



An  
Bord  
Pleanála

## Inspector's Report ABP-300738-18

### Development

Construction of thermoplastic compounds production facility consisting of a two-storey office/laboratory building, 2 no. production buildings, 4 no. storage silos for storage of thermoplastic compounds in pellet form, warehouse, covered and bunded yard for storage of bins/skids, access road, vehicle yards, car park, 2m high earth bund to east of site and associated site works and services.

### Location

Poundlick, Baltimore Road,  
Skibbereen, Co. Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

17/192

### Applicant(s)

Daly Products Ltd

### Type of Application

Permission

### Planning Authority Decision

Grant, subject to 28 conditions

<b>Type of Appeal</b>	Third parties -v- Decision
<b>Appellant(s)</b>	Jason Swanton Brendan McCarthy
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	31 <sup>st</sup> May 2018
<b>Inspector</b>	Hugh D. Morrison

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## 1.0 Site Location and Description

- 1.1. The site is located in the western outskirts of Skibbereen, some 1.5 km to the south south-west of the town centre and off the Baltimore Road (R595). This site lies between the said regional road, to the north, and a local unnamed road (L8229), to the south. An existing cul-de-sac, on a north/south axis, affords access into the site, which lies to the east and to the west of its turning head. This cul-de-sac already affords access to a firm that sells, services, and repairs heat pumps. Other firms further to the north-east manufacture furniture and precision engineering components. These firms are accessed directly from Baltimore Road and their rear boundaries abut the site. Further to the north-east again lies Skibbereen Retirement Village and Care Centre. Several dwelling houses lie within the vicinity of the site, i.e. along the regional and local roads. One dwelling house, on the northern side of the local road, is surrounded on three sides by the site.
- 1.2. The site is elongated on a roughly east/west axis and it is of irregular shape. Topographically, this site rises generally to the south-east and to the south-west and it extends over an area of 3.9 hectares. The site comprises several fields, which are presently vacant and overgrown. Hedgerows and post and wire fences denote the external boundaries of the site.

## 2.0 Proposed Development

- 2.1. The proposal would entail the establishment of a thermoplastic compounds production facility on the site. This facility would comprise single and two storey buildings with a total floorspace of 4,831 sqm.
- 2.2. The main buildings would be sited centrally at the end of the aforementioned cul-de-sac and they would comprise the two production halls, denoted as No. 1 (1600 sqm) and No. 2 (1462 sqm), with the office (1240 sqm) and laboratory block (350 sqm) between them. HGV yards would accompany the two production halls and four storage silos would accompany the one denoted as No. 1. (These silos would store thermoplastic compounds in pellet form). A further freestanding warehouse (384 sqm) would be sited towards the north-eastern corner of the site and it would be accompanied by a covered and bunded yard for bins and skips. Elsewhere on the site there would be two staff car parks and an internal road network.

- 2.3. The development of the site would entail considerable re-working of site levels, i.e. c. 40,000 cubic metres would be excavated of which 14,000 cubic metres would be reused on the site. Consequently, a retaining wall would be required along the central portion of the site's south-eastern boundary with the unnamed local road to the south. Mass tree planting would be undertaken and an acoustic fence would be erected along this boundary. An earthen berm (12,000 cubic metres) would be formed in the south-western corner of the site and mass tree planting would be undertaken along the adjacent western boundary to the site. A bund (2000 cubic metres) would also be formed within the vicinity of the dwelling house, which projects into the eastern portion of the site and which lies on the northern side of the local road. Mass tree planting would be undertaken and an acoustic fence would be erected on this bund, too.
- 2.4. The applicant has outlined the essential compounding process that would be undertaken in the proposed thermoplastic compounds production facility on the site. Thus, the raw materials used are, typically, base resins/polymers, additives, fillers, and reinforcers and the compounding process would involve the following steps:
- Resin and additive(s) are fed through an extruder where they are combined,
  - The melted compound exits the extruder in strands, and
  - These strands are cooled and cut into pellets.
- 2.5. Under further information, the applicant stated that the total annual production capacity of the facility for all products would be 4700 tonnes and that only a small fraction of this total would comprise thermoplastic elastomers<sup>1</sup>. The applicant also stated that, while the compounding process changes the physical, thermal, electrical, and aesthetic characteristics of the plastic/rubber, it does not undergo a chemical/electrolytic/polymerisation reaction(s). The final product is used by customers in injection moulding or sheet extrusions.

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<sup>1</sup> Thermoplastic elastomers are sometimes referred to as thermoplastic rubbers. They are typically a mix of plastic and rubber, which consequentially have both thermoplastic and elastomeric properties: Information gathered from Wikipedia on 13/06/18.

## 3.0 Planning Authority Decision

### 3.1. Decision

Following receipt of further information, permission was granted, subject to 28 conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

Further information was sought with respect to the following items:

- Clarify if the manufacture and treatment of elastomer based products would occur and, if so, the annual production in tonnes.
- A comprehensive landscaping scheme for the site.
- Minimise the generation of site clearance waste and provide details of where such waste would be recycled.
- Clarify if the proposal requires an Industrial Emissions Licence from the EPA.
- Clarify the nature and type of air emissions from the proposed stacks and mitigating measures.
- Detail noise mitigation measures.
- Clarify whether waste water, including process water, would discharge to ground water or to the local sewerage system. If process water is discharged to watercourses, then explain how this would be managed to avoid pollution. In this respect, clarify if a waste water discharge licence would be required.
- With respect to water supply, a pre-connection enquiry should be made to Irish Water to check on the feasibility of such supply.

#### 3.2.2. Other Technical Reports:

- Area Engineer: No objection, subject to conditions, including one that requires the installation of a balancing tank for the storage of cooling water discharge.
- Environment: Following receipt of further information, no objection, subject to conditions.

- Ecologist: Following receipt of further information, no objection, subject to conditions.
- Irish Water: Response to applicant's pre-connection enquiry included as further information: Advice given concerning the management of water supply and capacity issues with respect to the Skibbereen WWTP.
- EPA: Advises that the proposal would appear to neither require a licence under the EPA Act 1992, as amended, nor an EIA under the Planning and Development Regulations 2001, as amended.

## 4.0 Planning History

Lands including the site:

- 82/1819: Infrastructure works proposed by the IDA, comprising a new access road, effluent treatment plant, and a surface water retention pond, to facilitate future development: Permitted.
- PPW15/630: Pre-application consultation.

During the 1970s and early 1980s, there were a number of applications that were permitted for industrial development within the vicinity of the site.

The new dwelling houses opposite the site on the southern side of the unnamed local road were granted planning permission in 2005/06.

## 5.0 Policy Context

### 5.1. Development Plan

Under the West Cork Municipal District Local Area Plan 2017 (LAP), Skibbereen Environs is identified as a main town and the site is shown as lying within an area denoted as SK-B-02, which is zoned for business.

Under Objective ZU 3-6 of the Cork County Development Plan 2014 – 2020 (CDP), the following is stated with respect to what constitutes appropriate uses in business areas:

*Promote the development of New Business Areas as the primary locations for the development of employment uses such as light-industry, wholesale and non-retail trading uses, car-showrooms and small/medium scale manufacturing/repairs/warehousing/distribution uses.*

*Other uses that could be included in certain specific circumstances could include retail warehousing and office development not suited to town centre or edge of centre locations. Uses specifically excluded from the business category would include waste management activities and general retail development. Retail warehousing could be accommodated where the specific zoning allows.*

## 5.2. Natural Heritage Designations

Roaringwater Bay and Islands SAC and NHA (site code 000101)

Sheep's Head to Toe Head SPA (site code 004156)

## 6.0 The Appeal

### 6.1. Grounds of Appeal

**(a) Jason Swanton** resident of "Licknavae", a dwelling house c. 120m from the site

- The appellant has autism and a sensory processing difficulty whereby he hears noises at a higher level than other people do. (He is also hyper-sensitive to odours). At present, his dwelling house lies within a quiet rural area. However, with the proposal, this would change and so he would be likely to become overstimulated and exhibit accompanying challenging behaviour patterns.
- Attached to the appellant's grounds of appeal are a commentary from the appellant's support provider and a critique of the applicant's Noise Impact Assessment (NIA) by his acoustics consultant.

**(b) Brendan McCarthy** of "Fearnog"

The appellant begins by setting out the following points:



- Attention is drawn to the fact that within a 400m radius from the centre of the site, there are at least 22 dwellings, a 50-bed nursing home, and 28 retirement homes.
- Attention is drawn to the former Skibbereen LAP 2011, which showed the site lying within green belt. Under an amendment to this LAP, this site was re-zoned for business and it is this zoning that has been carried forward into the current LAP. The appellant further draws attention to the irregular boundaries to the zoning, which he describes as “arbitrary and nonsensical”.
- The appellant states that the application should have been invalidated as the description fails to refer to either the extensive nature of the excavation works that would be entailed in the proposal or the siting and other details of the accompanying MV sub-station.
- Under the draft National Planning Framework (NPF), the site is critiqued as a location for the proposal on the grounds that it is a footloose industry, which would be better suited to a larger urban area with a greater choice of transport options, the needed skilled workforce would be drawn from a wide area, and the site in question is of irregular shape and the proposal would be crammed onto it, thereby negating the scope for any future expansion.
- Similarly, under the South West Regional Planning Guidelines 2010 – 2022, the proposal would be better located in either a gateway or a hub town.
- Under Paragraph 6.3.2 of the CDP, Skibbereen is a third-tier employment centre, wherein the focus is to be upon “local catchment employment”. The proposal would draw upon a wider area than the town and so it would not be consistent with this focus.
- Under the LAP, the Baltimore Road area is not identified as an industrial/business cluster. Instead, future economic growth of the town should occur to the NE, where transport links with the N71 are readily available.
- The site is zoned business rather than industry. Attention is drawn both to the description of business uses, under the CDP, and to the definition of light

industrial building<sup>2</sup>, under the Planning and Development Regulations, 2001 – 2018. Strong exception is taken to the classification of the proposed use as “light industrial”, in view of its mechanised and specialised nature, its scale in terms of floorspace and workforce, the number and type of traffic movements that would be generated, and its 24-hour operations. Accordingly, this use would be suited to a site zoned for industry rather than business.

- The application should have been accompanied by an AA Screening Report, a TIA, an EIA, and verified photomontages.
- The Planning Authority’s car parking assessment is critiqued on the basis that not 51 but 96 spaces would be required.
- Draft conditions nos. 5 and 8 are critiqued on the basis that they would entail agreement on material matters of concern to third parties and yet they would be disenfranchised.

The appellant cites the following grounds of appeal:

- The aforementioned deficiencies in the description of the proposal.
- The Planning Authority’s screening for a sub-threshold EIS failed to consider the cumulative impact of the proposal in conjunction with 3 other existing industrial uses nearby. The view is expressed that such an EIS should have been submitted.
- The applicant failed to submit an AA Screening Report in accordance with Section 2.6 of the NPWS’s Guidance and the Planning Authority’s screening exercise fails to refer to either The Lough Hyne Nature Reserve and Environs SAC or the Sheep’s Head to Toe Head SPA. This exercise is further critiqued on the basis that it does not appear to have been informed by any ecological survey of the site or to have considered cumulative impact.
- A TIA is required where a proposal exceeds 5000 sqm. The current one would be 4800 sqm and so it should have been the subject of a sub-threshold one, especially as the site lies on the far side of the town from the N71.

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<sup>2</sup> “An industrial building in which the processes carried on or the plant and machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

- The proposal would entail the removal from the site of 26,000 cubic metres/50,700 tonnes of soil and stone. Consequently, almost 5000 in/out truck movements would be generated by the construction phase with associated environmental impacts for local residents.
- Attention is drawn to the record of collisions within Skibbereen and to the quest to undertake a full traffic management assessment of the town. Traffic generated by the proposal would add to congestion and hazard within this town and, unlike sites zoned for industry to the north of the town centre, the application site would not be within walking distance of the same.
- The needed western sightline from the proposed access off the Baltimore Road would encroach upon the front gardens of third parties and so would be unattainable.
- The appellant's acoustic consultant critiques the NIA conducted by the applicant and condition 24 drafted by the Planning Authority.
- The appellant's dwelling house would be 40m away from a 13m high production building, which would be exceeded again in height by 17.3m high silos. Notwithstanding proposed berms and other landscaping works the proposal would radically alter the outlook from this and other nearby dwelling houses.
- The proposal would be illuminated at night to facilitate 24-hour operations and so the locality would cease to be dark during the night time with a consequent loss of amenity to residents.

The appellant has attached a local petition and one circulated more widely bearing the signatures of those who are opposed to the current proposal.

## 6.2. Applicant Response

The applicant begins by reviewing the planning history of the site and adjoining lands, both in terms of planning applications and land use zonings. The view is expressed that the extent of the former zoning may have been incorrectly drawn as, in following field boundaries rather than the line of the road to the south, it did not

reflect extant permissions at the time. Under the current LAP, this is no longer an issue.

The applicant draws attention to the policy context. Thus, the North and West Strategic Plan 2002 – 2020 (NWSP) seeks the retention of population in the north and west of the County through the provision of employment opportunities. The CDP identifies Skibbereen as a “main town” wherein economic development is to be promoted. The proposed use is categorised as “light industrial” and thus appropriate to a business area. The LAP identifies four business areas within Skibbereen, including the one that encompasses the current application site. The view is expressed that the business area in question is the most suited to the proposal, as this area is already accessible and serviced. It is free from flood risk and it enjoys good connectivity with the town. The view is also expressed on the basis of Paragraph 4.5.8 of the CDP that, even if part of the site had remained in the green belt, this would not have prevented a grant of permission.

The applicant responds to the specific grounds of appeal raised by the appellants, as follows:

- The description of the proposal accords with the statutory requirement that it be brief and with the “rule of thumb” that “a notice is not required to include details that can reasonably be assumed to be part of a normal development.” Furthermore, the question of validation is one for the Planning Authority rather than the Board.
- With respect to screening for EIA, any assessment of cumulative impact pertains to other proposed development rather than existing development.
- There is no mandatory requirement that the applicant prepare an AA screening report. Furthermore, such screening pertains to any significant effect upon a Natura 2000 site rather than flora and fauna on the application site. The Planning Authority undertook a screening exercise, which considered one of three such sites, i.e. the one where a potential source/pathway/receptor route exists.
- The need for a TIA may arise where particularly heavy congestion occurs. The LAP has recently considered this issue and concluded that the business area B-02, in which the application site lies, does not require such

Assessment. While appellant (b) assumes that access off the N71 would be preferable, good practice points towards obtaining access from regional roads. Furthermore, the application site is a comparable distance from the town centre to that of other business/industrial areas to the north of the town. Construction traffic impacts would be addressed by a construction management plan for the site.

- The access to the site from the R595 would be within a 60 kmph zone. Appellant (b)'s critique of the western sightline at this junction overlooks the proposed changes to the lining of the portion of the regional road in question, i.e. the re-siting of the broken yellow line, which denotes the edge of the carriageway, and the extension of the continuous white centre line. Notwithstanding draft condition 17, these changes would be made prior to the commencement of any site works. Road safety would thus be enhanced at the first available opportunity to do so.
- Draft condition 24 cites standard noise parameters for industrial sites that interface with residential properties. In this respect, the applicant does not anticipate difficulties with adhering to these parameters during the operational phase, as distinct from the construction phase of the proposal. Draft condition 25 should be reviewed accordingly. Revised wordings in this respect are suggested, i.e. a day time limit of 65 dB or the submission of a construction management plan, which would address noise in accordance with BS 5228. With respect to the specific needs of appellant (a), attention is drawn to his dwelling house, which lies 300 and 375m to the west of the proposed production buildings, and to the applicant's proposals to form mounds of stored materials in the south west corner of the site during the construction phase and to augment the landscaping of this corner during the operational phase.
- The description of the site context as rural fails to recognise the existing industrial buildings within its vicinity. Views from the road to the south of the site would be mitigated by the siting of buildings into rising levels and landscaping.

Modern production methods require the use of higher structures than heretofore and so if such production is to be facilitated these structures are necessary.

The overall visual impact of the proposal would be mitigated by the development of several buildings across the site, resulting in a footprint comparable with that exhibited by the adjacent user, O'Donnell Design.

- Street lighting exists at present along the frontage of the business area with the R595. Lighting proposals for the application site would be designed to minimise spillage. A condition requiring more details in this respect could be attached to any permission.

### **6.3. Planning Authority Response**

- The proposal would accord with economic and employment objectives of the CDP and LAP for West Cork.
- The proposal would result in a cluster of related uses on long established IDA lands and its quantum would promote further economic growth.
- Local concerns were adequately addressed at the application stage, e.g. landscaping would screen and integrate the proposal.
- Specifically, with respect to noise concerns the following points are made:
  - The noise survey undertaken follows a standard approach in this respect.
  - Proposed building materials would be more noise retardant than older ones were.
  - Existing industrial uses in the area manufacture furniture and ball bearings.
  - Noise mitigation measures would entail, in addition to the aforementioned landscaping, the siting of air extractors and fans away from NSLs.
  - In the light of the foregoing considerations, the limits set by draft condition 24 would be realistic.

#### 6.4. Observations

None

#### 6.5. Further Responses

Appellant (b) has responded to appellant (a). In doing so he raises the following issues:

- The Skibbereen WWTP is at full capacity. Process water from the proposal would be discharged into the public sewerage system in a controlled manner by means of a balancing tank. In the absence of a detailed justification, the appropriateness of this measure is questioned.

Surface water run-off from the site would discharge ultimately to the Ilen River, the water quality of which is only moderate. Any further deterioration in this quality would be serious and could have an adverse impact upon the Roaringwater Bay and Islands SAC.

- The scale of the proposal would be out of proportion with existing buildings in the business area. The recent re-zoning of the site to facilitate business use is considered to be unsuitable.
- The number of people who would be affected by the proposal has yet to be calculated. The NIA does not fully identify residential uses within the vicinity of the site and so the advisability of relying upon its conclusions is questioned. The control of noise during the construction phase is of particular concern.

The case planner omits to acknowledge the proximity of the Skibbereen Heritage Centre and a famine grave to the site.

- Attention is drawn to the fire risk posed by the proposal, in the light of the incidence of fires in plastic manufacturing places in the UK. No details of any evacuation plan have been submitted and no information is available as to the capabilities of the local fire service to handle any such eventuality.
- Would envisaged emissions be in accordance with EU Directives?

Public consultation, particularly with respect to the re-zoning of part of the site, is questioned in the light of the Aarhus Convention.

- The submitted Air Quality Report is lacking in site-specific details. The applicant's business entails flexibility in the products used depending on customer demand. Emissions from the site would be borne across Skibbereen on the prevailing wind. Public health concerns are expressed.
- The description of the use as not entailing a chemical or physical process is questioned and, again, the absence of a sub-threshold EIA is questioned.
- The disposal of large quantities of soil from the site would entail HGV movements over significant distances.
- The site would be inadequate to facilitate any future expansion.

The above issues are further discussed in a report prepared by appellant (b)'s environmental management consultant.

## 7.0 **Assessment**

7.1. I have reviewed the proposal in the light of the CDP and the LAP, relevant planning history, the submissions of the parties, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Description of the proposal and absence of certain assessments,
- (ii) Location, land use, scope to expand, and planning history
- (iii) Environmental impacts,
- (iv) Public safety,
- (v) Visual amenity,
- (vi) Traffic, access, and parking,
- (vii) Water,
- (viii) EIA, and
- (ix) AA Screening.

### **(i) Description of the proposal and absence of certain assessments**

7.2. Appellant (b) critiques the description of the proposal on the basis that it does not refer to the substantial earthworks that would be required to level the site.



- 7.3. The applicant has responded by stating that descriptions should be brief and that they should not include details that can reasonably be assumed to be part of a normal development. In any event, the adequacy of the description would have been assessed as part of the Planning Authority's validation of the current application.
- 7.4. I concur with the applicant's response to the said critique.
- 7.5. Appellant (b) also critiques the absence of certain assessments from the application, i.e. photomontages, TIA, EIA, and AA Screening. The applicant has responded to this critique. I will interact with these exchanges under the relevant headings of my assessment, i.e. (v), (vi), (viii), and (ix), respectively.

**(ii) Location, land use, scope to expand, and planning history**

- 7.6. Appellant (b) contends that the proposal should be located either elsewhere in a higher order settlement than that of Skibbereen or, if it's location in this town is to be acceded to, then on a site adjacent to the N71 and so to the north rather than the south of the town.
- 7.7. The applicant has responded by drawing attention to the NWSP, which seeks the retention of population in the north and west of the County through the provision of employment opportunities. Under the CDP, Skibbereen is a "main town", wherein economic development is to be promoted.
- 7.8. The proposal would create between 20 and 40 jobs and so it would constitute an example of the sought after economic development.
- 7.9. The applicant also draws attention to the attributes of the site, i.e. it is accessible, serviced, free from flood risk, and well-connected to Skibbereen. This site thus compares favourably to other zoned lands to the north of the town (SK-B-01 & 04), which, despite their proximity to the N71, face accessibility challenges, as direct access from a national primary road is inappropriate.
- 7.10. Appellant (b) also contends that the proposal would not be a light industrial use, as it would not be compatible with the amenities of residential properties in the vicinity of the site. In this respect, he draws attention to this proposal's mechanised and specialised nature, its scale in terms of floorspace and workforce, the number and type of traffic movements that would be generated, and its 24-hour operations.

Accordingly, the location of it on a site zoned for business, as distinct from industry, is not appropriate

- 7.11. The applicant responds by reiterating the view that the proposal would be a light industrial use.
- 7.12. Under Sections 6.4.5 – 14 (Objectives EE 4-3 and EE 4-4) and Section 14.3.23 Objectives ZU 3-6 and ZU 3-7 of the CDP, business development and industrial areas are discussed.
- “Business development” describes a range of employment generating uses, which generally require a good quality physical environment. Light industry and small/medium scale manufacturing/repairs/warehousing/distribution uses are cited as examples of appropriate uses.
  - “Industrial areas” describe medium/large scale process-orientated employment and production, which may cause localised noise, vibrations, smells, fumes, smoke, etc. Accordingly, such areas are deemed to be unsuitable next to residential areas. Manufacturing is cited as an example of an appropriate use.
- 7.13. The proposal would entail a process that would result in the production of thermoplastic compounds and so I consider that it would be a manufacturing use. The applicant states that total annual production would be 4700 tonnes and that the workforce would be between 20 and 40 employees. I, therefore, consider that the scale of this manufacturing use would be greater than small and so towards the medium end of the small/medium range.
- 7.14. Whether or not the said manufacturing use can be categorised as light or general-industry depends on whether or not it would be compatible with residential amenities within the vicinity of the site. In this respect, the applicant has not stated the days and hours of operation that the use would work to. In the absence of any such indication, I will assume that the option of 24/7 working is required. I will return to the key question of land use categorisation in my conclusion.
- 7.15. Appellant (b) expresses concern that the proposal would require the full development of the site and so there would be no scope for future expansion. I note in this respect, that there is no adjoining land zoned business. I note, too, that there is land

further to the west thus zoned, but that the LAP promotes this site (SK-B-03) for a high-quality building, possibly a hotel with leisure and conference facilities.

- 7.16. Appellant (b) also expresses concern over the manner in which the former Skibbereen LAP 2011 was amended to extend the business zone over the entirety of the site. (Originally under this LAP the southern portion of the site had been in the green belt). This zoning was then carried forward into the current LAP.
- 7.17. The applicant has responded to this concern by speculating that, as the original zoning did not encapsulate all of the IDA lands, it may have been drawn too tightly. In any event, the extent of the zoning in the current LAP is adequate for the proposal.
- 7.18. I note that the Skibbereen LAP 2005 also showed the aforementioned green belt. I note, too, that planning permission for the two new dwelling houses opposite the site on the southern side of the unnamed local road was granted under this Plan. Thus, at that time, a “green belt” landscape buffer would have been present between the sites of these dwelling houses and O’Donnell’s furniture factory to the north, the same landscape buffer that is insitu at present.
- 7.19. I conclude that the proposal, as an example of employment generating economic development, would be welcome, in principle, within Skibbereen. The site is zoned business and it is situated in the vicinity of several dwelling houses. New uses within this zone need to be compatible with the amenities of these dwelling houses. Whether or not the proposal would be thus compatible is a question to which I will return, once I have concluded my assessment. No obvious expansion options for the proposal in the future exist at present.

### **(iii) Environmental impacts**

- 7.20. The proposal has been identified as having two environmental impacts, i.e. noise and emissions. The applicant addressed the former by means of Noise Impact Assessment (NIA), which was elaborated upon at the further information stage, and it addressed the latter by means of an Air Quality Report (AQR) at the further information stage.
- 7.21. The appellants have critiqued the applicant’s NIA. I will discuss this NIA and its critique below before turning to the AQR.

## Noise

- 7.22. The applicant's NIA comprises a baseline survey, predicted noise emissions during the construction and operational phases, an assessment of compliance against relevant standards, and the delineation of mitigation measures.
- 7.23. Under the baseline survey, the applicant identifies four dwelling houses that lie along the unnamed local road that abuts the southern boundary of the site. These dwelling houses are denoted as Noise Sensitive Locations (NSLs). Three of the four noise monitoring locations then selected are on this southern boundary at points adjacent to these NSLs. The remaining noise monitoring location is on the northern boundary adjacent to O'Donnell's furniture factory.
- 7.24. Recordings were made during the afternoon, evening, and night times on Thursday 13<sup>th</sup> October 2016 at each of the noise monitoring locations. These indicated that the locality is a "low background noise" one during the evening and night times, but that the working of O'Donnell's causes this not to be so during the daytime.
- 7.25. During the construction phase, the applicant predicts that the recommended noise limit of 65 dBA cited by BS 5228: 2009 for category A (lowest noise limit) sites would be capable of being met at the NSLs, once noise mitigation measures, including good construction management practices, are in place.
- 7.26. During the operational phase, the applicant predicts that the BS 4142: 2014 recommended noise limit of +5 dB for LA90 would be capable of being met during the day at the NSLs and +5 dB for LAeq would be capable of being met during the evening and night times. The EPA's NG4 fixed LAeq noise limits would also be capable of being met. These predictions allow for mitigation measures that are inherent to the design and layout of the proposal. Additional such measures would include the erection of an acoustic fence along the southern boundary and the planting of trees to this boundary, too. These were included in the proposal at the further information stage.
- 7.27. The Planning Authority's draft permission includes two conditions that address noise, i.e. No. 25, which caps noise during the construction phase working day at 55 dBA (15 minute Leq) at NSLs, and No. 24, which caps noise during the operational phase working day at 55 dBA (30 minute Leq) at the site boundary.

7.28. The appellants have submitted a critique of the applicant's NIA prepared by an acoustic consultant. He expresses the following concerns:

- a) The selection of the noise monitoring location (N2) near to O'Donnell's is considered to be "incomprehensible" and the inclusion of readings from this location in the calculation of average baseline noise levels has the effect of inflating them.
- b) The use of LAeq (30 minute) rather than LAF90 (30 minute) measurements, again, has the effect of inflating baseline noise levels.
- c) The use of +10 dBA and +5 dBA represent, variously, significant adverse and adverse impacts. For the maintenance of residential amenity, neither would be satisfactory.
- d) Background noise levels in the evening and at night time are low and so the application of standard thresholds is mis-placed insofar as compliance with the same would not negate noise nuisance.
- e) Discrepancies between the siting of noise monitoring equipment and the location of NSLs is such that the former do not necessarily reflect the latter.
- f) The appropriateness of the guidance used and assumptions made in the predictive modelling exercise is questioned.
- g) The NIA assumes a noise transmission loss of 15 dB across the fabric of the production buildings. However, the scope for noise breakout via open vehicular doors is not allowed for.
- h) The NIA omits the noise generated by pneumatic pumps. As operational tanker mounted pumps can emit noise in excess of 80 dB, this is a significant omission that would be likely to cause noise nuisance at NSLs.
- i) The NIA omits to assess noise impacts to residential properties to the north of the site and a retirement village and care centre to the north east. As several noisier pieces of equipment would be sited on northern elevations, such omission is significant.
- j) During the construction phase, the NIA assumes the use of two dump trucks. If a third one proved necessary, then the 65-dB threshold would be breached.

- k) The NIA assumes that the proposal would generate less noise in the evening and at night time. However, the only identified difference from the day time would be the absence of HGVs.
- l) The NIA omits to assess noise character.
- m) The NIA omits to allow for increased traffic movements on the R595 generated by the proposal.
- n) The NIA did not survey ambient noise levels at the weekend. If O'Donnell's is non-operational on Saturdays and Sundays, then the application of weekday ambient noise levels to weekends would be wholly inappropriate.

7.29. The applicant has not responded in any detail to the above critique. It requests a relaxation in draft condition no. 25 and it expresses confidence that it would be able to comply with draft condition no. 24.

7.30. The applicant's acoustic consultant has also commented on the Planning Authority's draft condition no. 24. As in item (d) above, he expresses concern that the thresholds cited would be too high to avoid noise nuisance and he questions whether in practice the applicant would be able to operate within these thresholds.

7.31. During my site visit, I was able to experience the present auditory environment of the site. This environment is characterised by a low level and consistent mechanical noise that emanates from O'Donnell's furniture factory, which, I understand, operates on weekdays only. I, thus, anticipate that it is significantly quieter at weekends.

7.32. The applicant's survey of ambient noise levels was undertaken on a weekday when O'Donnell's was operational. Accordingly, the appellants' acoustic consultant is correct in stating (item (n)) that these levels cannot be applied with any confidence to Saturdays and Sundays.

7.33. I note in this respect that the original NIA states that fixed plant would operate on the site on a 7-day week basis, whereas the revised NIA states that such plant would operate on a 5-day week basis.<sup>3</sup> This change appears to reflect an acceptance by the applicant that, in the absence of an ambient noise survey undertaken at the weekend, any assessment of the impact of the proposal upon noise on Saturdays

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<sup>3</sup> Compare the first bullet point on page 19 of the former NIA with the first bullet point on page 17 of the latter NIA.

and Sundays cannot be made. I note, too, that in the absence of the applicant stating explicitly that the use would not operate at the weekends, my assumption (cf. paragraph 7.14 above) that this option would be required stands.

- 7.34. Under items (a) and (b), the acoustic consultant's critique identifies factors that inflate the existing ambient noise levels. In particular, the location of noise monitor N2 is questioned, especially as the readings from all four noise monitors are averaged. If the N2 readings are excluded from the calculations of averages, then under Table 6.5 of the NIA the headroom between the daytime predicted LAeq at NSL-2 and LAF90 +5dB (criterion 1) disappears. That said the predicted LAeq does not take into account the introduction of an acoustic fence along the southern boundary, i.e. between the site and NSL-2, and so some headroom would be restored thereby.
- 7.35. I note item (e). However, critically, the location of N1 is sufficiently close to NSL-1 & 2 to, in my view, allow readings from this monitor to inform an assessment of the noise impact likely to arise at these dwelling houses. I note, too, item (i). The nearest such dwelling houses are further away from the site than the selected NSLs and the retirement village and care centre lie beyond O'Donnell's and Prenco's (precision engineering company). Thus, while I do not consider that the latter would be likely to be affected, the inclusion of a representative example of the former, especially in light of the proposed siting of noisy equipment on the northern elevations of the production buildings, would have strengthened the NIA.
- 7.36. Under items (g) and (k), attention is drawn to the potential for noise breakout through open doors and to the absence of HGVs in the evenings and at night time as being the only identified factor behind the predicted reduced noise levels. I anticipate that there may be a link here insofar as the said doors would presumably only need to be open when HGV deliveries are being undertaken. As such deliveries would be confined to the daytime, the risk of noise breakout in the evenings and at night time would thereby be mitigated.
- 7.37. The omission identified under item (h) may, in effect, be allowed for under the first row of Table 6.4 of the NIA, i.e. "lorries loading from silo", and, in relation to item (m), I do not anticipate that the predicted operational traffic movements (see under heading (vi) below) would add significantly to noise levels emanating from the R595.

- 7.38. Items (c), (d), and (l) relate to what level of increase in noise levels and what change in the character of noise can reasonably be allowed, given the proximity of NSLs to the site. If Tables 5.1 – 5.3 of the NIA are compared with Table 6.5, then existing ambient noise levels and the predicted noise impact of the proposal can be traced. If my comments in paragraph 7.34 above are borne in mind, such a comparison indicates that this impact would be capable of being absorbed within the weekday auditory environment, although at NSL-2 this would be borderline. While the NIA does not address the character of noise that would be thus generated, the Planning Authority's draft condition no. 24 introduces a penalty of 5 dB(A) for noise that is irregular enough to attract attention and so such an approach provides a mechanism for taking account of the same in practise. If this penalty were to be incurred, then predicted noise levels at NSL-2 would be excessive.
- 7.39. Appellant (a) draws attention to his medical condition and how the proposal might have an adverse impact upon him. The applicant has responded to this concern by both drawing attention to the clearance distance that would exist between the nearest production building and appellant (a)'s dwelling house, as distinct from the south-western extremity of the site and this dwelling house, and by undertaking to add to mass tree planting proposed for the substantial earthen mound in the south-western corner of the site, in a bid to further mitigate the impact of emissions.

### **Air quality**

- 7.40. During the construction phase, earthworks would lead to the generation of dust, especially during warm weather. By way of mitigation, exposed surfaces would be sprayed to retard such generation.
- 7.41. During the operational phase, the AQR outlines how the compounding process would entail the use of extruders, which are sealed to ensure their efficiency in terms of heat and pressure. Consequently, the potential for fumes and vapours would be limited. By way of mitigation, an abatement system, such as the Keller CLEACOM system or a similar system, would be installed at the emission points from the two production buildings. Vapour scrubbers would also be fitted in the proposed exhaust stacks that would be installed in the roofs to these buildings.
- 7.42. The AQR also outlines how the primary pollution risk would arise from dust generated by the handling of dry products that go into the compounding process.



This risk would be mitigated by the installation of industrial fabric filter collectors, which would form part of the aforementioned abatement system.

- 7.43. Due to the nature and scale of the proposal, it would not be the subject of any EPA licence. Nevertheless, the applicant has identified EPA Best Available Technique (BAT) Guidance Notes for analogous processes and it undertakes to design the proposal to achieve compliance with the limits set therein. Experience from operational sites elsewhere in Europe indicates that this should be readily achievable.
- 7.44. Appellant (b), in his further response, expresses concern that the applicant's AQR lacks site-specific information and that the nature of his operation would entail a degree of flexibility in seeking to meet customers' requirements. He also expresses concern over the potential risk posed to public health, especially as the site lies to the south-west of Skibbereen and so fumes could be borne on the prevailing wind over the town.
- 7.45. I note appellant (b)'s concerns. I note, too, that whereas a conditioned monitoring programme for air quality could have a part to play in allaying this concern, critically the absence of specific information on potential pollutants, a baseline survey of existing air quality, and modelling of the impact of the proposal is highly unsatisfactory.
- 7.46. I conclude that the applicant has failed to demonstrate that the noise and emissions affecting air quality that would be generated by the operational proposal would be compatible with the residential amenities of the NSLs. Specifically, flaws in the approach adopted by the NIA and critique by the appellants, and the absence of both any proper assessment of the weekend auditory environment and the character of the noise that would be generated by the proposal, precludes the applicant from being able to demonstrate that noise nuisance would not occur. Similarly, the absence of specific information on potential air pollutants and a relevant assessment of the same precludes the applicant from demonstrating that public health would be safeguarded.

#### **(iv) Public safety**

- 7.47. Appellant (b), in his further response, expresses concern that the proposal would pose a potential fire risk that the local fire service may not be in a position to respond to adequately.
- 7.48. I note that the proposal would be the subject of assessment from a fire safety perspective under a separate legal code, i.e. the building/fire safety regulations, and so such assessment should not be duplicated now. I note, too, that matters concerning the local fire service, likewise, lie beyond the planning system.

#### **(v) Visual amenity**

- 7.49. The site is located at the end of a cul-de-sac off the R595. Consequently, this site maintains no frontage to the regional road and so, under the proposal, its development would appear in conjunction with existing buildings that lie forward of it and closer to this road. The applicant has submitted a contextual northern elevation of the proposal and the said buildings (drawing no. 006 revision P3), which illustrates the envisaged perspective.
- 7.50. The applicant has also submitted a contextual southern elevation of the proposal, which illustrates its profile from the unnamed local road to the south of the site. The higher elements of this proposal would be particularly pronounced from this road, e.g. the two production buildings. Two new dwelling houses lie to the south of the road in positions that relate to the westerly production building denoted as no. 2. The relationship of one of these dwelling houses, the more easterly in which appellant (b) resides, is depicted by section A-A on drawing no. 017 revision P1. This section shows the said dwelling house in conjunction with the office/laboratory block over a separation distance of 50m. However, the same dwelling house would relate to the higher production building no. 2, too, over a 40m clearance distance.
- 7.51. Appellant (b) expresses concern that the proposal is not accompanied by verified photomontages. I consider that such photomontages would have elucidated the visual and landscape impacts of this proposal. However, in their absence, the aforementioned contextual elevations and cross sections are adequate in the assistance that they afford to assessments in these respects.
- 7.52. Appellant (b) also expresses concern that the proposal would radically alter the existing northern outlook from his dwelling house. At present, this dwelling house

and the neighbouring one to the west are elevated above the adjacent unnamed local road and so they enjoy unenclosed outlooks. Under the proposal, this would indeed alter and the appellant's dwelling house, especially, would have a more enclosed outlook, due to the proximity and height of production building no. 2.

- 7.53. The applicant proposes to retain the existing earth mound and hedgerow along the southern boundary of the site with the unnamed local road. On the site side of this boundary a retaining wall would be constructed with a 2.4m high acoustic fence on top of it. The said hedgerow would screen this fence. However, the narrowness of the site and its proposed layout would preclude any other screening measures.
- 7.54. The corollary of the extension of the business zoning, discussed under the first heading of my assessment, is that buildings could be introduced into the foreground of the two dwelling houses with implications for their respective outlooks and hence the visual amenities that they enjoy. Any associated increase in night time illumination is a corollary of the said extension, too.
- 7.55. The earth berm proposed for the south-western corner of the site would entail a reworking of existing ground levels, which rise towards this corner. Effectively a plateau would be formed above this slope. Existing roadside hedgerows would screen this berm to a degree, but it would be visible from more easterly points on the unnamed local road as a new form within the landscape.
- 7.56. I conclude that the proposal would be compatible with the visual amenities of the area.

**(vi) Traffic, access, and parking**

- 7.57. Appellant (b) expresses concern that the proposal is not informed by a TIA or Traffic and Transport Assessment (TTA). In this respect, attention is drawn to the fact that the proposed floorspace, at 4800 sqm, would be just short of the relevant threshold of 5000 sqm. Attention is also drawn to the possibility that a sub-threshold TTA should be submitted.
- 7.58. The applicant has responded to the aforementioned concern by stating that the Planning Authority considered this matter in its recent review of the LAP and concluded that, in the case of the current site, a TTA would not be necessary.

- 7.59. In the light of Table 2.3 of the TTA Guidelines (May 2014), I have considered the possibility of a sub-threshold TTA and I conclude that the factors cited therein would not be relevant to the proposal.
- 7.60. The applicant's Preliminary Engineering Report addresses traffic generation during the operational phase of the proposal. Thus, c. 4 – 6 HGV daily deliveries/collections are anticipated and 20 – 40 car movements in accordance with envisaged staffing levels. The HGV movements would occur between 08.00 and 18.00 and 40 car parking spaces are proposed.
- 7.61. Appellant (b) expresses concern over the adequacy of the proposed level of car parking provision in the light of current CDP standards in this respect. I note that these standards are expressed as a maximum. I note, too, that the level of provision would appear to be defensible as it would coincide with envisaged staffing levels. Nevertheless, 20 cycle stands should be provided to encourage this more sustainable mode of transportation. Such stands could be conditioned.
- 7.62. Access and egress would be via the existing cul-de-sac off the R595 at a point on this regional road where it is subject to a 60 kmph speed limit. The existing junction would be improved to take account of the projected increased usage. Thus, the nearside road edge marking would be re-aligned to parallel the centre-line which would be converted to a continuous white-line to prohibit overtaking. These measures would improve visibility to road users approaching the junction and to drivers exiting from this junction, where the western sightline at present is limited. They would thus facilitate the safer use of the said junction and they would be undertaken prior to the commencement of any other development.
- 7.63. During the construction phase, significant numbers of HGV movements would be generated by the considerable earthworks that would be undertaken in levelling the site for development. At the further information stage, the applicant, in a letter dated 24<sup>th</sup> May 2017, identified sites where excavated material could be disposed of. These sites would be entail trips through Skibbereen and, in the majority of cases, lengthy onwards journeys.
- 7.64. Appellant (b) expresses concern over the impact of the aforementioned HGV movements on Skibbereen town centre, where road safety and congestion are issues at present. The need would thus arise for a construction traffic management

plan to be prepared to identify optimum routes and times for such movements to occur, in order to minimise the resulting impact upon the town centre. Such a plan could be conditioned.

7.65. I conclude that the proposal does not need to be accompanied by a TTA and that, subject to the proposed improvements to the junction with the R595 and the provision of cycle stands, the traffic, access, and parking aspects of this proposal would be satisfactory.

#### **(vii) Water**

7.66. The applicant's Preliminary Engineering Report addresses water supply and drainage matters. Under the proposal, the site would be connected to the public water main in the R595 and to the existing foul water sewer in the cul-de-sac, which in turn connects to the public sewer in the regional road. Surface water drainage would likewise discharge to a storm water sewer in this cul-de-sac.

7.67. Site investigations indicate that ground conditions are high on impermeable and so the opportunity to discharge surface water on-site would not arise. Such water would, however, discharge to the aforementioned storm water sewer via an attenuation tank with an oil interceptor and a hydro-brake, which would ensure that greenfield site run-off rates are replicated.

7.68. When operational, the proposal would generate process water, which would comprise cooling water and water used to wash down machinery. The former would contain anti-rust additives and it would amount to 1000 cubic metres annually. The latter would contain copper, zinc, and iron pigment and it would amount to 700 cubic metres annually. At the further information stage, the applicant clarified that all process water would discharge to the public foul water sewerage system.

7.69. The applicant made a pre-connection enquiry to Irish Water and submitted a copy of the same and related correspondence under further information to the Planning Authority. While Irish Water indicated that a connection to the public water main could be facilitated, the Skibbereen WWTP would not be able to accommodate the envisaged load at present. An upgrade of the WWTP would thus be needed. Irish Water is presently seeking to establish, in discussion with existing industrial users and the applicant, the size of upgrade that would be needed.

- 7.70. The County Engineer liaised with Irish Water over the aforementioned situation. The discharge of the cooling water would occur c. 6 times a year and result in the equivalent of 229 PE entering the public sewerage system. This level of discharge is the issue for Irish Water. It would be alleviated by the introduction of a balancing tank, which would allow for an extended discharge period. Accordingly, a condition in this respect was attached to the draft permission.
- 7.71. The applicant's Preliminary Engineering Report also addresses flood risk. The OPW has not identified any flood risk pertaining to the site.
- 7.72. I conclude that, subject to the addition of a balancing tank for the cooling water, the proposal would be capable of being serviced by the public water mains and the public foul and storm water sewerage system.

**(viii) EIA**

- 7.73. The question arises as to whether the proposal should be the subject of a mandatory EIA. Under Parts 1 and 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2018, categories of development that would require mandatory EIA are listed.
- 7.74. Based on the understanding of the compounding process elucidated by the applicant, chemical conversion would not occur and so Item 6 under the aforementioned Part 1 would not arise for consideration. Similarly, Item 4(e) under Part 2 would not be applicable, as it refers to "Installations for surface treatment of metals and plastic materials using an electrolyte or chemical process..." Also, Item 9, under Part 2, while it refers to the "Rubber Industry", the threshold cited is 10,000 tonnes per annum, which would be in excess of the annual total for all products of 4700 tonnes and far in excess of the small fraction of this total that would be attributable to rubber.
- 7.75. I, therefore, conclude that the proposal is not required to be the subject of a mandatory EIA.
- 7.76. Appellant (b) contends that the Planning Authority's screening for sub-threshold EIA was flawed, as it failed to consider the cumulative impact of the proposal and the three other existing industrial uses within the vicinity of the site. Had this been done, then the need for a sub-threshold EIA would have been identified.

7.77. The applicant has responded to this contention by stating that cumulative impact pertains to that of the current proposal in conjunction with other proposals, as distinct from existing development. As there are no other proposals, the question of cumulative impact does not arise.

7.78. Under Schedule 7 to Articles 103, 109, and 120 of the aforementioned Regulations, criteria for determining whether a development would or would not be likely to have significant effects on the environment are set out. Under Item 1, the characteristics of proposed development which are of interest are delineated. "Cumulation" is cited in conjunction with "other proposed development". Accordingly, I concur with the applicant's response cited above.

7.79. I have reviewed the proposal in the light of the criteria set out in the aforementioned Schedule 7 and in conjunction with my foregoing assessment of this proposal and my AA Screening under the (ix) heading of this assessment. Thus,

- Under the heading of characteristics, I note that the proposal is not a large one and it is not being proposed along with other proposed development. The process in question would use plastics, rubbers, and additives rather than natural resources and the generation of waste would be inherently limited. Any pollution and nuisance risks would be localised and subject to mitigating measures and the risk of accidents would be low.
- Under the heading of location, the proposal would have a localised impact only and so the cited examples of natural environments, some of which would occur in the wider County, would not be affected.
- Under the heading of potential impacts, as outlined above these would be limited, localised, and subject to mitigation.

7.80. In the light of this review, I conclude that the proposal would not be likely to have significant effects on the environment and so it does not need to be informed by a sub-threshold EIA.

#### **(ix) AA Screening**

7.81. The site lies c. 1.5 km to the south of the Ilen River, which flows through Skibbereen in a south westerly direction and into the Roaringwater Bay and Islands SAC (site code 000101). Under the proposal, this site would be connected to the Skibbereen

WWTP, which discharges to the said River. Likewise, ground water beneath the site is likely to flow in a generally northerly direction. The applicant's Preliminary Engineering Report indicates that the water table underneath the site may be c. 2.2m below ground level.

- 7.82. There are thus two source/pathway/receptor routes between the site and the said SAC: the first is via the public sewerage system and the second is via ground water. The features of conservation interest in this SAC would potentially be affected by a deterioration in water quality.
- 7.83. The Planning Authority's Ecologist advises that, whereas the water quality of the Ilen River is moderate, discharges from the WWTP have not been observed to contribute to this unsatisfactory rating. She concludes that, on the basis of the balancing tank discussed under heading (vi) of my assessment, the proposal would not increase any existing pollution risk posed by the WWTP.
- 7.84. The proposal would entail considerable excavation of the site to achieve a level surface for construction. Such excavations would, in places, go below the stated 2.2m and so the water table may be affected. Thus, it would be important for any resulting de-watering to occur in accordance with best practice to ensure that the risk of pollution to ground water is minimised. This matter could be conditioned.
- 7.85. The site lies c. 3.6 km to the north of Sheep's Head to Toe Head SPA (site code 004156). The features of interest in this SPA are the Peregrine and the Chough. The former bird species requires extensive open terrain for hunting and it nests typically on cliff ledges. The latter bird species prefers short pasture land and it nests typically in rock crevices. The habitat of the site would not be of value to either species.
- 7.86. It is reasonable to conclude that, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site Nos. 000101 and 004156, or any other European site, in view of the Sites' Conservation Objectives, and so a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.



## 8.0 Conclusion and Recommendation

- 8.1. Under the second heading of my assessment, I conclude that the site is zoned business and that, within this zone, employment uses need to be compatible with the amenities of residential properties in the vicinity. In the case of the proposal, it thus needs to be capable of being categorised as light rather general industry.
- 8.2. Under the third heading of my assessment, I conclude that the applicant has failed to demonstrate that the noise and emissions affecting air quality would be compatible with the said amenities and so I am not able to categorise the proposal as light industry.
- 8.3. In the foregoing circumstances, the Board may wish to seek further information from the applicant with respect to, specifically, (a) further revisions to the submitted NIA, including an assessment of the weekend auditory noise environment based on survey undertaken at the weekend and a description and assessment of the character of the noise that would be emitted by the proposal, and (b) a description of potential air borne pollutants, a baseline survey of existing air quality, and modelling of the impact of the proposal on air quality.
- 8.4. I have considered whether or not a grant subject to a condition prohibiting weekend working would be appropriate. However, I have discounted this approach as it would fall short of addressing all of the aforementioned outstanding points and it may be incompatible with the applicant's operating aspirations/requirements. With respect to this latter concern, I am mindful that the applicant has not stated explicitly the days and hours during which the proposed use would be operational and so I have assumed a 24/7 basis of working and I am mindful, too, that the said restrictive condition may amount to a refusal if indeed it were to run contrary to the aforementioned operating aspirations/requirements.
- 8.5. I, therefore, recommend that the proposal be refused.

## 9.0 Reasons and Considerations

Having regard to the zoning of the site for business in the West Cork Municipal District Local Area Plan 2017 and to the commentary on business development and industrial areas in Chapter 6 of the Cork County Development Plan 2014 – 2020, the Board considers that the location of the proposed use on the site would only be appropriate if this use constitutes a light industrial use and is thus compatible with the amenities of residential properties in the vicinity of this site. Based on the submitted information, particularly with respect to noise and air quality, the applicant has failed to demonstrate that the proposal would be compatible with these amenities and the wider public health of those residing in the area and so, in these circumstances, it would be premature for the Board to conclude that the proposed use constitutes a light industrial use. Accordingly, to grant permission would be to risk a contravention of the said Local Area Plan, serious injury to the amenities of residential property in the vicinity of the site, and the jeopardising of public health. The proposal would therefore be contrary to the proper planning and sustainable development of the area.

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Hugh D. Morrison  
Planning Inspector

20<sup>th</sup> June 2018