



An
Bord
Pleanála

Inspector's Report PL04.247033

Development	New canopy to cover recycled wood raw materials in existing yard all at Dunisky, Lissarda, Macroom, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/5219
Applicant(s)	Eireblock Ltd
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Appellant(s)	Declan Murray
Observer(s)	None
Date of Site Inspection	18/10/2016
Inspector	A. Considine

1.0 **Site Location and Description**

- 1.1. The site the subject of this appeal is located approximately 7km to the south of the town of Macroom and 30km to the west of Cork City in Co. Cork. The site is located within a rural area but there is a significant industrial installation both on the subject site and on the adjacent site to the east. To the east there is the longstanding Palfab timber processing factory which was granted planning permission in 1988. On the subject site, there is the existing Eirebloc site where the original factory, covering 5,180m² was granted permission in 2006. This factory manufactures pellet spacer blocks from woodchips. Although independent developments, it appears that both establishments are connected.
- 1.2. The site has a stated area of 1.54ha and is bound generally with high hedges and trees. The southern boundary fronts onto the public road and comprises a high hedge of native species with a large splayed factory entrance. Other structures on the site includes car parking area, small reception / office housed within a portacabin and the existing factory. The factory building itself is L-shaped and is constructed with blocks and metal cladding. This building is itself bound by a 2m high wooden palisade fence. The existing open area adjacent to the factory building is currently open and certain raw materials are stored there.

2.0 **Proposed Development**

- 2.1. Planning permission is sought for the construction of a new canopy to cover recycled wood raw materials in existing yard, all at Dunisky, Lissarda, Macroom, Co. Cork.
- 2.2. The application provided a cover letter advising that the proposal to construct the canopy over the recycled wood raw materials, currently stored in the existing concrete yard is to ensure that there is no run off of this material into the existing surface water drainage. The application included all of the relevant plans and particulars.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to grant planning permission for the proposed development subject to 11 no. conditions, standard in the main. Condition 2 provides that 'the propose development shall be used solely as a canopy over the existing storage yard and a change of this use shall not take place without benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning & Development Regulations, 2001, as amended.' To safeguard the amenities of the area.

3.2. Planning Authority Reports

The report of the area planner can be summarises as follows:

The report considered the information submitted in support of the proposed development together with planning history of the subject and adjacent sites, as well as all consultations and submissions made in relation to the development. The assessment noted that the Eirebloc facility is not regulated by an IPPC license or an IED license, but that the factory was granted a waste facility permit in 2016 by Cork County Council for a period of 5 years. In addition, the assessment considered the proposed development in terms of principle, visual impact and traffic safety. The report concludes that the proposed development is generally acceptable and notes that no development contributions are applicable given that the proposal is for an open sided canopy over an existing open storage area. The report recommends that permission be granted.

3.3. Other Technical Reports

3.3.1. Area Engineer raised no objection to the proposed development.

3.3.2. The Environment Section of Cork County Council raised no objection with regard to the proposed development.

3.4. Third Party Observations

One third party submission was made to Cork County Council in terms of the proposed development. The issues raised are summarised as follows:

- Overdevelopment of an already congested site
- Possible future use of the open canopy for housing extra machinery
- The facility processes dirty wood which was not specified in the original proposal.
- The canopy will compromise landscaping on the eastern boundary as permitted under ref 06/9614.
- Issues raised in relation to fire fighting
- Noise issues
- Visual impact
- Traffic impact
- Procedural issues raised in terms of the fee charged – canopy not validated as a building.

4.0 Planning History

4.1. The following is the relevant planning history relating to the subject site:

PA ref 06/9614: Planning permission granted for a factory (5,180m²) for manufacturing of pellet spacer blocks from wood chips to include hardstanding area, office, lorry and car parking, weighbridge and all other site works and services for Palfab Ltd & Mid Cork Pallets & Packaging.

ABP PL04.236756 (PA ref 09/6182): Planning permission was granted for retention of a canopy over intake area, electrical room/ESB sub-station, relocation of

fire water reserve tank, additional filters and machinery, surface water separator at wood chip processing plant for Eirebloc.

PA ref 10/5963: Planning permission was granted for timber sound barrier with structural support on western site boundary, toilet & pump house on eastern elevation at existing wood chip processing plant for Eirebloc Ltd.

4.2. The following is the relevant planning history for the adjacent Palfab site:

PA ref 88/2905: Planning permission granted for the existing pallet factory on site.

PA ref 91/345: Permission was granted for the relocation of the entrance and for the construction of an extension to existing timber processing factory

PA ref 91/382: Permission was granted for erection of Wood Treatment Plant.

PA ref 13/5937: Planning permission was granted for the retention of a canopy over the existing yard for Palfab Ltd.

PA ref 14/5263: Planning permission was granted for a new canopy to the existing intake building for Palfab Ltd.

PA ref 16/4881: Application for (a) construction of a new site entrance, (b) construction of new access road to the rear of the site, and (c) demolition of an existing storage building for Palfab Ltd. was withdrawn before a decision issued.

PA ref 16/5563: Cork County Council granted, subject to conditions, planning permission for a) construction of a new site entrance (b) construction of new access road to the rear of the site and (c) the demolition of an existing storage building. The proposed development is being carried out on site which comprises of an activity requiring an Integrated Pollution Control Licence for Palfab Ltd. The Board will note that an application for leave to appeal this decision was submitted, PL04.LV3310 refers. The Boards determined as follows:

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has not been shown that the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of conditions imposed by the planning authority to which the grant is subject. In respect of condition number 5, the Board had regard to the provisions of section 34(13) of the Planning and Development Act, 2000.

Condition 5 of the referenced grant of permission states as follows:

Sight distance of 90m shall be provided in both directions from centre point of entrance 3.0m back from public road edge. No vegetation or structure shall exceed 1m in height within the sight distance triangle

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

5.0 Policy Context

5.1. Development Plan

The subject site is located within an area defined as 'Rural Area Under Strong Urban Influence', within the Greater Cork Ring Strategic Planning Area and within a high value landscape as identified within the Cork County Development Plan, 2014. The Landscape Character Type is indicated as Type 8: Hilly River & Reservoir Valleys.

6.0 Natural Heritage Designations

The subject site lies approximately 3.5km to the south east of the nearest designated site, being the Gearagh SAC, Site Code 000108.

7.0 The Appeal

7.1. Grounds of Appeal

This is a third party appeal against the decision of Cork County Council to grant permission for the proposed development. The appeal refers to the third party submission to Cork County Council during their assessment of the proposed development and the grounds of appeal can be summarised as follows:

- Concerns raised with regard to a number of conditions attached to the grant of planning permission including condition no 3, 5, 6, 9 and 11. The submission also notes that there is no condition relating to construction activities.
- Issues raised in relation to the Council planners report in terms of site description, planning history, the assessment of the principle of the development as well as the visual impact and the current status of dealing with surface water drainage.
- The appeal concludes that:
 - the proposal represents an overdevelopment of the site, is unsuitable in its rural location due to poor road infrastructure and is extremely noisy and visually intrusive due to inadequate screening and landscaping.
 - Operations under the proposed canopy will add to the noise levels.
 - The PA have been deficient in the controlling of this development and the levying of development charges
 - Noise and smoke emissions from the factory has considerably interfered with the surrounding environment and has impacted on the value of property and the enjoyment of the surroundings.

7.2. Planning Authority Response

The Planning Authority has not responded to this appeal.

7.3. Other Party Responses

There are no other party responses to this appeal.

7.4. Observations

There are no observations noted in relation to this appeal.

8.0 Assessment

8.1. Having regard to the nature of this appeal, and having undertaken a site visit, as well as considering the information submitted, I suggest that it is appropriate to assess the proposed development under the following headings:

- Principle of the development
- Residential and Visual Amenity Issues
- Conditions attached to grant of planning permission
- Other issues
- Appropriate Assessment

Principle of Development:

8.2. The third party appeal against the decision of Cork County Council to grant permission for the proposed development raises concerns as to the overall development of the site. The existing facility on the site has been granted full planning permission for its operations at this location under PA ref 06/9614. Under ABP PL04.236756 (PA ref 09/6182), permission was granted for retention of a canopy over intake area, electrical room/ESB sub-station, relocation of fire water reserve tank, additional filters and machinery, surface water separator at wood chip processing plant while PA ref 10/5963, granted permission for a timber sound barrier with structural support on western site boundary, toilet & pump house on eastern elevation of the existing plant. The operation of the site appears to be in compliance

with the relevant conditions of permissions as described. Further to the planning permissions, the subject site has been granted a Waste Facility Permit from Cork County Council – Waste Permit Register Number WFP-CK-13-0127-02¹.

- 8.3. The proposed development, the subject of this appeal, seeks to provide a canopy which will cover an area of 3,370m² of the existing outside storage area. The advised purpose of the canopy is to provide cover over the recycled wood raw materials which are currently stored outdoors on the concrete yard. The proposal does not seek to increase activity at the site, rather seeks to provide cover from the weather for raw materials used in the permitted activities on site. I am satisfied that in principle the proposed development is acceptable.

Residential & Visual Amenity Issues

- 8.4. The third party submits that the development is unsuitable in its rural location due to poor road infrastructure and is extremely noisy and visually intrusive due to inadequate screening and landscaping. I have considered this matter very carefully and would refer the Board to the planning history associated with the subject site. I acknowledge the submission of the third party, but would suggest that it would be inappropriate to consider the whole development from first principles. The proposed development of an open canopy will not intensify activity at the site at this rural location and therefore will have little or no impact in and of itself, on the existing road network.
- 8.5. It is submitted that noise and smoke emissions from the factory has considerably interfered with the surrounding environment and has impacted on the value of property and the enjoyment of the surroundings. The Board will note that matters in relation to emissions are controlled by the Waste Facility Permit. I am satisfied that the proposed development, if permitted, will not result in any intensification of operations at the facility.

¹ <http://facilityregister.nwcpc.ie/attachments/7f9b2a15-cff6-40a7-9758-90aff50634c6.pdf>

In relation to the visual impact of the proposed canopy, the existing facility is screened along the public road boundary with trees and hedges. The roof of the proposed open canopy will rise to a height of approximately 10.2m and will be supported by 26 no. columns. It will butt up against the existing facility building on the site and will cover the existing open storage yard and the existing weighbridge and the front gable of the structure will be visible on entering the site. The proposed finish of the canopy is similar to that of the existing facility building and will not, in my opinion, represent an incongruous addition to this industrial site. In terms of visual impact and amenity, I am satisfied that the development, if proposed, will not significantly detract from the existing character of the site or wider area and is acceptable.

Conditions of permission:

- 8.6. The Third Party appellant has raised concerns over the inclusion of a number of conditions in the decision to grant planning permission. In particular, conditions 3, 5, 6, 9 and 11 are cited.
- 8.6.1. Condition 3 relates to the management of surface water from the canopy. I am satisfied that an appropriate condition requiring that such surface waters be dealt with in site is acceptable.
- 8.6.2. Condition 5 relates to the provision of adequate car parking on the site for construction traffic. The third party considers that the limitations of the subject site have not been appropriately considered. Having undertaken a site inspection, together with the nature of the proposed development, I am satisfied that this matter can be appropriately addressed by way of suitable condition.
- 8.6.3. Condition 6 relates to the requirements to clean spillages on the public roads arising from the proposed development. The appellant considers that the condition is not enforceable as the PA does not oversee construction. I am satisfied that the inclusion of such development phase conditions are normal practice and appropriate.

8.6.4. Condition 9 requires that all materials and other goods shall be stored within the confines of the structure. The appellant questions what this condition refers to. The applicant has submitted an application for the provision of a canopy to cover recycled wood raw materials in the existing yard at the site.

8.6.5. Condition 11 relates to the protection of trees and hedgerows on the site. I am satisfied that the inclusion of such a condition is appropriate.

Other issues:

8.7. The appellant raises a number of other issues in the third party appeal as follows:

8.7.1. Overdevelopment:

It is contended that the proposed development represents an overdevelopment of the site. I am satisfied that the proposal to cover the storage area with an open canopy will not result in any intensification of operations at the site.

8.7.2. Noise:

It is submitted that operations under the proposed canopy will add to noise levels. As advised, there will be no 'operations' carried out under the canopy. In relation to the issue of emissions and noise, the Board will note that the site is covered by a Waste Facility Permit where condition 6 of the permit deals with Environmental Protection & Emissions, and in particular, 6.11 and 6.12 deal specifically with noise.

8.7.3. Development Contributions:

The third party appellant considers that the Planning Authority has been deficient in the controlling of this development and in the levying of development charges. With regard to controlling the development, this is a matter for the Council if issues arise. With regard to the levying of development contributions, the Board will note that there is no contribution requirement for open storage areas, covered or not. The

proposed development is for an open sided canopy and the development does not constitute an extension of operational area within the facility. I am satisfied that there is no development contribution applicable in this instance.

Appropriate Assessment

- 8.8. Having regard to the nature and scale of the proposed development and to nature of the receiving environment being an existing industrial site and to the lack of connectivity to a European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations/ Reasons

Having regard to Having regard to the provisions of the current Cork County Development Plan, 2015-2021, the existing established industrial use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development is acceptable in principle and in terms of traffic safety and would not injure the existing visual or residential amenities of the rural area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 20th day of May 2016, 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 development hereby permitted shall be used solely as prescribed, that being an open canopy to cover recycled wood raw materials in existing yard. Notwithstanding any exempted development provisions contained within the Planning & Development Regulations, 2001, as amended, no change of use of this area shall occur without the benefit of a further grant of planning permission.

Reason: In the interests of proper planning and development control.

3. No goods, raw materials or waste products shall be placed or stored between the front of the canopy and the road.

Reason: In the interest of public health and the visual amenities of the area.

4. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. During construction the developer shall provide adequate off carriageway parking facilities within the curtilage of the site for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road.

Reason: In the interests of road safety and to protect the amenities of the area.

6. Surface water arising from the proposed development shall be dealt with in accordance with the requirements of Cork County Council.

Reason: In the interests of proper planning and sustainable development.

A. Considine
Planning Inspector
21st October, 2016