

An
Coimisiún
Pleanála

**Commission Order
ABP-317302-24**

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 225936

Appeal by Ruth Ball of Lisnagree, Charleville, County Cork against the decision made on the 17th day of May 2023 by Cork County Council to grant, subject to conditions, a permission to Dairy and Engineering Services Limited care of Reidy Drawing Services of Ballinakill West, Newtown, Charleville, County Cork in accordance with plans and particulars lodged with the said Council.

Proposed Development: (a) Permission for retention of existing hard standing area, (b) permission to concrete over existing hard standing area and install external steel racking, (c) permission to construct a new steel storage warehouse and external steel racking, and all associated site works, all at IDA Industrial Estate, Kilmallock Road, Rathgoggan Middle, Charleville, 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 location of the development proposed to be retained and the proposed development within an established industrial estate, to the 'Existing Mixed/General Business/Industrial Uses (MGB)' land use zoning objective pertaining to the site under the Cork County Development Plan 2022-2028 and Objective ZU 18-10 of the said Development Plan, to the nature of the development comprising an extension to an existing industrial facility, to the design, layout and separation distances to residential properties, and to the quality of the road network serving the site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and the proposed development would not seriously injure the residential amenities of property in the vicinity and would, therefore, be acceptable in terms of traffic safety and convenience.

Furthermore, having regard to a portion of the site being located in an area at risk of flooding, to the classification of the land use as a 'less vulnerable development' under the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), to the application of the Justification Test and to the proposed mitigation measures as specified within the site-specific flood risk assessment (SSFRA), it is considered that the development proposed for retention and proposed development would not be prejudicial to public health and would not increase the risk of flooding. The development as proposed would, therefore, comply with objectives WM 11-16 (Flood Risks – Overall Approach) and WM 11-17 (Development in Flood Risk

Areas) of the Cork County Development Plan 2022-2028. Overall, it is considered that the development proposed to be retained and the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be retained, carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 20th day of April, 2023, the 24th day of April, 2023 and the 12th day of May, 2023, and the further particulars received by An Bord Pleanála on the 17th day of January, 2025, 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 buildings shall be used solely for purposes relating to steel storage and steel racking and shall not be used for retail use.

Reason: In the interest of clarity and to protect the industrial nature of the lands.

3. The mitigation measures contained within the Site-Specific Flood Risk Assessment, received by An Bord Pleanála on the 17th day of January 2025, shall be implemented in full. Prior to commencement of development, a revised site layout plan illustrating these mitigation measures shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interest of public health.

4. (a) The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.
- (b) Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to prevent water pollution.

5. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

6. During the operational phase of the proposed development, the noise level shall not exceed:
- (a) 55 dB(A) rated sound level between the hours of 0700 to 1900,
 - (b) 50 dB(A) between the hours of 1900 and 2300 and
 - (c) 45 dB(A) 15min Leq, at all other times, as measured at the nearest noise sensitive location.

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

7. The facility shall only operate between the hours of 0730 and 1800 Monday to Friday and between 0800 to 1400 hours on Saturdays.

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

8. No additional floor space shall be provided in any structure, either by way of sub-division of any structure, or the provision of mezzanine floor space, or otherwise, without a prior grant of planning permission.

Reason: To control the intensity of development on the site.

9. Details of any proposed external lighting shall be submitted to the planning authority for written agreement prior to commencement of the development. Any external lighting shall be directed and cowled away from residential properties such as to reduce, as far as possible, the light scatter over adjacent houses and gardens.

Reason: In the interest of residential amenity.

10. All goods, including raw materials, manufactured goods, packaging and crates shall be stored or displayed only within the enclosed warehouse and storage rack buildings.

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. The construction of the development shall be managed in accordance with the construction and environment waste management plan submitted to the planning authority on the 20th day of April 2023.

Reason: In the interest of environmental protection.

13. Prior to commencement of development, the developer shall submit details of car parking design, layout, turning areas, loading and unloading areas and traffic movements, to the planning authority for agreement in writing.

Reason: In the interest of sustainable transport and safety.

14. (a) No dust, mud, debris or other material shall be carried onto or deposited onto the public road.
- (b) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

15. (a) A landscaping scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the western boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.
- (b) 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, in the interest of visual amenity.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.


Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties.

17. 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 satisfactory completion of landscaping works, vehicular markings and parking delineation, removal of all goods and materials from the site and the implementation of silt traps coupled with an agreement empowering the planning authority to apply such security or part thereof to such works. 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 Coimisiún Pleanála for determination.

Reason: To ensure satisfactory completion of the development.

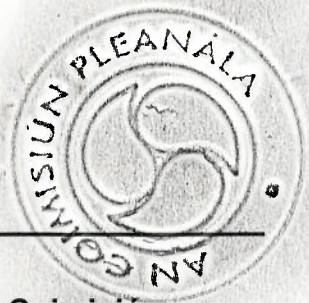
18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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 Coimisiún 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.



Emer Maughan

**Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 14th day of November 2025