



An
Bord
Pleanála

Board Order
ABP-318783-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 234998

Appeal by Wild Irish Defense and Peter Sweetman care of Peter Sweetman and Associates of P.O. Box 13611, Bantry, County Cork against the decision made on the 6th day of December, 2023 by Cork County Council to grant subject to conditions a permission to Dunhallow Sawmills Limited care of T.G. Lenihan and Company Limited of O'Brien Street, Kanturk, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a dry storage shed and all associated site work sat Dromahoe, Dromagh, Mallow, 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 nature and scale of the proposed development and the planning history pertaining to the site, and also having regard to Objective EC: 8-14 'Business Development in Rural Areas' of the Cork County Development Plan 2022-2028 which seeks to encourage proposals that will not adversely affect the character, appearance and biodiversity value of the rural landscape, it is considered that, subject to compliance with the conditions set out below, the proposed development is of a scale and nature appropriate to the rural area and would not result in an intensification of traffic movements. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River Special Area of Conservation (Site Code: 002170) is a European Site for which there is a possibility of significant effects and which must therefore be subject to Appropriate Assessment.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for this European Site in view of the site's conservation objectives. The Board considered that the information before it, was sufficient, to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using best available scientific knowledge in the field.

In completing the assessment, the Board considered, in particular, the following:

- (i) the site specific conservation objectives for the European Site,
- (ii) the current conservation status, threats, and pressures of the qualifying interest features,
- (iii) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans and projects, and
- (iv) mitigation measures which are included as part of the current proposal.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the implications of the proposed development on the integrity of the aforementioned European Site, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Site in view of the site's conservation objectives and there was no reasonable scientific doubt as to the absence of such effects.

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 received by the planning authority on the 17th day of October 2023, and further information received by An Bord Pleanála on the 19th day of February 2024, 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 mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

The proposed silt fence, as illustrated in drawing number 6416-06 Rev 00 received by An Bord Pleanála on the 19th day of February 2024, shall be erected as part of the site set up, prior to commencement of development, and monitored daily by the main contractor and silt removed where required. Damaged fences shall be repaired immediately.

Reason: To protect the integrity of the Blackwater River Special Area of Conservation (Site Code: 002170).

3. All roadside boundary works, and drainage works at the vehicular entrance as illustrated in site layout plan drawing number 6416-04 Rev 00 received by the planning authority on the 17th day of October 2023 and drawing number 6416-06 Rev No. 00 received by An Bord Pleanála on the 19th day of February 2024 shall be carried out prior to construction of the dry storage shed.

Reason: In the interest of road safety.

4. (a) Use of the dry storage shed shall be restricted to the use specified in the documentation submitted to the planning authority on the 17th day of May 2023 and the 17th day of October 2023 and any change of use, whether within the use class for exempted development of the Planning and Development Regulations, 2001, as amended, or otherwise, shall be subject to the prior permission of the planning authority.
- (b) All goods, including raw materials, manufactured goods, packaging, and crates shall be stored or displayed only within the enclosed dry storage shed.

Reason: In the interests of orderly development and protection of the visual amenities of the rural area.

5. The landscaping scheme shown on drawing number 6416-01 Rev No. 01, as received by the planning authority on the 17th day of October 2023 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out: New hedgerow planting shall include plant species detailed in section 8.6 of the Natura Impact Statement received by the planning authority on the 17th day of October 2023 (excluding Ash, due to Ash die back).

All planting shall be adequately protected from damage until established. 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 the interest of visual amenity and to protect biodiversity.

6. Cutting or removal of trees, hedgerow and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st of August.

Reason: To protect biodiversity.

7. The works shall be carried out in accordance with the Inland Fisheries Ireland's 'Guidelines on Protection of Fisheries During Construction Works in and Adjacent to Waters' (2016).

Reason: To protect biodiversity.

8. 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.



Tom Rabbette

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

Dated this 27th day of Feb 2025.