.

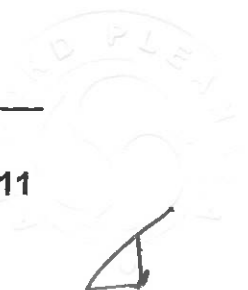


- (b) Monitoring of the construction phase shall be carried out by a suitably qualified competent person to ensure that all environmental mitigation measures contained in the documentation which accompany the application are fully implemented. A designated member of the company's staff shall interface with the planning authority or members of the public in the event of complaints or queries in relation to environmental emissions. Details of the name and contact details and the relationship to the operator of this person shall be available at all times to the planning authority on request whether requested in writing or by a member of staff of the planning authority at the site.

Reason: In the interest of clarity, to protect the environment during the construction and operational phases of the development and to safeguard the amenities of the area.

3. All Heavy Goods Vehicles and vehicular traffic accessing and exiting the site at the construction and operational phases shall use the western entrance to the Castlefarm Dairy complex from the N73 Kildorrery Roundabout only.

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



4. (a) Prior to the commencement of development, the developer shall enter into a water/wastewater connection agreement with Irish Water.
- (b) Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

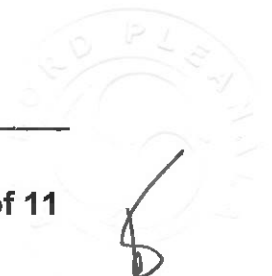
Reason: In the interest of public health and to ensure a proper standard of development.

5. Lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The scheme shall minimise obtrusive light outside the boundaries of the development at all times.

Reason: In the interests of amenity and public safety.

6. 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 include all mitigation measures arising from the Environmental Impact Assessment Report and provide details of intended construction practices for the development, including: -
 - (a) hours of operation,
 - (b) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,

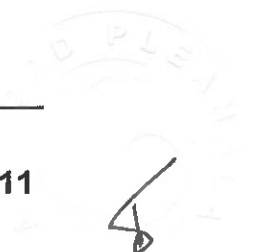
- (c) location of areas for construction site offices and staff facilities,
- (d) details of site security fencing and hoardings,
- (e) details of car parking facilities for site workers during the course of construction,
- (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
- (g) measures to obviate queuing of construction traffic on the adjoining road network,
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (i) 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,
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (k) 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,



- (l) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains,
- (m) a maintenance contract for the oil interceptor to ensure it is emptied on a regular basis shall be submitted,
- (n) details of construction lighting, and
- (o) details of key construction management personnel to be employed in the development.

The plan shall include measures for monitoring dust, noise, groundwater and surface water and shall include a proposal for periodic reporting to the planning authority. A record of daily checks that the works are being undertaken in accordance with the Construction and Environmental Management Plan and monitoring results as appropriate shall be available for inspection by the planning authority. A Construction Manager shall be appointed to liaise directly with the planning authority Council for the duration of the construction of the scheme.

Reason: In the interests of amenities, environmental protection, and public health and safety.



7. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

8. All solid wastes arising on the site shall be recycled as far as possible. Materials exported from the site for recovery, recycling or disposal shall be managed at an approved facility and in such a manner as is agreed with the planning authority. In any case, no such wastes shall be stored on the site except within the confines of the buildings on site. Adequate on-site arrangements for the storage of recyclable materials prior to collection shall be made to the satisfaction of the planning authority.

Reason: To safeguard the amenities of the area.

9. The site shall be landscaped and planted in accordance with a scheme to comprise predominantly native and naturalised hedgerow, shrub and tree species reflecting those species naturally occurring in the locality. Full details shall be submitted in a Landscape Plan to be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Prior to the commencement of development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking.

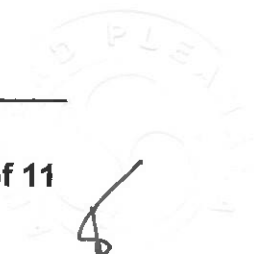
Reason: In the interest of encouraging the use of sustainable modes of transport.

11. Vegetation or any structure shall not exceed one metre in height within the sight distance triangle.

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

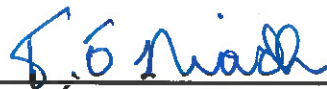
12. The developer shall provide continuous ambient air N02/NOx monitoring at a location to be agreed with the planning authority and the Environment Protection Agency. Monitoring equipment shall comply with EN 14211, or as otherwise agreed.

Reason: To provide for the protection of public health and the environment.



13. 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



Terry Ó Niadh

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

Dated this 19th day of January 2022.

