



Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/05363

APPEAL by Sirio Investment Management Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork against the decision made on the 12th day of July, 2021 by Cork County Council to refuse permission for the proposed development.

Proposed Development: Construction of a modern service station comprising a one storey forecourt building, a forecourt with canopy, six pump islands, three underground fuel tanks, electric vehicle charging stations, parking for vehicles, coaches and HGV's and signage. A new access road is proposed onto the L-92004-0 Road and improvement works are proposed to the existing entrance onto the N20 Road, including provision of a right-hand turning lane on the N20 Road. The forecourt building includes: (1) retail shop; (2) delicatessen; (3) restaurant with drive through facilities and drive through lane; (4) internal seating and dining area; (5) sale of hot and cold food for consumption both on and off the premises from the delicatessen; (6) ancillary space for staff, office and storage; (7) toilet facilities; (8) service yard with bin storage; and (9) external seating area. The proposal will also comprise of all associated ancillary site development works, including pedestrian access, internal roads and round-about, parking, footpaths, crossings, landscaping and boundary treatments and drainage, all at N20 Road, Killnockan and Lackanalooha (Townlands), Mallow, County Cork.

Decision

REFUSE permission for the above proposed development in accordance with the reasons and considerations set out below.

Reasons and Considerations

1. Having regard to the peripheral location of the site on the outskirts of Mallow Town, 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, the extent of car parking to be provided, including provision for HGV and coach parking, the presence of a similar service area in the vicinity of the site, and the lack of appropriate links to the town centre, it is considered that the proposed service station would be contrary to the Spatial Planning and National Roads Guidelines for Planning Authorities published by the Department of the Environment, Community and Local Government in January 2012 which requires that such facilities be plan-led and 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 also be contrary to the objectives of the Retail Planning Guidelines for Planning Authorities published by the Department of the Environment, Community and Local Government in April 2012 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 conflict with the objectives of the development plan and the said Guidelines and would, therefore, be contrary to the proper planning and sustainable development of the area.

2. On the basis of the information provided with the planning application and the appeal, including the Natura Impact Statement, the Board is not satisfied that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) or any other European Site in view of the sites' 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 (Cork/Waterford) Special Area of Conservation (Site Code: 002170). In such circumstances, the Board is precluded from granting permission for the proposed development.

Dr. Maria Fitzgerald

Maria Fitzgerald

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *9th* day of *January* 2023.

