



An
Bord
Pleanála

Inspector's Report ABP-313078-22

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| Development | (1) The construction of an extension to existing factory, (2) alterations to existing northern entrance, (3) construction of a new hardstand surface and (4) all ancillary site works. |
| Location | Rockspring, Liscarroll, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 215662 |
| Applicant(s) | Liscarroll Engineering Ltd. |
| Type of Application | First Party. |
| Planning Authority Decision | |
| Type of Appeal | First Party |
| Appellant(s) | Liscarroll Engineering Ltd. |
| Observer(s) | None. |
| Date of Site Inspection | 22/09/2022. |
| Inspector | Auriol Considine |

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1.0 Site Location and Description

- 1.1. The subject site lies to the north of the village centre of Liscarroll and to the east of the R522 which connects the village with Dromcolliher, Co. Limerick to the north west. The site is currently occupied by the existing Liscarroll Engineering Ltd buildings which includes a single storey scale factory with a stated floor area of 1,669.3m². The existing building rises to an overall height of approximately 8.8m in height and is constructed with block work on the lower reaches of the building and metal sheeting to the upper area and roof. The building includes the factory floor, offices, reception area and relevant staff facilities.
- 1.2. There are two existing access points into the site, one to the south and one to the north of the roadside boundary. The roadside boundary comprises a low wall and trees planted on the green space immediately adjacent to the boundary wall. The site boundaries also include extensive boundary planting, and the existing building is effectively screened from the wider area from the north, west and south. Views towards the site from the east are more apparent. The area includes a number of water features in the form of streams and drains with the northern boundary of the site comprising a small stream.
- 1.3. Across the road from the site there is a house and some commercial buildings which reflect the design and finishes of the existing Liscarroll Engineering Building. The site has a stated area of 0.93ha and is located within the development boundary of the village of Liscarroll. The speed limit at the site is 50kph.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for (1) The construction of an extension to existing factory, (2) alterations to existing northern entrance, (3) construction of a new hardstand surface and (4) all ancillary site works, all at Rockspring, Liscarroll, Co. Cork.
- 2.1. The application included the following documents:
 - Plans and particulars
 - Cover letter

- Completed planning application form
 - Photomontage
- 2.2. The proposed extension to the existing factory proposes the construction of a 428.3m² addition to the northern side of the existing building. This building will rise to 18.61m, almost 10m higher than the existing building, and will be finished to match the existing building. The information submitted advises that the existing business manufactures for Milk Tank products and the extension is required to keep up with demand, and to continue to maintain all fabrication within a controlled environment. The extension will allow the company to fabricate tall silos in a controlled environment.
- 2.3. The development also includes proposals to widen the existing northern access to the site and to increase the hard standing area, reducing the area of green area at this location.
- 2.4. Following request for further information, the applicant submitted additional details in support of the proposed extension noting the increased demand for larger milk storage silos and the inability to fabricate the required 100,000 litre silos. The current facility can only produce 30,000litre silos, and one at a time. The 100,000 litre vessels are 14.5m in height and the minimum height of the eaves of the building must be 16.5m. The operational flow of the factory floor is from south to north and therefore, the only convenient location for the extension is to the north of the existing building as proposed. In addition to the above, the colour of the metal sheeting has been changed to green to mitigate the visual impact of the building.
- 2.5. The response to the FI request included the following documents:
- Cover letter
 - Updated plans and particulars
 - Photomontage Report
 - Mobility Management Plan
 - Construction Method Statement
- 2.6. Following a request for clarification, the applicant submitted a Visual Impact Assessment with photomontage booklet.

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following stated reason:

1. The proposed development, due to its scale, bulk, massing, and proximity to Lisscarroll Castle, a National Monument (Ref No. 333) and Recorded Archaeological Monument (016-015 001) would have a negative impact on the setting of the National Monument. The proposed development would therefore contravene materially, Objective HE 3-1 as set down in the Cork County Development Plan 2014, which seeks to a) Safeguard sites and settings, features and objects of archaeological interest generally; would introduce an obtrusive element in the setting of Lisscarroll Castle (a Protected Structure) that would alter unobstructed established views towards and from the Protected Structure and would be detrimental to its special character and integrity. Accordingly, it is considered that the proposed development conflicts with objective HE 4-1 of the current Cork County Development Plan 2014. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The initial planning officers report notes the location of the site within the settlement boundary of Lisscarroll and acknowledges the existing business on the site. The site is noted to be outside of the High Value Landscape area and within flood risk zones A and B as well as being within the screening zone for the Blackwater River SAC (Site Code: 002170). The primary planning issues associated with the proposed development are noted to be in relation to compliance with CDP policies, visual and residential amenity impacts, servicing / access issues, flood risk and the impact on the Natura 2000 site. The report considers the planning history of the site, the technical reports submitted, third party submissions and the pre-planning meeting.

The initial assessment considers that the principle of the proposed development is acceptable but further information is required with regard to the visual impacts associated with the development on residential properties and Lisscarroll Castle. In addition, further information is required with regard to the Area Engineers requirements.

Following the submission of the response to further information, the planning officers report notes ongoing concerns regarding the visual impacts associated with the proposed development particularly from Lisscarroll Castle. Verified photomontages / CGIs, prepared by a suitably qualified and experienced person are required to be submitted. Clarification in this regard was sought by Cork County Council.

The final SEP planning officers report restates the visual impact concerns and notes the submission of the photomontages and proposals to use green cladding to help blend the building into the landscape. The proposal to plant mature trees (10m) is also noted. The report accepts that there is a fine balance between the need to expand the existing business and the protection of the character and appearance of the landscape. The height of the building is considered to have an adverse impact on the landscape character of the village, and it is noted that it is difficult to disagree with the recommendations of the Conservation Architect and Archaeologist in terms of impact on the National Monument and Protected Structure.

The report concludes that the adverse impacts upon the setting of Lisscarroll Castle and views to and from it would outweigh the benefits of the proposal. Stronger and clearer justification for the proposal would be helpful and on balance, refusal of permission is recommended.

This recommendation is supported by the Senior Planner who although very supportive of the principle of employment uses, the minimum height requirements have not been proposed and the height has increased from pre-application to application stage despite visual amenity being raised as an issue. Refusal is recommended.

These Planning Reports formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. Other Technical Reports

Area Engineer: The report from the Councils AE notes the detail of the proposed development and requires that further information be sought with regard to a number of issues relating to sight distances, storm water, flooding, car parking and details of the hard standing area.

Following receipt of the response to the FI request, the Councils AE accepted the information submitted and advised no objection to the proposed development subject to compliance with conditions.

Ecologist Report: The Councils Ecologists initial report¹ noted the presence of a stream running along the northern boundary of the site which forms a hydrological connection between the site and the Blackwater SAC. The initial report raises concerns in terms of surface water drainage arrangements, the Ecologists report noted the opinion that while the proposal does not pose a risk from an AA perspective, in order to safeguard the existing ecological integrity of the adjoining stream and onsite trees, a Construction Method Statement should be submitted.

Following the submission of the response to the FI request, the submission of the basic Construction Management Statement is noted, including measures to protect trees and the installation of settlement skips where the silt from surface water run off will be separated before discharge to the existing soak pit. The report concludes recommending permission with the inclusion of a condition for the installation of a silt fence along the northern boundary of the site during the construction phase.

Conservation Officer: The Councils Conservation Officers initial reports² raised concerns in terms of the visual impacts associated with the

¹ Initial report not included in the PAs documents. I printed a copy and placed it in the GIS & Inspectorate Forms pouch for the Boards convenience.

² Initial 2 reports not included in the PAs documents. I printed a copy of each and placed them in the GIS & Inspectorate Forms pouch for the Boards convenience.

proposed development in the context of Lisscarroll Castle. Following the submission of the response to further information, the Conservation Officer submitted a report advising that the preservation of the integrity of the field of view to and from the (Lisscarroll) Castle is a key aspect for the protection of the character and special interest of the building. The submitted images show the bulky volume of the proposed development competing with views of the castle and providing an obtrusive element in the landscape when viewed from the castle.

It is an objective of the CDP to ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the building. The report concludes recommending refusal of permission for the proposed development.

Archaeologist:

Following the submission of the response to further information, the County Archaeologist submitted a report with regard to the proposed development. The report sets out the relevant CDP policy objectives, and the context of Lisscarroll Castle.

The report advises no objection to the proposed development in terms of direct impact on archaeology, including subsurface archaeology. However, a concern regarding visual impacts on the setting of the Castle and the surrounding landscape are advised. The Visual Impact Assessment submitted clearly demonstrates that the proposed development will visually impact on the setting of the Castle, and it is concluded that the development would contravene Objective 3-1 of the CDP which seeks to preserve the setting of archaeological monuments, which is critical given the status of the Castle as a National Monument.

The report concludes recommending refusal of permission for the proposed development.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

None

3.5. Elected Members

Cllr Tony O'Shea and Cllr John Paul O'Shea have submitted representations in relation to the application supporting the applicant.

4.0 Planning History

PA ref: 93/112: Permission granted to Associated Steel Engineering Ltd. for the retention of extension to factory.

PA ref: 78/3978: Permission granted to Associated Steel Engineering Ltd. for the construction of a factory.

Adjacent sites: North

PA ref: 06/8565: Permission granted for 14 dwellings – now expired.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The Board will note that the Elected Members of Cork County Council made the Cork County Development Plan 2022-2028 and adopted the Plan on the 25th of April 2022. The Plan came into effect on the 6th of June 2022. It is noted that the application, the subject of this appeal, was submitted under the provisions of the previous 2014 County Development Plan. The Board will note that the adoption of the 2022 Cork County Development Plan replaces this policy document.

5.1.2. Chapter 2 of the CDP deals with the Core Strategy and the subject site is located within the North Cork Strategic Planning Area. Objective CS 2-5 deals with this SPA and seeks to facilitate the development of the villages with the following parts considered relevant:

- (d) Strengthen and protect the rural communities of the area by encouraging sustainable growth in population, protecting agricultural infrastructure and productivity and focusing other employment development primarily in the main towns and key villages;
- (e) Recognise the need to encourage the diversification of the rural economy by promoting a stronger tourism and leisure economy through the protection of the area's natural and built heritage, and by encouraging appropriate new forms of employment development;

5.1.3. Chapter 7 of the CDP deals with Economic Development and Section 8.15 deals with the Rural Economy. Specific policies are noted in relation to the rural economy including as follows:

- CDP Objective EC: 8-13: Rural Economy
 - a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments.
 - b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation.
 - c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.

- CDP Objective EC: 8-14: Business Development in Rural Areas

The development of appropriate new businesses in rural areas will normally be encouraged where:

- The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.

- The development will enhance the strength and diversity of the local rural economy.
- The proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape.
- The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.
- The proposal has a mobility plan for employees home to work transportation.
- Where possible the proposal involves the re-use of redundant or underused buildings that are of value to the rural scene.
- The provision of adequate water services infrastructure; and
- Provision of a safe access to the public road network.

5.1.4. Chapter 11 deals with Water Management with Section 11.11 dealing with Flooding. The subject site includes an area which is identified as being Flood Zone A and Flood Zone B. In this regard, the following Objectives are considered relevant:

- WM 11-13: Flood plains and Wetlands
- WM 11-14: Strategic Flood Risk Management
- WM 11-15: Flood Risk Assessments
- WM 11-16: Flood Risks – Overall Approach
- WM 11-17: Development in Flood Risk Areas

5.1.5. Chapter 14 of the CDP deals with Green Infrastructure and Recreation which includes Landscape matters. The subject site is not located within a High Value Landscape and the rural area outside of the settlement boundary of Liscarroll is identified as a Stronger Rural Area. There are no Scenic Routes or protected views and prospects noted in the vicinity of the site. CDP Objective GI 14-9: Landscape is considered relevant where by the Plan seeks to protect the visual and scenic amenities of County Corks built and natural environment, as well as protecting skylines and ridgelines from development. In addition to the above, the site is located on an approach road to the village of Liscarroll, comprising the most northern extent

of the settlement boundary. As such, Objective GI 14-15: Development on the Approaches to Towns and Villages is considered relevant and seeks to ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

5.1.6. Chapter 16 deals with Built and Cultural Heritage. The site lies in proximity to the Lisscarroll Castle which is identified as both a Protected Structure and a National Monument. Lisscarroll is also identified as a Historic village. The following objectives are considered relevant:

- HE 16-2: Protection of Archaeological Sites and Monuments:

Secure the preservation (i.e. preservation in situ or in exceptional cases preservation by record) of all archaeological monuments and their setting included in the Sites and Monuments Record (SMR) (see www.archaeology.ie) and the Record of Monuments and Places (RMP) and of sites, features and objects of archaeological and historical interest generally.

In securing such preservation, the planning authority will have regard to the advice and recommendations of the Development Applications Unit of the Department of Housing, Local Government and Heritage as outlined in the Frameworks and Principles for the Protection of the Archaeological Heritage policy document or any changes to the policy within the lifetime of the Plan.

- HE 16-4: Zones of Archaeological Potential in Historic Towns and Settlements:

Proposed development works in Historic Towns and settlements, Zones of Archaeological Potential, Zones of Notification and the general historic environs in proximity to the zones, should take cognisance of the impact potential of the works, and all appropriate archaeological assessments employed to identify and mitigate the potential impacts.

- HE 16-14: Record of Protected Structures

e) Protect the curtilage and attendant grounds of all structures included in the Record of Protected Structures.

- f) Ensure that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and not detrimental to the special character and integrity of the protected structure and its setting.
- g) Ensure high quality architectural design of all new developments relating to or which may impact on structures (and their settings) included in the Record of Protected Structures.

5.1.7. Chapter 18 of the CDP deals with Zoning and Land Use. The subject site is located within the development boundary of the village of Lisscarroll. The following objectives are considered relevant:

- ZU 18-2: Development and Land Use Zoning

Ensure that development, during the lifetime of this Plan, proceeds in accordance with the general land use objectives and any specific zoning objectives that apply to particular areas as set out in this Plan.

- ZU 18-3: Development Boundaries

For any settlement, it is a general objective to locate new development within the development boundary, identified in this Plan that defines the extent to which the settlement may grow during the lifetime of the Plan.

5.2. Natural Heritage Designations

The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 5.3km to the west and the same SAC also located 5.6km to the east. In addition to the above, Kilcolman Bog SPA (Site Code: 004095) lies approximately 12.8km to the east and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161) lies approximately 14.3km to the west.

5.3. EIA Screening

5.3.1. Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) sets out the class of developments which provide that mandatory EIA is required. The proposed development comprises the construction of an extension to an existing

factory in the village of Liscarroll Co. Cork, on a site of 0.93ha and is not of a scale or nature which would trigger the need for a statutory EIAR. It is therefore considered that the development does not fall within any cited class of development in the P&D Regulations and does not require mandatory EIA.

5.3.2. In accordance with section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment.

5.3.1. Having regard to:

- (a) the nature and scale of the development, and
- (b) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

It is concluded that there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

This is a first-party appeal against the decision of the PA to refuse permission for the proposed development.

- Liscarroll Engineering Ltd is a privately owned family business operating for almost 50 years and is the main employer in Liscarroll.

- The demand for larger silos up to 100,000 litre capacity has increased by more than 50% in the past 12 months and business has to be turned away due to lack of facilities and height restrictions. The largest silo the current factory facility can build is 30,000 litres.
- The proposed extension will facilitate the fabrication of the larger silos and will give space for the business to diversify into other products.
- The proposed extension to the existing facility is required for modern 21st century manufacturing and are a common feature at industrial and manufacturing facilities. To restrict growth is crippling and will be detrimental to the future of the company.
- The castle is closed to the public and therefore views from the castle is not a valid reason for refusal.
- The castle cannot be seen from the R522 approach to Lisscarroll due to existing hedgerows and cannot be deemed an established un-obstructed view.
- While the building will be visible the choice of cladding colour ensures the development blends with the surrounding landscape. The addition of mature planting on the perimeter of the site will ensure an un-invasive impact on the landscape.
- There are no designated scenic routes in the area and Lisscarroll is not designated as a High Value Landscape.

The appeal also includes details of other developments which were granted planning permission which are considered to have an impact on Protected Structures and Architectural Conservation Areas. It is further noted that no third-party objections to the proposal were submitted by members of the local community.

It is requested that the Board overturn the decision of Cork County Council and grant planning permission for the proposed development.

6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first-party appeal advising that it is of the opinion that all the relevant issues have been addressed in the technical reports already forwarded to the Board. No further comments to make.

6.3. **Observations**

None.

7.0 **Assessment**

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the development the subject of this application and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Principle of the development
2. Visual Impacts
3. Other Issues
4. Appropriate Assessment

7.1. **Principle of the Development:**

- 7.1.1. The proposed development seeks to construct an extension to an existing factory in the village of Lisscarroll. The Board will note that the existing facility has been in operation for almost 50 years and comprises a low-rise factory building which rises to approximately 8.8m in height and occupies a stated floor area of 1,669.3m². The mature site includes two access points from the public road at a point where the speed limit is noted to be 50kph. The existing facility is served by car parking, water services and other utilities and is located within the settlement boundaries of Lisscarroll.

7.1.2. Having regard to the information presented, I am generally satisfied that there is no objection in principle to the proposed development. There are a number of policy objectives of the County Development Plan 2022-2028 which require to be considered, and in particular, the Board will note that the Planning Authority's sole issue relates to the visual impact of the proposed development in the context of the setting, character and integrity of Lisscarroll Castle and in particular, would, if permitted, alter unobstructed established views towards and from the Protected Structure. I propose to address the visual impacts associated with the proposed development, and compliance with the relevant CDP policy objectives, further in section 7.2 of this report below.

7.2. Visual Impacts & Heritage

7.2.1. The proposed development seeks to construct an extension to the existing factory on the site, with a proposed floor area of 428.3m². The building will rise to 18.61m, which is noted to be almost 10m higher than the existing building on the site. The subject site is not located within a high value landscape, which are considered to be the county's most valuable landscapes. The site lies within the settlement boundary of Lisscarroll and within an established factory site. The boundaries of the site comprise trees and hedgerows which partially screen the existing building from the public road. CDP Objective GI 14-9: Landscape is noted where by the Plan seeks to protect the visual and scenic amenities of County Corks built and natural environment, as well as protecting skylines and ridgelines from development. The subject site lies within the developed envelope of the village of Lisscarroll and as such, I would not consider that the development, if permitted, in and of itself, would give rise to significant visual impacts in the context of the surrounding landscape.

7.2.2. In addition to the above, the Board will note that Lisscarroll is identified as a Historic Village. As such CDP Objective GI 14-15: Development on the Approaches to Towns and Villages is relevant in that it seeks to ensure that 'the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements'. The subject site lies to the north of the village and on an approach road described above. Lisscarroll Castle is located to the north of Main Street, and close to the built-up area of the village, approximately 350m to the south east of the subject site. There are fields with tree

and hedgerow boundaries noted between the site and the Castle and in terms of views towards the Castle, the approach road from the east and the south are considered most pertinent. The views towards the site from the west, between the village centre and the subject site, arise through gaps in existing houses on the R522 road.

- 7.2.3. The issues raised in the PAs refusal of permission relates specifically to the impact of the proposed development on Lisscarroll Castle whereby the local authority consider that the proposal 'would introduce an obtrusive element in the setting of Lisscarroll Castle (a Protected Structure) that would alter unobstructed established views towards and from the Protected Structure and would be detrimental to its special character and integrity'.
- 7.2.4. In terms of visual impacts on the Castle, I would accept that the scale of the proposed extension to the factory in terms of height is a concern. However, I would conclude that there are no extensive views towards the Castle from the approach road to the north due to the topography of the landscape and the presence of trees which screen the National Monument. I consider that the views from the south, from the Mallow Road, represent the most prominent views towards the castle as the towers rise above the roofs of the existing buildings in the village and occupy the skyline. I would note that no view or photomontage was prepared from this road. That said, the proposed development would be located 'behind' the Castle in this view and I would consider that it is unlikely that it would represent a significant visual impact, if any, due to the separation distance between the site and the Castle.
- 7.2.5. With regard to the views from the east, the Board will note that the bulk of the Castle wall is visible from this side. The structure, however, sits within the landscape with the hills behind the Castle creating a backdrop. As such, there is no sky-lining of the Castle from this view. The site of the existing factory is noted to the right of the Castle complex, with the roof of the factory visible. The proposed extension will comprise a significant increase in height, but I would accept that the building will not skyline at this location. In addition, I note the proposal to use green cladding and to plant mature trees on the perimeter of the site in an effort to mitigate visual impacts.
- 7.2.6. In terms of the provisions of CDP Objective GI 14-15: Development on the Approaches to Towns and Villages, and while I would accept that there will be some

level of visual impact arising, I would not consider that the development, if permitted would so significantly detract from the setting and historic character of the settlements as to warrant a refusal of permission.

- 7.2.7. The Board will note that Lisscarroll Castle is both a National Monument and a Protected Structure. CDP Objectives HE 16-2: Protection of Archaeological Sites and Monuments and HE 16-4: Zones of Archaeological Potential in Historic Towns and Settlements seeks to secure the preservation of such monuments and their setting, with proposed development works in Historic towns required to take cognisance of the impact potential of the works. In addition, CDP Objective HE 16-14: Record of Protected Structures includes sections e), f) and g) require the protection of the curtilage and attendant grounds of structures, that development proposals are appropriate in terms of architectural treatment, character, scale and form to the existing protected structure and are not detrimental to the special character and integrity of the protected structure and its setting.
- 7.2.8. The PAs reason for refusal relates specifically to the impact of the proposed development on Lisscarroll Castle whereby the local authority considers that the proposal 'would introduce an obtrusive element in the setting of Lisscarroll Castle that would alter unobstructed established views towards and from the Protected Structure and would be detrimental to its special character and integrity. I have addressed the issues surrounding views towards the Castle above and would not consider that the development will give rise to obstruction of views from the Castle. The key issue remaining therefore, relates to the whether or not the proposed development would impact on the setting of the National Monument and would introduce an obtrusive element in the setting of Lisscarroll Castle which would be detrimental to the special character and integrity of the Protected Structure.
- 7.2.9. While I note the comments of the Planning Authority, including the relevant technical reports on the file, I would not consider that the visual impacts associated with the proposed development warrant refusal of permission for the extension of an existing and long-established business. The receiving landscape is not identified as a High Value Landscape and there is adequate separation between the site and Lisscarroll Castle. In addition, given the topography of the landscape in the vicinity of the site, there will be no skylining of the building. I am therefore satisfied that the proposed development is acceptable as proposed and that the visual impacts associated with

the proposed development are acceptable. As such, a grant of planning permission would not be contrary to the CDP Objective GI 14-9: Landscape.

7.3. Other Issues

7.3.1. Water Services & Flooding

In terms of water services, the Board will note that there are existing services within the site serving the existing factory. I have no objection to the proposed development in this regard.

There is an area of the site to the north which includes areas of Flood Zone A and Flood Zone B. The Board will note that this area is small and is outside the footprint of the proposed factory extension, and on ground which is already covered with hardcore which provides vehicular access to the rear of the factory building and storage area. The applicant did not submit any Flood Risk Assessment and I note that the Councils Area Engineer was satisfied that no FRA was required for the site. The AEs report initially required proposals for the surface water network for the site to be submitted for assessment and to include details of existing surface water treatment within the site. Following the submission of the requested details, the AE advised no further concerns in terms of flood risk.

The northern boundary of the site includes a stream which connects to the Blackwater River SAC via network of surface water bodies. The site is subject to fluvial flooding events in the 1,000 year (0.1% AEP) and 100 year (1% AEP) events. The proposed development works are not proposed within the identified flood risk area and the applicant submitted proposals to install settlement skips where the silt from surface water run-off will be separated before discharge to the existing soak pit. There is therefore, no proposals to discharge surface water to the adjacent stream and I again note the requirement of the Councils Ecologist who recommends permission with the inclusion of a condition for the installation of a silt fence along the northern boundary of the site during the construction phase.

In the context of a Flood Risk Assessment, the Planning System and Flood Risk Management Guidelines for Planning Authorities OPW, 2009 sets out the requirements for FRAs and notes their purpose to provide information to determine

whether particular actions, including development works, are appropriate where flooding may be determined as an issue for a site.

In terms of the justification test criteria of the FRM Guidelines, I would note that the site is located within the development boundary of the village of Lisscarroll, and is currently occupied by the existing, and long-standing Lisscarroll Engineering Ltd., factory and associated facilities. As such, I am satisfied that the subject site might be reasonably considered to be appropriately designated for use proposed. I am generally satisfied that the scale proposed is nominal and given the proposed surface water management proposals, is unlikely to result in flooding elsewhere.

Overall, I am inclined to agree with the Planning Authority that the development is acceptable at the subject site in the context of flood risk.

7.3.2. Roads & Traffic

The proposed development is to be accessed via the local road network in the area, and where there are two existing access points serving the current facility on the site. The Board will note that the public road to the front of the site is onto the R522 and within the 50kph speed limit associated with Lisscarroll. I note that the Cork County Council Area Engineer raises no objections to the proposed development subject to compliance with conditions.

I do not consider that the proposed development will give rise to a significant increase in the volume of vehicular traffic as to warrant a refusal of planning permission. I have no objections to the proposed development in terms of roads and traffic.

7.3.3. Development Contribution

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

8.0 Appropriate Assessment

8.1. Introduction

- 8.1.1. Under Article 6(3) of the Habitats Directive, an Appropriate Assessment must be undertaken for any plan or programme not directly connected with or necessary to the management of a European site but likely to have a significant effect on the site in view of its conservation objectives. The site is not located within any Natura 2000 site and the development the subject of this application and appeal is not directly connected with or necessary to the management of a European site. The applicant did not submit an AA Screening or Natura Impact Statement.

8.2. Consultations

- 8.2.1. With regard to consultations, the Board will note that the Councils Ecologist noted the hydrological connection between the site and a Natura 2000 site but concluded that no issues relating to AA arise. The Councils Ecologist required the submission of a Construction Method Statement to include details of ecological and environmental mitigation measures to be implemented on site during the construction phase.

8.3. Screening for Appropriate Assessment

- 8.3.1. The applicant did not prepare an Appropriate Assessment Screening Report as part of the subject application. The site is not located within any Natura 2000 site. The closest Natura 2000 site is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) which is located approximately 5.3km to the west and the same SAC also located 5.6km to the east. In addition to the above, Kilcolman Bog SPA (Site Code: 004095) lies approximately 12.8km to the east and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (Site Code: 004161) lies approximately 14.3km to the west. In terms of AA, the Board will note that the development is not directly connected or necessary to the management of a European Site. The three mentioned Natura 2000 Sites are the only sites occurring within a 15km radius of the site.

8.3.2. I am satisfied that the of the above sites, the following two Natura 2000 sites can be screened out in the first instance, as although located within the zone of significant impact influence, the ecology of the species and / or the habitat in question is neither structurally nor functionally linked to the proposal site. There is no potential impact pathway connecting the designated site to the development site and therefore, I conclude that no significant impacts on the identified site is reasonably foreseeable. I am satisfied that the potential for impacts on the following Natura 2000 sites can be excluded at the preliminary stage:

| Site Name | Site Code | Assessment |
|---|-----------|--|
| Kilcolman Bog SPA | 004095 | Site is located entirely outside the EU site and therefore there is no potential for direct effects. No habitat loss arising from the proposed development. |
| Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA | 004161 | No disturbance to species. No pathways for direct or indirect effects. Screened Out |

8.3.3. While I acknowledge the distance between the subject site and the Blackwater River (Cork/Waterford) SAC, I consider it appropriate to consider the Natura 2000 site as being within the zone of influence of the proposed development, for the purposes of AA Screening due to the presence of surface water features to the northern boundary of the subject site and in the wider area, which provides a hydrological link to the SAC.

8.4. Qualifying Interests for Natura 2000 Sites within Zone of Influence

8.4.1. The subject development site located within a built environment, is not located within any designated site and does not appear to contain any of the habitats or species associated with any Natura 2000 site. The presence of a stream along the northern boundary of the proposed development site represents a potential pathway to Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

- 8.4.2. The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The SAC is of considerable conservation significance for the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively. Furthermore, it is of high conservation value for the populations of bird species that use it. Two Special Protection Areas, designated under the E.U. Birds Directive, are also located within the site - Blackwater Callows and Blackwater Estuary. Additionally, the importance of the site is enhanced by the presence of a suite of uncommon plant species
- 8.4.3. Land use at the site is mainly centred on agricultural activities. The banks of much of the site and the callows, which extend almost from Fermoy to Cappoquin, are dominated by improved grasslands which are drained and heavily fertilised. These areas are grazed and used for silage production. Slurry is spread over much of this area. Arable crops are also grown. The spreading of slurry and fertiliser poses a threat to the water quality of this salmonid river and to the populations of E.U. Habitats Directive Annex II animal species within it. Many of the woodlands along the rivers belong to old estates and support many non-native species. Little active woodland management occurs. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, over-grazing within the woodland areas, and invasion by non-native species, for example Rhododendron and Cherry Laurel.

8.5. Conservation Objectives:

- 8.5.1. The NPWS has identified a site-specific conservation objective to **maintain** or **restore** the favourable conservation condition of the Annex I habitats and species listed as a Qualifying Interest, as defined by a list of attributes and targets.

8.6. Potential Significant Effects

- 8.6.1. In terms of an assessment of Significance of Effects of the proposed development on qualifying features of Natura 2000 site, 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 Sites, no direct effects are anticipated. With regard to the consideration of a number of key indications to assess potential effects, the following is relevant:

- **Habitat loss / alteration / fragmentation:** The subject site lies at a remove of some 5.3km from the boundary of the designated site. As such, there shall be no direct loss / alteration or fragmentation of protected habitats within any Natura 2000 site.
- **Disturbance and / or displacement of species:** The site lies within a built environment, and within the development boundaries of the village of Lisscarroll. The site itself comprises an existing and long-established factory, with associated car parking, and 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 species or habitats for which the identified Natura 2000 sites have been designated.

Water Quality: The proposed development relates to the construction of an extension to an existing factory on an urban site. The development includes a proposal to connect to existing services established within the site.

Having regard to the nominal scale of the proposed development, together with the separation distances between the site and the boundary of the SAC, I am generally satisfied that the development, if permitted, is unlikely to impact on the overall water quality of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170).

I am generally satisfied that the potential for likely significant effects on the qualifying interests of the Blackwater River (Cork/Waterford) SAC can be excluded given the distance to the sites, the nature and scale of the development and the lack of a hydrological connection.

8.7. Mitigation Measures

- 8.7.1. The Board will note that the applicant did not provide any AA Screening Report. Following a request for further information a Construction Management Statement was submitted. This Statement includes proposals for the installation of settlement skips where the silt from surface water run-off arising at the site will be separated before discharge to the existing soak pit. The Board will also note that the Cork County Ecologist has recommended that a condition be included in any grant of planning permission requiring the installation of a silt fence along the northern boundary of the site during the construction phase.
- 8.7.2. I would consider the above to constitute best practice construction measures, rather than mitigation measures required to protect the water quality of the SAC.

8.8. In Combination / Cumulative Effects

- 8.8.1. Given the nature of the proposed development, being the construction of an extension to an existing and long-established factory, together with the separation distance to any designated site, I consider that any potential for in-combination effects on water quality in the Blackwater River (Cork/Waterford) SAC can be excluded. In addition, I would note that all other projects within the wider area which may influence conditions in the SAC via rivers and other surface water features are also subject to AA.

8.9. Conclusion on Stage 1 Screening:

- 8.9.1. I have considered the NPWS website, aerial and satellite imagery, the scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Qualifying Interests, the separation distances and I have had regard to the source-pathway-receptor model between the proposed works and the European Sites. It is reasonable to conclude that on the basis of the information available, that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the European Sites identified within the zone of influence of the subject site. As such, and in view of these sites' Conservation Objectives a Stage 2 Appropriate Assessment is not required for these sites.

9.0 Recommendation

- 9.1. I recommend that planning permission be granted for the proposed development, subject to compliance with the following stated conditions.

10.0 Reasons and Considerations

Having regard to the provisions of the Cork County Development Plan 2022, the established industrial use of the site, the pattern of development in the vicinity and the scale of the development as proposed, it is considered that the proposed development works, and subject to compliance with the conditions set out below, would not seriously injure the amenities of the area or of property in the vicinity and would not significantly impact the setting of, or be detrimental to the special character or integrity of, Lisscarroll Castle, Protected Structure and National Monument. The proposed development would not, therefore, be contrary to the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be retained and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 29th day of October 2021 and 24th day of January 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The external finishes of the factory extension (including roof) shall be finished in accordance with the requirements of the Planning Authority and the colour shall be in accordance with that proposed in the plans and particulars submitted on the 29th day of October 2021 and 24th day of January 2022.

Samples of the proposed materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of any development works at the site, full details of the proposed connections to the existing water service networks, as well as details of proposals to deal with surface water management, shall be submitted for the written agreement of the Planning Authority.

Reason: In the interest of public health and protection of surface waters.

4. All service cables associated with the proposed development (such as electrical, telecommunications, etc) shall be located underground.

Reason: In the interests of visual amenity.

5. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

6. The landscaping scheme shown on drg no. 5830-02, as submitted to the planning authority on the 24th day of January, 2022 shall be carried out within 6 months of the date of commencement of development.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

All existing trees and boundaries shall be maintained and protected during the construction phase. Full details shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interests of clarity, orderly development and amenity.

8. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic and parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

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

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

A. Considine
Planning Inspector

19th December 2022