



An
Bord
Pleanála

Inspector's Report ABP-303373-19

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| Development | Demolish part of existing sawmill, alterations and rebuilding of building and associated site works. |
| Location | Dunisky, Lissarda, Macroom, Co Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 18/6706 |
| Applicant(s) | Palfab Lab |
| Type of Application | Permission |
| Planning Authority Decision | Grant Permission. |
| Type of Appeal | Third Party |
| Appellant(s) | Declan Murray |
| Observer(s) | None |
| Date of Site Inspection | 12 th April 2019 |
| Inspector | Fiona Fair. |

1.0 Site Location and Description

- 1.1. The site (3.9 ha) the subject of this appeal is located approximately 7km to the south of the town of Macroom and 30km to the west of Cork City in Co. Cork. The site is located within a rural area but there is a significant industrial installation both on the subject site and on the adjacent site to the east.
- 1.2. The subject site is occupied by the existing Palfab business (A timber processing company) and its associated sister Company Eirbloc which is located on the adjoining site to the west. This factory manufactures pellet spacer blocks from woodchips. Although independent developments, it appears that both establishments are connected.
- 1.3. The site location is rural in nature, it is generally flat and is screened by existing trees and hedgerow. A stream runs along the eastern boundary and northern portion of the site.
- 1.4. There is an existing sawmill, saw shop, kilns, offices, wood treatment and storage buildings on the site. There is a car park located to the south of the site adjoining the entrance.
- 1.5. Part of the sawmill building to the rear of the site was damaged by fire. The applicant is now seeking permission to demolish and rebuild the damaged unit.

2.0 Proposed Development

- 2.1. Permission is sought to:

- (a) Demolish part of existing Sawmill Building (Damaged by Fire) on north side of existing Sawmill.
- (b) Alterations and Rebuilding of said Sawmill (Damaged by Fire) in same location
- (c) Associated Siteworks

The proposed development is being carried out on a site which comprises of an activity requiring an Integrated Pollution Control Licence.

The Gross floor Space of existing buildings is stated as 8306 sq. m

The gross floor space of proposed works is stated as 2051 sq. m

Gross floor space to be demolished is stated as 2051 sq. m

3.0 **Planning Authority Decision**

3.1. **Decision**

Planning Permission was granted subject to 14 number conditions. Conditions of note include:

C. 2 Restricts the use of the building to that permitted herein.

C. 3 No change of use shall take place without benefit of a further planning permission.

C. 6 No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse.

C. 7 The developer shall establish a programme of monitoring to ensure effectiveness of silt control and other water quality protection measures.

C8. Noise levels emanating from the proposed development when measured at noise sensitive receptors shall not exceed 55dBA (30 min Leq) between 8.00 hours and 22.00 hours...

C9. During construction phase noise levels emanating from the proposed development when measured at specified noise sensitive locations shall not exceed 55dBA (30 min Leq) between 8.00 hours and 22.00 hours...

C11. All solid wastes arising on the site shall be recycled as far as possible.

Materials exported from the site for recovery shall be managed at an approved facility...

C12. At least three months prior to the commencement of development of any site clearance works the developer shall consult with Cork County Council Environment Section and agree in writing details of waste recycling for all waste arising on site including rock, construction & demolition waste, soil stone waste etc.....

C13. Site operations / site works shall be carried out in such a manner that no polluting material enters any watercourse on, adjacent to or around the site.

C14. No burning of waste materials shall take place on site.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The Planners Report acknowledges that the level of development on the site has grown over the years, however, it is considered that the current application (predominantly a rebuild with extension / alterations) in terms of the overall site is not going to have any major negative impact visually or in terms of residential amenity for nearby properties.

3.2.2. **Other Technical Reports:**

Reports:

Area Engineer – No Objection subject to condition.

Environment – No Objection subject to condition.

Fire Officer: Planners report states: 'No comments to make'. No report on file.

External Reports:

None.

3.3. **Prescribed Bodies**

None.

3.4. **Third Party Observations**

Two observations / objections submitted. The issues raised are similar in nature to those raised in the third-party appeal summarised in detail below.

4.0 **Planning History**

- Reg. Ref. 17/4090 Planning permission granted for extension to existing saw shop on the southern elevation of the existing factory.
- Reg. Ref. 16/5563 Planning permission was granted for (a) Construction of a new site entrance (b) construction of new access road to the rear of the site and (c)

the demolition of an existing storage building. The proposed development is being carried out on site which comprises of an activity requiring an integrated Pollution Control Licence on the same site for Plafab Ltd.

- Reg. Ref. 14/5263 Planning permission was granted for a new canopy to the existing intake building for Plafab Ltd.
- Reg. Ref. 13/5937 Planning permission was granted for a canopy over the existing yard for Plafab Ltd.
- Reg. Ref. 06/9614 Planning permission was granted for the construction of a factory for manufacturing of pallet spacer blocks from wood chips to include hardstanding area, car parking, lorry parking, weighbridge, office and installation of proprietary treatment unit.
- Reg. Ref. 91/345 Planning permission was granted for erection of Wood Treatment plant.
- Reg. Ref. 91/345 Planning permission was granted to relocate entrance and ext. to existing timber processing at Dooniskey, Lissarda.

The Planners report on file lists the extensive planning history attached to the adjoining site to the west - Eirbloc

5.0 Policy Context

Development Plan

- 5.1.1. The site is governed by the policies and provisions contained in the **Cork County Development Plan (2014-2020)**. The site is located within the 'Rural Area Under Strong Urban Influence'.
- 5.1.2. The site is within an area designated as 'High Value Landscape'. The Landscape Character Type is indicated as Type 8: Hilly River & Reservoir Valleys.
- 5.1.3. A portion of the site is within a flood zone.

5.2. Natural Heritage Designations

- 5.2.1. The subject site lies approximately 3.5km to the south east of the nearest designated site, being The Gearagh SAC Site Code 000108 and The Gearagh SPA Site Code 004109.

5.3. Environmental Impact Assessment (EIA)

- 5.3.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. One Number Third Party Appeal received.

The issues raised are summarised as follows:

- Inadequacy of plans and drawings submitted
- No drawings of the building to be demolished has been submitted
- How was the 340 sq. m additional floor area determined by the planning authority
- No indication has been referenced to an extension, it is not possible from the drawings submitted to determine the extended area.
- Buildings and associated site works are inadequately described in the subject application
- It is necessary to refer to Reg. Ref. 16/5496 to determine the exact size of the proposed extension, road positions, drain alterations and boundary conditions.
- Noise, smoke, dust emissions
- Noise cladding, on the exterior of buildings / noise mitigation, is required
- Booming noise emanates from the yard area associated with the site, use of large stationary and moving machinery during working hours gives rise to this.

- Traffic impact – inadequate road network to serve the development
- History of irregularities with planning permissions, unauthorised developments.
- Expansion of the business is unacceptable
- Log infeed and log loading machine shown on the south side of the proposed building does not have planning permission.
- No landscaping conditions was applied to the subject development
- The conditions attached are insufficient in controlling a more orderly development with regard to the rearrangement and construction of culverts for existing perimeter watercourses.
- The whole of the development is on a floodplain

The appeal is accompanied with;

- Copy of letter of objection to the planning authority.

6.2. Planning Authority Response

- None received

6.3. First Party Response

6.3.1. A first party response was received it is summarised as follows:

- Palfab have operated a sawmill from the site since 1983
- The site operates under the IPC Licence and the Company is fully compliant with all its conditions.
- Both the EPA and Cork County Council have approved the recent planning application
- It is imperative that the sawmill gets back in operation after the fire which took place in July 2018.
- The appeal seems to be directed at the planning process rather than any individual item in respect of the plant.
- The longer the sawmill is out of operation the more its viability is put in jeopardy.

7.0 Assessment

7.1.1. The issues of the subject appeal case can be dealt with under the following headings:

- **Principle of the Development**
- **Residential Amenity Issues**
- **Unauthorised Development**
- **Other Issues**
- **Appropriate Assessment**

7.2. Principle of Development:

7.2.1. The applicant is seeking planning permission to demolish and rebuild the part of the sawmill building, to the rear / north side of the site, which was damaged by fire. The planning application form states that the gross floor space of works to be demolished and proposed works is 2051 sq. m. From the description of the development and from the planning application, it is unclear as to the quantum of additional floor space the applicant is proposing, both refer to 'alterations only'. The third party raise this as a matter of concern.

7.2.2. The drawings submitted to the Board on the 16th January 2019 were wholly unclear and not in accordance with Article 23 (1) (e) of the Planning and Development Regulations 2001, as amended, which requires: 'plans relating to works comprising reconstruction, alteration or extension of a structure shall be so marked or coloured as to distinguish between the existing structure and the works proposed'. It was not possible to determine the increase in floor area from the information submitted.

7.2.3. I highlight for the attention of the Board that the planning authority was requested to submit coloured plans and drawings. Legible, demarcated drawings were submitted to An Bord Pleanála on the 28.05.2019. It is evident from a comparison of Drawing No. PL06 A and Drawing PL02 A Layout Plan that the floor area of the building is to increase to the north east side of the building.

7.2.4. Regard is had that the appellant contends that the increase in size of the new build is 430 sq. m, the planning report on file states that the increase in size of the building is

some 340 sq. m. It notes Reg. Ref. 16/5563 as a guide reference. I consider that taking the planning authority's figure of 340 sq. m to be appropriate and reasonable, in this instance, given their reference to the recent planning history on the site and their knowledge of the site.

- 7.2.5. It is contended that any extension of the existing operations is unacceptable on the site on grounds of intensification of an unsuitable use and that the proposed development would represent an overdevelopment of the site. I am satisfied, however, that the proposal to rebuild the fire damaged building in the same position with a moderate extension and reconfiguration of existing buildings would be acceptable in principle.
- 7.2.6. The proposed building to be rebuilt is in the same location, however, as per the description and drawings it includes alterations. It is noted that no drawings of the previous as built building have been submitted to aid the assessment. This being said regard is had to Article 23 (1) (iii) of the Planning and Development Regulations 2001, as amended, which states: 'Notwithstanding paragraph (a) of sub-article (4), drawings of floor plans are not required to be submitted in respect of a structure, other than a protected structure or a proposed protected structure, that is proposed to be demolished'.
- 7.2.7. The proposed development is being carried out on a site which comprises of an activity requiring an Integrated Pollution Control Licence. The operation of the site appears to be in compliance with the Licence, no issue has been raised in this regard. The Council referred the file to the EPA, no comments were forthcoming. The Fire Officer, Area Engineer and Environment Section of the planning authority have no objection to the proposed development.
- 7.2.8. The proposed replacement / rebuild of the log sawing / board cutting section of the sawmill and minor extension and alteration (height increase to 12m at the apex and increase in floor area of some 340 sq. m), in my opinion, given its location, nature, scale and existing operations on the site, represent an acceptable addition to the overall industrial site.
- 7.2.9. In terms of visual impact and amenity, I am satisfied that the development will not significantly detract from the existing character of the site or wider area and is acceptable.

7.3. Noise Impact:

- 7.3.1. It is submitted that operations on site and within and associated with the log sawing / board cutting building will add to noise levels. The third-party requests that the building be clad with sound insulation.
- 7.3.2. It is acknowledged that the level of development on the site has grown over the years. However, it is submitted that the current application (predominantly a rebuild with extension / alterations), in terms of the overall operations on the site will not give rise to any negative impact in terms of noise to nearby properties. The building is located fairly centrally / to the rear of the site and is not in proximity of neighbouring dwellings. There are no dwellings immediately adjoining the appeal site, some sporadic one off dwellings are located to the north and north east.
- 7.3.3. The first party submit that the proposed replacement build is being carried out on a site which comprises of an activity requiring an IPC Licence. The new section of the plant will only be replacing the existing production so there will be no change to the personnel or materials entering or leaving the site. The Environment Section have considered the proposal and have no objection subject to condition.
- 7.3.4. I note conditions 8 and 9 of the notification of decision to grant permission (Reg. Ref.18/06706), relating respectively, to noise levels emanating from the proposed development when measured at noise sensitive receptors. It is required that noise levels shall not exceed 55dBA (30 min Leq) between 8.00 hours and 22.00 hours... and that during construction phase noise levels emanating from the proposed development when measured at specified noise sensitive locations shall not exceed 55dBA (30 min Leq) between 8.00 hours and 22.00 hours...
- 7.3.5. I recommend that should the Board agree that permission should be forthcoming for the proposed development that similar conditions are attached with respect to noise control and monitoring.
- 7.3.6. I also recommend that a condition be attached to any grant of planning permission, which requires that the development be carried out in accordance with a construction environmental management plan (to ensure protection of water quality, mitigation of dust and noise among other considerations). Subject to good housekeeping by the developer no material issues in this regard should arise. It is duly noted that the construction period is for a finite time period only.

7.3.7. Given the nature of the proposal, essentially a rebuild, I am satisfied that issues with respect to noise can be adequately dealt with by way of condition and compliance stage.

7.4. Traffic Impact

7.4.1. Third party concern is raised with respect to traffic impact. It is contended that there is an inadequate road network to serve the development.

7.4.2. I agree with the planning authority on this matter. The proposal is essentially a rebuild with minor extension / alterations. The area engineer has no objection to the proposal. There is an established business on the site and the subject application proposes to essentially rebuild the part of the sawmill building, to the rear / north side of the site, which was damaged by fire.

7.4.3. I note conditions 2 and 3 of the notification of decision to grant permission (Reg. Ref.18/06706), which respectively, restricts the use of the building to that permitted herein and which requires that no change of use shall take place without benefit of a further planning permission.

7.4.4. Given the foregoing I see no evidence to suggest that the proposal would give rise to a traffic hazard and I consider that to refuse planning permission on ground of traffic impact would be unreasonable.

7.5. Unauthorised Development

7.5.1. The third party have raised the history of irregularities with planning permissions, unauthorised developments on site and compliance with conditions as areas of concern.

7.5.2. It is noted that the submitted plans and drawings do not reflect the current situation on the ground. The plans and drawings reflect the recent grant of planning permission, on foot of Reg. Ref. 16/553, which has not yet been enacted. I concur with the planning authority that while this may be helpful for context and illustrates how the proposed development can be accommodated alongside the permitted development it forms a separate permission and in the interests of clarity and for the avoidance of doubt it is recommended a condition is attached which clarifies that the

works permitted under previous extant permissions do not form part of this development and are not permitted as part of this application.

- 7.5.3. Unauthorised use and or unauthorised development is a matter for the planning authority. Planning enforcement comes, solely, within the remit of the planning authority and is not a matter for An Bord Pleanala.
- 7.5.4. I note for the attention of the third party that if a question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of the Act, any person may on payment of the prescribed fee, under section 5(1) of the Planning and Development Act, 2000, as amended, request in writing from the planning authority a declaration on that question. Should the third party be unhappy with the declaration issued it is open to them to refer the declaration for review to An Bord Pleanala, within 4 weeks of the date of the issuing of the declaration.
- 7.5.5. With respect to compliance with conditions, again this is a matter of enforcement by the planning authority. I am cognisant that the conditions attached are designed to be enforceable, precise, reasonable and relevant to planning, while minimising the need for compliance submissions in the interests of efficiency commensurate with proper sustainable planning and development.

7.6. **Other Issues**

- 7.7. Third party concern has been raised with respect to landscaping on site. From my site visit, see photographs attached, it is evident that this site is industrial in nature with large industrial buildings and no landscaping throughout. In the main the site has a concrete floor. This being said the boundaries of the site are well defined, and the site is screened by existing trees and hedgerow. A stream runs along the eastern boundary and northern portion of the site.
- 7.7.1. The proposal is essentially a rebuild with minor extension / alterations. It is acknowledged that this site is industrial in nature. Regard is had to the extensive planning history on the site and the for pattern for grants of planning permission relating to revisions and expansion of the site dating back to the early nineteen nineties.

- 7.7.2. Third party concern has been raised with respect to location of the site within a flood plain. It is acknowledged that the site is located within a flood plain. Regard is had to OPW Draft Flood Mapping which sets out 'Fluvial - Indicative 1% AEP (100-yr) Event'. The area engineer and the environment department have no objection to the proposed development subject to condition.
- 7.7.3. During my site visit I witnessed no concerns relating to flooding matters. Given the nature of the proposal I consider that the proposed development is an acceptable use at this location, subject to conditions with respect to storm attenuation measures and monitoring, regard being had to the existing permitted uses and planning history.

7.8. Appropriate Assessment (AA)

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

8.0 Recommendation

- 8.1.1. I recommend that the decision of the planning authority be upheld, and planning permission be Granted subject conditions, for the reasons and considerations as set out below.

9.0 Reasons and Considerations/ Reasons

- 9.1.1. Having regard to the provisions of the current Cork County Development Plan, 2014-2020, the existing established industrial use, the pattern of existing and permitted development in the vicinity and having regard to the information submitted as part of the planning application together with the information submitted in the appeal, I am satisfied that, subject to compliance with the following conditions, the proposed development would not seriously injure the amenities of the area and would not be prejudicial to public health and therefore would be in accordance with the proper planning and sustainable development of the area.

10.0 CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and further plans and particulars submitted to An Bord Pleanála on the 28th May 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed structure shall be used solely as that permitted herein and no change of use shall take place without benefit of a further planning permission, notwithstanding the exempted development provisions of the Planning and Development Regulations 2001, as amended.

Reason: In the interests of residential amenity.

3. This permission refers strictly to the development as described in the documents lodged to the planning authority on the 12th October 2018 save as the conditions here under require. For the avoidance of doubt it does not infer any permission for the works previously permitted under planning register reference 16/5563.

Reason: In the interests of clarity.

4. (i) 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.
- (ii) Storm attenuation measures shall be incorporated into the proposed storm water system. Full detailed storm water attenuation proposals shall be submitted to and agreed in writing with the Planning Authority prior to commencement of any development. These proposals shall include detailed,

site specific design, layout and section drawings and construction details. as well as detailed proposals for the operation, maintenance and silt management of the system.

(iii) No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse and detailed proposals for installation and maintenance of silt traps and other measures to ensure this shall be submitted to and agreed in writing with the Planning Authority prior to commencement of any development.

(iv) The developer shall establish a programme of monitoring to ensure effectiveness of silt control and other water quality protection measures. This programme shall include the carrying out of physical and chemical sampling on the stream adjacent to the site. Detailed proposals for the monitoring programme, including parameters, location of points and frequency of testing, shall be submitted to and agreed in writing with the planning authority before any development commences, or, at the discretion of the planning authority, within such further period or periods of time as it may nominate in writing.

(v) The applicant shall undertake an inspection of the interceptor traps monthly and shall maintain a register of the outcome of such inspections. The register shall be made available for inspection by the Planning Authority at all reasonable times.

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

5. (i) The construction of the development shall be managed in accordance with a Construction Environmental 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.
- (ii) Operations on site, both during the construction phase and following commissioning shall be carried out in such a manner that no polluting material enters the watercourses around the site.

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

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

6. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

- (i) An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.
- (ii) An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

At no time shall the noise generated on site result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation R 1996 "Assessment of Noise with respect of Community Response" as amended by ISO Recommendations R 1996 1, 2 or 3 "Description and Measurement of Environmental Noise" as applicable.

Reason: To protect the residential amenities of property in the vicinity of the site.

7.

- (i) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of development.
- (ii) During the construction phase of the proposed development, the noise level emanating from the development, as measured at the nearest specified noise monitoring locations shall not exceed:-
An L_{AeqT} value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. The T value shall be one hour.

An L_{AeqT} value of 45 dB(A) at any other time. The T value shall be 15 minutes. The noise at such time shall not contain a tonal component.

Reason: To protect the residential amenities of property in the vicinity.

8. All site operations shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs off site.

Reason: To safeguard the amenities of the area.

9. No muck, dirt, debris or other material shall be deposited on the public road or verge by machinery or vehicles travelling to or from the site during the construction phase. The applicant shall arrange for vehicles leaving the site to be kept clean.

Reason: In the interest of orderly development.

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

Reason: In the interest of traffic safety.

11. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Fiona Fair
Planning Inspector
04.06.2019