

Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04638

Appeal by Pat and John Ahern of Barryscourt, Carrigtwohill, County Cork, and by Others against the decision made on the 24th day of November, 2021 by Cork County Council to grant subject to conditions a permission to Owenacurra Agri care of PABIA Consulting Limited of 1G North Valley Business Centre, Mallow Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Provision of (1) a grain store (2827.36 square metres) comprising three number storage bays complete with silo, elevators, conveyors, drying and air handling plant, (2) agricultural farm shed (1454.40 square metres) comprising agricultural machinery and hay/straw storage areas, (3) horse stables (550.22 square metres) comprising seven number stalls for breeding/rearing of blood stock with ancillary toilet and feed storage areas and a mezzanine storage level, (4) dungstead, (5) concrete surfaced farmyard, (6) two number overground LPG storage tanks in farmyard, (7) relocation of existing farm entrance on local road L7645, (8) internal access road linking relocated farm entrance to new farmyard, (9) 1.1 metres high timber-effect concrete fencing and gates to farm site frontage, internal access road and farmyard, (10) provision of 10pe treatment plant and polishing filter,

(11) construction of infiltration basin and landscaped berm including re-grading of adjacent farm field levels, plus (12) weighbridge record office (94.36 square metres) including weighbridge record system, grain quality-control testing laboratory, farm office and staff welfare facilities, (13) two number weighbridges, and (14) all associated site works, at Barryscourt, Carrigtwohill, 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.

Reasons and Considerations

Having regard to the established use of the site for agricultural purposes and the nature and extent of the proposed grain store, the scale of the development relative to the site area, the pattern of development in the area, and the landscaping of the site 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 or of property in the vicinity 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 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 to the planning authority on the 29th day of October 2021 and the 4th day of November 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 development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The vehicular entrance shall be recessed a minimum of 4.5 metres from the front boundary fence and side walls and shall be splayed at an angle of 45 degrees. The walls and piers shall not exceed a height of one metre over the level of the adjoining road.
- (b) Sight distance of 120 metres to the north and 120 metres to the south shall be provided from the centre point of the entrance three metres back from the road.
- (c) The recommendations of the Road Safety Audit submitted to the planning authority by the applicant shall be implemented.

Reason: In the interest of traffic safety.

3. Detailed specification for the access road shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and visual amenity.

4. The roof and elevational cladding of the proposed grain storage and ancillary buildings shall be coloured dark green unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development and to prevent pollution.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26th day of November, 2020, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

- (b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.
- (c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the operation of the facility and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.
- (d) Surface water soakways shall be located such that the drainage from the buildings and paved areas of the site shall be diverted away from the location of the polishing filter.
- (e) Within three months of the operation of the facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

- 7. The grain store shall be operated in such a manner to ensure that the surrounding ground is kept clean and clear of grain and other materials and, if the need arises, for cleaning works to be carried out on the site.

Reason: To ensure that the surrounding yard is kept in a clean condition and in the interest of public health.

8. Storage of grain shall be confined to the grain store. There shall be no open storage of grain on the site.

Reason: In the interest of clarity.

9. Unless otherwise agreed in writing by the planning authority, the grain store shall not be used or operated outside 0800 hours and 2000 hours, Monday to Saturday (excluding bank holidays).

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

10. Appropriate measures shall be implemented on site to control dust arising. Total dust deposition values shall not exceed 350 mg/m²/day averaged over a 30 day period.

Reason: In the interest of public health.

11. Noise emissions from the site when measured at site boundaries shall not exceed 55 dB (LAeq 30 min) between 0800 hours and 2000 hours, Monday to Friday and 45 dB (LAeq 15 min) at any other time. Daytime level shall be rated by the inclusion of a 5 dB penalty where emissions from the site include total or impulsive characteristics. No tones or impulses (for example, warning signals from reversing vehicles) shall be permitted between 2000 hours and 0800 hours.

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

12. A comprehensive noise survey shall be undertaken by the developer during each grain drying season, or at other times as may be required by the planning authority. Survey results shall be made available to the planning authority when requested.

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

13. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of traffic safety and convenience, and to protect the amenities of the area.

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

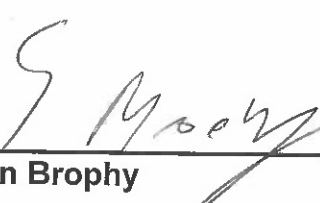
Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

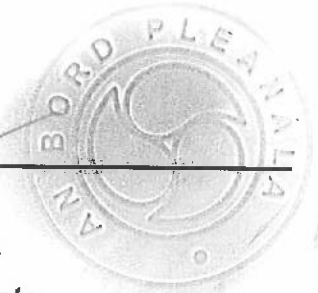
15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

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



Dated this 14th day of March 2023.