



An
Bord
Pleanála

Inspector's Report ABP-303233-18

Development	Change of use of building to Primary Healthcare Centre, construction of building, extension of existing building, reconfiguration of car park and erection of signage
Location	Island Mills, Mill Road, Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	184750
Applicant(s)	UHPC International Limited
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Seamus McEvoy
Observer(s)	None
Date of Site Inspection	21 st March 2019
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located immediately north of Mill Road a few hundred metres from Fermoy town centre.
- 1.2. The appeal site is bounded on its northern boundary by the River Blackwater and the Mill Road along its southern boundary. There is also a watercourse (former mill race) along part of the southern boundary of the subject site.
- 1.3. The size of the appeal site is approximately 1.77 ha (4.37 acres) and the shape of the appeal site is irregular.
- 1.4. There is a former five-storey stone mill building on the appeal site and modern 2-storey building with a mansard roof. The appeal site was formerly occupied by an insurance call centre. The appeal site is currently vacant and the buildings on the site are in poor condition.
- 1.5. The finished floor level of the modern two-storey building is raised above the ground level and is accessed by five no. steps.
- 1.6. The former mill building, which is a protected structure, is of historic significance and has an original stone façade. The mill building also has a number of modern features including windows, roofs, doors and external fire escape. There is a plaster finish attached to the rear (south facing) of the former mill building.
- 1.7. There are three former mill races transcending through the site. There is both vehicular and pedestrian bridges over the mill races.
- 1.8. The site is protected by large flood defence walls, flood gates and dams to the mill races. The height of the flood defence walls are approximately 3 metres.
- 1.9. The site is potentially ecologically sensitive given its location. I noted during my site inspection that the remains of an otter were present on the subject site.

2.0 Proposed Development

- 2.1. The proposed development consists of a change of use from office to primary healthcare centre provided for the H.S.E. and general medical doctors.
- 2.2. The proposed development includes a two-storey extension to Block A (existing 2-storey building).

- 2.3. The proposed development includes the construction of a new two-storey building which will provide for a dispensary and medical aid area.
- 2.4. The existing mill building will be refurbished which will include new windows, new slate roof and new service installation.
- 2.5. The proposed refurbished mill building will accommodate a private medical clinic.
- 2.6. The proposal will provide for 217 no. surface car parking spaces.
- 2.7. The existing vehicular access will be adjusted to allow for both pedestrian and cycle access and a new Mill Road boundary treatment and landscaping will remain as present.

Additional information was sought in relation to the following issues;

1. Clarity in relation to the proposed uses.
2. Further archaeological research required.
3. Conservation details required in relation to existing waterwheel.
4. Traffic calming proposals required.
5. Clarify the nature of the service entrance
6. Proposals for monitoring the outfall to the river
7. Details ensuring flood waters cannot infiltrate the surface water system
8. Details of excavation details for areas outside OPW flood barriers, i.e. car parking
9. Approval from OPW affecting works to existing flood defence walls
10. A draft Construction and Demolition Environmental Management Plan detailing proposed water protection measures.
11. Public Lighting proposals

3.0 **Planning Authority Decision**

- 3.1. Cork County Council decided to **grant** planning permission subject to 43 no. conditions. The conditions are standard for the nature of the development.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- Car parking provision is acceptable.
- There are concerns regarding car parking spaces located outside of the flood defence walls.
- The conservation and refitting of the mill is welcomed

Senior Executive Planner

- The proposed use is in accordance with the commercial use objective that pertains to the site.
- The proposed pharmacy can be considered an ancillary use to the primary medical centre, acceptable on lands zoned commercial and would not adversely impact on the viability and vitality of the town centre.
- It is possible to manage the pharmacy use with a condition to ensure that it is operated solely in association with the operation of the primary care.
- The external envelope of the building is most important from a conservation perspective as much of the original features no longer exists.
- A more appropriate roof design is required.
- The proposal will not seriously impact on the amenities of the area, will not adversely impact on neighbouring occupiers nor detract from the visual amenities of the area.
- NIS concludes that with mitigation measures the integrity of the SAC will not be affected.
- Flood risk to proposed car parking area needs to be addressed.
- No land use objections to the proposed development.

3.3. Internal Reports;

- Public Lighting – A public lighting plan and specifications sought.
- Environment; - Additional information sought for a draft Construction and Demolition Environmental Management Plan detailing the proposed water protection measures.
- Ecologist; - Additional information sought. Any design changes brought about by the draft Construction and Demolition Environmental Management Plan shall require addendums to their EclA report and the NIS.
- Roads & Transportation; - Additional information sought.
- Conservation Office; - Further information required in relation to further research in relation to the original detailing of the roof and the windows to the mill building. Further information is also sought in relation to the conservation of the existing waterwheel.
- Archaeologist; - Further information as per the Conservation Officer's report.

3.4. Third Party Observations

- There is a submission from Seamus McEvoy and the issues raised are similar to those issues raised in their third-party appeal submission.

3.5. Submissions

- There is a submission from Irish Water who have no objections to the proposed development. There is a submission from Inland Fisheries Ireland who in principle have no objections but have highlighted a number of issues including;
 - Wastewater treatment plant capacity

- Consultation in relation to in-stream works
- Good site practices

4.0 Planning History

- L.A. Ref. 89/51519 – Permission **granted** for change of use of old mills to training centre.
- L.A. Ref. 90/51546 – Permission **granted** for an extension of office complex.
- L.A. Ref. 92/1593 – Permission **granted** for a canteen extension to existing mill building.

5.0 Policy Context

5.1. Development Plan

The operational development plan is the Cork County Development Plan, 2015 – 2021.

5.2. Town Development Plan

The operational town development plan is the Fermoy Development Plan 2010 – 2016.

Zoning

The site is zoned 'Commercial' This zoning objective includes '*shopping, commercial, residential and community development that integrates with the existing character of the town*'.

The site is designated C-03: 'Existing Commercial usage'.

Built Heritage

The mill building, the 2 no. mill races and mill wheel are protected structures.

The appeal site and its environs is located within a designated 'Architectural Conservation Area'.

Map no. 6 indicates that the mill building, former corn mill, is a site of archaeological interest.

Flood Risk

In accordance with Map no. 2 the appeal site is located within an area designated 'Areas at Risk of Floods'.

5.3. **National Policy**

National Planning Framework, 2018

The National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites and policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

6.0 **The Appeal**

6.1. The following is the summary of a third-party appeal submitted by Seamus McEvoy.

The status / function of the building labelled 'dispensary and medical aids area is unclear'.

- It is contended that it is unclear whether the proposed building for dispensary and medical aids area will be used for a shop. The applicant responded to additional information however the issues are still unclear.
- Referral case RL2637 is relevant to the proposed development.

- The Board order in RL2637 confirms that a primary care centre falls within Class 8 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001, as amended.
- RL2637 also confirms that the use as a dispensary is not ancillary or incidental to the permitted medical and health services use. Dispensary involves the sale of prescribed medicines to the public which is a form of shop.
- It is therefore contended that retailing cannot be considered as ancillary to the operation of the premises as a Primary Care Centre (PCC).
- It is submitted that should the Board uphold the decision to grant permission then the dispensary and medical aids building should be excluded from the permission.

Vitality and viability of the town centre

- The proposed development is contrary to policy objective (para 3.6.2) 'maintain the town centre as a primary commercial, retail, civic, social.... centre of the town' and policy objective (para 3.6.2) 'retain the existing town centre as the principal retail and service centre' of the Fermoy Town Development Plan.
- Two recent Board decisions have favoured town centre locations for Primary Care Centres. This includes appeal ref. 302063¹ and appeal ref. 301500².
- The appeal site is not located as part of the designated town centre nor part of the zoned town centre expansion area.
- It is contended that the proposal would eventually lead to the migration of medical related services which would be to the detriment of the vitality and viability of the town centre.

¹ The Board upheld Offaly County Council's decision to refuse permission for a primary care centre on a suburban site.

² The Board granted permission for a primary care centre in Bandon town centre.

- The retail area of Fermoy has not been designated. This is a requirement of the retail planning guidelines.
- Figure no. 1 indicates the retail core of Fermoy. The subject site is located neither in or adjacent to the retail core.

Condition no. 2

- Condition no. 2 has no regard to referral decision in Board Order 63.RL.2637.
- It is contended that part (a) of condition no. 2 is unclear because the development permitted is not solely in use as a PCC use and part (b) conflicts with the referral decision.
- It is contended that parts (c) and (d) are not enforceable. Part (c) would be difficult to demonstrate and part (d) would be difficult to enforce as the proposed use is not solely operating in association with the PCC.

7.0 Responses

First Party Response

The applicant submitted a response which is summarised as follows;

- The proposed medical centre will serve the surrounding region beyond Fermoy.
- There will be no adverse impacts on the viability of the town retail provision.
- The dispensary, providing prescriptions and medical aids, is normal beside a medical centre.
- It will reduce unnecessary car journeys to and from the town centre.
- The proposal will increase footfall and visitors to the town centre.
- The Planning Authority condition will adequately control the issue.
- The proposed development will implement national medical policy and refurbish a protected structure.

- The proposal is consistent with the provisions of the County Development Plan.

8.0 Planning Assessment

- Principle of Development
- Impacts on the Town Centre
- Condition no. 2
- Urban Conservation
- Traffic and Access
- Flood Risk
- Ecology
- EIA Screening

8.1. Principle of Development

- 8.1.1. The previous use on the appeal site was an office use and a change of use is proposed from office to primary health centre. The appeal site is zoned 'commercial'.
- 8.1.2. The commercial zoning objective includes '*shopping, commercial, residential and community development that integrates with the existing character of the town*'.
- 8.1.3. The proposed primary medical centre, based on the submitted drawings, comprises of clinics in Block A. A comprehensive listing of these proposed clinics is not included within the submitted drawings or application. The submitted drawings indicate physiotherapy, eye testing, occupational therapist and rooms for surgery. The surgery rooms are most likely to include G.P.s and dentists. Block A also includes provision for office and administrative floor space. The overall floor area for Block A will comprise of 2,408 sq. metres.

- 8.1.4. The proposed development also includes the provision of a dispensary and medical aids area. A new two-storey building will accommodate the proposed '*dispensary and medical aids area*'. It is proposed that the former mill building will be used as a private clinic area. The proposal also includes a corridor link between Block A and the former mill building.
- 8.1.5. I will consider the retail implications of the proposed development on the town centre in paragraph 8.2 below however in general terms the principle of the proposed use would be acceptable on the appeal site. Having regard to the commercial zoning objective on the appeal site and the previous office use on the appeal site I would conclude that the principle of the proposed development is acceptable.

8.2. **Impacts on the Town Centre**

- 8.2.1. The appellant argues that the proposed development, having regard for the potential for a retail use, would be harmful to the vitality and viability of the town centre.
- 8.2.2. I would note that Paragraph 2.10.3 of the Fermoy Town Development Plan, 2009 – 2015, sets out the Overall Strategy and Strategic Objectives for the town. I would note the following objectives are relevant;
1. *The objective of rejuvenating and extending the retail and service function of the town.*
 2. *It shall be a strategic objective to maintain and enhance a vibrant town core and to improve the streetscape and public realm in the central area.*
- 8.2.3. I would also note that paragraph 3.6.2 of the Fermoy Town Plan would be relevant. Paragraph 3.6.2 states '*it shall be an objective to retain the existing town centre as the principal retail and service centre for the town*'.

- 8.2.4. I would also note that the Town Development Plan has not designated a 'retail core' map as recommended in Section 3.3 of the Retail Planning Guidelines, 2012. However, Map 3 'Zoning Objectives' of the Fermoy Town Plan indicates the town centre mixed use area of the town. The appeal site is located outside this area and on the balance of information available and having regard to a visual observation of the local area I would conclude that the appeal site is located outside the retail core area of the town centre.
- 8.2.5. Notwithstanding the above the applicant has clarified, in the response to the additional information request that, the proposed 'dispensary building / medical aids area' will be used for the sale of medical aids such as bed pans, wheelchairs, crutches etc. The proposed dispensary building will be used to dispense medical prescriptions solely and will not be used for retailing associated with a traditional town centre pharmacy.
- 8.2.6. Therefore, and having regard to the nature of the proposed development I would conclude that the proposal would not adversely impact on the vitality and viability of town centre.

8.3. **Condition no. 2**

- 8.3.1. The appellant argues that condition no. 2 is unenforceable. I would note that condition no. 2 effectively requires the following;
- a. A change of use shall not take place.
 - b. The dispensary / medical aids area shall be ancillary to the primary use
 - c. No change of use from dispensary use to retail use
 - d. The dispensary shall be operated in association with the primary use
 - e. The opening hours of the dispensary shall not extend beyond the primary use

8.3.2. I would consider that the clarification submitted by the applicant in the further information response would effectively make condition no. 2 enforceable. The applicant effectively confirmed that the proposed dispensary / medical aids centre will be solely related to the primary medical centre. The applicant further confirmed that the town centre pharmacies sell retail items such as cosmetics, health goods and photographic services and that the proposed dispensary will not be selling any of these retail goods.

8.4. **Urban Conservation**

8.4.1. The appeal site has strong architectural heritage protection policies in accordance with the Fermoy Town Development Plan. The former corn mill, which dates from circa. 1841, is a protected structure. Map no. 5 of the Town Development Plan also indicates, in addition to the mill building, that the mill wheel and the mill races are protected structures. Notwithstanding map no. 5, the curtilage of the former mill building is protected in accordance with the provisions of the Planning and Development Act, 2000, as amended.

8.4.2. The appeal site is also located within an Architectural Conservation Area which includes the entire Mill Island. Paragraph 4.4.6 of the Town Development Plan sets out guidance in relation to ACA's.

8.4.3. The appeal site is also identified as having archaeological interest and this is identified in map 6 of the Town Development Plan. The former mill building is included on the Record of National Monuments. Paragraph 4.3.3 of the Fermoy Town Development Plan states that it is an objective that '*archaeological potential of the river and the river bank zone, where relevant, shall be carefully considered*' and furthermore that any potential impacts of archaeological heritage shall be the subject to full archaeological assessment.

8.4.4. I would note, based on the information available, that the existing mill building on the site is the last remnant of a much larger mill complex. I also noted, based on a visual

observation of the area, that the remaining historic component of the mill building is effectively the external façade. The mill contains modern windows, doors and roof and the internal area of the building is fitted with modern interiors. The mill wheel and the mill races also contribute to the historical setting. The location of the former mill building situated adjacent to the river bank creates an historic landscape setting which contributes positively to the local area.

8.4.5. I would note that the following interventions are proposed;

- The removal of the non-original roof and replace with new roof. The roof slates will be comprised of blue Bangor slates.
- Restore and repoint locally quarried sandstone walls
- Remove non-original fire escape stairs and balcony elements
- Remove non-original pvc windows and replace with timber casement

8.4.6. A link building is proposed to the immediate south of the former mill building. This link building (corridor) will connect the former mill building to the extended Block A building. The proposed link building is two-storey in height and a glazing box of 4-storey is proposed adjacent to the former mill building to connect proposed link building to the former mill building. The introduction of the proposed glazing box will replace a modern render finish on the mill building which is a visual improvement.

8.4.7. I note that the report from the Conservation Officer supports the proposed development, and is satisfied with the alterations to the proposed roof and windows. I would conclude that the proposed development would provide a suitable use for the future protection for the former mill building, a protected structure, and the proposed development would protect the architectural heritage integrity of the structure and the special interest of the protected structure.

8.5. **Traffic and Access**

- 8.5.1. It is proposed to use existing vehicular entrance to serve the proposed development. The sightline provision from this entrance is good and would provide adequate sightlines. I would note that the revised drawings³ submitted with the additional information response for the vehicular access junction illustrates a raised area, adjacent to the vehicular entrance, for traffic calming.
- 8.5.2. The total provision of car parking is 217 spaces and this exceeds the County Development Plan standards. The previous office use on the subject site had a car parking provision of 270 spaces as such the proposed development represents a reduction in on-site car parking provision. I would also note that disabled parking and cycle parking is provided in accordance with development plan standards. The proposed development also includes a mobility management plan which encourages / increases the use of public transport, walking and cycling for staff and patients and visitors.
- 8.5.3. The applicant has also addressed concerns in relation to the service entrance which is located to the west of the main vehicular entrance. The service entrance will be used by cyclists and pedestrians.
- 8.5.4. Overall, I would consider that issues in relation to traffic and access have been adequately addressed and that the proposed development would not endanger public safety by reason of traffic hazard.

8.6. **Flood Risk**

- 8.6.1. The appeal site is prone to flooding and this is evident from Map no. 2 of the Fermoy Town Development Plan. Map no. 2 identifies areas in the town centre that are 'Areas at Risk of Flooding'.

³ Drawing no. F008L-010 P1

- 8.6.2. I would note from the Area Engineer's report that most of the appeal site is located within Flood Zone B, however some of the site is located within Flood Zone A.
- 8.6.3. A notable feature of the subject site is that a significant proportion of the appeal site is protected by flood defence walls / gates. The height of this defence is approximately 3 metres high. The part of the site defended by the flood walls / gates is located within Flood Zone B. The remainder of the subject site, where surface car park is proposed is located within Flood Zone A.
- 8.6.4. The Planning System and Flood Risk Management Guidelines, 2009, outlines in Table 3.1 the 'vulnerability of different types of development'. I would note that medical centre (hospitals), is classified as a 'vulnerable development'. In accordance with Table 3.2 of the Flood Risk guidelines a Justification Test would be required as the site is located within Flood Zone A and Flood Zone B.
- 8.6.5. Box 5.1 Justification Test of the Flood Risk Guidelines sets out the criteria to be considered for proposed development. I would conclude as follows;
- The appeal site is zoned 'commercial' and it is national policy⁴ to promote the redevelopment of brownfield sites.
 - The proposal has been the subject of a flood risk assessment which demonstrates;
 - The proposal contains measures to minimise flood risk to people, property, the economy and the environment.
 - Measures are in place to ensure residual risks can be managed
 - The proposal addresses the above in a manner that is also compatible with the achievement of wider planning objectives.

⁴ National Planning Framework, 2018

8.6.6. I note that the Area Engineer's report, dated 19th November 2018, concludes detail procedures and contingency plans in relation to flood risk management and evacuation procedures in the event of a flooding event shall be agreed prior to the occupancy of the development and this can be conditioned. I have reviewed all the documentation relevant to the flood risk assessment and I would conclude that the proposed development would adequately satisfy the flood risk concerns.

8.7. **Ecology**

8.7.1. The location of the subject site, which is situated adjacent to the River Blackwater, presents a site that is potentially ecologically sensitive. The adjoining river is an SAC. Furthermore, given that the appeal site has two sizeable vacant buildings in relatively poor condition it is possible that these two buildings would offer habitats for fauna.

8.7.2. I would concur with the submitted EclA that the subject site and the adjoining areas would offer good potential for bats, birds, otters and freshwater fish.

8.7.3. I would acknowledge that potential adverse impacts are possible during the construction phase given that the mill races provide a hydrological link from the appeal site to the River Blackwater and there is potential for sediments / oils to enter the Blackwater. A feature of the proposed built conservation is the repointing / repair work to the mill façade and given that the mill overhangs the mill races there is potential for adverse implications to the mill races which in turn will impact on the Blackwater due to the hydrological connection. A flood event would also give rise to a potential negative impact.

8.7.4. I have reviewed the submitted Ecological Impact Assessment and I would note that this document identifies a number of species that the proposed development, unmitigated is likely to impact on. This includes freshwater pearl mussels, otters, bats and birds.

8.7.5. I would consider any adverse impacts to the water quality of the Blackwater would potentially have negative impacts on the fresh water pearl mussels. However, the EclA in Section 7.1.1 includes a comprehensive set of mitigation measures to protect the water quality of the river. In summary these mitigation measures include;

- Timing of works
- Appointment of EcOW for monitoring
- Site fence to remove silt
- Topsoil soil stripping fenced in
- No personnel will enter the mill face. Works carried out by scaffolding.
- Use of petrol interceptors / filters
- EcOW ensures no contaminated water entering river
- Bunded compounds
- No pouring concrete during wet periods
- Concrete delivered to site only when conditions are good
- No washing of nozzles
- Erection of low lying silt fence between vegetation and river
- All silt fencing remains actively managed
- Refuelling off site
- Suspended membranes below mill works to avoid impacts on Mill Races
- Sampling of suspended solids
- Wash down area

8.7.6. I would consider that the above set of mitigation measures are comprehensive and would ensure that there are no significant adverse impacts on water quality. This is important as freshwater pearl mussels are particularly sensitive to changes in the water quality. The absence of mitigation measures would potentially result in the loss

of clean gravel beds which would have adverse implications. I would conclude that there would be no residual impacts on the aquatic life.

8.7.7. The otter is a nocturnal specie and likely to be unaffected by human behaviour. The EclA notes that there was an otter holt on the site and it is considered that proposed piling may have implications for the otter holt. The EclA recommends that the holt is monitored / surveyed to determine whether the holt is active and if it is concluded that the holt is active then the applicants will seek a derogation licence. I would consider that this can be conditioned should the Board favour granting permission.

8.7.8. I would consider given the nature of the site with unused / vacant buildings it is possible that bats would be identified on the site. The EclA identifies that although bats were foraging on site no roosts were identified and further surveys would take place and should a bat roost be identified then a derogation licence would be sought. I would consider this a reasonable approach and a condition can be attached to a permission requiring same. I would also note that mitigation measures proposed in relation to public lighting and I would consider them reasonable.

8.7.9. In relation to birds it is possible that noise, vibration and human activity will disturb birds. However, it is proposed that any works will take place outside the breeding season which will minimise disturbance.

8.7.10. I would not consider that the proposed development would have a significant impact on woodlands or invasive species. Therefore, in conclusion I would consider, having regard to the mitigation measures, that the proposed development would address ecological concerns.

8.8. **EIA Screening**

8.8.1. Based on the information on the file, which I consider adequate to issue a screening determination, it is reasonable to conclude that there is no real likelihood of

significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

9.0 Appropriate Assessment

9.1.1. The appeal site adjoins the Blackwater SAC (site code 002170). The appeal site also has an hydrological connection to the adjacent SAC, in the form of mill races which travel through the appeal site. I would consider, based on the information available, and having regard to the proximity of the appeal site to the SAC and given the existing hydrological connections from the appeal site to the SAC that it is reasonable to conclude that the construction of the proposed development is likely to have significant effect on the European Site (site code 002170).

9.1.2. The qualifying interests for the European Site (site code 002170) include the following;

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand Atlantic salt meadows
- Mediterranean salt meadows
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation
- Old sessile oak woods with Ilex and Blechnum in the British Isles
- Alluvial forests
- Freshwater Pearl Mussel
- White-clawed Crayfish
- Sea Lamprey
- Brook Lamprey
- River Lamprey
- Twaite Shad
- Salmon

- Otter
- Killarney Fern

9.1.3. The construction of the proposed development, given its location and hydrological connections to the SAC is likely to impact on water quality of the adjoining River Blackwater.

9.1.4. Freshwater Pearl Mussels are sensitive to relatively small changes in water quality. The documentation submitted by the applicant, including the NIS, demonstrates satisfactorily that there is a proposal by the Minister for Culture, Heritage and the Gaeltacht to alter the Conservation Objective of the Blackwater River so that the 'restore favourable conservation condition' does not apply to the Freshwater Pearl Mussel. The NIS dismisses potential impacts on Twaite Shad and I would consider this reasonable. As such the qualifying interests most likely to be impacted upon by a change in water quality due to the construction of the proposed development are as follows;

- Water courses of plain to montane levels
- White-clawed crayfish
- Brook lamprey
- River Lamprey
- Atlantic salmon

9.1.5. I have reviewed the mitigation measures as set out in Table 8 of the NIS and I have summarised the mitigation measures in paragraph 8.7.5 above. I would consider that the above set of mitigation measures are comprehensive and would ensure that there are no significant adverse impacts on water quality as such protecting the Conservation Objectives of the European Site.

9.1.6. I would consider it reasonable to conclude based on the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site code 002170, or any other European site, in view, of the site's Conservation Objectives.

10.0 Recommendation

10.1. I have read the submissions on the file, visited the site, had due regard to the Town Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

11.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Fermoy Town Development Plan, 2009 - 2015, the National Planning Framework, 2018 – 2040, and the overall scale, design and height of the proposed development it is considered that, subject to compliance with the conditions set out below the proposed development would not seriously injure the visual amenities of the area or of property in the vicinity, would not have a detrimental impact on architectural heritage or the environment, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and submitted to Cork County Council on the 27th September 2018, and 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. (a) The development permitted herein shall be solely used as a Primary Healthcare Centre 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 and Development Regulations, 2001, as amended.
(b) The dispensary and medical aids area shall be ancillary to the primary use of the development permitted herein, i.e. as Primary Healthcare Centre.
(c) No change of use from the proposed dispensary use to any other type of retail use is permitted.
(d) The dispensary shall solely be operated in association with the operation of the primary care centre, and
(e) the opening hours of the dispensary shall not extend beyond those of the primary healthcare centre on any day.

Reason: To safeguard the amenities of the area and to protect the vitality of Fermoy Town Centre.

3. The mitigation and monitoring measures outlined in Table 8 of the Natura Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

4.
 - a. A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all

permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric

- b. All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

5. A final CEMP shall be submitted for approval by the planning authority prior to the commencement of development. The CEMP shall include programmes for environmental and ecological monitoring and supervision, as appropriate to the site – and shall provide for the presence of an Ecological Clerk of Works to be presenting during demolition, tree removal, ground clearance and installation of the surface water drainage system. The plan shall be prepared to accord with recognised standard best practice – CIRIA Guidance No. C532 – Control of Water Pollution From Construction Sites. All works on site shall be implemented in accordance with the final agreed plan. The plan shall incorporate an Invasive Species Management Plan if found to be required on foot of follow up invasive species survey to be completed prior to commencement of development.

Reason: In the interest of ensuring the protection of water quality in the

receiving environment.

6. Otter and bat survey work will be completed in accordance with the procedure set out in in the EclA prior to the commencement of construction works. The results of pre-construction survey shall be submitted to the planning authority. The applicants shall be responsible for obtaining any derogation licence, should same be required to permit the excavation of holts or other sites used by this species.

Reason: To avoid disturbance to Otter, a strictly protected species listed on Annex IV of the Habitats Directive.

7. The applicant shall submit details and material specifications of all proposed signage, utilities and security measures required to the exterior of all structures for the written agreement of the planning authority.

Reason: In the interest of preserving the architectural heritage.

8. No signage, lighting, advertising boards, utilities, security measures shall be erected to the exterior of the existing mill building without the benefit of planning permission and/or declaration of exempted development as relevant.

Reason: In the interest of preserving the character of the protected structure.

9. The service entrance to the west of the development shall be used solely as a pedestrian entrance and for the movement of refuse bins. While refuse collection may be facilitated on the public road a designated loading bay will not be permitted. No refuse bins shall be stored on the public road or footpath.

Reason: In the interest of public safety and to safeguard the amenities of

the area.

10. Details of flood management and contingency plans, in relation to flood risk management and evacuation procedures in the event of a flooding event, shall be agreed with the planning authority prior to the occupancy of the development.

Reason: In the interest of public safety.

11. Details including samples of the materials, colours and textures of all the external finishes, signage and lighting to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to ensure a proper standard of development.

13. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

14. The internal road serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. A comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) Proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- (b) Detail of all boundary treatment;
- (c) The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of protecting the character of the area.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove. In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

18. Prior to the commencement of development the applicant shall submit full details of the proposed public lighting, within the development for written agreement prior to the commencement of development.

Reason: In the interests of public safety and residential amenity.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

20. 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 Bord 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.

Kenneth Moloney
Planning Inspector
8th April 2019