

An  
Coimisiún  
Pleanála

Commission Order

ABP-319609-24

**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 23/5083**

**Appeal** by Limerick Road Residents' Association care of Potter and Finn Chartered Consulting Engineers of 1 Kingston Close, Mitchelstown, County Cork against the decision made on the 2<sup>nd</sup> day of April, 2024 by Cork County Council to grant subject to conditions a permission to Nocsy 4 Limited care of Thornton O'Connor Town Planning of 1 Kilmacud Road Upper, Dundrum, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of three number warehouse units (Unit A, Unit B and Unit C) with ancillary office and staff facilities and associated development as follows: Warehouse 'Unit A' will have a maximum height of 15.7 metres with a gross floor area of 8,550 square metres comprising warehouse area (7,702 square metres) and ancillary offices (433 square metres) with staff facilities (415 square metres). Warehouse 'Unit B' will have a maximum height of 17.15 metres with a gross floor area of 11,973 square metres comprising warehouse area (10,958 square metres) and ancillary offices (566 square metres) with staff facilities (449 square metres). Warehouse 'Unit C' will have a maximum height of 16.5 metres with a gross floor area of 6,691 square metres comprising warehouse area (6,141 square metres) and ancillary offices (288 square metres) with staff facilities (262 square metres). The development will also include the demolition of two number existing agricultural sheds, the provision of a vehicular and pedestrian

entrance to the site from the Limerick Road (R513), an internal estate road with internal access/egress spurs, footpaths and pedestrian accesses, 163 number car parking spaces, including EV and accessible parking spaces, marshalling yards, gates, level access goods doors and associated ramps, dock levellers, bicycle parking, lighting, ESB substations, wastewater pumping station, plant, including firefighting tank, external canopies, green walls, boundary treatments, hard and soft landscaping and all associated site and development works above and below ground, all at Garrane, Mitchelstown, County Cork, as revised by the further public notices received by the planning authority on the 5<sup>th</sup> day of March, 2024. The lands are generally bound to the north by the L95131-1 road, to the south by dwellings and greenfield lands, to the east by greenfield lands, and to the west by dwellings and the Limerick Road(R513). An existing vacant structure (Gurrane House) is located at the north-western boundary of the site.

## **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 Cork County Development Plan 2022-2028, and the MH-I-04 Industrial Area zoning of the site located within the development boundary of Mitchelstown, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning policy to develop medium to large scale industry, including for warehouse uses at this location within the town, would facilitate safe active travel options between the site and Mitchelstown Town Centre, would not have a significant impact on the residential amenities of the adjoining neighbouring properties, would not result in a significant impact on the operation of the road network, would not result in a traffic hazard, and would provide for biodiversity within the site. 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 4<sup>th</sup> day of September, 2023 and on the 29<sup>th</sup> day of January, 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. The mitigation measures contained in the submitted Ecological Impact Assessment report and Bat Activity Survey Report shall be implemented in full and shall remain effective throughout the lifetime of the development.

**Reason:** To protect the environment and the amenity of neighbouring residential properties.

3. The proposed development shall be amended so that provision shall be made for a shared active travel facility (refer to TL106 of the Cycle Design Manual NTA/Department of Transport 2023) along the site frontage instead of the proposed pedestrian footpath. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of sustainable transportation.

4. The developer shall carry out the proposed road widening, shared active travel facility (as per condition number 3) and pedestrian crossing along with integrated traffic calming works as the first phase of the proposed development at its own expense. A phasing plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development.

5. (a) Noise levels emanating from the proposed development when measured at existing noise sensitive locations shall not exceed 55 dBA (30-minute LAR) between 0700 hours and 1900 hours, 50 dBA (30-minute LAR) between 1900 hours and 2300 hours and 45 dBA (15-minute Leq) between 2300 and 0700 hours.

- (b) The mitigation measures contained in the submitted Noise Impact Assessment Report, as supplemented by the further plans and particulars received by the planning authority on the 4<sup>th</sup> day of September, 2023 and on the 29<sup>th</sup> day of January, 2024, shall be implemented and shall remain effective throughout the lifetime of the development.

**Reason:** To safeguard the amenities of the area and in order to control noise emissions from the development.

6. Prior to commencement of development the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water and wastewater facilities.

7. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to commencement of development, the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.
- (c) Upon completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate that Sustainable Urban Drainage System measures have been installed, and are working as designed, and that there has been no misconnections or damage to storm water drainage infrastructure during construction shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.



8. Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

**Reason:** In the interest of amenity and public safety.

9. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a Construction Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the proposed development, including noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of public safety and amenity.

10. Prior to commencement of development, the developer, or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including a demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of proper planning and sustainable development.

11. 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.

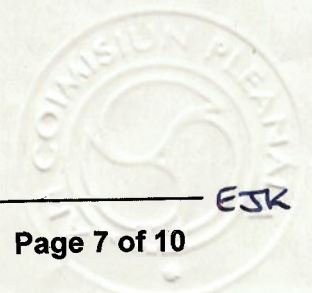
**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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. The landscaping scheme 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 seven 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.





14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual amenity.

15. A post construction, Stage 3, Road Safety Audit shall be carried out by a suitably qualified Audit Team for the completed road works. The team shall be provided with confirmed speed survey data to inform the auditors. Recommendations following the audit shall be agreed with the roads authority and implemented, as appropriate, at the sole expense of the developer.

**Reason:** In the interest of road safety and orderly development.

16. The developer shall implement, review, and update the submitted Workplace Travel Plan (Mobility Management Plan) on an ongoing basis. The Mobility Management Plan shall inform the details regarding the on-site facilities for staff, including the showers and lockers. Updates shall include updated informing travel survey information. Recommended measures shall be implemented, as appropriate. Updated Plans shall be submitted to the planning authority on request.

**Reason:** In order to encourage active travel in the interest of sustainability.

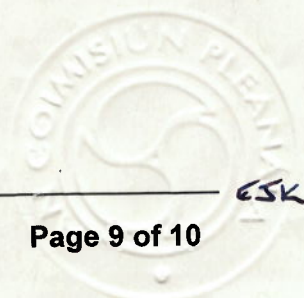


17. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road.

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

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.



19. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the overlay road works along the R513 for 100 metres on both sides of the proposed site entrance and footpath upgrade works along the R513, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

Eamonn James Kelly  
Eamonn James Kelly  
Planning Commissioner of An Coimisiún  
Pleanála duly authorised to authenticate  
the seal of the Commission.



Dated this 10<sup>th</sup> day of July, 2025.