

An
Bord
Pleanála

Board Order

ABP-319347-24

Planning and Development Acts 2000 to 2022

Planning Authority: Cork County Council

Planning Register Reference Number: 23/5057

Appeal by Kevin T. Finn of 1 Kingston Close, Mitchelstown, County Cork against the decision made on the 5th day of March, 2024 by Cork County Council to grant, subject to conditions, a permission to Dairygold Co-Operative Society Limited care of McCurdy Associates Consulting Engineers Limited of 10 Ormonde Street, Kilkenny in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a new link road from the production plant to the wastewater treatment plant. Realignment of an existing access road from Castlefarm Road to the wastewater treatment plant. Associated surface water drainage, footpaths, lighting, security fencing, car parking and security gates. Change of use from 'Residential/Mixed Residential and Other Uses' to 'Mixed/General Business/Industrial Uses' for part of the new link road. Both roads will have an asphalt surface finish, all at Castlefarm Road, 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.

Reasons and Considerations

Having regard to the pattern and character of development in the area, and particularly the existing established use on the majority of the site and associated zoning, the ancillary nature and limited scale of the proposed link road and containment of traffic within the site, its set-back from the curtilage of residential property and the provision of an acoustic barrier in a residential zone, together with the provision for a future walkway as intended under Objective MC-U-02 of the current development plan, it is considered that, subject to compliance with the conditions set out below, the proposed development will remove HGV traffic associated with the overall complex from the historic town centre Architectural Conservation Area and the public access section of the Castlepark Road, would not materially conflict with the objectives for the area as contained in the Cork County Development Plan 2022-2028, would not seriously injure the amenities of the area or property in the vicinity, would not detract from the architectural or archaeological heritage and would be acceptable in terms of traffic safety and convenience and the protection of biodiversity. 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 received by the planning authority on the 7th day of December, 2023 and on the 9th 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 proposed development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This planning permission is for the development as described in the public notices. Notwithstanding the provision for exempted development, no vehicles, goods, raw materials or waste products shall be placed or stored on or alongside the proposed road or any part of the proposed development area.

Reason: In the interest of clarity, public health and visual amenity.

3. The proposed development shall be amended as follows:
 - (a) The proposed footpath along Castlefarm Road in the direction of the Church and Graveyard sites (RPS number 01357), within the grounds of the Demesne and forming part of the setting of the 'Demesne, Castle, Gardens and Buildings', shall be at least 1.8 metres in width and shall be landscaped.
 - (b) The proposed palisade type fencing and footpath surface along the pedestrian route shall be re-designed to harmonise with the architectural and historical heritage of the burial site and remaining extant demesne buildings (RPS number 01359).

- (c) The proposed footpath shall provide pedestrian access for employees into the Dairygold site. Details of lighting scheme to be provided. The footpath shall otherwise be constructed and dished in accordance with the requirements of the planning authority.
- (d) Revised details showing vehicular access to the carparking area associated with the Graveyard.

Revised drawings showing compliance with these requirements, together with details for signage and the maintenance and management of the pedestrian link to the Graveyard and access arrangements to the sites, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity, pedestrian safety and to protect the setting of a site of heritage value.

- 4. The landscaping scheme shown on drawing number A31 and A32 prepared by JW Garden Design, as submitted to the planning authority on the 9th day of February 2024 shall be carried out within the first planting season following substantial completion of external construction works.
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 residential and visual amenity.

5. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained, as submitted to the planning authority, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- (b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the tree(s), together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and agreed in writing with, the planning authority.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

6. (a) Prior to commencement of road works, screen walls shall be provided along the redline boundary to the west of Castle Park House to screen its side and rear garden from public view and these walls shall be provided with acoustic measures as submitted and as clarified in the further information received by the planning authority on the 9th day of February 2024. Details of material, finishes and height shall be submitted for prior written agreement with the planning authority.
- (b) Details of revised fencing design in lieu of proposed palisade fencing along western portion of new access road and details of security gates to waste water treatment plant including material, finishes and height shall be submitted for prior written agreement with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. In this regard SuDS measures, silt traps and petrol interceptors shall be provided. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To prevent flooding and in the interest of sustainable drainage.

8. Only clean, uncontaminated storm water shall be discharged to the soakaway.

Reason: In the interest of public health.

9. No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:

- (a) Soil and subsoil cross-sections.
- (b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.

Reason: In the interest of visual amenity and surface water run-off control.

10. All road works shall comply with the requirements of Uisce Éireann in respect of the protection of its piped infrastructure.

Reason: In the interest of public health.

11. The developer shall comply with the detailed requirements of the planning authority in respect of road construction, gradient and surface finishes, entrance design and layout and marking out of the proposed car park spaces.

Reason: To ensure a satisfactory standard of development and in the interest of public safety.

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or 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.

13. A final Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The CEMP shall include, but not be limited to, construction phase controls for invasive species eradication, dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of public safety and amenity.

14. The mitigation measures contained in the submitted Ecological Impact Assessment Report (EclA), as updated by details received by the planning authority on the 9th day of February, 2024, shall be implemented in full.

Reason: To protect the environment.

15. Prior to the opening of the new link road, a revised Mobility Management Plan (MMP) shall be submitted to, and agreed in writing with, the planning authority. This shall provide pedestrian facilities and for incentives to encourage the use of public transport, cycling and walking by staff employed in the development. The mobility strategy shall be prepared and implemented by the developer.

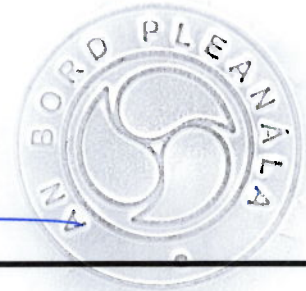
Reason: In the interest of encouraging the use of sustainable modes of transport.



Emer Maughan

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**



Dated this 17th day of June 2025