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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 244477**

**Appeal** by Crane Worldwide Logistics Ireland Limited care of The Planning Partnership of The Coach House, Dundanion, Blackrock Road, Cork City, against the decision made on the 31<sup>st</sup> day of July 2024 by Cork County Council to grant, subject to conditions, a permission in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of the six metre wide and 5.5 metre high rapid action fire door link as constructed through the internal subdivision wall between Unit number 1A and Unit number 1B of building number 1 (which forms part of an overall permitted logistical, storage and distribution warehousing/wholesale warehousing development currently being constructed under Cork County Council planning register reference 19/5276), allowing for the internal movement of goods/materials, personnel and ancillary operational equipment between Unit number 1A and Unit number 1B; and permission for amendments/alterations to the operational hours of building Unit number 1 only (which forms part of an overall permitted logistical, storage and distribution warehousing/wholesale warehousing development currently being constructed under Cork County Council planning register reference 19/5276) by removing in its entirety the operational hours restriction as permitted by condition number 3 of 19/5276 (0700 hours to 2200 hours Monday to Friday

and 0800 hours to 1800 hours Saturdays) to facilitate Building unit number 1 to operate 24 hours a day, inclusive of Saturdays, Sundays and public holidays, at Building Unit 1 (Unit 1A and Unit 1B), Harbour Gate Business Park, Courtstown, Little Island, County Cork.

## **Decision**

**Having regard to the nature of the conditions the subject of the appeal, the Board is satisfied that the determination by the Board of the relevant application as if it had been made to it in the first instance would not be warranted and, based on the reasons and considerations set out below, directs the said Council under subsection (1) of section 139 of the Planning and Development Act, 2000 to REMOVE conditions numbers 2, 4 and 6 and the reasons therefor.**

### **Reason and consideration for removal of Condition number 2**

Having regard to the nature, scale and strategic employment location of the site, within the business and general employment zone, it is considered the development would accord with the Cork County Development Plan 2022-2028. Potential noise impacts can be appropriately mitigated by way of condition numbers 7, 8 and 12 and condition number 2, therefore, is unwarranted.

### **Reason and consideration for the removal of Condition number 4**

Having regard to the topography of the site along the western boundary, which involves a ground level change between the inside of the site and the lands immediately adjoining, increasing the height as specified by the condition would require works to be carried out on lands outside the ownership of the applicant and as such, these works would be out of scope of the application. Furthermore, the Board considered that the condition was unwarranted for the purposes of residential amenity protection.

## **Reason and Consideration for removal of Condition number 6**

The Board considered that a financial security is not warranted in this instance for the completion of the landscaping and non-compliance with a condition, should it arise, can be pursued by the enforcement authority under other means.

## **AMEND conditions numbers 5 and 7 so that they shall be as follows for the reasons set out.**

5. A revised landscaping plan shall be submitted to, and agreed in writing with, the planning authority. The plan shall be based on the landscaping proposal received by An Bord Pleanála on the 27<sup>th</sup> day of August 2024 and shall include semi mature tree planting.

The landscaping shall be implemented, in full, under the supervision of an appropriately qualified and experienced landscape architect within the first year following the granting of permission. Any trees that die or are removed shall be replaced in the first planting season thereafter.

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

7. A noise monitoring programme shall be implemented by the developer. The scope and methodology of this programme shall be submitted to, and agreed in writing with, the planning authority, prior to any operational nighttime activity in Unit 1. Continuous noise monitoring shall be carried out over a weekly period in the vicinity of the nearest noise sensitive receptor on an annual basis. The noise monitoring shall be undertaken by a suitable qualified person and conducted in accordance with ISO 1996: Description and Measurement of Environmental Noise, Parts 1 -3. The results of the survey shall be submitted to the planning authority

within one month of completion of the survey. The developer shall carry out additional noise mitigation measures as may be required by the planning authority following a review of each noise survey results.

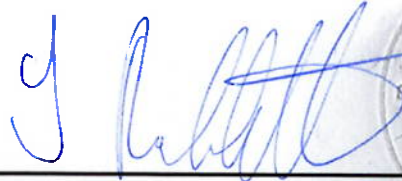
**Reason:** To safeguard residential amenity.

#### **Reasons and Considerations for amending Condition number 5**

Having regard to the location of the site in close proximity to a residential area and the objective of the Cork County Development Plan 2022-2028 to protect residential amenity in this area, it is considered that the landscaping plan would improve the visual amenity of the development and also protect the visual amenities of the adjoining residential area. Condition 5 is therefore in accordance with the proper planning and sustainable development of the area.

#### **Reasons and Considerations for amending Condition number 7**

In the interest of residential amenity protection and to ensure compliance with condition number 8.



**Tom Rabbette**

**Member of An Bord Pleanála**

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

Dated this 17<sup>th</sup> day of Feb 2025.