



An  
Bord  
Pleanála

## Inspector's Report ABP 312289-21.

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<b>Development</b>	Construction of an agricultural grain store and ancillary farm buildings.
<b>Location</b>	Barryscourt, Carrigtwohill, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	214638
<b>Applicant</b>	Owenacurra Agri
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	(1) Pat and John Ahern (2) Frank and Catherine Brennan (3) Caroline Harte
<b>Observers</b>	(1) An Taisce (2) Tom Twomey
<b>Date of Site Inspection</b>	13 <sup>th</sup> of April 2022
<b>Inspector</b>	Siobhan Carroll

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## 1.0 Site Location and Description

- 1.1. The appeal site is located in the townland of Barryscourt, Carrigtwohill, Co. Cork. It is situated circa 1.25km to the south of Carrigtwohill. The N25 is located to the north. Junction 4 of the N25 the east Carrigtwohill interchange serves Carrigtwohill to the north. The L7645 the local road which serves the appeal site joins the interchange circa 1km to the north of the site.
- 1.2. The site lies within an rural area where there is housing located sporadically along the surrounding roads. There are a number of active quarries to situated to the south and east of the appeal site. Barryscourt Castle which was built in the 15<sup>th</sup> century is located circa 870m to the north-west of the site.
- 1.3. The site has a stated area of 4.49 hectares. It comprises two large sections of existing fields and also sections of adjoining fields to the west where access to the main area of the site is proposed. The subject lands are in agricultural use and are currently farmed for tillage purposes with the growth of malting barley. The field boundaries to the north and south of the site are defined by mature hedgerow. The lands to the adjacent lands to the north, south and east of the site are also in agricultural use, predominantly tillage with some pastoral farming also.
- 1.4. To the north of the site where the existing vehicular access is situated lies a number of outbuildings in a courtyard layout. To the north of these buildings is a two-storey dwelling which has recently been refurbished and extended.

## 2.0 Proposed Development

- 2.1. Permission is sought for the construction of an agricultural grain store and ancillary farm buildings. This comprises;
  - (1) a grain store (2827.36sq m) comprising 3 no. storage bays complete with silo, elevators, conveyors, drying and air handling plant,
  - (2) agricultural farm shed (1454.40sq m) comprising agricultural machinery and hay/straw storage areas, (3) horse stables (550.22sq m) comprising 7no. stalls for breeding/rearing of blood stock with ancillary toilet and feed storage areas and a mezzanine storage level,

- (4) dungstead,
- (5) concrete surfaced farmyard,
- (6) 2 no. overground LPG storage tanks in farmyard,
- (7) relocation of existing farm entrance on local road L7645,
- (8) internal access road linking relocated farm entrance to new farmyard,
- (9) 1.1m high timber-effect concrete fencing and gates to farm site frontage, internal access road and farmyard,
- (10) provision of 10pe treatment plant and polishing filter,
- (11) construction of infiltration basin and landscaped berm including re-grading of adjacent farm field levels, plus
- (12) weighbridge record office (94.36sqm) including weighbridge record system, grain quality-control testing laboratory, farm office and staff welfare facilities,
- (13) 2 no. weighbridges
- (14) all associated site works.

2.2. As part of the further information response the design was revised with the omission of the stables.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 44 no. conditions.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

Further information was requested in relation to the following;

1. Clarify relationship between the proposed horse stables, the farm shed and the grain storage building.
2. Provide details of the scale and nature of the existing horse breeding activity at the existing family farm at Cloneen, Carrigtwohill. Outline the requirements

for the horse stables at the site at Barryscourt rather than locating them at the existing family farm at Cloneen, Carrigtwohill.

3. It is stated that 7.5 acres are proposed for exercise turn out and grazing area for 4 to 5 mares that will be housed there. Clearly identify the area designated for horses and the areas designated for tillage farming.
4. The site is located within a High Value Landscape. The location, siting and design of large scale development within these areas will need careful consideration. The applicant is requested to submit a visual assessment for the consideration of the Planning Authority.
5. Concern is raised in relation to proximity of proposed tall buildings close to the boundary of adjoining agricultural lands which will impede growth of crops on sections of adjoining lands. The applicant was requested to address the issue.
6. Policy Objective EE-9-1 of the Cork County Development Plan 2014 provides for appropriate new businesses in rural areas where the proposal has a mobility plan for employees home to work transportation. The applicant is requested to submit details of the number of employees and submit a mobility plan.
7. Applicant was required to provide details as to the quality of hedgerows and conduct a current condition survey to be carried out by a suitably qualified Ecologist.
8. The site has the potential to hold avian species of conservation concern such as breeding yellowhammer. The applicant was requested to submit a summer breeding bird survey report and results of same. Should breeding birds be found on site and if impacts are avoidable then compensatory measures would be required along with an Ornithology Plan for the site.
9. The applicant proposes to plant non-native species *Fuchsia magellanica*, *Fagus sylvatica* and *Ros rugosa* within the site. *Fuchsia magellanica* and *Fagus sylvatica* are not recommended for planting by the All Ireland Pollinator Plan. The applicant was requested to submit a list of replacement native species.

10. Submit details of the siting and justify the capacity of the proposed By-pass petrol Interceptor/Hydrocarbon Interceptor.
11. Submit details of the proposed dungstead and soiled water tank to serve the stables.
12. Submit proposals to control dust and noise from the proposed hardcore access road. It is recommended that that the access road be hard surfaced with Tarmac or similar materials.
13. Submit suitably scaled map as part of noise impact assessment showing location and distance from noise monitoring stations and identify noise sensitive receptors.
14. The noise report should comment on the impact of the proposed development on existing ambient and background noise levels at identified noise sensitive locations in the vicinity.
15. The noise report shall clarify and comment as to why noise results are predicted over  $L_{aeq16}$  hour periods as opposed to shorter term day/night periods.
16. The noise report should outline and detail if an analysis has been undertaken and if the predicted noise levels had regard to the presence or otherwise of tonal/impulsive elements in the character of the sound arising from the proposed development.
17. The noise report should present the overall noise levels arising from the proposed development at the site boundary and at identified noise sensitive locations in the vicinity, both pre and post mitigation.
18. Provide geophysical survey carried out under licence from the National Monuments Service by a suitably qualified Geophysical archaeologist. Submit written report in relation to the surveying and testing to the Planning Authority and the National Monuments Service.
19. In relation to traffic and transportation the applicant was required to
  - Provide analysis of the haul routes to quantify the impact of the proposal during the 6 week period from the N25 to the proposed development.

- Provide analysis of the haul routes to quantify the impact of the proposal on their design life from the N25 to the proposed development.
  - Provide analysis of haul routes in relation to existing geometric constraints.
  - Provide an independent Traffic and Transport Assessment.
  - Provide sight visibility layouts at the access junction
  - Submit and independent Stage 1/2 Road Safety Audit in respect of final detailed proposals by an independent suitably qualified Road Safety Audit Team.
- Following the submission of a detailed response to all the items raised under the Further Information request, the Planning Authority were satisfied with the proposals and a grant of permission was recommended.

#### 3.2.2. Other Technical Reports

3.2.3. Area Engineer – No objections subject to conditions.

3.2.4. Traffic and Transport – No objections

3.2.5. Environment Section – No objections

3.2.6. Ecology/AA – No objections

3.2.7. Archaeology – Geophysical survey and testing were deemed satisfactory. No further archaeological input required.

### 3.3. Prescribed Bodies

- none

### 3.4. Third Party Observations

3.4.1. The Planning Authority received 46 no. submissions/observations in relation to the application the main issues raised are similar to those set out in the appeals and observations submitted to the Board.

## 4.0 Planning History

Subject site



Reg. Ref. 07/8094 & PL04.228078 – Permission was refused for the construction of a haulage depot to provide 100 truck parking spaces and 54 car parking spaces and truck servicing building. Permission was refused for four reasons.

1. Having regard to the location of the site within the designated Metropolitan Cork Green Belt, Area A3, to the substantial scale of the development and to its industrial nature, it is considered that the proposed development would contravene materially Objective SPL 2-2, as indicated in the current Development Plan for the area, to preserve the character of the green belt as established in the Plan and to reserve generally for use as agriculture, open space or recreation uses those lands that lie within it. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an unserviced rural area and at a significant distance from the strategic road network, it is considered that the proposed development, comprising a truck depot of strategic importance as well as a haulage business, would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users because the local road network in the area is inadequate to cater for the substantial increase in truck movements likely to be generated by the development. The resultant traffic would also seriously injure the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to the high soil percolation rates and the absence of sufficient design detail in relation to the disposal of both waste and surface water, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

### Adjacent to the site

Reg. Ref. 21/4883 – Permission was refused for the construction of a dwelling, garage, wastewater treatment unit, percolation area, well and associated site works.

Reg. Ref. 21/7266 – Permission was granted for a change of plan only to the permitted design of alterations and extension to existing dwelling house as granted under planning permission Reg no. 20/6914. The change of plan includes the following a) a modified design of 2 storey and single storey extension to the existing dwelling and b) a minor modification to approved plan for restoration of existing cottage to include a new doorway to the northern elevation of the same.

Reg. Ref. 20/6914 – Permission was granted for alterations and extensions to existing dwelling house including, (a) Demolition of 2 no existing outbuildings and 1 no. lean to building (b) Alterations to elevations of existing dwelling, refurbishment and replacement of existing roof (c) Proposed new entrance (d) Alterations including part single storey and part two storey extensions to existing dwelling house (e) Construction of waste water treatment plant and percolation area (f) Ancillary site works.

Reg. Ref. 19/4911 – Permission was granted to demolish existing outbuildings and existing derelict dwellinghouse and permission construct a new dwellinghouse.

Reg. Ref. 15/4909 – Permission was granted for construction of a single storey extension to rear & alterations to existing dwelling, provision of a new site entrance, wastewater treatment unit and percolation area.

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

#### 5.1.1. Section 8.15 – Agriculture and Farm Diversification

#### 5.1.2. County Development Plan Objective EC 8-12 Agriculture and Farm Diversification

(a) Encouraging the development of sustainable agriculture and infrastructure including farm buildings;

(b) Prioritising the development of sustainable rural housing to support working farmers and their employees;

(c) Encouraging farm diversification through the development of other sustainable business initiatives appropriate to the rural area.

(d) Support appropriate proposals for sustainable tourism development.

## 5.2. Natural Heritage Designations

5.2.1. Cork Harbour SPA (Site Code 004030), lies circa 836m to the south-west of the site at the closest point.

5.2.2. Great Island Channel SAC (Site Code 001058), lies circa 836m to the south-west of the site at the closest point.

## 5.3. Environmental Impact Assessment

5.3.1. The development is not of a class of development set out in Part 1 or Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended). Accordingly, I am satisfied that EIA or EIA screening is not required in this case.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Third party appeals have been lodged by (1) Pat and John Ahern (2) Frank and Catherine Brennan (3) Caroline Harte. The issues raised are as follows;

#### (1) Pat and John Ahern

- The appellants are the adjoining landowners at the northern side of the proposed development.
- It is considered that due to the proximity of the proposed tall buildings close to the boundary of their property that it would impede the growth of crops on sections of their lands.
- As part of the further information response a letter and shadow diagram analysis from the Teagasc Office in Mallow was submitted. It is stated in the

letter that “the potential for yield reduction as a result of shadowing is negligible”

- The appellants state that they have consulted with tillage and dairy specialists from the local Teagasc Office in Midleton. The findings of the Teagasc Office in Midleton are not consistent with the letter from the Teagasc Office in Mallow.
- The appellants state that their lands will be located within the zone of influence of the infiltration basin at the North Eastern side of the proposed development. It is submitted that the proposed development will adversely affect the natural drainage of their lands and could potentially cause flooding.
- The appellants state that the Teagasc representative understands their concerns regarding the infiltration basin and the potential impact on their lands given their site is lower lying than the proposed development.
- It is stated that dust occurring during the delivery and processing of the 30,000T of grain will affect the respiratory system of farm animals on the appellants lands.
- It is considered that a large amount of birds will congregate in proximity of the development and that the birds will use the water facilities the appellants have on their lands for cattle. It is suggested that this could result in the spread of disease in the water.
- There is no unique requirement for the proposed development at this particular site.
- The increased traffic the proposed development would generate will have a negative on the busy country road.
- The scale and extent of the buildings and concrete yards of the proposed development is not consistent with agricultural use as described in the application documentation.

## **(2) Frank and Catherine Brennan**

- The appellants own the adjoining house onto the L7645. Their boundary is circa 40m from the proposed entrance to the development.

- The applicant defines the proposed use as agricultural, the appellants consider that it is not consistent with the definition of agriculture in the Planning and Development Act, 2000.
- The development includes, receiving onto the site from the East Cork Area, sorting, testing, grading, storing and putting through a drying process and delivery to Athy and other outlets bulk volumes of grain in the order of circa 30,000T. The site area of 4.49ha includes 7m wide and 285m long access road, 3.3 acre concrete yard excluding structures, 14/16m high structures with a combined area of sheds of 4,346sq m, two weigh bridges and associated office and labs.
- It is submitted that the proposed development is not consistent with the Development Plan. The proposed development is located within the green belt area and is not in accordance with Objective EE4-4 of the Development Plan which states that industrial development will be promoted on zoned lands.
- A Road Safety Audit was prepared by MHL and submitted as part of the further information response. It is stated that the Road Safety Audit did not refer to the proposed access road to the development and its junction with the L7645.
- Condition no. 13 attached by the Planning Authority states, “sight distance of 120m to the North and 120m to the south should be provided from centre point of entrance 3m back from the public road edge. No vegetation or structure shall exceed 1m in height within the sight distance triangle. To provide proper sight distance for emerging traffic in the interest of road safety.
- The appellants state that the condition cannot be met without alterations to the appellant’s property and the property of their neighbour. They confirm that they have not agreed to make these alterations to their property. Drawing no: D-AR-018 indicates the sight line triangle impinges on their property.
- It is considered that the increased traffic which the development would generate would negatively impact on an already busy rural road network.

- The applicant states that the industry has unique locational requirements which deem it unsuitable to be located within an appropriately zoned and serviced site. The appellants state that the site is not unique. The proposed development would facilitate the processing and distribution of grain from East Cork with its transportation to Athy, this is considered to be an industrial use. The location of the proposed development in a rural area is considered contrary to the County Development Plan and the proper planning and development of the area.
- The proposed development will detrimentally affect the use of the local road network due to the increased traffic, increased noise, dust and negative visual impact.
- The appellants cite a previous appeal on the site Reg. Ref. 07/8094 & PL04.228078.
- The appeal includes a report prepared by Coakley O'Neill Planning Consultants. The contents of the report are the same as that provided in the appeal submitted by Coakley O'Neill Planning Consultants on behalf of Caroline Harte.
- The appellants request that the Bord overturn the decision of Cork County Council and refuse permission.

### **(3) Caroline Harte**

- The planning history of the site is cited. An application was made under Reg. ref. 06/7231 for the construction of haulage depot including transit store, offices and facilities, truck servicing building, truck fuelling station, truck wash, bunded fuel tank, trailer and car parking, effluent treatment unit, security fencing, landscaping, entrance and access road. The application was withdrawn. Under Reg. Ref. 06/11484 permission was sought a similar development of a haulage depot and the application was withdrawn.
- Under Reg. Ref. 07/8094 & PL04.228078 permission was refused for the demolition of an existing lean-to shed and partial demolition of farm outbuilding and construction of haulage depot to provide 100 no. truck parking spaces and 54 no. car parking spaces and truck servicing building.

- It is noted that the site is located in the Metropolitan greenbelt area as per the Cork County Development Plan 2019 and is designated as a High Value Landscape.
- In relation to the Cobh Municipal District Local Area Plan, the appellant notes paragraph 3.6.5.4 which states “Outside the development boundary, the land forms part of the Metropolitan Greenbelt. Here, the objectives of the County Development Plan seek to retain the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built up areas to focus attention on lands within settlement which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.”
- It is submitted that the proposed development materially contravenes the Development Plan. It is stated that there are no existing agricultural structures or farmyard within the landholding.
- It is noted that under a previous recent application which was invalidated that the development was described as malting barley centre. It is noted that “installations for malting” are listed as part of the Food Industry in paragraph 7 of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001. The Regulations deem that facilities used in the malting process to be an industrial use associated with the food industry.
- The Development Plan objective relevant to the site and greenbelt seek to preserve the character by reserving development to agriculture, open space and recreational uses and the protection and enhancement of the biodiversity of these lands.
- Policy Objective RCI-5-7: Strategic and Exceptional Development recognises that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that development may be accommodated in greenbelt locations.
- It is stated that the proposed development cannot be considered of a strategic importance or exceptional nature.

- It is submitted that the proposed development is a large scale industrially based use with a significant transportation element which would be better suited to a designated commercial or industrial use location.
- It is considered that the applicant provided no justification for the need to locate the proposed development within the Metropolitan Greenbelt.
- The applicant argues that the proposed development has 'locational requirement that can be more readily accommodated in a rural location than in an urban setting.' The appellant would dispute this and considers that no such locational requirement exists.
- The appellant considers that there are suitable alternative locations on commercial light industrial and industrial zoned lands within the settlements of Middleton, Carrigtwohill and Little Island.
- The report of the Planning Officer date 6<sup>th</sup> May 2021 states that the development is not conventional farming and has a commercial element while further acknowledges that the design reflects an industrial setting. The report states, "I am satisfied the proposed grain store building and associated silo, elevators, conveyors, drying and air handling plant while not conventional farming as there is a commercial element it is an agricultural activity and is appropriate to the rural area and therefore can be given further consideration at this location with the Metropolitan Greenbelt area subject to other normal and proper planning considerations.
- It is stated that the proposed development involves the construction of a centralised facility for the malting process.
- It is considered that the proposed development contravenes policies EE8-1 and EE9-1 of the Development Plan. Policy EE8-1 refers to farm diversification and policy EE9-1 supports new business uses in rural areas where their scale and nature are appropriate. The appellant contends that the proposed development is not of a scale or nature appropriate to the rural area. It would be located 800m from a Natura 2000 site. The appellant contends that it would adversely affect the character and appearance of the landscape. It is submitted that the existing or planned road network cannot accommodate the extra traffic which would be generated. It is stated that the



proposed development has no mobility plan for employees and the proposal does not involve the re-use of redundant or underused buildings that are of value to the rural scene. It is submitted that there are no local policy basis to support the location of this use within the Metropolitan greenbelt.

- It is submitted that the proposed development is inconsistent and incompatible with the rural character of the area. It is considered that the proposed development would constitute an obtrusive feature, incompatible with the range of objectives for the Greenbelt. The proposed development would result in the loss of hedgerows. It is considered that the mitigation measures are not satisfactory.
- It is noted that the site is the same site where permission was refused under Reg. Ref. 07/8094 and PL04.228078 for a haulage depot to provide 100 truck parking spaces and 54 car parking spaces, truck servicing building. Permission was refused for four reasons.

1. Having regard to the location of the site within the designated Metropolitan Cork Green Belt, Area A3, to the substantial scale of the development and to its industrial nature, it is considered that the proposed development would contravene materially Objective SPL 2-2, as indicated in the current Development Plan for the area, to preserve the character of the green belt as established in the Plan and to reserve generally for use as agriculture, open space or recreation uses those lands that lie within it. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the location of the site within an unserved rural area and at a significant distance from the strategic road network, it is considered that the proposed development, comprising a truck depot of strategic importance as well as a haulage business, would be contrary to the proper planning and sustainable development of the area.
3. The proposed development would endanger public safety by reason of traffic hazard and obstruction of road users because the local

road network in the area is inadequate to cater for the substantial increase in truck movements likely to be generated by the development. The resultant traffic would also seriously injure the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

4. Having regard to the high soil percolation rates and the absence of sufficient design detail in relation to the disposal of both waste and surface water, the Board is not satisfied on the basis of the submissions made in connection with the planning application and the appeal, that the site can be drained satisfactorily, notwithstanding the proposed use of a proprietary wastewater treatment system. The proposed development would, therefore, be prejudicial to public health.

- It is argued that the proposal is similar in nature and scale in terms of general activity in relation to the movement of HGV's and the use of the site for industrial/commercial purposes. It is considered that the reasons for refusal issued under PL04.228078 still have a key relevance.
- It is noted that the whiskey industry across the country has resulted in the development of new facilities the majority of which have been located in urban and zoned locations.
- The appellant cites a decision of the Bord ABP 302032-18 where permission was refused for the development of a whiskey warehouse. The permission was refused for three reasons.

1. The site is located within Development Zone 4 of the Louth County Development Plan 2015-2021 which is 'to provide for a greenbelt area around the urban centres of Dundalk, Drogheda and Ardree'. The Board considered that the proposed development, which it considered to be industrial/commercial in character, would materially contravene the zoning objective relating to Development Zone 4 and its associated policies RD37 and RD38. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

2. The proposed development is partially located within the settlement boundary of Kilcurry village which is a Level 4 village within the county settlement hierarchy of the Louth County Development Plan 2015-2021 where the role of Level 4 villages is to serve a smaller rural catchment, provide local services with some smaller scale rural enterprises. Policy SS1 seeks to maintain the settlement hierarchy within the county. The Board considered that the proposed development, which it considered to be industrial/commercial in character, would materially contravene the county settlement hierarchy and the associated policy SS1 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the undulating nature of the landscape, the level of cut and fill of soil and rock required to accommodate the proposed development, in addition to the scale of the development and the proposed berm, it is considered that the proposed development would form a discordant and obtrusive feature on the landscape at this location, and would militate against the preservation of the rural environment and natural landscape, contrary to policy HER 10 of the Louth County Development Plan 2015-2021, and would set an undesirable precedent for other developments within the greenbelt zoned area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
- Another decision of the Bord was cited where permission was refused for a vehicle test centre outside Fermoy under ABP 305732-18. Permission was refused for one reason;

The site of the proposed development is in a designated greenbelt south of the town of Fermoy in a remote rural location and beyond the designated environs of the town of Fermoy. It is an objective of Cork County Development Plan 2014, relating to this greenbelt, to retain the identity of Fermoy, to prevent sprawl, and to ensure a distinction in character between its built up areas and the open countryside by maintaining the Greenbelt and reserving it generally for use as agriculture, open space or recreation uses. Furthermore, the provisions

of the Fermoy Municipal District Local Area Plan designate substantial lands within the settlement boundary of the environs of Fermoy for employment uses, with extensive lands zoned for business, industrial and distribution uses within the serviced environs of this designated 'Main Town'. It is considered that the development of a commercial vehicle test centre at this location would constitute an incompatible use within the greenbelt, would significantly intensify commercial/industrial operations in this greenbelt, would contribute substantially to the erosion of the town's greenbelt, and would constitute an undesirable precedent for development of this nature in the immediate vicinity. Furthermore, having regard to the provision for industrial and commercial uses within the serviced environs of Fermoy, it is considered that the proposed development would undermine the role of Fermoy as a designated 'Main Town' and its role in facilitating sustainable economic development. The proposed development would be contrary to the objectives of the Cork County Development Plan, would undermine the orderly development of the town of Fermoy, and would, therefore, be contrary to the proper planning and sustainable development of the area.

- The appellant states that the proposed development will give rise to significant road safety and traffic hazard issues and cannot be safely accessed.
- In relation to the road safety audit it is noted that a series of issues were identified and that it only identified two junctions in the area. It highlighted issues at Rossmore crossroads.
- Regarding Rossmore crossroads the appellant cites an appeal for a quarry at Rossmore, Carrigtwohill under PL04.217967. Permission was refused the appellant notes the section of the report of the Senior Planning Inspector concerning traffic impacts which concluded that Rossmore crossroads was a traffic hazard. The appellant states that no significant improvement have been made to the local road network since the assessment by the SPI was made.
- It is submitted that satisfactory sightlines cannot be achieved at the site entrance as 160m sight distance cannot be achieved to the north at the

entrance without the setback of the roadside boundaries of the two neighbouring properties. It is stated that a detailed site entrance design was not submitted by the applicant as requested in the further information.

- Regarding traffic generation the volume of traffic and truck movements which would be generated is unclear. It is also noted that there are two quarries in the area.
- It is submitted that the proposed development will have a serious detrimental impact on the residential amenity of properties in the vicinity. Noise will be generated by the operation of the proposed use. The increase in HGV's in the area will give rise to noise and dust impacts. It is noted that the noise assessment identifies a need for mitigation measures. Additional light pollution, general disturbance, litter and odours are all likely to arise as a result of the proposed development.
- It is considered that the location, design and scale of the proposed development will lead to undue negative impacts which would be detrimental to the residential amenity of neighbouring properties.

## 6.2. Applicant Response

A response to the third party appeals has been submitted by PABIA Consulting Ltd on behalf of the applicant Owenacurra Agri. The issues raised are as follows;

- There has been some comment in the appeals about the term “Malting Barley” which implies that malting barley grain is a processed product. The applicant wishes to clarify the matter.
- Malting Barley is a type of barley cereal crop grown on farms in certain areas of Ireland specifically under contract as a raw material for the food, brewing and distillery industries.
- It is stated that for acceptance as a raw material for these industries the harvested grain that is collected from the fields must meet very stringent quality controls and be low in protein, low moisture content and high KPH – value, it must be sweet, sound and free from all obnoxious impurities.

- The production of this barley cereal on each contracted farm is very strictly controlled by the farmer because treatment of the crop during growth and especially its management in varying weather conditions dictate the quality of harvested grain.
- If the harvested grain fails to meet the quality parameters for malting barley, it is utilised as raw material for manufacturing of animal feedstuff.
- Following harvest, because of Irish varying weather conditions the grain must be dried within 48 hours of harvest, to ensure the moisture content is reduced to correct level. This is known as curing the grain and once it reaches this state the cured grain can be stored in the grain store. The cured grain can be aerated at intervals to ensure it does not become mouldy. These are the only ways that the grain is manipulated during storage.
- It is stated that currently malting barley is grown on only 75,000 - 80,000 acres of farmland in Ireland in mainly concentrated areas in counties Cork, Wexford, Kilkenny, Carlow and Louth. In each of these tillage farming areas there are a number of grain stores where barley crops grown in the local area are collected for drying and storage for onward transmission to the malting plant. This is the standard farming practice.
- In this specific case it is proposed to build a grain store in Barryscourt where locally grown grain will be collected or assembled at harvest time. Approximately 50% of the grain will be delivered immediately to the Boortmalt Limited malting plant in Athy, Co. Kildare. The remaining grain will be dried and stored at the Barryscourt site in the proposed grain store.
- In relation to this stored grain, it will be delivered to the Athy plant over the following 10-11 months at an average rate of 2 x 30 Tonne loads a week.
- There is absolutely no processing of the harvested grain proposed, it will be collected at the proposed store and then either transferred immediately to Boortmalt Athy or dried and stored for subsequent delivery to the Athy plant.
- It is stated that the soils in and around the East and North Cork areas, including Midleton, Youghal, Carrigaline, Kinsale, Mallow are particularly suited to growing malting barley crops.

- The haulage routes provided at further information stage indicate that the grain store is ideally located in the area close to National Primary Routes along which the grain can be assembled and then delivered to Boortmalt.
- It is highlighted that the quantum of malting barely grain assembled from contracted growers at harvest 2022 by the applicant Owencurra Agri was 16,5000 tonnes. This is 55% of the total quantum of grain 30,000 tonnes that the grain store is designed for.
- It is not expected that the 30,000 tonnes quantum of grain store will be reached for approximately 6-8 years. The haulage routes provided at further information stage were based on the 2022 farm supply contracts to Owencurra Agri which totalled 16,550 T.
- Regarding the horse stables, dungstead and slurry tank elements of the proposed development the applicant decided not to proceed with them following the concerns raised by the Planning Authority in the further information requested.
- In relation to the appeal from Pat and John Ahern the first matter concerned the proximity of the proposed building and potential shadowing of their lands.
- The area of shadow cast on adjoining lands in December and January is 0.401ha and 0.346ha respectively as calculated from shadow diagrams using Autocad.
- It is stated that the number of rainy days between the 1<sup>st</sup> of November and 28<sup>th</sup> of February is 39.5 days on average. Therefore, on average 19.75 days of the 62 days in December and January experience no sun and therefore there are no shadows to impact grass growth on these days.
- The calculation provided in respect of the grass yield is as follows;  

$$(62-19.75) \times (0.401+0.346) \times (3\text{kg DM/Ha}) = 42.25 \times 0.3735 \times 3\text{kg DM/Ha}=47.34\text{kgs DM}$$
- A black roll bale of silage matter contains circa 180kgs DM. There is an existing market for the sale/purchase of dry bales of silage between dairy farmers and current prices with a bale of silage costing €30.00.

- It is calculated that the actual loss to the appellants due to the shadow impact on their lands in the months from December-January is €30.00 x (47.34/180) = €7.89
- Michael McCarty of Teagasc advised that the likely impact on grass growth on the adjoining farmland occurring from the shadow patterns in the months between November and February would be negligible. His advises states, “the potential for yield reductions as a result of shadowing is negligible.”
- It is submitted that the actual cost of the potential loss of grass that may be experienced in the months of December and January using the figures quoted from the Teagasc Dairy advisor to the appellants, Ms. Duffy for grass propagation and the actual loss of DM (Dry Matter) quoted is so small as to be negligible.
- Regarding potential impacts to the infiltration basin on the appellants lands a letter from Ground Investigations Ireland, Geotechnical and Environmental Consultants. The response states, “We carried out a soakaway test on the site in November 2020 which resulted in a recommendation that soakaway design be based on soil infiltration rate of  $f=7.97 \times 10^{-6}$ m/s. This would be consistent with the sandy nature of the soil. Any infiltration basin designed on this basis would have an extremely small possibility of overtopping or causing flooding in the vicinity or of the water table being affected to such an extent that it would cause ponding in any adjacent property.”
- The infiltration basin is designed by Allen Barber, Consulting Engineers in accordance with BRE Digest 365. There is a significant factor of safety in the calculations to ensure against any possible overtopping the berm or cause flooding to the adjoining lands. Discharge will be subject to a discharge licence which would be sought from Cork County Council should the Board grant permission for the proposal.
- The appeal refers to the issue of potential dust emissions. The Barryscourt farm where the grain store is proposed has been in tillage use since 2005. The land has been harvested annually over 17 years and it is stated that there is no record of any harm resulting to farm animals on any adjoining lands.



- It is stated that there is no recorded case of dust emission from a grain store in Ireland leading to respiratory difficulties in cattle on adjoining farms.
- It is noted that the Planning Authority requested that the access road joining the farm entrance to the farmland at Barryscourt be surfaced in asphalt to minimise dust creation during collection/delivery of grain. The applicant is amenable to this should the Board required it by condition.
- It is stated that it is the policy of Owencurra Agri to keep the existing yard at Knockgriffin swept daily to ensure no build up of dust of chaff from the grain. This is part of the company's quality policy to ensure that there are no foreign bodies included in the assembled grain. The same policy will apply at the Barryscourt location.
- The appeal refers to the matter of birds congregating in proximity of the development and that the birds could impact water facilities on the appellant's lands. The applicant's ecology consultant Dixon Brosnan advised on the matter that "during harvest time, there is so much grain available for wild birds in harvest fields, along rural road edges etc that the birds tend to scavenge foodstuff wherever it is abundant and would be less likely to be attracted to grassland farms where there is such rich fodder available elsewhere nearby.
- The creation of the infiltration pond adjacent to the proposed grain store site should attract wildlife especially birds, as a source of fresh natural rainwater for drinking given its size it is unlikely that wild birds will be attracted to small water troughs used for cattle on adjacent farms.
- The appeal stated that there is no unique requirement for the development at the site. The details provided at the start of the appeal response provides a rationale for the provision of the development at this location.
- It is noted that there was the demise of the tillage crop market in the 1900's which impacted on the entire area and caused tillage farms to convert to dairy production.
- It is highlighted that the owners of the proposed development at Barryscourt Farm, (Maurice and Cormac Smiddy) do not have another farm in the area that is as well located relative to the National Routes N25, M8, N40 and N28.

The subject location would allow the majority of farmer-growers/contractors to utilise National Routes to bring the grain a relatively short distance. The transportation of the collected grain would be facilitated by the proximity to national routes.

- The appeal stated that traffic impacts will be negative. In response to the matter, it is stated that the Traffic and Transportation report demonstrates that the impact on local traffic is low even at harvest time peak.
- In relation to the nature of the proposed use the applicants discussed the matter of the invalidated application with Council officials, and they were advised that there were 7 no. separate examples of grain store development in County Cork that were treated as agricultural developments. In their discussions with Council officials the applicant noted that the name Barryscourt Malting Centre applied to the development in the initial application description, was understood by some officials to include some form of processing of the harvested grain into malt. Following their submission of the 22/12/2020 the Council advised that the development would be treated as agricultural except for the weighbridge and laboratory/office elements of the development the fuel storage tanks and the infiltration pond and berm.
- The appeal by Frank and Catherine Brennan raised a number of matters.
- They stated that the proposed use is not consistent with the definition of Agriculture under the Planning and Development Act. As detailed already in the submission the use of the grain store, farm sheds, horse stables and farmyard were all agricultural use. The applicant does not dispute that the other minor elements of the development being classed differently.
- The appellants consider that the assembly for purposes of drying/storage for delivery to Boortmalt Malting Plant in Athy is a commercial activity. The height and scale of the proposed development is also queried. The applicant states that the council accepted that the yard and all buildings and structures were farming activity but considered that the weighbridge office and testing facility laboratory was a commercial element.
- The appellants argued that the development is not consistent with the greenbelt and in particular Policy objective EE 4-4.

- It is stated that regarding the Metropolitan Greenbelt Area the following objectives were considered, RCI 5-3 Land Uses with Metropolitan Greenbelt, RCI 5-4 Sustainability of exceptions to Greenbelt policies, RCI 5-7 Strategic and Exceptional Development, RCI 5-8 Greenbelts around Settlements. Agricultural development in rural areas was considered in the context of objectives EE 8-1 Agriculture and Farm diversification, GI 11-1 Protection from Agricultural pollution, EE 9-1 Business Development in Rural Areas and GI 6-1 Landscape.
- It is noted that the report of the Planning Officer considered all the Council's policies for the area and agreed that there would be no malting at the proposed site. In relation to the issue of commercial use, the report of the Planning Officer stated that "there would be some commercial development and that it must be accepted that all farming is a commercial venture, farmers work their farms to make a living and if farmers do not operate commercially just as any other business must, then they will not survive long term."
- The appeal referred to the Road Safety Audit and stated that it did not refer to the proposed access point of the development and its junction with the local road L7645. The matter of the provision of the vehicular entrance was raised in relation to how the conditioned sightlines could be provided.
- In response to this it is stated that sightlines required for the proposed vehicular entrance require the reduction of the 2.45m pier and the 2.2m wall to 1.0m in height. The implementation of the permission on the adjoining site to the north will ensure that adequate sightlines for truck and tractor units at the proposed vehicular entrance.
- The appeal states that there will be a negative traffic impact. In response to this the first party state that the Traffic and Transport report demonstrates that the impact on local traffic flows is low even at harvest time peak.
- The appeal refers to potential visual impact. The first party note the comments in the report of the Planning Officer which state that there will be long range views of the structure which will appear as a farm structure in the distance and the use of green cladding on the grain store and farm shed will assist in reducing the visual impact further.

- The appeal refers to the previous planning history on the site with the application made by BC Transport. It is confirmed that there is connection between the principals of BC Transport and Owenacurra Agri or its parent company Southern Fuel and Farm supplies. It is clarified that the applicants bought the farm in early January 2020 and have farmed it as a tillage farm in the intervening period. The farm had previously been owned by John Corry a farmer from Midleton who had leased the land for tillage to a local farm Mulcahy. Mr Corry acquired the farm at a bank sale when BC Transport went into liquidation in 2009. The land has been worked continuously for tillage purposes since c.2009 and for longer when Ms. Lily O'Keefe owned the Barryscourt Farm. She lived on and farmed the land for well over 75 years and it was sold to BC Transport in the early 2000's when she passed away. The agricultural land was subdivided and is now owned by Pat & John Ahern, the appellants and Maurice and Cormac Smiddy the applicants. The old farm house and building were also split and the farmhouse is owned by Frank and Catherine Brennan, the appellants and the farm buildings have been acquired by Mr and Mrs Eamonn Cotter the adjoining house owner.
- It is stated in the appeal that it is development is contrary to the Development Plan. It is noted that the Local Authority Planners considered the application from the widest view point and agreed that the activity is agricultural and that no processing of the grain is involved.
- It is stated in the appeal that the proposed development would be incompatible with the rural character of the area. They consider that the BC transport application is similar in nature to the current proposal. That application referred to a 100 truck depot with circa 52 no. car parking spaces. The first party stated that this is not comparable to the current proposal where for 46 weeks of the year where there will be normal tillage activity with two delivery truck entering/leaving the site and two staff present on the site. At peak harvest, for six weeks there will be a total of 1,700 loads spread over 6 weeks of 6 day working. When the optimum 30,000T production of grain is achieved, this equates to an average of 49 vehicles per day visiting the site. Therefore, it is not comparable with the BC transport case.

- The appeal refers to appeal case ABP 302032-18 for a development of a Whiskey warehousing project. They stated that it was a comparable development to the current proposal. The cited appeal refers to a 49 hectare site with 13 very large warehouse units storing whiskey and ancillary buildings. The first party state that the cited development is almost 11 times the size of the proposed grain store. Furthermore, due to its risk factor it is considered a SEVESO site. Accordingly, this is not considered a comparable example to the proposed grain store at Barryscourt.
- The appeal referred to the actions proposed in the Road Safety Audit to improve the junctions at O'Keefe Terrace and Rossmore Junction and states that the actions cannot be implemented. In response to this the first party state that as part of the further information response they confirmed that they were willing to complete the works suggested. They note that if could have been facilitated by the Council by attaching a condition requiring a contribution towards the works.
- The appeal refers to the report of the Senior Planning Inspector in respect of the BC Transport appeal specifically in relation to the road network. In response to this it is stated that the L7645 and the L3612 and Rossmore crossroads have all been upgraded in the past 3-4 years. The Rossmore junction is now a stepped junction and trucks going south on the L7645 must turn right then left at separate junctions. The road from the junction 4 roundabout down to Rossmore junction has been resurfaced and hedges and trees cutback to improve visibility and road quality. It is stated that the roads and junctions bear little similarity to the mid 2000's when the report was written.
- In relation to the appeal submitted by Caroline Harte it is stated that it is identical to the documentation submitted with the appeal from Frank & Catherine Brennan.
- The applicant requests that the Board uphold the decision of Cork County Council and grant permission for the proposed development.

### 6.3. Planning Authority Response

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation. The Planning Authority has no further comments to make.

### 6.4. Observations

Observations to the appeals have been submitted by (1) An Taisce (2) Tom Twomey

#### (1) An Taisce

- The Board should be satisfied that the subject proposal would not adversely impact views from the nearby Barryscourt Castle.
- Barryscourt Castle was constructed circa the turn of the 15<sup>th</sup> century. The castle has great heritage significance as one of the best examples of a restored tower house. The castle is currently undergoing rehabilitation work but is due to reopen to the public upon completion of the works. As such any potential impact of the proposed development on views from the castle should be evaluated.

#### (2) Tom Twomey

- The observer refers to the critical importance of the metropolitan greenbelt to the south of Carrigatwohill village.
- It is considered that the proposed development would be hugely detrimental to the amenity value of the area and that it would create a precedent for further commercial development in the area.
- It is submitted that a more extensive noise report is required and should have been sought prior to the grant of permission. All measurements are needed to be provided inside the site boundaries.
- There is no detail on tonal/impulsive noise measurement/mitigation as per EPA Guidance Note for Noise in relation to Scheduled Activities 2<sup>nd</sup> Edition.

## 7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Policy context
- Visual impact
- Residential amenity and rural amenity
- Access and traffic
- Appropriate Assessment

### 7.1. Policy context

- 7.1.1. It is stated in the grounds of appeal that the proposed development is not considered to be agricultural development and the proposal is considered contrary to Development Plan policy in respect of agricultural development. The appeals refer to malting barley and raise concerns that there would be some nature of processing involved on the subject site. The appellants question whether the proposed development has a specific requirement to be located at the subject site. The grounds of appeal also refer to the site being located within the Metropolitan greenbelt area.
- 7.1.2. On the 6th of June 2022 the Cork County Development Plan 2022-2028 came into effect. In terms of the regional areas within the County, the appeal site is situated within the area covered by Volume four of the Development Plan which refers to South Cork.
- 7.1.3. In relation to the matter of the greenbelt, as per section 5.5.6 of the Development Plan I note that the overall zoning objective for Greenbelt lands is for agriculture, recreation or open space uses. With reference to the Development Plan zoning, I note that the appeal site at Barryscourty, Carrigatwohill is located outside of the area which is designated as Prominent and Strategic Metropolitan Greenbelt (MGB) under

the provisions of the County Development Plan. Accordingly, the site is located on unzoned rural lands.

- 7.1.4. The appeal from Frank and Catherine Brennan raises concern in relation to the nature of the proposed use on site. They consider that the proposed development does not constitute an agricultural use. In response to the matter the first party noted that the Planning Officer in their report considered all the Council's policies for the area and were satisfied that there would be no malting at the proposed site. Regarding the issue of a commercial aspect of the subject use, the first party also noted that the report of the Planning Officer stated that "there would be some commercial development and that it must be accepted that all farming is a commercial venture, farmers work their farms to make a living and if farmers do not operate commercially just as any other business must, then they will not survive long term."
- 7.1.5. Section 8.16 of the Development Plan refers to Agriculture and Farm Diversification. Objective EC:8-15 refers to Agriculture and Farm Diversification and part (a) seeks to encourage the development of sustainable agriculture and related infrastructure including farm buildings. I would consider that the proposed agricultural grain store does come within the scope of related agricultural infrastructure. I note the comments of the Planning Officer in relation to the commercial aspect to farming and I would concur with that reasoning. Accordingly, I would consider that the subject agricultural grain store is an appropriate use to this rural area subject to all other planning considerations being satisfactorily addressed.
- 7.1.6. In relation to the nature of the proposed development the first party confirm that the terms "Malting Barley" specifically refers to a type of barley cereal crop grown on farms in certain areas of Ireland specifically under contract as a raw material for the food, brewing and distillery industries. It is stated in the appeal response that the growing and harvesting of malting barley as a raw material for these industries must meet very stringent quality controls and be low in protein, low moisture content and high KPH – value, it must be sweet, sound and free from all obnoxious impurities.
- 7.1.7. It is stated in the appeal response that the growth and harvesting of the malting barley is very strictly controlled by the farmers particularly as varying weather conditions dictate the quality of harvested grain. The first party highlighted that once



the barley is harvested that due to varying weather conditions the grain must be dried within 48 hours of harvest, to ensure the moisture content is reduced to the correct level. Following its harvest, the grain is dried by aeration to ensure it does not become mouldy. Therefore, the grain proposed to be stored in the subject shed would be dried by aeration at this location. It is confirmed in the appeal response that absolutely no processing of the harvested grain is proposed to be carried out on the site. It is proposed that the grain will be collected at the proposed store and then either transferred immediately to Boortmalt, Athy or dried and stored for subsequent delivery to the Athy plant. Accordingly, I am satisfied that the response from the first party clarifies that no production is proposed at the subject grain store.

7.1.8. Regarding the specific locational requirement for the subject grain storage shed at Barryscourt the first party state that it is proposed to build a grain store in Barryscourt where locally grown grain will be collected or assembled at harvest time. The areas where the grain is grown are predominantly from East and North Cork in areas including Midleton, Youghal, Carrigaline, Kinsale, Mallow. It is detailed in the first party response that circa 50% of the grain will be delivered immediately to the Boortmalt Limited malting plant in Athy, Co. Kildare. The remaining grain will be dried and stored at the Barryscourt site in the proposed grain store. I note that given the requirement for the grain to be dried within a 48 hour period from the time it is harvested that there is a requirement to have an appropriate storage facility in proximity to the areas where the crop is grown. Therefore, I consider that the applicant has provided a clear case for the specific requirement for the malting barely grain store at this location.

7.1.9. Accordingly, I am satisfied that the applicant has demonstrated the locational requirement for the proposed development at Barryscourt, Carrigtwohill, Co. Cork in respect of the nature of the use the proximity of the growing areas within Co. Cork including from East and North Cork areas, including Midleton, Youghal, Carrigaline, Kinsale, Mallow. The harvested malting barley in these areas will be transported to the proposed agricultural grain store to be dried and stored and transported onwards to the Boortmalt Limited malting plant in Athy for processing.

## 7.2. Visual impact

- 7.2.1. The appeals raise the matter of the potential visual impact of the proposed agricultural grain store. The observation submitted by An Taisce refers to the potential impact upon views from Barryscourt Castle.
- 7.2.2. As part of the further information the applicant was requested to submit a visual assessment for the consideration of the Planning Authority due to the site's location within a High Value Landscape. A visual assessment was prepared by G-Net 3D and it provides photomontages from 8 no. viewpoints. I am satisfied that the photomontages which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape. The site is located within an area designated as a High Value Landscape as indicated on Figure 14-2 in the Development Plan. The site is not located within any protected views or prospects.
- 7.2.3. When viewed from VP1 - view from a local road to the southwest towards the proposed grain store and ancillary buildings will not be visible from this view. Accordingly, the level of visual intrusion of proposed development from this location will be imperceptible.
- 7.2.4. When viewed from VP2 - view from a local road the west towards the site, the proposed grain store and ancillary buildings would be visible from this view. As indicated on the photomontage the buildings are proposed to have a green clad finish, this will serve to integrate the buildings into the surrounding landscape. When viewed from VP3 - view from local road L3619 towards the northwest, the proposed grain store and ancillary buildings is not expected to be visible from this view. Accordingly, level of visual impact from this location is considered imperceptible.
- 7.2.5. When viewed from VP4 - view from local road L3619 towards the north towards the site east, the proposed grain store and ancillary buildings will not be distinguishable from this view. The predicted visual intrusion of the proposed development will therefore be imperceptible. When viewed from VP5 – a view from local road L3619 towards the north to the site the roof of the proposed grain store would be visible. The proposed green clad finish to the building will serve to integrate it into the surrounding landscape.

- 7.2.6. When viewed from VP6 – view from the local road L7645 southeast towards the site the proposed grain store would be partially visible from this viewpoint. The existing trees will serve to screen the subject building and integrate it into the surrounding landscape.
- 7.2.7. When viewed from VP7-view from Barryscourt Castle towards the southeast towards the site, the proposed grain store and ancillary buildings will not be visible from this view. When viewed from VP8 – view from the roundabout at the junction of the L7645 and the N25 the proposed grain store and ancillary buildings will not be visible from this view.
- 7.2.8. The subject grain store and ancillary buildings will only be visible from three of the selected viewpoints. I note that these viewpoints are from relatively close range locations. Accordingly, having regard to the limited extent to which the proposed development would be visible I am satisfied that, overall, the visual intrusion of the proposed development upon the surrounding landscape would be low to imperceptible.

### **7.3. Residential amenity and rural amenity**

- 7.3.1. The grounds of appeal refer to potential impacts on residential and rural amenity specifically in relation to the generation of noise, dust, shadowing and drainage.
- 7.3.2. In relation to the matter of noise as part of the further information requested the Planning Authority sought the submission of a noise impact assessment. As detailed in the noise impact assessment the location of noise sensitive receptors, i.e. adjacent properties and monitoring stations are established. The closest noise sensitive locations were identified as the dwelling to the northwest of the site circa 465m away, dwellings to the south circa 265m away, dwelling to the southeast circa 360m away and Barryscourt Castle circa 1.01km away. As detailed in the noise impact assessment the expected levels of noise emissions from the proposed grain drying/storage development are predicted to be within the established criteria at all adjacent noise sensitive receptors.
- 7.3.3. In order to ensure that the noise levels are monitored and managed I consider that it would be appropriate to attach a number of conditions in respect of the matter. Firstly, I would recommend a condition specifying that the noise emissions from the

site when measured at site boundaries shall not exceed 55 dB (LAeq 30 min) between 0800 hours and 2000 hours, Monday to Friday and 45 dB (LAeq 15 min) at any other time in the interest of the residential amenity of the area. Secondly, I would recommend a condition requiring that a comprehensive noise survey be undertaken by the developer during each grain drying season, or at other times as may be required by the planning authority and that the survey results be made available to the planning authority when requested.

- 7.3.4. The issue of dust generation and its potential impacts upon the surrounding rural area was raised in the appeals specifically potential impacts to livestock. The Planning Authority as part of the further information request sought that the applicant submit proposals to control dust and noise from the proposed hardcore access road.
- 7.3.5. In response to the matter of dust generation the first party stated that the Barryscourt farm where the grain store is proposed has been in tillage use since 2005. They confirmed that land has been harvested annually over 17 years and stated that there is no record of any harm resulting to farm animals on any adjoining lands. Furthermore, they stated in the response that there is no recorded case of dust emission from a grain store in Ireland leading to respiratory difficulties in cattle on adjoining farms.
- 7.3.6. In relation to the existing operations of Owencurra Agri the applicant, it is stated in their response that it is the policy to keep the existing yard at Knockgriffin swept daily to ensure no build-up of dust or chaff from the grain. It is noted that this is part of the company's quality policy to ensure that there are no foreign bodies included in the assembled grain. The first party confirm that this same policy will apply at the Barryscourt location. In order to ensure that this is carried out I would recommend the attachment of conditions requiring that the grain store shall be operated in such a manner to ensure that the surrounding ground is kept clean and clear of grain and other materials and that the storage of grain shall be confined to the grain store and that there shall be no open storage of grain on the site. A condition should also be attached requiring that appropriate measures be implemented on site to control dust arising and that the total dust deposition values shall not exceed 350 mg/m<sup>2</sup>/day averaged over a 30 day period.

- 7.3.7. Also, in relation to the issue of dust the first party noted that the Planning Authority requested that the access road joining the farm entrance to the farmland at Barryscourt be surfaced in asphalt to minimise dust creation during collection/delivery of grain. The applicant confirms that they are amenable to this should the Board required it by condition. I consider this would be an appropriate approach to contain and limit the spread of dust.
- 7.3.8. The appeal submitted by Pat and John Ahern raised the matter of potential shadowing from the subject grain store on their adjacent agricultural lands to the north and that it would impede the growth of crops on sections of their lands.
- 7.3.9. They argued that the advice the applicant received from the Teagasc Office in Mallow that the potential for yield reduction as a result of shadowing is negligible is at variance with the advice they received from the tillage and dairy specialists from the local Teagasc Office in Midleton.
- 7.3.10. The response from the first party in relation to the matter of the potential shadowing of the adjoining agricultural lands stated that the area of shadow cast on adjoining lands in December and January is 0.401ha and 0.346ha respectively as calculated from shadow diagrams using Autocad. It was highlighted in the response that the number of rainy days between the 1st of November and 28th of February is 39.5 days on average and that on average 19.75 days of the 62 days in December and January experience no sun and therefore there are no shadows to impact grass growth on these days.
- 7.3.11. The first party response provided the following calculation in relation to grass yield is as follows;
- $$(62-19.75) \times (0.401+0.346) \times (3\text{kg DM/Ha}) = 42.25 \times 0.3735 \times 3\text{kg DM/Ha} = 47.34\text{kgs DM}$$
- 7.3.12. As detailed in the first party response a black roll bale of silage matter contains circa 180kgs DM. There is an existing market for the sale/purchase of dry bales of silage between dairy farmers and current prices with a bale of silage costing €30.00.
- 7.3.13. Therefore, it was calculated by the first party that the actual loss to the appellants due to the shadow impact on their lands in the months from December-January is €30.00 x (47.34/180) = €7.89

- 7.3.14. The first party state that Michael McCarty of Teagasc advised them that the likely impact on grass growth on the adjoining farmland occurring from the shadow patterns in the months between November and February would be negligible. The first party argue that the actual cost of the potential loss of grass that may be experienced in the months of December and January using the figures quoted from the Teagasc Dairy advisor to the appellants, Ms. Duffy for grass propagation and the actual loss of DM (Dry Matter) quoted is so small as to be negligible.
- 7.3.15. Having regard to the details provided in relation to the matter of potential shadowing of the adjoining agricultural lands including the Shadow Diagrams and Teagasc letter along with the information provided in the first party appeal response referring to the matter, I am satisfied that the applicant has demonstrated that the proposed development would not unduly impact the grass yield on the appellants lands to the north of the appeal site from overshadowing.
- 7.3.16. The appeal submitted by Pat and John Ahern raised their concerns that their lands will be located within the zone of influence of the infiltration basin at the North Eastern side of the proposed development and that the proposed development will adversely affect the natural drainage of their lands and could potentially cause flooding. It is proposed to locate the infiltration basin to the northern side of the site circa 100m from the proposed grain store. The infiltration basin is indicated on the Proposed Site Plan Drawing No: R14-03-05 it would be located circa 20m from the northern site boundary with the appellants lands.
- 7.3.17. In response to the matter of the potential impacts from the infiltration basin on the appellants lands first party stated that Ground Investigations Ireland, Geotechnical and Environmental Consultants carried out a soakaway test on the site in November 2020. The test results informed a soakaway design based on soil infiltration rate of  $f=7.97 \times 10^{-6} \text{m/s}$ . The first party response notes that this infiltration rate is consistent with the sandy nature of the soil. It is confirmed in the appeal response that any infiltration basin designed on this basis would have an extremely small possibility of overtopping or causing flooding in the vicinity or of the water table being affected to such an extent that it would cause ponding in any adjacent property.
- 7.3.18. The first party response confirms that the proposed infiltration basis designed by Allen Barber, Consulting Engineers is in accordance with BRE Digest 365 and that

there is a significant factor of safety in the calculations to ensure against any possible overtopping the berm or cause flooding to the adjoining lands. It is highlighted in the appeal response that discharge from the infiltration basin will be subject to a discharge licence which would be sought from Cork County Council. Accordingly, subject to the proposed infiltration basin being constructed in as set out above I am satisfied with the surface water drainage proposals.

#### **7.4. Access and traffic**

- 7.4.1. The grounds of appeal and the observations raise the matter of the traffic the proposal would generate. The issue of the provision of satisfactory sightlines at the entrance was also raised.
- 7.4.2. As part of the further information request the Planning Authority sought that the applicant address a number of issues in relation to traffic and transportation the applicant was required to submit a Traffic and Transport Assessment, provide analysis of the haul routes to quantify the impact of the proposal during the 6 week period from the N25 to the proposed development, provide analysis of the haul routes to quantify the impact of the proposal on their design life from the N25 to the proposed development. They were also required to provide sight visibility layouts at the access junction and provide a stage 1/2 Road Safety Audit.
- 7.4.3. A Traffic and Transport Assessment was prepared by MHL & Associates Ltd. It is stated in the TTA that having regard to the nature of the farming that the delivery of grain to the store would occur at sporadic time intervals throughout the day rather than during typical peak hours. It is highlighted that the peak harvest season operates for circa a six week period annually and therefore it is concluded in the TTA that any sustained impact on the local road network will be minor and infrequent.
- 7.4.4. In relation to the proposed haul routes the first party in their appeal response stated that the haulage routes provided at further information stage indicate that the grain store is ideally located in the area close to National Primary Routes along which the grain can be assembled and then delivered to Boortmalt. The maps submitted with the further information indicate the proposed haul routes. Incoming traffic from grain grown in the East Cork area is via the N25 and the L7624. Outgoing traffic is via the R624 to the N25 and via the L7624 during the peak AM and PM periods. The volume

estimated to be initially harvested in this area is 9,475T which equates to 379 total loads which is 63 loads per week and 11 loads per day.

- 7.4.5. In relation to traffic generated from the grain grown in North Cork the proposed haul route is via the N25 and L7624 for both incoming and outgoing traffic. The volume estimated to be initially harvested in this area is 2,100T which equates to 84 total loads which is 14 loads per week and 2.3 loads per day.
- 7.4.6. In relation to grain grown in the South and West Cork areas the proposed haul route is via the N40, N25 and L7624 for both incoming and outgoing traffic. The volume estimated to be initially harvested in this area is 3,705T which equates to 148.2 total loads which is 27.7 loads per week and 4.11 loads per day.
- 7.4.7. For grain grown in the Cobh area the proposed haul route for incoming and outgoing traffic will be via the R624, L3619 and L7624. The volume estimated to be initially harvested in this area is 785T which equates to 31.4 total loads which is 5.23 loads per week and 0.87 loads per day.
- 7.4.8. In relation to grain grown in the Glanmire area the haul route for incoming and outgoing traffic is via junction 3 of the N25, the R624, the L3619 and the L7645. The volume estimated to be initially harvested in this area is 485T which equates to 19.4 total loads which is 3.23 loads per week and 0.54 loads per day.
- 7.4.9. Regarding the grain grown in the Rossmore and Ballintubber areas incoming and outgoing haul routes are via the L3619 and the L7645. The volume estimated to be initially harvested in this area is 1,500T which equates to 60 total loads which is 10 loads per week and 1.6 loads per day.
- 7.4.10. The first party confirms in their appeal response that the haulage routes provided at further information stage were based on the 2022 farm supply contracts to Owencurra Agri which totalled 16,550 T. They stated that it is not expected that the 30,000 tonnes quantum of grain store will be reached for approximately 6-8 years.
- 7.4.11. In relation to the effects on the junctions on the N25 which form part of the haul routes, at Junction 3 (Cobh Cross) there is a projected increase of 0.25% in the AM peak and 0.28% in the PM peak. Regarding Junction 4 (Carrigtwohill) the maximum increase is projected to be 3.9% in the morning peak and 2.31% in the evening peak. It is outlined in the TTA that this is the worst case scenario and that the likelihood of deliveries from all the regions arriving at the same time is low.



- 7.4.12. It was concluded in the TTA that in a worst case scenario where the expected hourly deliveries from all the regions arrive during the AM and PM periods that there would be an expected increase of 4% in traffic flows on the L-7645 during the morning peak. Junction 4 was projected to have a maximum increase of 3.9% during the AM period and junction 3 was projected to have an increase of 0.28%.
- 7.4.13. The report from the Roads Section of the Council in relation to the further information response states that the impact on the N25 during the 6 week grain period is minimal. Accordingly, having regard to the above information I am satisfied that the surrounding road network can accommodate the traffic levels which would be generated by the proposed development.
- 7.4.14. A Road Safety Audit was carried out by MHL & Associates Ltd. The RSA contains 7 no. recommendations including the provision of appropriate line markings to the junction of the L-7645 and Father O’Keeffe Terrace and the provision of anti-skid surfacing on the approach to the junction and also the improvement of sightlines at the junction. The report from the Roads Section of the Council in relation to the RSA recommended that compliance with the Road Safety Audit be conditioned. I would consider this appropriate should the Board decide to grant permission.
- 7.4.15. In relation to the vehicular access to the site a new site entrance onto the L-7645 is proposed circa 30m to the south of the existing entrance. The grounds of appeal raise concerns in relation to the achievability of the sightlines. The speed limit along this section of the L-7645 is 80kph. As per Table 1.3 of DN-GEO-03031 (TII – Rural Road Link Design) the desirable stopping sight distance of 160m is required for a road design speed of 85km/hr. Drawing No: D-AR-018 – Site Entrance Sightlines indicates sightlines of 160m provided to the north with 160m provided to the south. I note that condition no. 13 attached by the Planning Authority required the provision of sightlines of 120m in both direction. In relation to Table 1.3 of DN-GEO-03031 I note that for a speed of 70kph sight distance of 120m is required. Accordingly, I consider that it is reasonable to condition minimum sight distance of 120m to the north and 120m to the south to be provided at the entrance.
- 7.4.16. In response to this matter the first party stated that sightlines required for the proposed vehicular entrance require the reduction of the 2.45m pier and the 2.2m wall to 1.0m in height to the north. They stated that the implementation of the

permission on the adjoining site to the north will ensure that adequate sightlines for truck and tractor units at the proposed vehicular entrance.

- 7.4.17. Having regard to the details above and having inspected the site, I am satisfied that the satisfactory sightline distance is available at the proposed vehicular entrance onto the L-7645.

## 7.5. Appropriate Assessment

- 7.5.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European site Cork Harbour SPA (004030), lies circa 918m to the south-west of the site at the closest point. Great Island Channel SAC (Site Code 001058), lies circa 918m to the south-west of the site at the closest point.
- 7.5.2. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. It is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl.
- 7.5.3. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

<b>Cork Harbour SPA</b>
Little Grebe ( <i>Tachybaptus ruficollis</i> ) [A004]
Great Crested Grebe ( <i>Podiceps cristatus</i> ) [A005]
Cormorant ( <i>Phalacrocorax carbo</i> ) [A017]
Grey Heron ( <i>Ardea cinerea</i> ) [A028]
Shelduck ( <i>Tadorna tadorna</i> ) [A048]
Wigeon ( <i>Anas penelope</i> ) [A050]
Teal ( <i>Anas crecca</i> ) [A052]
Pintail ( <i>Anas acuta</i> ) [A054]

Shoveler (*Anas clypeata*) [A056]  
Red-breasted Merganser (*Mergus serrator*) [A069]  
Oystercatcher (*Haematopus ostralegus*) [A130]  
Golden Plover (*Pluvialis apricaria*) [A140]  
Grey Plover (*Pluvialis squatarola*) [A141]  
Lapwing (*Vanellus vanellus*) [A142]  
Dunlin (*Calidris alpina*) [A149]  
Black-tailed Godwit (*Limosa limosa*) [A156]  
Bar-tailed Godwit (*Limosa lapponica*) [A157]  
Curlew (*Numenius arquata*) [A160]  
Redshank (*Tringa totanus*) [A162]  
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]  
Common Gull (*Larus canus*) [A182]  
Lesser Black-backed Gull (*Larus fuscus*) [A183]  
Common Tern (*Sterna hirundo*) [A193]  
Wetland and Waterbirds [A999]

7.5.4. The Conservation Objective for Cork Harbour SPA (004030) is to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA and to maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

7.5.5. The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and, compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel. The main habitats of

conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports.

- 7.5.6. The qualifying interests/special conservation interests of the designated site, are summarised as follows:

<b>Great Island SPA – Site Code 0010058</b>
1140 Mudflats and sandflats not covered by seawater at low tide
1330 Atlantic salt meadows ( <i>Glauco-Puccinellietalia maritimae</i> )

- 7.5.7. The Conservation Objective for Great Island SAC (001058) is to maintain the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA and to maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.

- 7.5.8. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 sites, having regard to the relevant conservation objectives, I would note that in order for an effect to occur, there must be a pathway between the source (the development site) and the receptor (designated sites). As the proposed development site lies outside the boundaries of the European Site, no direct effects are anticipated. In terms of indirect effects, and with regard to the consideration of a number of key indications to assess potential effects the following matters, habitat loss / alteration / fragmentation and disturbance and / or displacement of species and water quality should be considered.

- 7.5.9. In relation to the matter of habitat loss / alteration / fragmentation, the subject site lies at circa 918m from the closest point of the boundary of the designated site. Accordingly, there would be no direct or indirect loss / alteration or fragmentation of protected habitats within any Natura 2000 site.

- 7.5.10. In relation to the matter of disturbance and / or displacement of species the site lies within rural lands to the south of Carrigwohill. The environs of the site, therefore, can be described as being a rural area. No qualifying species or habitats of interest, for which the designated site is so designated, occur at the site. As the subject site is not located within or immediately adjacent to any Natura 2000 site and having regard to the nature of the construction works proposed, there is little or no potential for disturbance or displacement impacts to land based species or habitats for which the identified Natura 2000 site have been designated.
- 7.5.11. Regarding the issue of water quality, the proposed development relates to the construction of an agricultural grain store and ancillary buildings. I am generally satisfied that the principle of the proposed development is acceptable and that if permitted, is unlikely to impact on the overall water quality of any Natura 2000 site in proximity to the site due to connection to public services or during the operational phase of the development. The development site is not bound on any side by a water course / drainage ditch. The closest watercourse lies to the west of Barryscourt Castle and is located circa 688m to the west of the appeal site. It is proposed that surface water arising from the development will discharge a soak pit on the site, and I note no objections from Cork County Council Engineering Departments in this regard.
- 7.5.12. Accordingly, I am satisfied that the potential for likely significant effects on the qualifying interests of the identified Natura 2000 site can be excluded having regard to the distance to the site, the nature and scale of the development and the lack of a hydrological connection.
- 7.5.13. In relation to the matter of in combination/cumulative effects, having regard to the nature of the proposed development, being the construction of an agricultural grain store and ancillary buildings, I consider that any potential for in-combination effects on water quality in Cork Harbour can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in Cork Harbour SPA and Great Island SPA via surface water features are also subject to AA.
- 7.5.14. 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 No. (004030) and European Site No. (001058), or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## **8.0 Recommendation**

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be granted for the proposed development for the reasons and considerations and subject to the conditions set out below:

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the established use of the site for agricultural purposes and the nature and extent of the proposed grain store, the scale of the development relative to the site area, the pattern of development in the area and the site landscaping it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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.

## **10.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 29<sup>th</sup> day of October 2021 and the 4<sup>th</sup> day of November 2021, 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 the

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 vehicular entrance shall be recessed a minimum of 4.5m from the front boundary fence and side walls and shall be splayed at an angle of 45 degrees, and the walls and piers shall not exceed a height of 1m over the level of the adjoining road.

(b) Sight distance of 120m to the north and 120m to the south shall be provided from the centre point of the entrance 3m back from the road.

(c) The recommendations of the Road Safety Audit submitted by the applicant shall be implemented.

**Reason:** In the interest of traffic safety.

3. Detailed specification for the access road shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

**Reason:** In the interest of traffic safety and visual amenity.

4. The roof and elevational cladding of the proposed grain storage and ancillary buildings shall be coloured dark green unless otherwise agreed in writing with the Planning Authority.

**Reason:** In the interest of visual amenity.

5. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure adequate servicing of the development and to prevent pollution.

6. (a) The treatment plant and polishing filter shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 26<sup>th</sup> day of November, 2020, and in accordance with the requirements of the document entitled "Code of Practice - Wastewater Treatment and Disposal Systems Serving Single Houses (p.e. ≤ 10)" – Environmental Protection Agency, 2009. No system other than the type proposed in the submissions shall be installed unless agreed in writing with the planning authority.

(b) Certification by the system manufacturer that the system has been properly installed shall be submitted to the planning authority within four weeks of the installation of the system.

(c) A maintenance contract for the treatment system shall be entered into and paid in advance for a minimum period of five years from the operation of the facility and thereafter shall be kept in place at all times. Signed and dated copies of the contract shall be submitted to, and agreed in writing with, the planning authority within four weeks of the installation.

(d) Surface water soakways shall be located such that the drainage from the buildings and paved areas of the site shall be diverted away from the location of the polishing filter.



(e) Within three months of the operation of the facility, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner and that the polishing filter is constructed in accordance with the standards set out in the EPA document.

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

7. The grain store shall be operated in such a manner to ensure that the surrounding ground is kept clean and clear of grain and other materials and, if the need arises, for cleaning works to be carried out on the site.

**Reason:** To ensure that the surrounding yard is kept in a clean condition and in the interest of public health.

8. Storage of grain shall be confined to the grain store. There shall be no open storage of grain on the site.

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

9. Unless otherwise agreed in writing by the planning authority, the grain store shall not be used or operated outside 0800 hours and 2000 hours, Monday to Saturday (excluding bank holidays).

**Reason:** In the interest of the residential amenity of the area.

10. Appropriate measures shall be implemented on site to control dust arising. Total dust deposition values shall not exceed 350 mg/m<sup>2</sup>/day averaged over a 30 day period.

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

11. Noise emissions from the site when measured at site boundaries shall not exceed 55 dB (LAeq 30 min) between 0800 hours and 2000 hours, Monday to Friday and 45 dB (LAeq 15 min) at any other time. Daytime level shall be rated by the inclusion of a 5dB penalty where emissions from the site include total or impulsive characteristics. No tones or impulses (for example, warning signals from reversing vehicles) shall be permitted between 2000 hours and 0800 hours.

**Reason:** In the interest of the residential amenity of the area.

12. A comprehensive noise survey shall be undertaken by the developer during each grain drying season, or at other times as may be required by the planning authority. Survey results shall be made available to the planning authority when requested.

**Reason:** In the interest of the residential amenity of the area.

13. A wheel-wash facility shall be provided adjacent to the site exit, the location and details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety and convenience, and to protect the amenities of the area.

14. 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.

15. 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 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 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.

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Siobhan Carroll  
Planning Inspector

24<sup>th</sup> of June 2022