



An  
Coimisiún  
Pleanála

Commission Order  
ACP-323184-25

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**Planning and Development Act 2000, as amended**

**Planning Authority: Cork County Council**

**Planning Register Reference Number: 25/4252**

**Appeal** by Martin and Sinead Moloney of Lisnagree, Charleville, County Cork against the decision made on the 4<sup>th</sup> day of July, 2025 by Cork County Council to grant subject to conditions a permission to Charleville Hire and Platform Limited trading as CPH Limited care of DOSA of Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Retention of site floodlighting, two number ancillary single storey maintenance buildings, one number mobile tent structure for storage of battery-powered lift machines, increase in concrete hardstanding area inside gated entrance and along north-east boundary and its use as an ancillary outdoor storage area and all associated site works. Permission for the provision of a washdown separator to the existing power wash bay located on the extended concrete hardstanding, all at IDA Industrial Estate, Kilmallock Road, Rathgoggan Middle, Charleville, County Cork.

## **Decision**

**GRANT permission for the above 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 site zoning as Existing Mixed/General Business/Industrial Uses as set out in the Cork County Development Plan 2022-2028, and the planning history on site within an existing permitted site, it is considered that, subject to compliance with the conditions set out below, the development proposed to be retained and proposed development would not adversely affect the residential or visual amenity of adjacent properties, would be in accordance with the provisions of the Cork County Development Plan 2022-2028, and would, therefore, 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 10<sup>th</sup> day of June, 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 retained, carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Permission for the mobile tent structure is for a temporary period of five years from the date of this Order, after which time the structure shall be removed from the site, unless a separate grant of planning permission has first been made for the continuation of the use and maintenance of the associated structures.

**Reason:** To define the terms of the permission and to cater for orderly development of the area, and to permit the planning authority to reassess the situation in light of the circumstances at that time.

3. The two number ancillary single storey maintenance buildings and the one number mobile tent shall be used solely for purposes relating to plant and tool hire and associated storage, repair and maintenance and shall not be used for retail use without the prior grant of planning permission.

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

4. All maintenance and repair of plant and tools shall take place within the confines of the structures subject of condition number 3 above and no such activities shall take place within the concrete hardstanding areas to be retained.

**Reason:** To protect the amenities of residents in the area.

5. The plant/tool hire and ancillary activities shall only operate between 0700 and 2000 hours, Monday to Friday and between 0700 and 1400 hours on Saturdays. No activity shall take place outside these hours or on Sundays or public holidays.

**Reason:** In order to protect the residential amenities of property in the vicinity.

6. There shall be an immediate switch off of existing floodlighting on-site until such time as the new lighting regime is implemented as per the further information submission of the 10<sup>th</sup> day of June 2025.

**Reason:** In order to safeguard residential amenities in the immediate area, and in the interest of proper planning and sustainable development.



7. External lighting within the development shall be directed and cowled as necessary so as not to cause undue glare or obtrusive light spill to adjoining residential properties, when assessed against "ILP Guidance Notes for the Reduction of Obtrusive Light GN01:2021 and, in particular, that the limits in Table 3 for environmental zone E2 shall not be exceeded and that the limits outlined in Table 4 (E2) shall not be exceeded. A curfew of 2100 hours (or earlier if activities cease in the depot before then) shall apply after which time the post-curfew level of 1 lx (maximum value of vertical illuminance on premises (dwellings) shall not be exceeded and the floodlighting shall be dimmed to not greater than 50% of its normal output after this time. The works shall be carried out within six months of the date of this Order, and all works shall be agreed, in writing, with the planning authority.

**Reason:** In the interest of road safety and adjacent residential amenities.

8. Floodlighting within the development shall be directed and cowled as necessary (by the use of Louvres, cowls, hoods or shields) to restrict obtrusive light onto adjacent road(s) to less than the relevant threshold increment (FTI) limit detailed in Table 5 of ILP GN 01/21, applying to a road lighting, in this instance. The works shall be carried out within six months of the date of this Order, and all works shall be agreed, in writing, with the planning authority.

**Reason:** To avoid creating a road hazard for motorists due to excessive glare from the floodlights.

9. The landscaping scheme shown on drawing number A31, as received by the planning authority on the 10<sup>th</sup> day of June 2025, shall be carried out within the first planting season following receipt of this permission. 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.

10. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Within six months of the date of this Order, the developer shall submit details of the completed works for disposal of surface water from the site for the written agreement of the planning authority.

**Reason:** In the interest of public health.



11. 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.

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



Dated this 12<sup>th</sup> day of Nov. 2025.