



An  
Bord  
Pleanála

## Inspector's Report

### ABP-315749-23

<b>Development</b>	12 whiskey warehouses, service building, and all associated ancillary site works
<b>Location</b>	Tullig, Connagh, Leap, Co. Cork.
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	21905
<b>Applicants</b>	West Cork Distillers
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First and Third Party
<b>Appellants</b>	(1) Niall Dignan (2) Sam Dignan (3) Tullig and Reensascreena Community Group (4) Friends of the Irish Environment (5) West Cork Distillers
<b>Observers</b>	(1) Wild Ireland Defence (2) An Taisce

**Date of Site Inspection**

7/3/2024

**Inspector**

Siobhan Carroll

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located in the townland of Tullig, Connagh Leap, Co. Cork. It is situated 8km to the north-west of Rosscarbery and circa 5km north-east of the village of Leap.
- 1.2. The site has a stated area of 6.798 hectares. It comprises a large agricultural field and sections of a number of other adjoining fields. There are two agricultural sheds on site which are served by an agricultural track. There is mature tree planting around these buildings.
- 1.3. There is a forested area to the north of the appeal site on the opposite side of the local road. There are further forested areas to the west and south of the appeal site. There are a number of residential properties and farm properties interspersed on the surrounding roads.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the construction of 12 no. whiskey warehouses, service building and all associated ancillary site works. The proposal comprises;
  - (a) 6 No. warehouses for the maturation of whiskey, (3 No. double warehouse blocks), each Warehouse has a total ground floor area of circa 1,530m<sup>2</sup> with an overall total floor area of 9,180m<sup>2</sup> and an overall height of 11.45m. The Warehouses will be single storey in nature.
  - (b) Single storey Service Building with a ground floor area of circa 124.5m<sup>2</sup>,
  - (c) New 9m wide x 3m high planted embankment to perimeter of bonded Warehouse site,
  - (d) New 3m high security fence and security access gates to perimeter of bounded Warehouse site,
  - (e) New 540 cubic metre fire-fighting tank
  - (f) New sprinkler fire-fighting tank
  - (g) New fire water retention tank

- (h) Demolition of existing uninhabitable farmhouse and outbuildings
- (i) New internal road network and associated staff parking areas,
- (j) Associated site excavations and recontouring works,
- (k) Ancillary boundary treatments and access road enhancement,
- (l) All associated site works.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The Planning Authority decided to grant permission subject to 43 no. conditions.

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

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

- 3.2.2. Area Planner Report dated 24/2/2022 – It is considered that the information submitted with the application is not sufficient to enable the Planning Authority to make a decision in this case, for the following reasons:-
  - Concerns regarding the scale of the development
  - Concerns about potential impacts on the visual and residential amenities of the area
  - Lack of clarity regarding future needs of West Cork Distillers and future use of Marsh Road site
  - Concerns regarding potential impacts on ecology
  - Lack of clarity regarding construction management, lighting, noise impacts and fire firefighting provision
  - Requirement for the carrying out of an Archaeological Impact Assessment
  - Requirement for a Traffic and Transport Assessment
 Further information sought in relation to the following;

- 1. Submit revised proposals, including a revised site layout plan and landscaping plan, to provide for the omission of units 1-6 and the provision of 3no. double warehouse blocks (62m x 48m) located centrally within the site 20m apart. The warehouse blocks shall be orientated such that gable ends orientate to the north i.e. public road and ridge heights shall not exceed 11m. A planted perimeter berm 40m wide and a minimum of 3-4 m high, graded to a slope of 1 in 3, shall be provided.

2. Submit justification of why a 10 year permission is required and include details of the intended phasing of the proposed development.
3. Submit a revised site selection report which should include zoned lands within the city and county of Cork, including industrially zoned lands located in areas close to transport hubs.
4. Please clarify whether the proposed warehouses are intended for use solely by West Cork Distillers to store whiskey produced at the Marsh Road site or whether it is the intention to provide storage for other whiskey distilleries.
5. Please indicate annual production volumes and projected annual production volumes over a specified 5 and 10 year timeframe. Submit an assessment of the likely future maturation warehousing needs of West Cork Distillers and indicate whether the proposed development meets the future maturation storage requirements of the operation over a specified timeframe. Please clarify your intentions for the existing bonded warehouses at the Marsh Road facility and whether projected production needs can be met solely within the Marsh Road facility.
6. Submit an assessment of potential impacts on the residential amenities of the area. This assessment should identify all dwellings within 600m of the proposed development and should include an assessment of potential impacts on the residential amenities of residents living within 600m of the site arising from light pollution, noise, operational activity, potential impacts on wells and water quality and emissions.
7. Submit a revised Landscape and Visual Impact Assessment (LVIA) which should include, but not be limited to, an assessment of the Zone of Theoretical Visibility (ZTV) and should include the Carrigfadda Hill summit and Loop Walk and Reenascreena stone circle. This assessment should include before and after photomontages from all identified visual receptor locations with the addition of the most sensitive visual receptors i.e. the summit of Carrigfadda Hill/Hill Walk and Reenscreena stone circle. A revised Landscape Masterplan shall be submitted which also takes account of the revised site layout and the requirements of the Ecology Officer set out below.

8. A Traffic and Transport Assessment should have been submitted with the application for proposed warehousing in excess of 10,111sqm in accordance with NRA Traffic and Transport Guidelines 2014. Notwithstanding the reduction in scale sought herein the Planning Authority requires the submission of a Traffic and Transport Assessment for the revised proposal. The assessment should include a clear analysis of the number of weekly HGV trips required and this assessment shall be clearly based on existing and projected production levels and existing and projected storage requirements.
9. You are requested to submit the following requirements of the Ecology Officer:
  - As per the Pre-Planning Advise issued by the Cork County Council Ecology Office, the applicant is requested to submit a revised site design which includes the retention and protection of the Flush habitat, and all wetland habitats, identified by both the Ecology Office and Consultant Ecologist.
  - As per the Pre-Planning Advise issued by the Cork County Council Ecology Office, the applicant is requested to submit a revised road alignment for the proposal which utilises the existing track as far as possible and greatly reduces the encroachment into wetland habitats / habitats of high ecological value.
  - The submitted Landscape Master Plan is illegible. Therefore, the applicant is requested to resubmit the Landscape Master Plan. It is noted as per the Pre-Planning Advise issued by the Cork County Council Ecology Office, the Landscape Plan shall utilize native species that are sensitive to the area and wetland habitats. It is advised that the Landscape Plan shall be prepared with input from an ecologist.
  - The submitted EclA does not provide any details in relation to the Cashel 20 Stream. As such the applicants are requested to submit ecological details of all watercourses occurring within or along the periphery of the proposed development site. The applicant is further requested to submit details of protection measures to be implemented to safeguard any watercourse found to occur within or proximal to the development site during construction and operation. A map identifying all water protection measures proposed including



the locations for the stockpiling of building materials and earth should be included.

- Given the limited description of hedgerow habitats provided, the Planning Authority requires further information in relation to ecological condition of hedgerow habitats on site to complete its assessment. As such the applicant is requested to provide a detailed Hedgerow Appraisal Report to include a description, evaluation and extent of the hedgerow/field boundaries which are proposed to be removed, as well as details of associated faunal species, including birds, bats and any other species of relevance. The report should be prepared by an experienced ecologist in accordance with the National Hedgerow Appraisal System. The report should be informed by surveys to be completed at the appropriate time of the year.
- The applicants are requested to carry out and submit the findings of a bat survey to the Planning Authority. The purpose of the survey is to establish the level of usage of bats on site and to establish/identify potential bat roosts within any of the buildings and trees on site. In the event that one or more bat roosts are found within buildings proposed to be demolished or trees to be removed, and where disturbance of any such roost cannot be avoided, it will be necessary for the applicants to seek and obtain a Wildlife Act Derogation License to permit works to continue. It is advised that a copy of any such license would be submitted as part of the further information response. It is advised that the survey would be completed in accordance with NPWS Guidance – Bat Mitigation Guidelines for Ireland.
- It is noted that site holds avian species of conservation concern. Therefore, the applicant is requested to submit a summer breeding bird survey report and results of the same. The survey is to be completed by an ecologist / ornithologist in accordance with recommended best practise. Should breeding birds be found on site and if impacts are unavoidable then compensatory measures will be sought which should form part of a Habitat and Species Protection & Management Plan for the site. The plan should include details of mitigation measures to be implemented, including measures to provide for undisturbed buffers around breeding sites for these species where possible.

- The applicant is requested to submit a Habitat and Species Protection & Management Plan which shall be prepared having regard to principle of no net loss of biodiversity at a local level. This plan shall include the following:
    - o Details of all measures to be taken to protect and enhance habitats of local biodiversity value occurring at the site i.e. wetlands and the species which utilise the same;
    - o A description of target habitats and range of species appropriate to the site;
    - o Appropriate strategies for maintaining existing and targeted habitats and species;
    - o Information in relation to details of habitat linkages e.g. amphibian underpass, and continuity of habitat within and outside the site;
    - o Timelines for new planting and habitat creation;
    - o Details of ecological oversight and monitoring;
    - o The plan shall include a map identifying the areas to be managed;
    - o The plan should have cognizance to potential operational impacts on species and habitats as a result of the proposal.
10. You are requested to verify if the selected surface emissive power (SEP) for maturation warehouse fires takes account of the heat contributed by the burning of wooden casks and submit a revised Land Use Planning Risk Assessment which should include an assessment of the risks posed by pool fires at the firewater retention facility and incorporate this into the overall analysis.
  11. Details of any proposals for the external lighting of the site should be submitted as follows:-
    - Provide a map of the site showing all proposed external lights
    - Provide details of lux levels
    - Provide details of any measures to mitigate any light-spill from the site onto any light sensitive point
    - Provide details of hours of operation of the facility - in particular any night-time operations.
  12. Submit a noise impact assessment and provide details of measures to mitigate any noise source from the site onto any noise sensitive point,

resulting from storage operations at the site. e.g. cooling systems, fans, cutting tools, machinery etc.

13. A Construction Management Plan (CMP) should be submitted which should include:-
  - A brief site description
  - Details of the scope of work to be carried out
  - Duration of construction works, hours of operation
  - Outline of machinery to be used on site
  - Number of construction workers
  - Provision of staff facilities
  - Proposals for traffic management
  - Proposals for monitoring and reporting
  - Proposals for protection of surface water and groundwaterA pest control and dust control management plan for the construction and operational phases should also be submitted.
14. The applicant is required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out an Archaeological Impact Assessment. This archaeological assessment should:
  - examine the known and predicted archaeological environment
  - examine the proposed development
  - evaluate the proposed development in terms of the impact (direct and indirect) of the proposed works on existing or predicted archaeology
  - carry out a program of archaeological testing across the site and targeting the results of the geophysical survey
  - propose a strategy to mitigate the adverse effects of the development on the archaeological heritage

No subsurface work should be undertaken in the absence of the archaeologist without his/her express consent.

The archaeologist should carry out any relevant documentary research and inspect the site for archaeology including post medieval archaeology.

Licensed archaeological testing should be carried out across the site and targeting the results of the geophysical survey should be carried out, the program for archaeological testing should be approved by the County Archaeologist prior to submitting for the licence. If significant archaeology is identified during the testing program the County Archaeologist should be

immediately contacted. The results of the testing should be submitted to the County Archaeologist to agree a mitigation program prior to submitting the further information response. If significant archaeological remains are found refusal might still be recommended, and/or further mitigation measures required such as preservation in situ, archaeological monitoring, redesign.

- 3.2.3. Senior Executive Planner Report dated 24/2/2022 – The Senior Planner has discussed this application with both the Divisional Manager and the Director of Services (Planning) and the assessment of this application and conclusion to defer to request further information, reflects the outcome of those discussions. In view of the above and the technical reports received on file, I agree with the recommendation of the Area Planner to defer for further information.
- 3.2.4. Area Planner Report dated 7/12/2022 – Further information submitted under Reg. Ref. 21/905 on 11/11/2022 contains significant additional data and revised public notices are required in accordance with Article 35(1) of the Planning and Development Regulations, 2001, as amended.
- 3.2.5. Area Planner Report dated 13/1/2023 – The applicant's response to the request for Further Information is lacking in some areas, however due to time limits seeking clarification of Further Information is precluded. The omissions are not considered grounds for refusal and can be dealt with by condition where appropriate. Having regard to the above comments and the foregoing assessment of the applicant's response to the request for Further Information it is considered that, on balance, the principle of a reduced development on this site would not be contrary to the provisions of the Cork County Development Plan or to the proper planning and sustainable development of the area.
- 3.2.6. Senior Executive Planner Report dated 13/1/2023 – They agree with the recommendation of the Area Planner to grant permission for the proposed development subject to conditions.
- 3.2.7. Senior Planner Report dated 16/1/2023 – I refer to the reports of the Area Planner and Senior Executive Planner and the recommended schedule of conditions attached. Having regard to the request for further information which sought to reduce the scale of the proposal, Condition No.2 should be revised to align with the reductions required by the request. Condition No.2 should, thus, be revised for

provide for the following: The proposed development shall be amended to provide for the following modifications: (a) The omission of a minimum of 6 no. warehouse blocks in order to reduce the scale of the overall proposal by 50% and to provide for 3 no. double warehouse blocks (65m x 48m) located centrally within the site. (b) The warehouse blocks should be orientated such that gable ends orientate to the north i.e. public road. (c) Generally, a 40m building set-back from the site boundaries should be provided where achievable, which should provide for a planted perimeter berm a minimum of 3-4 metres in height, graded to a slope of 1 in 3. (d) Each double unit shall be constructed in accordance with the layout and elevations indicated in drawing numbers 02, 03 and 04 submitted to the Planning Authority on the 23/12/2021. (e) The single storey service building shall be relocated ancillary to the revised warehouse blocks. Revised drawings, site layout plan and landscaping plan indicating the above amendments shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Reason: In the interests of the proper planning and sustainable development of the area.

- 3.2.8. Senior Executive Planner Report dated 16/1/2023 – Having regard to the Senior Planner’s report of the 16/1/2023, Condition no. 2 is revised as requested.
- 3.2.9. Other Technical Reports
- 3.2.10. Area Engineer: Report dated 16/2/2022 – Further information sought. The applicant needs to consult with the Area Office regarding “pinch points” along the route whereby laybys should be provided to accommodate HGV movement to this site. Once areas are identified and costed, the Area Office may be in a position to carry out necessary works provided a contribution can be made to cover the costs.
- 3.2.11. Engineering: Report dated 20/11/2022 – There is no objection to permission being granted with the attachment of conditions.
- 3.2.12. Engineering: Report dated 4/1/2023 – There is no objection to permission being granted with the attachment of conditions.
- 3.2.13. Archaeologist: Report dated 21/2/2022 – Further information recommended.
- 3.2.14. Archaeologist: Report dated 1/12/2022 – Recommends the attachment of conditions requiring a full and detailed archaeological assessment.

- 3.2.15. Ecology: Report dated 17/2/2022 – There is insufficient information on the file at present to enable the planning authority to carry out an assessment of the potential for impacts on species and habitats of high ecological value. As this is the case the following further information is requested.
- 3.2.16. Ecology: Report dated 28/11/2022 – Overall the ecology officer was not entirely satisfied with the response received. The concluded that given the lack of time to seek further clarification and noting the items requiring further consideration to not form the grounds for an outright refusal based on ecological grounds the applicant will be requested to submit a revised Habitat and Species Protection & Management Plan with detailed response to each of the original points listed by way of condition.
- 3.2.17. Environment: Report dated 17/2/2022 – To fully assess this application further information is required.
- 3.2.18. Environment: Report dated 21/11/2022 – Conclusion, no objection to grant of permission on environmental grounds subject to the attachment of conditions.
- 3.2.19. Environmental Health Officer: Report dated 26/1/2022 – This development should be subject to a Construction Management Plan.
- 3.2.20. Conditions:

Condition no. 2 attached by the Planning Authority specified that the development be amended with the omission of 6 no. warehouse blocks, that the warehouse blocks should be orientated such that gable ends orientate to the north to the public road, that a 40m building setback from the site boundaries be provided and that the single storey service building shall be relocated ancillary to the revised warehouse blocks.

Condition no. 3 attached by the Planning Authority specified that the duration of the grant of permission shall be 5 years from the date of the grant of permission.

### **3.3. Prescribed Bodies**

- 3.3.1. Inland Fisheries: Report dated 17/1/2022 – If permission is granted IFI request a condition be attached to the effect that there be no interference with, bridging, draining or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without prior approval of IFI.

- 3.3.2. Health & Safety Authority: Report dated 2/2/2022 – The CCA has insufficient information to provide technical advice on this application. The Authority requests the Planning Authority to seek further information.
- 3.3.3. Health & Safety Authority: Report dated 28/2/2022 – On the 2<sup>nd</sup> of February 2022, the Authority requested further information from the applicant. This further information was submitted to this office on the 4<sup>th</sup> February 2022 in the form of a document titled Technical File Note – Response to HSA questions on LUP at Tullip dated 04/02/2022 (Ref 552-22X0016). Following an assessment of all the information provide the Authority DOES NOT ADVISE AGAINST the granting of planning permission in the context of Major Accident Hazards.
- 3.3.4. Health & Safety Authority: Report dated 2/12/2022 – HSA advice has not changed following the submission of further information.

#### **3.4. Third Party Observations**

- 3.4.1. The Planning Authority received 43 no. submissions/observations in relation to the application. The issues raised are similar to those set out in the appeals.

### **4.0 Planning History**

- 4.1.1. None

### **5.0 Policy Context**

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

- 5.1.1. The appeal site is located at of Tullig, Connagh Leap, Co. Cork. The site is located within a landscaped area categorised as type 7a ‘Rolling Patchwork Farmland landscape’. Landscape value is medium and landscape sensitivity is medium.
- 5.1.2. Chapter 8 – Economic Development
- 5.1.3. Section 8.15 – The Rural Economy
- 5.1.4. 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.

5.1.5. Objective EC: 8-14 Business Development in Rural Areas – The development of appropriate new businesses in rural areas will normally be encourage 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.

## **5.2. National Planning Framework (NPF) - Project 2040**

5.2.1. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.

5.2.2. National Strategic Outcome 3 (Strengthened Rural Economies and Communities) includes: 'Continued investment in the agri-food sector will underpin sustainable growth as set out in Food Wise 2025.'



### **5.3. Southern Regional Assembly Spatial and Economic Strategy (RSES)**

5.3.1. The policies in the RSES are under Regional Policy Objectives (RPOs) and Metropolitan Area Strategic Plan (MASP) Policy Objectives.

#### **5.3.2. RPO 50 – Diversification**

It is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including innovation and diversification in agriculture (agri-Tech, food and beverage), the marine (ports, fisheries and the wider blue economy potential), forestry, peatlands, renewable energy, tourism (leverage the opportunities from the Wild Atlantic Way, Ireland's Ancient East and Ireland's Hidden Heartlands brands), social enterprise, circular economy, knowledge economy, global business services, fin-tech, specialised engineering, heritage, arts and culture, design and craft industries as dynamic divers for our rural economy.

### **5.4. Food Wise 2025 – A 10-year vision for the Irish agri-food industry – Department of Agriculture, Food and the Marine.**

5.4.1. This document notes that exports of Irish Whiskey have increased by 60% between 2009 and 2014. It states that there are huge operations for growth in the whiskey sector and notes that one challenge that must be met is the significant working capital finance needed to fund the minimum three-year maturation process in the whiskey sector. An objective of Food Wise 2025 is to: 'Develop fiscal and other revenue generating initiatives which will enable the Irish Whiskey industry to fund the minimum three-year maturation process'.

### **5.5. Directive 2012/18 EU (Seveso III)**

5.5.1. Directive 2012/18 EU (Seveso III) replaced Directive 2003/105/EC (Seveso II) and was transposed into Irish law on 1 June 2015 under the Chemicals Act (Control of major accident hazards involving dangerous substances) regulations 2015 (S.I. No. 209 of 2015),

5.5.2. The Directive aims at preventing major accident hazards involving dangerous substances and chemicals and the limitation of their consequences for both people and the environment. 5.1.2. Part 7 of the COMAH regulations sets out requirements

for Land-use Planning. 5.1.3. Article 24(2) of the Regulations provides that the Central Competent Authority shall provide technical advice in response to a notice sent by a planning authority requesting technical advice on the effects of a proposed development on the risk or consequences of a major accident in relation to the siting and development of new establishments. In this regard, the HSA provides such advice on planning applications.

#### **5.6. Guidance on technical land-use for Planning Authorities and COMAH establishment operators (February 2023)**

- 5.6.1. This Guidance interprets Health and Safety Authority (HSA) policy on technical land-use planning (TLUP) advice under the Seveso-III Directive (Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC), as implemented by the COMAH Regulations 2015. It replaces the Policy & Approach of the Health & Safety Authority to COMAH Risk-based Land-use Planning (19 March 2010). The Guidance has been re-titled and streamlined, with a greater emphasis placed on a more rigorous risk-based approach across all sectors. Clear guidance is provided for scenario frequencies and modelling parameters. Sections on liquefied natural gas, recovered natural gas, hydrogen and distillery/warehouse sectors are also notable additions, as is a revised approach to societal risk that emphasises expectation value. Some specific examples have been provided for planning authorities, and a new form has been provided for requesting technical advice electronically.
- 5.6.2. Section 3.13 refers to Distilleries and spirit maturation warehouses.

#### **5.7. Climate Action Plan 2024**

- 5.7.1. The Climate Action Plan 2024 (CAP24) is the third annual update to Ireland's Climate Action Plan.
- 5.7.2. The purpose of the Climate Action Plan is to lay out a roadmap of actions which will ultimately lead us to meeting our national climate objective of pursuing and achieving, by no later than the end of the year 2050, the transition to a climate resilient, biodiversity rich, environmentally sustainable and climate neutral economy.

It aligns with the legally binding economy-wide carbon budgets and sectoral emissions ceilings that were agreed by Government in July 2022.

## **5.8. National Biodiversity Action Plan 2023 – 2030**

- 5.8.1. Ireland's 4th National Biodiversity Action Plan (NBAP) sets the national biodiversity agenda for the period 2023-2030 and aims to deliver the transformative changes required to the ways in which we value and protect nature.
- 5.8.2. The targets set out in the Plan are in the context of five objectives that lay out a clear framework for our national approach to biodiversity.
- Objective 1: Adopt a Whole of Government, Whole of Society Approach to Biodiversity.
  - Objective 2: Meet Urgent Conservation and Restoration Needs.
  - Objective 3: Secure Nature's Contribution to People.
  - Objective 4: Enhance the Evidence Base for Action on Biodiversity.
  - Objective 5: Strengthen Ireland's Contribution to International Biodiversity Initiatives.

## **5.9. Natural Heritage Designations**

- 5.9.1. Myross Wood SAC (Site Code 001070) is located approx. 6.8m to the south-west of the appeal site.
- 5.9.2. Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061) is located approx. 9.1km to the south-east of the appeal site.
- 5.9.3. Bandon River SAC (Site Code 002171) is located approx. 8.7km to the south-east of the appeal site.
- 5.9.4. Castletownshend SAC (Site Code 001547) is located approx. 10.7km to the south-west of the appeal site.
- 5.9.5. Gallery Head to Duneen Point SPA (Site Code 004190) is located approx. 11.4km to the south-east of the appeal site.

- 5.9.6. Clonakilty Bay SAC is located approx. 12km (Site Code 000091) to the east of the appeal site.
- 5.9.7. Clonakilty Bay SPA is located approx. 12km (Site Code 004081) to the east of the appeal site.

## 5.10. Environmental Impact Assessment

### Screening

- 5.10.1. Section 172 of the Planning and Development Act 2000 (as amended) requires environmental impact assessment of classes of development set out in Schedule 5 of the Planning and Development Regulations 2001 (as amended) where the development would equal or exceed the stated threshold or is sub-threshold but likely to give have a significant effect on the environment.
- 5.10.2. This application was submitted to the Board after the 1st of September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 which transpose the requirements of Directive 2014/52/EU into Irish planning law.
- 5.10.3. Class 7(d) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) provides that mandatory EIA is required for the following class of development:
- Installations for commercial brewing and distilling; installations for malting, where the production capacity would exceed 100,000 tonnes per annum),
- 5.10.4. Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.
- 5.10.5. Class 1(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Development consisting of the carrying out of drainage and/or reclamation of wetlands where more than 2 hectares of wetlands would be affected.

5.10.6. Item (15) (b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 as amended provides that an EIA is required for: “Any project listed in this part which does not exceed a quantity, area or other limit specified in this Part in respect of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7.”

5.10.7. This proposal entails the construction of 12 no. bonded whiskey maturation warehouses, service building and all associated ancillary site works on a site with a stated area of 6.798 hectares.

5.10.8. In relation to Class 7(d) of Schedule 5 Part 2 of the Planning and Development Regulations, 2001 (as amended) Whiskey maturation warehouses are not listed as a development type under this class and the proposed development will not comprise brewing or distilling and there will be no production capacity resulting from the site.

5.10.9. In relation to Class 1(c) of Schedule 5 Part 2 of the Planning and Development Regulations 2001, while the development of the site will result in the carrying out of drainage and/or reclamation of wetlands the design has been modified to reduce the area of wetland affected and the area of wetland to be drained and/or reclaimed for development will amount to 0.6 hectares.

5.10.10. In relation to Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001, the proposed development is unlikely to be considered urban development due to its proposed location. The site is not located in a business district or built up area and the proposed site area at 6.798 hectares is well below the 20 hectare threshold for other areas.

5.10.11. Accordingly, a mandatory environmental impact assessment (EIA) is not required as the proposed development does not fall within the above categories.

#### 5.10.12. **Sub-threshold Development**

5.10.13. In cases where a project is mentioned in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 (as amended) but is classed as ‘sub-threshold development’, planning authorities are required under article 103 of the 2001 Regulations to request an EIAR where it considers that the proposed development is

likely to have significant environmental effects. This decision must be taken with reference to the criteria set out in Schedule 7 and Schedule 7A of the 2001 Regulations.

5.10.14. An Environmental Impact Assessment Screening Report has been submitted with the subject application. The purpose of this report is to provide the required information to enable the competent authority, to determine whether an Environmental Impact Assessment Report (EIAR) is required or not as specified in schedule 7A of the Planning and development Regulations 2001 in respect of the proposed development. Where a project is of a specified type but does not meet, or exceed, the applicable threshold then the likelihood of the 'sub threshold' project having significant effects (adverse and beneficial) on the environment needs to be considered.

5.10.15. **Assessment of the development under the criteria set out in Schedule 7 and 7A of the Regulations**

5.10.16. Schedule 7 lists the criteria for determining whether a development would or would not be likely to have significant on the environment under the following headings:

- Characteristics of proposed development
- Location of proposed development
- Types and characteristics of potential impacts

5.10.17. Section 3.4 of the EIAR Screening Report refers to Sub-threshold development and to additional information to be taken into account relative to Article 4(4) of 2014/52/EU which introduces a new Annex 11A to be used in the case of a screening determination and the list of the criteria is provided. The Directive also amends Annex III 'Selection Criteria referred to in Article 4(3)'. These are listed and are relevant to the details to be provided under the headings in Schedule 7.

5.10.18. The EIA Screening Report submitted, includes the information set out in Schedule 7A to the Planning and Development Regulations 2001 as amended and I have had regard to same. The report states that the development is below the thresholds for mandatory EIAR having regard to Schedule 5 of the Planning and

Development Regulations 2001, and concludes that the proposal is unlikely to give rise to significant environment effects, so an EIAR is not required.

5.10.19. I have completed an EIA screening determination as set out in Appendix A of this report. I am satisfied that sufficient information is available to reach a conclusion in regard to screening for Environmental Impact Assessment including the submissions by the applicant, the submission of prescribed bodies and third-party observations. I consider that having regard to the nature and scale of development proposed in conjunction with the habitats/species on site and in the vicinity that the proposal would not be likely to have significant effects on the environment.

5.10.20. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment, at construction and operational stages of the development, and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA Screening Statement submitted with the application.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Third party appeals have been received by the Board from (1) Niall Dignan (2) Sam Dignan (3) Tullig and Reensascreena Community Group, and (4) Friends of the Irish Environment.

#### **(1) Niall Dignan**

- The proposed development contravenes the Cork County Development Plan 2014. Section EE9-1 – Business in Rural Areas CS4-4 – West Cork – (a) Recognise the international importance and the importance of the regions tourism economy, of the scenic and landscape qualities, of the coastal and upland areas and protect the landscape from inappropriate development.

- Reenascreena plateau is one of these upland areas.
- The proposed development will have an adverse visual impact on the surrounding area. The proposal to screen it behind a planted berm will in reality have little effect. Concern is raised in relation to the stability of the berms and planting.
- There was a failure to provide layout plans as requested. The request to clarify the company's intentions for use of their Marsh Road site in Skibbereen was not met.
- It is considered that the site selection process was not performed with necessary diligence.
- The appellant considers that the permission for 6 no. warehouses is both excessive and inappropriate. It is submitted that there are other more suitable sites available.

(2) Sam Dignan

- The Planning Authority granted permission for 6 no. whiskey maturation warehouses and the applicant sought permission for 12 no. whiskey maturation warehouses.
- The report of the Senior Executive Planner referred to the fact that the applicant refused to consider a reduction in scale. A landscape masterplan was provided with the further information response to the Council's concerns in relation to the scale of development. It was submitted that a revised Landscape Masterplan was not expressly a response to the Council's request.
- The appellant highlighted that the Planning Authority granted permission based on the principle of locating development of this nature within a rural area having been established.
- In terms of supporting precedents, the maturation complex at Dungourney granted under Reg. Ref. 10/8418, Reg. Ref 14/5024 and Reg. Ref. 19/4641 is much larger in scale and much better connected. It was initially granted under the provisions of a previous development plan.



- Under Reg. Ref. 19/725 permission was granted for a change of use of existing agricultural buildings to spirits maturation facility. This is not directly comparable.
- Under Reg. Ref. 21/793 permission is sought by Clonakilty Distillery Ltd. at Rossmore, for the construction of 3 no. whiskey maturation buildings. This is significantly smaller than the current proposal.
- The appellant notes an application for zoning of a parcel of land for whiskey maturation warehouses at a site circa 3km from the appeal site at Tullig was not sanctioned by the elected members of the Council.
- It was raised that during pre-planning consultation that the Planning Authority expressed concern that the proposal would appear to materially contravene a number of objectives of the 2014 County Development Plan.
- The Council was not clear as to whether material contravention of the Development Plan exists.
- It is submitted that the site selection process was inadequate. Paragraph 6.4.13 of the Cork County Development Plan 2014 stated that it is generally appropriate to located industrial development on approximately zoned lands close to urban centres.
- It is clear from the further information request that the Council has significant concerns about the scale of the proposed development.
- The appellant considers that the applicant did not properly address the further information. The applicant was requested to clarify their intentions for their existing bonded warehouse at their Marsh Road facility which they did not respond to.
- The appeal includes the request for an oral hearing.

### (3) Tullig and Reensascreena Community Group

- The proposed development is not supported by planning policy and guidance at any level, national, regional or local level.
- NPO 23 of the National Planning Framework was referred to by the Planning Authority and the applicant as a justification of the proposed development. It

states:- “National Policy Objective 23 seeks to facilitate development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to tourism.”

- It is submitted that the proposed development is contrary to NPO 23. It is considered that an urban generated proposal such as this will not develop or diversify the rural economy.
- There is no employment on site so there is no benefit to the rural economy.
- It is an urban generated development in an isolated and unsustainable location. It is circa 20km from Skibbereen and 7km from the nearest settlement. The proposal has no relationship to any farm. The raw produce that is used for whiskey is not found in this locality. It does not maintain or protect the natural landscape. The proposal will do nothing for tourism in the area.
- The proposal is not tied to the land and can be located closer to Skibbereen.
- The proposed development is contrary to NSO1 which encourages compact growth even where a rural location could have been found closer to Skibbereen or any settlement it is clear that no earnest assessment of alternative sites was undertaken.
- The proposal is contrary to NSO7 where there is an intention at national level to enhance amenity and heritage.
- The proposal is contrary to NSO8 which refers to Carbon and Climate Resilient Society. Unnecessary and unsustainable travel is generated by the proposal and there is no clear justification for the selection of this site for the proposed activity.
- The proposal is contrary to national commitments that the State has on reducing carbon footprint by avoiding needless travel and ensuring that climate change is a factor in decision making.

- Reference is made to Food Wise 2025. The influence of the Food Wise Strategy in this instance must take its place in broader planning and sustainability considerations.
- In relation to the Regional Spatial and Economic Strategy for the Southern Region 2020 it reflects the NPF position that our countryside is and will continue to be, a living and lived-in landscape focusing on the requirements of rural economies and rural communities based on agriculture, forestry, tourism and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities.
- The appeal site is not located within the Cork Metropolitan Area but Cork Metropolitan Strategic Plan is relevant because the proposed use is one, if the intended market is to be supported should be located within the metropolitan area within which it is located and with better accessibility to the national and regional markets.
- The Cork County Development Plan 2022-2028 took effect on the 6<sup>th</sup> of June 2022.
- County Development Plan Objective CS2-6: West Cork Strategic Area
  - (b) Recognise the importance of upgrading the N71 to the development of Clonakilty, the overall economic potential of the West Cork Strategic Planning Area and the facilitation of a balanced economic strategy for the County as a whole;
  - (f) Support a vibrant and well populated countryside, recognising the need to strengthen and protect the rural communities of the area by encouraging sustainable and balanced growth in both urban and rural populations, maintain traditional rural settlement patterns in rural areas and the islands, protecting agricultural and fishery infrastructure and productivity and focusing other employment development in the main towns and key villages;
  - (g) 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. This will

also be achieved by recognising opportunities arising from wildlife tourism in the area and by encouraging appropriate new forms of employment development;

- Section 5.28 (Our Rural Future) advocates a Supporting Employment and Supporting Employment and Careers in Rural Areas, Revitalising Rural Towns and Villages, Enhancing Participation, Leadership and Resilience in Rural Communities, Enhancing Public services in Rural Areas, Transitioning to a Climate Neutral Society, Supporting the Sustainability of Agriculture, the Marine and Forestry, Supporting the Sustainability of our Islands and Coastal Communities and Nurturing Culture and Heritage. It is considered that none of this will be achieved in this instance. The proposal is therefore contrary to national policy document Our Rural Future and consequently Section 5.2.8.
- Reference is made to Section 5.4.5 of the Development Plan which refers to Tourism and Rural Diversification Area - These parts of rural and coastal County Cork exhibit characteristics such as evidence of considerable pressure for rural housing, in particular higher demand for holiday and second home development. These rural areas are more distant from the major urban areas and the associated pressure from urban generated housing. These areas also have higher housing vacancy rates and evidence of a relatively stable population compared to weaker parts of the County. These areas have higher levels of environmental and landscape sensitivity and a weaker economic structure with significant opportunities for tourism and rural diversification.
- County Development Plan Objective EC: 8-2 Employment Strategy - Support economic and employment development in appropriate locations in the Main Towns, and Strategic Employment locations and otherwise in accordance with the Employment Network of the County set out in Table 8.4.
- Paragraph 8.7.5 states that it is also important to note that there are some large-scale manufacturing and business facilities in the County which because of their scale and other characteristics are located outside the network of settlements. It is the intention of the County Council to promote the sustainable development of these key facilities and where appropriate, the

County Council will protect them from inappropriate development in nearby locations, where that development could adversely affect the future potential for the sustainable development of the facility.

- It should be recognised that meeting the requirement of 8.7.5 does not advocate that well established adherence to principles of sustainability should be set aside in this instance as the Council would appear to be advocating.
- The proposed development is contrary to 8.7.6. In exceptional cases there will be certain types of employment uses which because of their size, scale and operational requirements will be required to be located outside the existing zoned employment land supply and any such proposals which emerge will be considered on their merits subject to proper planning and sustainable development. The relocation of these types of employment uses will be considered on a case by case basis.
- The proposal is most egregiously counter to Section 8.7.7 which states that 'Employment uses also exist in the villages and open countryside and planning policy supports the continuation of such uses, and their expansion where appropriate and in keeping with the proper planning and sustainable development of the area. New enterprises in rural areas will also be supported where they are resource dependent.'
- The proposal is clearly not resource dependent and does not need to be in this or any other similar isolated rural location.
- Section 8.7.7 should form a basis of a refusal in this instance as this is a maturation units that does not need to be here and has no ties to the land as the distillery itself is located elsewhere.
- Strategic employment locations as advocated as being more appropriately by our client in their objection are identified in Section 8.7.10 to 8.7.222 under the title Strategic Employment Locations.
- County Development Plan Objective EC:8-3 (Strategic Employment Locations) identifies the appellants preference for the proposed use to be more appropriately and more strategically located.

- Part (a) of EC:8-3 promotes the development of Strategic Employment Locations Suitable for large scale industrial developments at Carrigtwohill, Little Island, Ringaskiddy and Whitegate where any such development must be sensitively designed and planned to provide for the protection of any designated sites. Any development must be compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour and the protection of residential amenity.
- The proposal is contrary to item 2 of EC: 8-3. The vague scenario envisaged by the applicant as to why the proposed use is unsuited to an industrial location does not meet the requirement of item (b) which states that strategic employment lands are to be protected in those areas re Protected lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment locations.
- County Development Plan Objective County Development Plan Objective EC: 8-10 Proposals for New Establishments
  - a) To permit new Seveso development only in low risk locations within acceptable distances from vulnerable residential, retail and commercial development, and areas of substantial public use and of particular natural sensitivity.
  - b) To have regard to the advice of the Health & Safety Authority when proposals for new SEVESO sites are being considered or modifications to existing Seveso sites are being considered.
  - c) To have regard to the advice of the Health & Safety Authority when proposals for development within the consultation zone of a SEVESO site are being considered.
- It is considered that an acceptable distance is not reached from existing rural dwellings and the RIA submitted by the applicant shows this to be the case.
- It is considered that the proposal is contrary to objective EC: 8-14 (Business Development in Rural Areas) which states;

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.
- The location of the proposed development is unsustainable. It is understood that there is need for a SEVESO operation to be sensitively located and where necessary a reasonable distance from sensitive land uses and sensitive receptors.
- The proposed development is located in close proximity to a number of residences some of which are identified in the RIA.
- The proposal is located circa 17km from the distillery that it is proposed to serve. HGV's serving the proposal would follow the route of the N71 and then onto a local road which is considered incapable of accommodating the large vehicles anticipated. The applicant states that this local road L42241 accommodates large agricultural vehicles but they submit that it cannot accommodate satisfactorily both large agricultural vehicles and cask carrying HGV's.
- The proposed development is considered to be inappropriately located due to the market that West Cork Distillers serve. It would be more appropriate and

more sustainable for the proposed development to be located on the strategic road network and more conveniently located to its national and international market.

- The Planning Officer acknowledges that the consideration of alternative sites for the proposed operation was less than rigorous. The Planning Officer acknowledges that an assessment of industrial zoned sites was not carried out.
- Several sites were considered as alternatives and dismissed as being too small but could have been merged or amalgamated.
- The ability of the existing site on Marsh Road to accommodate cask storage was not adequately considered. Several sites assessed were larger than the subject of this appeal.
- The appeal site is unquestionably remoted and would take the nearest emergency services at least 25-30 minutes to reach should an incident occur.
- There is no convincing case as to why this location was chosen for the proposed activity. The site was purchased before the alternative site assessment was carried out.
- Permission has been granted for a reduced scheme that the applicant will not reduce. The Planning Authority has indicated that the fully scaled and sized scheme as originally presented by the applicant is unacceptable. They attached a condition to this effect.
- No justification has been presented as to why the scheme cannot be reduced. The applicant's position that the scheme cannot be reduced is completely undermined by the fact that the applicant is requiring a ten year permission with development phased over three periods.
- The site coverage would appear to be high, and the site would appear to be too small for the structures proposed. They do not consider it appropriate that the permission should be made specific to this distiller.
- Concern is expressed regarding landscape and visual impact. It is considered that the proposed landscape screening showing a fully mature landscape



arrangement will take many years for any landscape scheme to have any noticeable effect.

- It is stated that where green colouring of the proposed structures reduces the visual impact against fields and grasslands that arrangement accentuates the proposed development on the ridgeline and on the horizon. Concern is expressed that there is a very real prospect that the proposed development will look nothing like the photomontages presented.
- The granting of maturation units in rural locations elsewhere do not justify the granting of permission in this instance.
- It is submitted that this is an unsustainable location for the proposed development. It is considered that the precedents listed by the Planning Authority are not relevant.
- Section 8.7.6 states – that “In exceptional cases there will be certain types of employment uses which because of their size, scale and operational requirements will be required to be located outside the existing zoned employment land supply and any such proposals which emerge will be considered on their merits subject to proper planning and sustainable development. The relocation of these types of employment uses will be considered on a case by case basis.
- Environmental concerns are raised in relation to the wetland/peat bog area of the site, the hedgerow appraisal report, the bat and breeding birds surveys. The Habitat and Species Protection Management Plan was considered unsatisfactory by the County Ecologist.
- The issue of firewater retention capacity is raised.
- The risk assessment undertaken by the applicant failed to take account of the unique nature of storing high densities of high flammable distilled spirits in wooden casks in the constant presence of potentially explosive ethanol vapour. It is identified in the further information Risk Assessment. The risk of explosion is not considered at all in the application submitted to the Planning Authority.

- Impact on residential amenity is raised in terms of construction phase which in this case could be very long over an extended period of time. The visual impact of the structures and even the bund will be significant.
- Light levels are proposed and their impacts assessed in a vacuum. The location is very rural and consequently very dark. This is a very quiet location where the ambient noise level would be extremely low. It is noted that activity on site would start at 7am and end at 7pm and it is not clear whether this includes weekends.

#### (4) Friends of the Irish Environment.

- The Site Suitability Report in the Site Characterisation form received by the Planning Authority on 23<sup>rd</sup> December 2021 stated poor drainage lands to the west of the site.
- The planning history is cited under Reg. Ref. 21/458 an application was made for 8 no. maturation warehouses.
- The report of the Planning Officer refers to the location of the proposed development “the principle of this type of development located within a rural area within Co. Cork and beyond it is clear that the principle of allowing whiskey maturation warehouse facilities in rural areas has been established by precedent.”
- The potential for the proposed development to give rise to negative effects on the wetland was identified as a primary issue in the report of the Ecology Officer. It is highlighted that a bat survey is left to be provided by condition.
- Item no. 4 in the request for further information relating to Ecology and Biodiversity it refers to a request from the Ecology Officer for a ‘revised site design’ which includes retention and protection of the flush habitat and all wetland habitats.
- The applicants response of October 2022 amends their original Site Characterisation form response and now identifies ‘flush habitat’ and ‘regenerating cutover bog’.

- Item no. 2 of the further information reinforced the close relationship between the development and the wetland within it lies. Item no. 3 of the further information refers to the wetland habitats species protection in terms of a 'Landscape Master Plan'.
- The appeal refers to the Convention on Wetlands and European Nature Restoration Regulations.
- The grounds of other appeals refer to the County Council Chief Executive's response [Cork County Development Plan Review, Section 12(4) Chief Executives Report Volume One Part Two (d): Volume 5 West Cork] to a similar proposal for a site less than 2km from the proposed West Cork Distillers warehousing development at Tullig.
- The new County Development Plan extends the role from protection to enhancement as one of the aims under 'biodiversity and environment'.
- The area is designated as a "Tourism and Rural Diversification Area" in the Cork County Development Plan 2022-2027 and seeks to direct planning decisions to 'Retain areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network and to protect these from inappropriate development.
- It is submitted that permission should be refused.

## 6.2. First Party Appeal

6.2.1. A first party appeal has been submitted by Mc Cutcheon Halley Chartered Planning Consultants on behalf of the applicant West Cork Distillers. The issues raised are as follows;

- The first party appeal is made against Condition no. 2 (a). They request that condition no. 2(a) be removed and modified.
- Condition 2(a) seeks "The omission of a minimum of 6 no. warehouse blocks in order to reduce the scale of the overall proposal by 50% and to provide for 3 no. double warehouse blocks (65 x 48m) located centrally within the site."

- The first party request that the Board consider the submitted revised scheme for 8 no. maturation warehouses de novo when considering the first party appeal.
- The applicant is pleased that the Planning Authority agrees that the principle of development is deemed appropriate.
- The first party highlighted the Council's assessment and previous precedents as set by the Board in the determination of maturation warehouses appeal that such uses/development in rural areas are suitable given the inactive nature of their use. Reference is made to other decisions of Cork County Council which are considered by the first party to be comparable.
- Irish Distillers Limited – Reg. Ref. 10/8418; Reg. Ref. 14/5024; Reg. Ref. 19/4641 and it is noted that Reg. Ref. 10/8418 established the use of the greenfield site.
- Clonakilty Distillery Ltd. – Reg. Ref. 19/725 change of use to maturation warehouse and Reg. Ref. 19/793.
- The following decisions of the Board are highlighted ABP No: 301078-18 and ABP No: 300429-17. It is submitted that locating such uses on centrally serviced zoned lands is unsuitable as there can be conflict with adjacent uses in terms of health and safety in addition the scope of the area that would be required on lands that would benefit from greater employment generating uses in close proximity to urban centres.
- Maturation warehouses by their nature are ancillary to the whiskey production process but play a vital role in the industry given the storage requirements of distillers in the maturing spirit for a minimum of three years and one day until it becomes Irish Whiskey.
- The applicant is submitted a revised layout. They have optimised the revised proposed layout in terms of the number of maturation warehouses that can be accommodated by
  - Having gable ends orientated towards the public road (North).
  - Having a 40m building setback from the site boundaries which is also providing a planted berm of 3m-4m in height with a graded slope of 1:3.

- The single storey staff welfare building, parking, forklift charging and fire water sprinkler tank are relocated to the western boundary adjacent to the Maturation Warehouse blocks.
- Drawing no: 21 'Proposed Site Plan showing 40m Set back from boundary' has been submitted in support of the revised scheme.
- It is evident that the applicant can develop 1 set of double warehouses (warehouse no.1 and no. 2) and two sets of triple warehouses (warehouses 3,4 and 5 and Warehouses 6,7, & 8). Warehouse no. 1, no. 2, no. 3, no. 6, no. 7 and no. 8 retain the permitted floor area of 1,530sq m with warehouse no. 5 having a reduced floor area of 960sq m.
- The revised layout proposes a total floor area of 11,670sq m which equates to an overall reduction of approximately 6,690sq m or 36% floor area when compared to the initial proposal of 12 no. maturation warehouses (18, 360sq m).
- The maturation warehouses in the revised layout retains the same proposed ridge height 11.45m and material finish as proposed.
- Hayes Ryan Landscape Architects (Project Landscape Architects) reviewed the revised layout and supplement the revised layout with an updated Landscape Masterplan to ensure that the revised scheme (8 no. maturation warehouses) successfully integrate into the existing landscape.
- A set of photomontages showing the development from 19 no. different viewpoints in both the winter and summer have been submitted.
- The revised layout of 8 no. maturation warehouses can be successfully integrated into the immediate environment given their agricultural appearance in terms of material finish.
- It is evident from view 19 in addition to the other viewpoints that the revised layout nestles into the local landscape as it appears similar to the other areas of commercial forestry that are prevalent in the area. This is achieved heavily planted berm of native species around the maturation warehouses facility and green cladding. The proposed berm measures 9m in width and 3m-4m in

height at a grade of 1:3 when planted it successfully screens the development from the surrounding area and hinterland.

- It is submitted that the revised layout does not alter or impose ecological, archaeological or land use risk assessments that have been previously completed for this development.
- It is submitted that the first party have demonstrated that the revised layout will not have a negative visual impact with the assistance of the proposed mitigation measures as set out in the Landscape Plan that has been submitted as part of the appeal and as demonstrated in the submitted photomontages. The proposed development integrates into this location during both the summer and the winter.
- West Cork Distillers urgently seek maturation storage capacity as all existing available warehouses at Marsh Road are at capacity. These warehouses are solely being used by West Cork Distillers for storage of casks.
- The first party request that the Board remove the restriction of limiting the development to 6 no. maturation warehouses and permit an additional 2 no. warehouses which can be accommodated on the site and within the parameter as set out by the Council under condition no. 2.

### **6.3. Applicant Response**

A response to the third party appeals has been submitted by McCutcheon Halley Chartered Planning Consultants on behalf of the applicant West Cork Distillers Ltd. The issues raised are follows:

- In relation to the matter raised in the grounds of appeal that the proposed development does not conform to national, regional or local planning policy the first party do not concur with this.
- West Cork Distillers are an indigenous business. The sector has growing demand both nationally and internationally.
- Whiskey production is carried out at the distillery located on March Road, Skibbereen, Co. Cork. The company retain ownership of maturation warehouses on site which are all at capacity.

- The nature of Whiskey production is such that it is necessary for the distilled spirit to be stored for a minimum of 3 years and one day for it to be classified as Whiskey. It is critical that all distilleries have access to sufficient storage capacity in order to complete the aging process that is required within this production process.
- It is stated that West Cork Distillers have outgrown their existing site at Marsh Road. All maturation warehouses at the Marsh Road site are at capacity and storage requirements are at critical element in the business planning into the future.
- The appeals raise the issue of sustainability versus location/distance from point of production and storage. It is set out in the appeals that alternative locations would be more sustainable and in accordance with national policy. Ringaskiddy and Little Island were suggested as potential or more suitable sites for the proposed development.
- The location is stated as being unsustainable given its distance from West Cork Distillers distillery in Skibbereen town. The appeals promote locations further away from the current location. Little Island and Ringaskiddy are 93km and 86km respectively further away from the point of production. The site at Tullig is only 20km from the distillery in Skibbereen.
- In relation to National Strategic Outcome (NSO) 3 which refers to Strengthened Rural Economies and Communities that should a distillery have sought permission at this location that it would have been deemed acceptable.
- Maturation warehouses are an important ancillary use to distillery operations. Should a distillery be deemed a suitable development under NSO 3 particularly at Tullig then maturation warehouses given their associated importance with the production of whiskey should be deemed appropriate to the location.
- The grounds of appeal refer to NS01, NS03, NS07, NS08 and NS09 and it was stated that the proposed development is contrary to those policies.

- The Council's technical staff in terms of their reports and recommendations did not consider that the development would be contrary to those objectives or the Climate Action Plan 2021 or the National Development Plan.
- The grounds of appeal referenced the Regional and Spatial Strategy for the Southern Region 2020 (RSES) and notes the importance that the countryside play in various commercial activities and that the landscape is a changing environment. All measures have been fully assessed to ensure that the proposed development does not have a negative impact on the proposed site location, residents, or the environment due to the various mitigation measures that have been designed in the scheme.
- The RSES notes that "Countryside is and will continue to be a living and lived in landscape focusing on the requirements of rural economies and rural communities, based on agricultural, forestry, tourism and rural enterprise while at the same time avoiding ribbon development and overspill development from urban areas and protecting environmental qualities."
- Regarding the Cork County Development Plan 2022-2028, Objective CS 2-6: West Cork Strategic Planning Area sets out to protect the West Cork area through objectives a-j. It is submitted that the appellants' agents have selected their objectives with favouritism and have not reviewed them in full.
- Objective (b) of the same policy highlights the important role that West Cork plays in the balanced economic strategy of the county. Large employers like West Cork Distillers have a local indigenous business. The economic benefit that West Cork retains would be quickly eroded should such businesses not be facilitated to expand and cater to continued growth.
- Objective EC 8-3 of the Development Plan refers to Strategic Employment Locations. It is highlighted in the grounds of appeal as to why the proposed development is not located in industrial centres such as Carrigtwohill, Littleisland, Ringaskiddy and Whitegate. The distance to such centres would be highly unsustainable. The area required by maturation warehouses would make those centres redundant to greater employment generating uses given the limited area of land zoned in such areas.



- Objective EC 8-10 is noted in the grounds of appeal in relation to the location of SEVESO sites. It was outlined that the proposed use is in close proximity to residential dwellings in Tullig. In response to this the West Cork Distillers have undertaken a Land Use Planning Risk Assessment by engineering consultants Byrne O’Cleirigh Consulting which found that the proposed maturation warehouses are located sufficiently away from any residential dwelling in the event of a fire, also fire safety measures have been incorporated into the development proposal. It is highlighted that the Cork County Fire Officer had no objection to the proposed development.
- Objective EC 8-14 of the Development Plan focuses on business development in rural areas. This policy objective encourages development that will enhance and strengthen the local economy while not having a negative impact on the environment.
- It is submitted that it is demonstrated in the application documentation that the proposed development will be incorporated into the landscape while not impacting negatively on the local wetland abutting the site. The project Ecologist has undertaken bird breeding surveys, bat surveys, hedgerow assessments in addition to an Ecological Impact Assessment and Appropriate Assessment Screening report to findings of which have been incorporated into the final layout and design of the proposed development. It is proposed to retain the existing access track as the access route through the wetland to the maturation warehouse facility, ensuring lighting does not spill into adjacent habitats. It is submitted that this satisfies the relevant objective of the Cork Development Plan objective BE 15-2.
- Reference is made to comparable applications PA Reg. Ref. 10/8417, PA Reg. Ref. 19/725 and PA Reg. Ref. 21/793. Reference is made to two Board decisions where maturation warehouses were deemed to be appropriate development in rural areas ABP-301078-18 and ABP-300429-17.
- Maturation warehouses are required by distilleries for the purposes of storing and maturing distilled spirit which after 3 years and one day can be classified as Irish Whiskey. Maturation warehouses by their nature generate low to near

zero employment as their principal objective is the storage of casks. Casks are delivered and stored there for the requisite number of years.

- Therefore, should maturation warehouses be located on industrial zoned lands it can be argued that they have a negative impact on the availability of serviced lands where greater employment generating industries could be located.
- The application documentation includes a Traffic and Transport Assessment in addition to a survey regarding lay-bys as requested by the Council. The existing road network is used by large vehicles collecting milk from farms as well as delivering farm Agri-products.
- There will be limited transportation requirements to the maturation warehouse comprising 1 trip weekly. The proposed upgrading work in the form of the proposed lay-bys will improve the route for all end users. Condition no. 35 attached by the Planning Authority required that West Cork Distillers will fund the proposed works to create the lay-bys.
- Regarding the matter of justification for the proposed location it is reiterated that maturation warehouses are deemed appropriate uses in rural areas as demonstrated by various precedent of Cork County Council and An Bord Pleanála.
- It is submitted that the proposed warehouses mirror the dimensions of agricultural buildings. The Planning Authority assessed the application rigorously on the merits of the proposed development and deemed the principle of the development appropriate.
- The appeals refer to the requirement of an EIAR, however such an assessment is not required for the proposal that was submitted under the parameters of the Planning and Development Act 2000, as amended and likewise under the Planning and Development Regulations 2001, as amended.
- The grounds of appeal stated that permission has been granted for a reduced scheme that the applicant will not reduce. The applicant welcomes that the

Council agreed to the principle of the proposed development but have submitted a first party appeal.

- The proposed revised optimised layout is based on the guidance as set out under condition no. 2 attached to the permission.
- It is submitted that the first party appeal demonstrates that the 'developable area' can accommodate a further 3 warehouses rather than the 6 warehouses permitted.
- In relation to the life of the permission the applicant is willing to construct the proposed development within the lifetime of the five-year permission as granted by the Council. They sought a 10 year permission as a precautionary measure with regard to the disruption in supply chain which arose under the Covid-19 crisis.
- It is stated in the grounds of appeal that the proposed development has been 'shoe horned' into an ill fitted planning permission. The conditions were considered unreasonable and unenforceable.
- It is noted that the plot ratio of the proposed 12 no. maturation warehouses has a greater plot ratio than the permitted scheme of 6 no. warehouses or the proposed 8 no. warehouses as proposed under the first party appeal.
- It is the clearly the view of the Planning Authority that there is capacity for the development within the developable area of the site. Careful consideration was given to the location of the maturation warehouse given the wetland habitat abutting the site.
- Therefore, the maturation warehouses are proposed to be located on the remains of an old farm building, yard and out houses. There is sufficient area to include a substantial berm. When planted this will screen the development from the surrounding hinterland, local road and public walks. The proposed layout also utilises the footprint of the existing farm access track which ensures the development does not encroach onto the wetland habitat in a detrimental manner. It is stated that all conditions which were attached by the Planning Authority are reasonable and enforceable by the Planning Authority.

- The grounds of appeal stated that the landscape and visual impact is excessive. The perception that the proposed development is excessive and generates negative visual impact is incorrect in the opinion of the first party and the Local Authority.
- The development has been robustly reviewed from a landscape perspective and visual impact perspective by the Project Landscape Architects, Hayes Ryan. The submitted Landscape Visual Impact Assessment has shown that the development will nestle into the surrounding environment and will be unobtrusive on the landscape.
- The validity of the chosen viewpoints were queried by the appellants. All viewpoints were selected on the location of sensitive receptors, open aspects of the surrounding hinterland, approach roads or as directed by the Council in their request for further information.
- The assessment of viewpoints is based on best practice and objective understanding of the potential visual impact that the development could have on various points on the landscape.
- The grounds of appeal refer to construction impacts arising from the 10 year permission on the adjacent dwellings. The Council have conditioned a 5 year permission for the proposed development which has not been appealed.
- It is stated in the grounds of appeal that the granting of maturation units in rural locations elsewhere do not justify the grant of planning permission in this instance.
- Section 8.7.6 of the Cork County Development Plan 2022-2028 states, "In exceptional case that there will be certain types of development uses because of their size, scale and operational requirements will be required to be located outside the existing zoned employment land supply and any such proposals which emerge will be considered on their merits subject to proper planning and sustainable development. The relocation of these types of employment uses will be considered on a case by case basis."
- The first party agree with the statement they consider that the approach in tandem with precedents set and the assessment of those precedents in

addition to the form and layout of the proposed development equate to the correct decision that the Planning Authority arrived at.

- The grounds of appeal raised concerns regarding perceived impacts that the proposed development will have on the environment. The initial proposal for the route used to access the proposed development site has been altered to remove the route from the wetland habitat as far as possible. The first section of the road near the immediate entrance is within the wetlands as the road encompasses the entire width of the entrance. The remainder of the road will follow existing layout of the farm track that occurs within the site and therefore would not encroach into the wetland on either side. The technical and design constraint limit the potential for the new road to follow the existing road at the entrance and therefore the minor loss of adjacent wetland habitat is unavoidable. Alternative access routes and designs were considered but were ruled out due to technical and environmental considerations. It is noted that the Council's ecologist was satisfied with this proposal.
- Best practice was undertaken in the completion of all ecological assessment on site. A bat survey is conditioned to be carried out pre-construction.
- Regarding firewater retention should the Board consider that greater firewater retention volume is required on site the applicant will adhere to a condition to undertake any additional guidance that is deemed appropriate. It is noted that the HSA who are a statutory consultee had no comment to make on this matter.
- The Hedgerow Appraisal was undertaken in line with best practice. Bat and Bird breeding Assessments were undertaken in line with best practice.
- Condition no. 24 attached by the Planning Authority requires the applicant to submit a 'Habitat and Species Protection and Management Plan.' The first party state that this is standard procedure for such an assessment to be completed prior to commencement of work on site. They state that the condition was not applied due to the assessment by the Project Ecologist of the information being inadequate.

- In relation to Health and Safety, the HSA have not objected to the proposed development and all assessments were undertaken in line with Land Use Planning Risk Assessment which have been prepared by a competent professional with experience in the field.
- It is highlighted that the Land Use Planning Risk Assessment which was submitted with the application was deemed to be appropriate by the Planning Authority and the Council's Fire Officer also had no objection to the proposed development.
- Regarding impact on residential amenity the appellants raised concerns with the construction phase of the project. The appeal refers to the 10 year permission that was proposed and that it would prolong construction activity on site. It is highlighted that this is no longer the case as the permission has been reduced to 5 years by condition.
- The Construction and Environmental Management Plan as submitted set out how construction will be controlled and monitored.
- The Residential Impact Assessment was requested by the Planning Authority as part of the further information. The assessment noted that there would be no negative impact on any of the residential dwellings from the maturation warehouses. Regarding lighting it has been incorporated into the development and will not impact on nearby dwellings.
- Hours of operation are noted from 7am to 7pm. Given that there will be only one trip weekly it is envisaged that unloading of casks will be a quick procedure and will not impact negatively on the residential amenity of the area.
- The appeal submitted by Mr. Sam Dignan refers to a number of matters. It was stated in the appeal that permission was granted for something which was not requested. In relation to the reduction of the development as set out in the request for further information it is highlighted that the applicant has the right to put forward their position as to why the development of 12 no. warehouses should be permitted. The Planning Authority in assessing the proposal attached a condition specifying that permission is granted for 6 no.

maturation warehouses. The Planning Authority has the right to do this within the parameters of the Planning and Development Act 2000, as amended.

- Regarding the issue of discordance between the Planners report and conclusion it is noted in the Planners report that multi levelled discussions took place that included the Director of Services.
- The issue of no time for further clarification was raised. The response to the request for further information in some instances was dictated by time and especially ecological surveys.
- The project Ecologist undertook the survey work and once the findings and results were assessed the reports/response were drafted. Existing workloads by various consultants meant that the deadline of the response to further information was the hard stop at which point all items had to be furnished to the Planning Department. All statutory timeframes were adhered to by the applicant.
- The appellant questioned the applicant's right to respond to the request for further information as they see fit. The applicant put forward their reasoning as to why they believe that the proposed reduction in scale was not an adequate solution and based on this on supporting information which was submitted.
- The appeal referred to the proposed use of Tullig warehouses versus the use of the existing Marsh Road site. The maturation warehouses at the applicant's Skibbereen premises are at capacity. The applicant confirms that the proposed maturation warehouses at Tullig are for their sole use.
- The proposed development has been assessed on the individual merits of the details as submitted during the application process from the documents originally submitted as part of the planning application on 23<sup>rd</sup> December 2021 to those submitted as part of the response to the Council's request for further information on the 11<sup>th</sup> of November 2022.
- The applicant is happy that the Planning Authority agreed that the principle of development was deemed to be appropriate. However, a first party appeal

against the condition no. 2 of the grant of permission which seeks to reduce the scale of the proposed development.

- It is submitted that the proposed development will not have any negative impact on the existing environment, adjacent residential dwellings or the views and vistas in and around the site. All such items have been addressed fully in the documents submitted to date to the Planning Authority.
- The argument put forward by the appellants with regard to their concerns have been fully addressed and the first party request that the Board grant permission in line with the decision of Cork County Council subsequent to determining the First party appeal that has been submitted.

#### **6.4. Planning Authority Response**

- The Planning Authority's assessment of the proposed development is set out in detail in the planning and technical reports on file.
- It is noted that the first party appeal has requested the Board consider de novo a reduced scheme for 8 no. maturation units, as opposed to the 12 no. units on which permission was originally sought. The Planning Authority requests that the Board upholds its decision to reduce the scale of the overall proposal by 50%, in line with the request for further information which issued.

#### **6.5. Observations**

Observation to the appeals were submitted by (1) Wild Ireland Defence and (2) An Taisce. The issues raised are as follows;

##### **(1) Wild Ireland Defence**

- It is submitted that the Planning Authority failed to have proper regard to the provisions of Articles 17-25 of the 2001 Regulations. It is considered that the critical details of compliance with article 17-24 are absent from the planning documents and the Council appears not to have engaged in these matters notwithstanding its own suggested material revisions to the proposed buildings and reduction in number of buildings from 12 to 6.



- The site is located in an unserved rural area on lands that are designated as “open countryside”. It would set an undesirable precedent if the Board were to grant permission for a commercial development in rural open countryside lands. The development has not offered evidence to support the proposition that the development is not capable of being sited within existing settlements.
- The County Development Plan specifically provides for the protection of such lands for biodiversity purposes. To permit the proposed development would constitute a contravention of the development plan.
- It is considered that insufficient detail has been provided to enable the Planning Authority or the Board on appeal to properly consider the requirement for EIA or AA.
- The decision of the Ecologist to screen out the requirement for AA is flawed. The site is surrounded by an environment which is rich in species which are protected under the Habitats Directive.
- There does not appear to be any consideration by the Planning Authority of the application of the EIA Directive.
- The matter of hydrological connection to the catchment of the River Bandon and River Ilen is raised.

## (2) An Taisce

- The development of large-scale maturation warehouses is a result of the significant recent and ongoing expansion of the Irish Whiskey industry.
- Similar to data centres and other categories of development the Irish planning system has provided to be inadequate in responding with location guidelines.
- A whiskey maturation complex with large-scale shed complex with high security perimeter fencing is proposed to be located in a rural area without any guidelines being available either nationally or locally by individual planning authorities.
- Developments should as this one proposed at Tullig raise site suitability concerns on proximity to existing dwelling houses and residential amenities,

traffic generation, night-time lighting, landscape impact and other considerations.

- They note a range of issues raised by the four third party appellants of particular concern is the drainage impact of the proposed development on the site, the existing water table level and the proximity of the site to a pond.
- The Boards responsibility is to properly assess and consider all of the issues raised by the third party appellants.

## **7.0 Assessment**

Having examined the application details and all other documentation on file, including all the submissions received in relation to the appeal, the report/s of the local authority, and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal can be considered are as follows:

- Principle of Development/compliance of policy
- Visual impact
- Residential amenity
- Traffic and access
- Ecology
- Other issues

### **7.1. Principle of Development/compliance of policy**

- 7.1.1. The proposed development entails the construction of 12 no. whiskey warehouses, service building and all associated ancillary site works at the site at Tullig, Connagh Leap, Co. Cork. The applicant West Cork Distillers are based at the distillery on Marsh Road, Skibbereen, Co. Cork which opened in 2020 on a 12.5 acre site. The appeal site is located circa 16km from the distillery. The applicant outlined in their response that the maturation warehouses at the distillery in Skibbereen are all at capacity and that the nature of Whiskey production is such that it is necessary for the distilled spirit to be stored for a minimum of 3 years and one day for it to be classified

as Whiskey. Therefore, they submit that it is critical that all distilleries have access to sufficient storage capacity in order to complete the aging process that is required within this production process.

- 7.1.2. In relation to the policy context, the application is related to the agri-food sector and whiskey is considered to be food production, as per 'Food Wise 2025: A 10 year vision for the Irish Agri-Food Industry 2015', which sets out the Government's ten year plan for the agri-food sector. Within this document, reference is made to the Whiskey and Craft Beer Sector, including a reference to the whiskey maturation process.
- 7.1.3. The National Planning Framework is of relevance. National Policy Objective 23 seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector.
- 7.1.4. At a Regional Level, the Regional Spatial & Economic Strategy – Southern Regional Assembly, 2020 notes the importance of the agri-food sector as an integral part of Ireland's economy and specifically references Food Wise 2025: A 10-year Vision for the Irish Agri-Food Industry sets out a strategic plan with growth projections for 23,000 additional direct jobs. Policy objective RPO 50 refers to diversification and states that it is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including innovation and diversification in agriculture specifically agri-Tech, food and beverage as dynamic drivers for our rural economy.
- 7.1.5. At a local level, Objective EC: 8-13 of the Cork County Development Plan 2022-2028 seeks to (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 and requires that (c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape. Objective EC: 8-14 of the Development Plan refers to Business Development in Rural Areas and it provides that the development of appropriate new businesses in rural areas will normally be encourage where the scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.

Also, that the development will enhance the strength and diversity of the local rural economy, that the proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape and that the existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.

- 7.1.6. The grounds of appeal refer to the location of the site in relation to the existing distillery which is circa 17km from the site. It is highlighted in the third party appeals that the appeal site is situated in an unserviced rural area. It is set out that it is an urban generated development on the basis that the raw produce that is used for whiskey is not grown in locality and that the proposal has no relationship with any farm. The site selection process is also raised in grounds of appeal.
- 7.1.7. The Planning Authority as part of the request for further information required that the applicant address a number of matters concerning the principle of the development. The applicant was required to provide justification of the need for a 10 year permission is required and include details of the intended phasing of the proposed development. The applicant was required to submit a revised site selection report which should include zoned lands within the city and county of Cork, including industrially zoned lands located in areas close to transport hubs. In relation to proposed use of the warehouses the Planning Authority queried whether their use was intended solely by West Cork Distillers to store whiskey produced at the Marsh Road site or whether it is the intention to provide storage for other whiskey distilleries. Regarding the operations in the West Cork Distillers the Planning Authority required that the applicant indicate annual production volumes and projected annual production volumes over a specified 5- and 10-year timeframe. They also required that the applicant submit an assessment of the likely future maturation warehousing needs of West Cork Distillers and indicate whether the proposed development meets the future maturation storage requirements of the operation over a specified timeframe.
- 7.1.8. In response to these matters the applicant submitted a Site Assessment Analysis - Review of Alternatives prepared by McCutcheon Halley Chartered Planning Consultants. In relation to the matter of a 10 year permission the applicant stated that it would enable that the development of the facility could be carried out as their need arises and that it would ensure against disruption to supply chain networks.

The report of the Planning Officer noted this and they noted that objections to the application referenced that a 10 year permission would prolong potential impacts on the local community. They considered that a development of this nature and scale did not warrant a 10 year permission.

- 7.1.9. In relation to the Site Assessment Analysis, it reviewed the zoned lands within the city and county of Cork including industrial zoned lands located in areas close to transport hubs to identify their suitability as alternative locations for the proposed maturation warehouse. The document refers to two cases decided by the Board. Under ABP 301078-18 permission was granted for a maturation warehouse facility and associated ancillary and site development works at Moyvore, Co. Westmeath. Under ABP 300429-17 permission was granted for 5 no. bonded warehouses, fire retention pond, stormwater attenuation pond, access road, internal access routes, water tank and access provisions to the R160 at Cloncowan Longwood, Co. Meath. It is set out in the Site Assessment Analysis that in those cited cases provided precedents in which the Board determined that the location of the maturation warehouses in an urban setting was an inefficient use of serviced zoned lands which would impact their delivery for greater economic benefit.
- 7.1.10. In terms of assessing the suitability of locations for maturation warehouses the following criteria were used, location within 20km radius of the distillery, site area, status, zoning, associated land use designations and adjacent or neighbouring uses. The sites assessed were provided with a classification of either More Favourable, Less Favourable and Neutral. Sites in West Cork and South Cork were identified in the Site Assessment Analysis. Sites in West Cork at Clonakilty, Kinsale and Bandon were assessed. Two sites in Clonakilty were identified one zoned industrial and one zoned food industry sector. Both were classified as Less Favourable on the basis of close proximity to residential dwellings with the one also having limited capacity. One site at Kinsale was identified which was zoned industry/warehousing and distribution it was classified as less favourable on the basis of limited site capacity and close proximity to residential dwellings. Two sites at Bandon were identified one zoned food industry sector and the other zoned industrial. Both were classified as Less Favourable on the basis of established residential areas bordering the sites. One site was also identified as having limited capacity and being close to SPA.

- 7.1.11. Sites in South Cork at Crosshaven & Bays, Ringaskiddy, Carrigtwohill, Cobh, Little Island, Middleton, Youghal and Whitegate were assessed. Two sites at Crosshaven & Bays were identified and both were zoned industrial. Both were classified as Less Favourable on the basis of close proximity to residential dwellings, limited site capacity and that the zoning referred to the lands being for marine related development including the provision of boat repair, storage and ancillary uses.
- 7.1.12. A total of 18 no. sites at Ringaskiddy were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including proximity to residential dwellings, close proximity to a National School, limited capacity of the site, location of site within flood zones, facilitation and protection of M28 route corridor, proximity to Cork Harbour SPA, proximity to protected structure, site zoned for the expansion of the existing Third Level Educational campus and enterprise related development and site zoned for port facilities and port related activities.
- 7.1.13. Four sites at Carrigtwohill were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including proximity to Cork Harbour SPA and the Great Island SAC, proximity to residential dwellings, location of site within flood zones and sites zoned for specific industrial type activities.
- 7.1.14. One site at Cobh was assessed. The site was zoned industrial and it was classified in the assessment as less favourable on the basis of the limited capacity of the site, the zoning to retain and develop the site as a dockyard, the use of areas of the site by Special Conservation Interest bird species for which Cork Harbour SPA is designated and close proximity of site to Cork Harbour SPA.
- 7.1.15. Five sites at Little Island were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including proximity to Cork Harbour SPA, the use of areas of the site by Special Conservation Interest bird species for which Cork Harbour SPA is designated, location within flood zone, location of archaeological monument on site, limited capacity of the site and location of important semi-natural grassland habitat on site.
- 7.1.16. Two sites at Middleton were assessed. The sites both had zonings of industrial and were classified as Less Favourable for a variety of reasons including on the basis of

close proximity to residential dwellings, location within flood zone and development would be restricted by the proposed Northern Relief Road and proximity of the Seveso site to the north.

- 7.1.17. Two sites at Youghal were assessed. The sites both had zonings of industrial and were classified as Less Favourable for a variety of reasons including on the basis of the close proximity to residential dwellings, location within flood zone, close proximity to the town centre, the zoning specific to strategic employment for one site and specific to large scale industry for the other and the distance from distillery would make the site a less sustainable option.
- 7.1.18. Five sites at Whitegate were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including limited site capacity, proximity to residential housing, proximity to Cork Harbour SPA, the use of areas of the site by Special Conservation Interest bird species for which Cork Harbour SPA is designated, zoning is for specific purposes, location within flood zone and location of recorded monument on site.
- 7.1.19. Sites in North Cork at Mallow, Charleville, Fermoy and Mitchelstown were assessed. Five sites at Mallow were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including limited site capacity, proximity to residential housing, distance from distillery would make the site a less sustainable option, location of watercourses and riparian habitats on site, and site zoned for marine related development.
- 7.1.20. One site at Charleville was assessed. The site was zoned industrial and it was classified in the assessment as less favourable on the basis of the limited capacity of the site, the zoning for industrial estate development, the urban location, the residential development bordering the site, and the distance from distillery would make the site a less sustainable option.
- 7.1.21. Five sites at Fermoy were assessed. The sites all had zonings of industrial and all were classified as Less Favourable for a variety of reasons including limited site capacity, the distance from distillery would make the site a less sustainable option, the zoning is specific for standalone industry or light industrial and warehousing use, site is suitable for medium to large sized industrial uses, large scale warehousing/distribution uses and proximity to residential dwellings.

- 7.1.22. Six sites at Mitchelstown assessed. The sites all had zonings of industrial with one site having zoning for industry/expansion of the existing food-related industry. All of the sites were classified as Less Favourable for a variety of reasons including location within flood zone, limited site capacity, the residential development bordering the site and the distance from distillery would make the site a less sustainable option.
- 7.1.23. The Site Assessment Analysis also included a review of Cork City Environs. There is no 'industrial' zoning classification with the Cork City Development Plan 2022-2028. The most comparable land use zoning is Z0 9 – Light Industry and Related Uses. The lands zoned Z0 9 are either occupied by existing operations or located in close proximity to established residential uses and mixed uses and therefore they are not suitable for the location of maturation warehouses. It was concluded in the Site Assessment Analysis that the site at Tullig, Connagh Leap, Co. Cork is the most favourable when assessed against the alternative locations. The assessment refers to the precedent decisions of the Bord which determined that maturation warehousing is best suited in a rural location where it would not occupy serviced zoned lands in an urban setting.
- 7.1.24. The report of the Planning Officer dated 13/1/2023 assessed the response to the further information and in relation to the matter of the review of alternatives noted that the review was confined to zoned lands and that all of the 63 no. sites which were assessed were considered to be less favourable for a variety of reasons. The assessment noted that the applicant was putting forward the case that the Bord have previously deemed rural areas the most appropriate location for maturation warehouses, however that an examination of other rural locations did not form part of the assessment. I note this point however item no. 3 of the further information did not specify that a revised site selection report include other rural locations. In terms of the proposed site selection, it was concluded in the report of the Planning Officer that in the absence of a broader policy referring to the location of maturation warehouses that each proposal should be assessed on their merits. The Planning Officer also stated that in their report of 23/2/22 that they had reviewed decisions of similar type developments in rural areas within Cork County and they concluded that the principle of whiskey maturation facilities in rural areas has been established. In relation to this matter the first party in their appeal response highlighted the Council's assessment.



They referred to a decision of Cork County Council under Reg. Ref. 10/8418 for 40 no. whiskey maturation warehouses at Ballynona North in a rural area to the north-west of Dungourney, Co. Cork. Under Reg. Ref. 19/725 where the Council granted permission for a change of use from existing agricultural sheds to maturation warehouse at Rossmore, Clonakilty, Co. Cork the site is located in a rural area to the south-east of the village of Rossmore. Under Reg. Ref. 21/793 permission was granted for 3 no. whiskey maturation warehouse buildings at Derryvreen, Rossmore, Clonakilty, Co. Cork the site is located in rural area to the north-east of Clonakilty. I note these cited examples of where whiskey maturation warehouses have previously been granted permission in rural locations by Cork County Council.

7.1.25. As discussed above the first party have also highlighted previous precedents as set by the Board in the determination of maturation warehouses appeals, ABP No: 301078-18 and ABP No: 300429-17 and that such uses/development in rural areas are suitable given the inactive nature of their use. The first party submit that as previously determined by the Board that locating such uses on centrally serviced zoned lands is unsuitable as there can be conflict with adjacent uses in terms of health and safety in addition the scope of the area that would be required on lands that would benefit from greater employment generating uses in close proximity to urban centres.

7.1.26. In relation to the principle of the siting of whiskey maturation warehouses the Board have in those cited decisions noted that 'agri-food' development is supported by the over-arching national policy as set out in National Policy Objective 23 of the National Planning Framework 2040 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. The Board in those cases had specific regard to the nature and scale and the unique characteristics of the proposed development of whiskey maturation and they recognised that it is different to standard warehousing and that directing that type of development into zoned lands would result in an inefficient use of serviced zoned lands. The Board also in those cases also had regard to the fact that the development is a type to which Directive 2012/18 EU ("Seveso III") applies, and to the advice provided by the Health and Safety Authority to the planning authority on the effects of the proposed development on the risk or consequences of

a major accident, it is considered that it is appropriate to locate whiskey maturation facilities on lands away from built-up area.

7.1.27. Regarding the matter of a site specific justification for the location of the maturation warehouses in the rural area as raised by third party appellants, I would highlight that Objective EC: 8-14 of the current Cork County Development Plan is particularly relevant in this regard. It recognises that new businesses in rural areas will normally be encouraged and can be considered on their merits in rural locations 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 objective recognises that new business development will be considered on the basis that that the proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape and that the existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal. Accordingly, I consider that objective of the Development Plan provides the Board the scope to consider a development of this type in the rural area. Furthermore, I would also highlight that Objective EC: 8-13 of the Development Plan seeks to strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation and that it encourages employment growth in County towns to support the population of the towns and their wider rural catchments. Therefore, I would consider that the location of the maturation warehouses at the appeal site at Tullig in the rural area which is approximately 17km from the applicant's distillery in Skibbereen would serve to strengthen the operation of the existing established distillery by ensuring that there is a maturation facility provided to fulfil operations needs within a suitable distance and as such it supports the existing and future employment at the distillery in the town of Skibbereen.

7.1.28. I consider that the previous Board decisions have similar issues to the current proposal, in so far as the proposed development is sited in a rural area and that the proposed development represents a development type which is different to standard warehousing. Specifically having regard to the nature of the use of maturation warehouses for long-term storage and where demand for services and traffic generation would be low. Furthermore, that the nature of the warehouse use on zoned serviced lands would represent a result in an inefficient and unsustainable use

of such lands would could prejudice the delivery of other employment and enterprise policies and objectives envisaged in the Cork County Development Plan.

- 7.1.29. Therefore, I am of the opinion that the same considerations apply and that I would accept the case made by the applicant that this rural location represents the most appropriate location to site the proposed maturation warehouses.
- 7.1.30. Accordingly, on the basis of the cited precedents, I would accept the case made by the first party in respect of the established practice of siting maturation warehouses in suitable rural locations. In relation to the submitted Site Assessment Analysis, I would accept that the assessment of the feasibility of locating the proposal on industrially zoned lands was carried out in a comprehensive manner.
- 7.1.31. Regarding the use and requirement for the proposed maturation warehouses the applicant West Cork Distillers confirmed in their response that they urgently seek maturation storage capacity as all existing available warehouses at Marsh Road are at capacity. They also confirmed that the proposed warehouses are solely to be used by West Cork Distillers for storage of casks.

## **7.2. Landscape and visual impact**

- 7.2.1. The appeal site lies at roughly the 130m contour in an area of relatively open landscape. The proposed warehouses have a height of 11.45m. Chapter 14 of the County Development Plan 2022-2028 refers to Green Infrastructure and Landscape and Section 14.8 refers to Landscape Character Assessment of County Cork. The site is located within a landscaped area categorised as type 7a 'Rolling Patchwork Farmland landscape'. Landscape value is medium and landscape sensitivity is medium.
- 7.2.2. County Development Plan Objective GI 14-9: Landscape seeks to protect the visual and scenic amenities of County Cork's built and natural environment, landscape issues will be an important factor in all land-use proposals, ensure that a pro-active view of development is undertaken while protecting the environment and heritage generally in line with the principles of sustainability, ensure that new development meets high standards of siting and design, protect skylines and ridgelines from development and discourage proposals necessitating the removal of extensive

amounts of trees, hedgerows and historic walls or other distinctive boundary treatments.

- 7.2.3. The potential visual impact of the proposal has been raised in the third party appeals in relation to the proposed structures and the perimeter berm.
- 7.2.4. The scheme as originally proposed comprises the construction of 12 no. whiskey maturation warehouses. The scheme as granted by the Planning Authority and detailed in condition no. 2 comprises 6 no. warehouse blocks providing a reduction in the scale of the proposal by 50%. The first party has requested that the Board consider a revised scheme for 8 no. maturation warehouses which they have submitted for consideration with their appeal.
- 7.2.5. In respect of the response from the Planning Authority to the first party appeal they note that the first party has requested that the Board consider de novo a reduced scheme for 8 no. maturation warehouse units as opposed to the 12 no. maturation warehouse units as originally proposed. The Planning Authority have requested that the Board uphold its decision to reduce the scale of the overall proposal by 50% in line with the request for further information which was issued.
- 7.2.6. The application was accompanied by a Landscape and Visual Assessment Screening report prepared by Hayes Ryan, Landscape Architects. The Planning Authority as part of the request for further information required that the applicant submit a revised Landscape and Visual Impact Assessment (LVIA) which should include, an assessment of the Zone of Theoretical Visibility (ZTV) and should include the Carrigfadda Hill summit and Loop Walk and Reenascreena stone circle.
- 7.2.7. The revised LVIA furnished to the planning authority at further information stage was accompanied by nineteen photomontages. In relation to the submitted photomontages these represent the originally proposed development of 12 no. warehouses.
- 7.2.8. The further information response included a document which provided a comparative overview of the visual impact of the proposed twelve unit warehouses in five structures with alternative six unit proposal in three structures. It is concluded in the assessment that sensitivity of the receptors does not change for any of the viewpoints examined either at the operational phase or the construction phase of the proposed development. It is stated that the magnitude of change varies for

viewpoints 2,3,4 and 5 and that the reduction in the number of blocks would result in the tree planting and screening appearing as a woodland copse sooner and enclosing a smaller warehouse complex. It is stated that the difference is not enough to warrant a reduction from the magnitude of change categories 'low and medium'.

- 7.2.9. The report of the Planning Officer dated 13/1/2023 assessed the response to the further information and in relation to the matter of landscape and visual impact. It was noted that while the photomontages of the existing and proposed views from the identified viewpoints were provided with the LVIA, the proposed views were all shown with fully mature landscaping which in reality takes a number of years to come to fruition. Therefore, the assessment raised the matter that the short to medium term impacts of the proposal were not clearly represented. The Planning Officer considered that notwithstanding the submission by the applicant of a comparative overview between the originally proposed scheme and the reduced development that it is clear from the Landscape Masterplan that the reduced layout from 12 no. warehouses to 6 no. warehouses would result in a less obtrusive and better screened development. Accordingly, in relation to the scale of the development the Planning Authority considered that the originally proposed 12 no. warehouses was excessive and that a reduction of the proposal to 6 no. warehouses would be appropriate.
- 7.2.10. The first party appeal submitted by West Cork Distillers is made against condition no. 2 (a) as attached by the Planning Authority. They request that condition no. 2(a) be removed and modified. Condition 2(a) requires the omission of a minimum of 6 no. warehouse blocks in order to reduce the scale of the overall proposal by 50% and to provide for 3 no. double warehouse blocks (65 x 48m) located centrally within the site.
- 7.2.11. The first party have submitted revised proposals for 8 no. maturation warehouses which they request that the Board consider. The maturation warehouses in the revised layout retains the same proposed ridge height 11.45m and material finish as proposed. Drawing no: 21 'Proposed Site Plan' indicates the 40m Set back from boundary' has been submitted in support of the revised scheme. In relation to the revised scheme submitted that applicant states that they have optimised the revised proposed layout in terms of the number of maturation warehouses that can be accommodated by having gable ends orientated towards the public road to the north.

The revised layout incorporates a 40m building setback from the site boundaries which is also providing a planted berm of 3m-4m in height with a graded slope of 1:3. The staff welfare building, parking, forklift charging and fire water sprinkler tank are relocated on the revised layout to the western boundary adjacent to the warehouse blocks.

- 7.2.12. In relation to the revised layout, it would provide a total floor area of 11,670sq m which would represent a reduction of 6,690sq m from the 18,360sq m total floor area of 12 no. maturation warehouses as originally proposed.
- 7.2.13. The appeal submission includes a set of photomontages showing the development from 19 no. different viewpoints in both the winter and summer. In relation to the submitted visual assessment, I am satisfied that the photomontages provided from the selected viewpoints which form the basis of the visual impact assessment are representative of the extent of the visual impact upon the surrounding landscape.
- 7.2.14. At viewpoint no. 1 from the L4241 to the west of the site, the proposed development it would not be visible due to the presence of existing planting. At viewpoint no. 2 a close-range view from the L4241 to the west the proposed development would not be directly visible with the provision of mature tree screening to mitigate.
- 7.2.15. Viewpoint no. 3 is from the L4241 to the north of the proposed location of the warehouses. The upper sections of the warehouses would be visible from this viewpoint notwithstanding the provision of mature tree screening to mitigate. From this viewpoint which is a close range view the full extent of the proposed 12 no. warehouses would be visible. They would extend across the site for over 250m. When compared with the photomontage of the proposed 8 no. warehouses the full extent of the warehouses would be visible however the distance they would extend across the site would be circa 190m.
- 7.2.16. At viewpoint no. 4 and no. 5 from the L4241 to the north-east of the site the upper sections of the warehouses would be visible from this viewpoint notwithstanding the provision of mature tree screening to mitigate. From these viewpoints which are close range views the full extent of the proposed roofs of the 12 no. warehouses and 8 no. warehouses would be visible.
- 7.2.17. At viewpoint no. 6 to the east of the site from the L4241 the proposed warehouses would not be directly visible due to the topography of the landscape.

- 7.2.18. At viewpoint no. 7 and no. 8 from the L4241 to the east of the site the proposed development would not be directly visible due to the topography of the landscape. At viewpoints no. 9 and no. 10 to the east of the site the proposed development would not be directly visible.
- 7.2.19. At viewpoint no. 11 to the south-east and viewpoint no. 12 to the south the proposed development would not be directly visible due to the topography of the landscape.
- 7.2.20. At viewpoint no. 13. to the south-west of the site the proposed development would be marginally visible in the background. At viewpoint no. 14 to the south-west the proposed development would not be directly visible due to the topography of the landscape.
- 7.2.21. At viewpoint no. 15 situated on the local road to the north of the site the proposed development would be directly visible in the landscape specifically the full extent of the roofs of warehouses notwithstanding the provision of mature tree screening to mitigate. In relation to this viewpoint the full extent of the proposed roofs of the 12 no. warehouses and 8 no. warehouses would be visible within the open landscape.
- 7.2.22. At viewpoint no. 16 situated on the local road to the north of the site the roofs of 4 no. warehouses would be visible notwithstanding the provision of mature tree screening to mitigate. In relation to this viewpoint the four of the proposed roofs of the 12 no. warehouses and 8 no. warehouses would be visible within the open landscape.
- 7.2.23. At viewpoint no. 17 to the north of the site the roofs of 2 no. warehouses would be visible notwithstanding the provision of mature tree screening to mitigate.
- 7.2.24. At viewpoint no. 18 to the south-east of the site at the Reenascreena stone circle the proposed development would not be directly visible due to the topography of the landscape.
- 7.2.25. At viewpoint no. 19 to the north at Carrigfadda Hill the proposed development would be directly visible due to the elevation of the viewpoint at 306.08m. In relation to this viewpoint the full extent of the proposed roofs of the 12 no. warehouses and 8 no. warehouses would be visible within the open landscape.
- 7.2.26. In relation to the 19 no. photomontages and specifically those representing the winter views, I note that 12 no. of these indicate that the proposed development

would not be directly visible or be visually imperceptible in the landscape. Regarding the other 7 no. viewpoints these are primarily from the local road immediately to the north of the site and the local road 1km to the north which is uphill the appeal site. The viewpoint from Carrigfadda Hill provides panoramic views of the surrounding landscape. From these viewpoints the scale of the proposed development is evident and in terms of level of visual intrusion within the existing relatively open landscape.

7.2.27. The first party submit that the revised layout of 8 no. maturation warehouses can be successfully integrated into the immediate environment given their agricultural appearance in terms of material finish. In relation to a comparison between the scheme of 12 no. maturation warehouses and a scheme of 8 no. maturation warehouses, I would consider that the proposed 12 no. maturation warehouses do appear visually obtrusive from the close range views in which they are directly visible having regard to the scale of the development proposed including the distance they would extend across the site at over 250m. Furthermore, from the elevated viewpoint of viewpoint 19 the full extent of the proposed 12 no. maturation warehouses in terms of the extent of the development across the site and also the coverage on site would result in them appearing highly visible notwithstanding the proposed mitigation screening.

7.2.28. In relation to the applicant's proposed reduced scheme of 8 no. maturation warehouses, I would consider that although it would reduce the distance they would extend across the site from 250m to 190m the proposed 8 no. maturation warehouses would still provide for a high degree of building coverage on the site. In relation to the scheme as permitted by the Planning Authority of 6 no. maturation warehouses. I would note that this reduced scheme was not presented in the photomontages submitted with the application or with the appeal. However, a reduced scheme of 6 no. warehouse units was indicated in the Landscape Masterplan drawing number 22/RE/W/R/ALT01/Rev C submitted at further information stage. That layout indicated 3 no. double warehouse blocks located centrally within the site. The warehouses would extend across the site for circa 180m in this reduced scheme and the coverage of buildings of site would also be reduced with the reduction in the floor area by half from that originally proposed.

7.2.29. Regarding the siting and design of the proposed maturation warehouses I would note that while an individual warehouse could be similar in appearance to agricultural



buildings in terms of their design the proposed collection of buildings of this scale with 12 no. warehouses as originally proposed and the 8 no. warehouses as proposed in the first party appeal would not be comparable in appearance to a farm complex which would normally comprise a smaller collection of farm buildings in a less formal arrangement. As indicated on the Landscape Masterplan submitted in response to the further information a perimeter mound around the location of the warehouses is proposed with a height of 3-4m. It is proposed that the mound would be planted with dense native planting including extensive evergreen pines. This proposed perimeter mound with planting would serve to screen and partially screen the proposed development from some surrounding views.

7.2.30. In relation to the closer range views and views from an elevated vantage point the 12 no. maturation warehouses as originally proposed, and the 8 no. maturation warehouses as proposed by the first party, would I consider be visually intrusive because the layout and scale of development proposed would not be comparable to a typical farm complex and as such would be out of character with the prevailing pattern of development. As detailed above the Planning Authority concluded that a reduction in the proposed scheme from 12 no. warehouses to 6 no. warehouses would result in a less obtrusive and better screened development. Having reviewed the reduced scheme as indicated on the Landscape Masterplan drawing number 22/RE/W/R/ALT01/Rev C, I would note that with the site coverage reduced with the revision in the scheme to 6 no. warehouses located centrally on site that the bulk and scale of the warehouses would be adequately revised to address the visual impacts which would occur if the original scheme or the scheme of 8 no. warehouses was permitted.

7.2.31. Subject to the reduction of the scheme to the 6 no. warehouses as granted by the Planning Authority and taking into consideration the provision of mitigation measures to reduce the visual impact of the warehouses particularly in terms of close range views, with the installation of a perimeter berm and planting of tree screening, I would consider that the proposed development would not appear visually obtrusive or interfere with the character of the landscape.

7.2.32. Therefore, I would concur with the assessment of the Planning Authority that it would be appropriate in the context of the site location to reduce the number of warehouses

permitted from 12 no. to 6 no. in order that proposed development is of a reduced scale which can be better assimilated into landscape in this rural location.

### **7.3. Residential amenity**

- 7.3.1. The third party appeals raised the matter of the potential impacts on residential amenity. Concern is expressed in relation to disturbance which would be caused during the construction phase and also light and noise generated during the operational phase.
- 7.3.2. The Planning Authority sought further information on a number of different issues including regarding residential amenity. Item no. 6 of the further information required that the applicant to submit an assessment of potential impacts on the residential amenities of the area. It specified that the assessment should identify all dwellings within 600m of the proposed development and should include an assessment of potential impacts on the residential amenities of residents living within 600m of the site arising from light pollution, noise, operational activity, potential impacts on wells and water quality and emissions.
- 7.3.3. A Residential Impact Assessment Report was prepared by McCuteon Halley Chartered Planning Consultants and was submitted to the Planning Authority as part of the further information response. The report identified 8 no. dwellings within 600m of the proposed development. The dwellings within this range of the site are situated primarily to the north and north-east of the site. The closest dwelling DW1 is identified as 287m from the centre of the proposed maturation facility. A second dwelling DW2 is located 292m from the proposed maturation facility. These are the two residential properties within 300m of the site. There are a further six residential properties within 600m of the site. DW3 and DW4 lie 342m and 383m respectively from the centre of the site. DW5 and DW6 lie 497m and 499m respectively from the centre of the site. DW7 and DW8 lie 502m and 506m respectively from the centre of the site.
- 7.3.4. The potential impact on dwellings was assessed in the report in relation to light pollution, noise, operational activity, impacts on wells and water quality and emissions.

- 7.3.5. In relation to light pollution, it was highlighted in the report that a Public Lighting Design for the Development was prepared by MHL and Associates Ltd. Consulting Engineers. The design of the lighting includes lantern heads where optics selected stop direct lighting and the provision of lighting hoods to be mounted to reduce light spill and prevent backlighting. It is proposed that the lighting will use warm white spectrum lanterns to reduce blue light component, and the lantern design proposed will minimise the amount of upward light and spill. It is detailed in the Residential Impact Assessment Report that the proposed screening along with the specific lighting design will ensure that the lighting from the development would not have a negative impact on the existing dwellings within 600m of the site. I am satisfied that having regard to the siting and design of the proposal with specific reference to the lighting details as proposed that it would not unduly impact the residential amenities of the existing properties in the area.
- 7.3.6. Regarding the issue of noise, it was highlighted in the report that a Baseline Environmental Noise Survey was prepared by Rowan Engineering Consultants. The nearest noise sensitive receptor is identified as DW1 which is located 210m from the site boundary of the proposed maturation facility. As detailed in the Environmental Noise Survey that during the operational phase the worst-case scenario in terms of predicted noise would be 44Db. Accordingly, the proposed development would comply with the daytime noise limits for the site of 55dB<sub>Leq</sub> between 7am and 7pm at the noise sensitive receptor. Having regard to the details provided in the Environmental Noise Survey, I am satisfied that given the nature of the development and with standard construction safeguards in place, unacceptable noise levels would not arise. Noise could be regulated by the attachment of an appropriate planning condition.
- 7.3.7. In relation to the matter of operational activity, it is outlined in the Residential Impact Assessment Report that the activity on site during the operational phase would solely comprise the delivery of casks to the maturation warehouse and the unloading of the cask for their storage using an electric forklift. The frequency of deliveries is detailed as 3-4 per week and the hours which the deliveries would take place would be between 7am and 7pm. Due to the limited nature of operational activity it is not envisaged that there would be any impact on existing dwellings within 600m of the

site. Accordingly, I am satisfied based on the details proposed in relation to the operation phase that unacceptable impacts on residential amenity would not result.

- 7.3.8. Regarding impacts on wells and water quality it is detailed in the project engineers that all the proposed warehouses will comply with the COMAH Regulations. In the event of fire or accidental spillage of liquid the operator must prevent stored substances from discharging to the environment.
- 7.3.9. The drainage design for the scheme includes a surface water connection network to collect surface water run-off from roof gutters/downpipes and gullies and internal gullies for accidental spillage. Surface water from areas accessible to vehicles will be cleansed by an inline Bypass Fuel/Oil separator prior to entering the attenuation/retention pond. Accordingly, I am satisfied based on the details in respect of surface water that it will be appropriately managed on site and would not result in unacceptable impacts on residential amenity.
- 7.3.10. In relation to foul drainage a new foul treatment plan and associated percolation area will be constructed within the site. The percolation system would be more than 250m away from any house and none of the dwellings within 600m of the site area down gradient. Accordingly, it is concluded in the Residential Impact Assessment Report that taking into account the design and layout of the drainage and water networks there will be no impact on the water quality of the adjoining dwellings which are within 600m of the proposed site.
- 7.3.11. In relation to the matter of emissions it is detailed in the Residential Impact Assessment Report that there will be no emissions for the proposed development that would impact on the existing dwellings within 600m of the site.
- 7.3.12. Regarding the construction phase of the proposed development this would generate the largest volumes of traffic to and from the site and would result in limited disturbance in terms of noise and dust generated, but this would be short term in nature, and it is proposed to manage construction traffic through best practice and the adherence to a construction traffic management plan. Furthermore, I would highlight that while the applicant originally sought a ten-year permission, and the appellants raised concerns that should a ten-year permission be granted that it would result in a protracted construction phase which would result in longer term construction impacts, that the Planning Authority granted a five-year permission, and

that first party have not appealed the matter. Therefore, should the Board decide to grant permission I would similarly recommend that a standard five-year permission be granted.

- 7.3.13. Accordingly, having regard to the details set out above, I consider that the proposal would not unduly impact upon residential amenity.

#### **7.4. Traffic and Access**

- 7.4.1. The grounds of appeal raise concern regarding the impact the proposed development would have on the local roads. It was highlighted that the development site is located circa 17km from the distillery that it is proposed to serve and that HGV's serving the proposal would follow the route of the N71 and then onto a local road which is considered incapable of accommodating the large vehicles anticipated.
- 7.4.2. As part of the further information requested the Planning Authority required the applicant to submit a Traffic and Transport Assessment. They required that the assessment include a clear analysis of the number of weekly HGV trips required and this assessment shall be clearly based on existing and projected production levels and existing and projected storage requirements.
- 7.4.3. The Traffic and Transport Assessment (TTA) was prepared by MHL & Associates Ltd. In relation to the location of the site relative to the road network it is detailed as being to the south of the local road the L4241 and north of the N71. It is proposed to develop the entrance to the premises onto the L4241 at the location of the existing agricultural entrance. The analysis in the TTA was undertaken for the Opening Year (2024), Opening Year + 5 (2029) and Opening Year + 15 (2039). The TTA assessment refers to the junction of the Connagh Road and the N71. It is stated in the TTA that it was agreed with the Council that following discussions traffic modelling for the local road junctions were not required.
- 7.4.4. The traffic modelling indicated that the junction of the Connagh Road and the N71 is operating below capacity for all design years up to 2039 during the morning and evening peaks. The percentage increase in Ratio of Flow to Capacity (RFC) with and without development is very minor. It is concluded in the TTA that the proposed development will have a minor impact on the operation of the junction from a

capacity point of view and will not require further junction upgrades to facilitate the development.

- 7.4.5. A Road Safety Audit Stage 1/2 and 'Assessment of Pinch Points' along the route in addition to identifying potential location for lay-bays was submitted as part of the response to the further information. The level of traffic generated by the proposed development in the operational phase is 3-4 HGV's delivering to the site a week. The further information submitted included Drawing No. 21054RS-HRL-D01 which prepared by MHL & Associates Ltd, titled the Proposed Haulage Route Layout and which also indicates the suggested passing bay locations. Drawing No. 21054RS-PBL-D01, titled the Proposed Passing Bay Layout indicates the location of 6 no passing bays along the L-4241-0. The report of the Area Engineer in response to the further information stated that they were satisfied with the revised proposals to develop the passing bays on the L-4241-0 subject to the attachment of a condition requiring the payment of a special development contribution towards remedial works to the public road in the event of damage during the construction phase.
- 7.4.6. The response from the first party regarding the traffic and access issues highlighted that documentation submitted to the Planning Authority including the Traffic and Transport Assessment and the survey regarding lay-bys as requested by the Council. They set out in their response that existing road network serving the surrounding rural area is used by large vehicles collecting milk from farms as well as delivering farm Agri-products and that there will be limited transportation requirements to the maturation warehouse comprising 1 trip weekly. The proposed upgrading work in the form of the proposed lay-bys will improve the route for all end users. Condition no. 35 attached by the Planning Authority required that West Cork Distillers will fund the proposed works to create the lay-bys.
- 7.4.7. In relation to the submitted Traffic and Transport Assessment, I am satisfied that the information provided provides a comprehensive appraisal of the traffic and transport issues which arise in respect of the proposed development. The assessment provides the anticipated level of traffic which would be generated by the proposed development and has shown through the junction modelling that the junction of the Connagh Road and the N71 has the capacity to accommodate that additional traffic which the proposed development would generate. In relation to the local road network I am satisfied that subject to the provision the proposed lay-bys that it would

not be unduly impacted by the proposed development in terms of potential congestion generated by HGV's delivering to the site a week.

- 7.4.8. In conclusion, I consider that traffic impact associated with the development will be limited and consider that the proposal can be accommodated within the existing local road network subject to the provision of the proposed lay-bys as detailed above. I consider that the principle of the proposed access arrangements are acceptable.

## **7.5. Ecology**

- 7.5.1. The grounds of appeal refer to ecology. Concern is expressed in relation to the surrounding landscape in particular the adjacent wetland habitat and also the matter of bats is raised.
- 7.5.2. The application is accompanied with an Ecological Impact Assessment prepared by Wetland Surveys Ireland. As part the further information requested the applicant was required to address item no. 9 which referred to ecological issues. Specifically, they were required to submit a revised site design which includes the retention and protection of the Flush habitat, and all wetland habitats and to submit a revised road alignment for the proposal which utilises the existing track as far as possible and greatly reduces the encroachment into wetland habitats / habitats of high ecological value. In relation to this matter the County Ecologist confirmed in their report of 28/11/22 that they were satisfied that the road was redesigned to avoid the flush habitat and regeneration cutover bog.
- 7.5.3. The applicant was required to submit a revised Landscape Master Plan including proposals to use native species that are sensitive to the area and wetland habitats. The report of the County Ecologist stated that they were moderately satisfied with the landscaping scheme. They noted that the planting scheme included non-native species, and the planting of a wildflower meadow was recommended.
- 7.5.4. The applicant was required to submit ecological details of all watercourses occurring within or along the periphery of the proposed development site. The applicant was requested to submit details of protection measures to be implemented to safeguard any watercourse found to occur within or proximal to the development site during construction and operation. Regarding this matter the report of the County Ecologist

stated that the ecological condition of the watercourse in the vicinity of the site would not be directly impacted by the proposal.

- 7.5.5. The Planning Authority requested that the applicant submit a detailed Hedgerow Appraisal Report as well as details of associated faunal species, including birds, bats and any other species of relevance. In relation to the matter of hedgerow the report of the County Ecologist stated that the loss of habitat will be offset and that habitats of high ecological value occurring outside the site can be largely maintained.
- 7.5.6. The Planning Authority also requested that the applicant carry out and submit the findings of a bat survey. A bat survey was conducted in response. It was carried out by Doherty Environmental Consultants Ltd. The outcome of the survey was that no roosts were observed on site and that the existing shed structures on site were unsuitable for supporting roosting bats and of low potential for roosting bats.
- 7.5.7. The report of the County Ecologist stated that they had concerns regarding the survey methodology, however they acknowledged that they considered that the structures onsite and the mature conifer trees are of 'low' suitability as a roosting habitat based on the Bat Conservation Trust Guidelines. However, the report noted that small sections of the buildings on site do have some potential roosting habitats. The County Ecologist therefore considered that it would be appropriate to attach a condition for a pre-construction bat survey to safeguard bats in the unlikely event that they are present. Based on the fact that there is limited potential for roosting habitats, I considered that it would be acceptable for the Board should they decided to grant permission to attach a condition requiring the submission of a pre-construction bat survey in accordance with the County Ecologist's requirements.
- 7.5.8. The applicant was requested to submit a summer breeding bird survey report and results of the same and a Habitat and Species Protection & Management Plan for the site. In response to these matters a targeted breeding survey was carried out by Doherty Environmental Consultant Ltd. The report concluded that the loss of grassland for foraging is not a significant impact given its low ecological value and its relative low importance to bird species of concern. The County Ecologist in their report stated that they considered the site is of moderate value to breeding birds. A Habitat and Species Protection & Management Plan for the site including the incorporation of ecological mitigation measures contained in the Ecological Impact



Assessment was submitted in response to the further information. The report of the County Ecologist stated that they had concerns regarding the encroachment of trees and shrub species into the adjoining wetland habitat. The report also highlighted the absence of reference to frogs on site and that the matter of the flush habitat and its use by the Common Frog was raised in the submissions to the application. The report of the County Ecologist stated that they would require a more comprehensive and holistic Habitats and Species Management Plan setting out clear proposals for the long-term management and maintenance of key ecological receptors identified to be retained and protected at the site. Specifically, the County Ecologist recommended that the revised plan include the identification and description of the current status of habitats and species within the site which are key ecological receptors, details of long-term objectives and measures to be taken to protect and enhance habitats of local biodiversity value occurring at the site specifically wetlands, a description of target habitats and range of species and appropriate strategies for maintaining existing and targeted habitats and species.

- 7.5.9. It is raised in the grounds of appeal that the County Ecologist was not satisfied with the details provided in the Habitats and Species Management Plan. While I note that the County Ecologist expressed that they were not entirely satisfied with the Habitats and Species Management Plan submitted at further information stage, they did not recommend a refusal of permission on the basis of undue impacts to habitats or species on site or in the surrounding area. Furthermore, I would consider that the information and level of detail which the County Ecologist requires is reasonable in order that existing habitats and species within the site are satisfactorily identified, recorded, monitored and that measures are put in place to ensure their continued protection and enhancement.
- 7.5.10. On that basis I would recommend that should the Board decide to grant permission for the proposed development that they attach a number of conditions which address the matters set out above. Specifically, I would recommend the attachment of a condition requiring that the Ecological Impact Statement mitigation measures be implemented in full in accordance with the Ecological Impact Statement submitted to the Planning Authority and the Ecological Response report which was submitted to the Planning Authority. I would recommend the attachment of a condition requiring the submission of a pre-construction bat survey of structures and trees on site and, I

would recommend the attachment of condition requiring that a Revised Habitat and Species Protection & Management Plan be submitted to and agreed in writing with the Planning Authority.

- 7.5.11. In conclusion, having regard to the details set out above I am satisfied that the matters concerning ecology have been substantially addressed and outstanding issues can be addressed by the attachment of conditions.

## **7.6. Other issues**

### Directive 2012/18 EU (Seveso III) Considerations

- 7.6.1. Directive 2012/18 EU (“Seveso III”) was transposed into Irish law on the 1st June 2015 under the COMAH Regulations. The regulations set out the requirements to prevent major accidents involving dangerous substances and to limit the consequences of such accidents on human health and the environment. Seveso/COMAH apply to industrial sites where dangerous substances are used or stored in large quantities, mainly in the chemicals, petrochemicals, storage, and metal refining sectors. The HSA is identified as the central competent authority under the regulations.
- 7.6.2. The proposed development entails the construction of 12 no. whiskey maturation warehouses, service building and all associated ancillary site works. Whiskey maturation is a category which falls under the provisions of this Directive.
- 7.6.3. The proposed development would be categorised as a lower tier establishment under these regulations in that it is stated that each warehouse unit will have capacity to store approximately 15,000 casks of whiskey, which would equate to 36,000 tonnes. The COMAH regulations specifically apply to the proposed development, as the inventory would exceed 5,000 tonnes of flammable liquid and as such is considered a category of dangerous substance under Part 1 of Schedule 1 of Regulation 2.
- 7.6.4. The Planning Authority consulted the Health & Safety Authority (HSA) during their consideration of the application. The HSA requested further information from the applicant. The further information was submitted on the 4th February 2022 in the form of a document titled Technical File Note – Response to HSA questions on Land Use Planning at Tullip dated 04/02/2022 (Ref 552-22X0016). Following an

assessment of all the information provide the HSA report to the Planning Authority stated that it does not advise against the granting of planning permission in the context of major accident hazards. As the HSA are the competent authority for the implementation of the COMAH regulations, reliance can be placed on the HSA response to inform an assessment of this aspect of the proposal.

- 7.6.5. It is of relevance to note that once operational the establishment would fall within the COMAH inspection regime and further engagement would follow between the HSA and the operators of the development. Specifically, the operators of the facility would be required to provide evidence that all necessary measures have been taken to prevent major accidents and to limit their consequence on human health and the environment. If permitted, the site would be surrounded by a consultation zone within which the HSA must be consulted on any further development proposals. This would not necessarily prevent development but certain types of development may be restricted.

#### Fire water provision

- 7.6.6. The issue of firefighting water supply capacity is raised in the grounds of appeal. The proposed development includes the following fire water provision, a surface water/fire fighting lined retention pond with a volume of 4,500l, a fire fighting tank with a volume of 540l and a sprinkler tank.
- 7.6.7. In relation to the design of the proposed fire water infrastructure to serve the scheme, a new 150mm diameter watermain will be constructed and fed off a new firefighting water storage tank and pump set with diesel backup. The firefighting tank would have two hours of storage at a rate of 75l/s sec. The pump set proposed to be located beside the tank will pressurise the 150mm OD fire main pipework to ensure the flow rate of 75l/sec is maintained in the event of a fire for at least two hours. It is proposed that fire hydrants will be provided in accordance with firefighting requirements.
- 7.6.8. In response to the matter of firewater retention the first party stated that should the Board consider that greater firewater retention volume is required on site they will adhere to a condition to undertake any additional guidance that is deemed appropriate. They noted in their response that the HSA who are a statutory consultee had no comment to make on this matter.

- 7.6.9. The fire water provision proposed to serve the development was considered acceptable by the HSA and by the Planning Authority. Should the Board decide to grant permission and determine that a greater firewater retention volume is necessary then a condition specifying this can be included.

## **8.0 Appropriate Assessment**

### **8.1 AA Screening – Refer to Appendix 1**

### **8.2 Overall Conclusion - Screening Determination**

- 8.2.1. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Kilkeran Lake and Castlefreke Dunes SAC, Bandon River SAC and Clonakilty Bay SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 8.2.2. This determination is based on:
- Objective information presented in the Screening report.
  - Standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same.
  - Distance from European sites.
  - The absence of a meaningful pathway to any European site.
  - Taking into account the screening determination by the planning authority.
- 8.2.3. No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## **9.0 Recommendation**

- 9.1.1. I recommend that permission be granted subject to the following conditions.

## **10.0 Reasons and Considerations**

10.1.1. The 'agri-food' development proposed is supported by the over-arching national policy as set out in National Policy Objective 23 of the National Planning Framework 2040 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. Having regard to the nature and scale and the unique characteristics of the proposed development (whiskey maturation) the Board recognises that it is different to standard warehousing and that directing this type of development into zoned lands would result in an inefficient use of serviced zoned lands. Furthermore, having regard to the fact that the development is a type to which Directive 2012/18 EU ("Seveso III") applies, and to the advice provided by the Health and Safety Authority to the planning authority on the effects of the proposed development on the risk or consequences of a major accident, it is considered that it is appropriate to locate whiskey maturation facilities on lands away from built-up area. Having regard to the provisions of the Cork County Development Plan 2022-2028 specifically Objective EC:8-13 which refer to Rural Economy and Objective EC:8-14 which refer to Business Development in Rural Areas the Board considers that the proposed development would contribute to the rural economy of Cork County and the region. It is further considered that the development would not give rise to an unacceptable impact on the landscape or the visual character of the area, would not seriously injure the residential amenities of the area or property in the vicinity, would not give rise to an unacceptable traffic hazard and would not result in any unacceptable loss of or impact on ecological habitats or species. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## **11.0 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 11<sup>th</sup> day of November 2022, the 9<sup>th</sup> day of February 2022, the 9<sup>th</sup> day of December 2022 and the 12<sup>th</sup> day of December 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 proposed development shall be amended as follows:
  - (a) The omission of a minimum of 6 no. warehouse blocks in order to reduce the scale of the overall proposal by 50% and to provide for 3 no. double warehouse blocks (65m x 48m) located centrally within the site.
  - (b) The warehouse blocks should be orientated such that gable ends orientate to the north to the public road.
  - (c) A 40m building setback from the site boundaries should be provided where achievable, which should provide for a planted berm a minimum height, graded to a slope of 1 in 3.
  - (d) Each double unit shall be constructed in accordance with the layout and elevations indicated in drawing numbers 02, 03 and 04 submitted to the Planning Authority on 23<sup>rd</sup> day of December 2021
  - (e) The single storey service building shall be relocated ancillary to the revised warehouse blocks.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of the proper planning and sustainable development of the area.

3. The duration of the grant of permission shall be 5 years from the date of this grant of permission.

**Reason:** In the interest of the proper planning and sustainable development of the area.

4. The land and buildings to which this permission relates shall be utilised for purposes of maturation of spirit to whiskey and provision of cask filling services only.

**Reason:** To define the use permitted by this permission, having regard to the justification for, and particular characteristics of, the proposed development, and to prevent any other form of warehousing or industry at this rural location.

5. Detailed specification for all proposed external materials and finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. External cladding shall be dark green in colour throughout.

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

6. No development shall commence until a landscaping and biodiversity scheme has been submitted to and agreed in writing by the planning authority to suitably screen the proposed development over the life of the facility. The scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) Existing area of tree cover, landscaping features and vegetation to be retained;
- (iii) Location design and materials of proposed boundary treatment, fences and gates;
- (iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;

- (v) Details of the location of the perimeter berm and landscaping to include native species proximate to the closest house;
- (vi) Biodiversity enhancement proposals;
- (vii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;

All of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the planning authority.

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

**Reason:** In the interests of visual amenity and to integrate the development into its surroundings.

7. The proposed vehicular access arrangement to the site and proposed roadside boundary treatment at the access shall in accordance with the requirements of the Planning Authority.

**Reason:** In the interest of traffic safety and preservation of biodiversity.

8. Details of the finished floor level of proposed structures relative to the existing ground levels shall be submitted to, and agreed in writing with, the Planning Authority Prior to commencement of development.

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

9. During the operational phase of the proposed development the noise level shall not exceed (a) 55 dB(A) rated sound level between the hours of 0700 to 2300, and (b) 45 dB(A) 15min and 60 dB LAfmax, 15min at all other times , (corrected for a tonal or impulsive component) as measured at the nearest dwelling.



Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

10.

- (a) The septic tank/wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application on 23<sup>rd</sup> day of December 2021 and shall be in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ ) ” – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/ wastewater treatment system shall be discharged to a percolation area/ polishing filter which shall be provided in accordance with the standards set out in the document entitled “Code of Practice - Domestic Waste Water Treatment Systems (Population Equivalent  $\leq 10$ )” – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/ wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.

**Reason:** In the interest of public health and to prevent water pollution.

11. Hours of construction and operation of the proposed facility shall be between 0800 and 1900 Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or public holidays.

Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

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

12. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works. The assessment shall address the following issues:
  - (i) the nature and location of archaeological material on the site, and
  - (ii) the impact of the proposed development on such archaeological material. A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

**Reason:** In the interest of sustainable waste management.

14. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.

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

15. Details of any external lighting to be used within the site shall be submitted to and agreed in writing with the Planning Authority prior to installation. Such details shall include the location, type, angle of direction and wattage of each light, which shall be so positioned and angled to prevent any glare or light spillage out from the site boundary. No external lighting shall be installed except in accordance with the duly agreed scheme.

**Reason:** In order to avoid light pollution in the interest of amenity.

16. All works on site shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) received by the Planning Authority on the 11<sup>th</sup> day of November 2022.

**Reason:** In the interest of environmental protection.

17. The Ecological Impact Statement mitigation measures shall be implemented in full as detailed in the Ecological Impact Statement submitted to the Planning Authority on the 23<sup>rd</sup> day of December 2021 and the ecological response report submitted to the Planning Authority on the 11<sup>th</sup> day of November 2022.

**Reason:** In the interests of protection of the environment and orderly development.

18. A pre-construction bat survey of structures and mature trees on site shall be completed by a suitably qualified specialist to establish whether bats are using the same and to identify and implement measures to ensure that bats are not disturbed. The survey shall be conducted in accordance with best practice guidelines with the results of this survey submitted to Cork County Council before the commencement of works to buildings/trees. In the event that bats are identified, the applicants are required to contact the National Parks and Wildlife Service to determine whether a (Section 23 (5)(d) Wildlife Act derogation licence is required to allow the works to proceed. Where a licence is required, works may only proceed following the obtainment of such a license from NPWS and in accordance with any conditions imposed by the license.

**Reason:** In the interest of ensuring the protection of bats.

19. Prior to the commencement of development, a Revised Habitat and Species Protection & Management Plan shall be submitted to and agreed in writing with the Planning Authority. The Plan shall provide a comprehensive and holistic approach to habitat and species management. The Plan shall be prepared by a suitably qualified Ecologist who shall liaise with the Cork County Council in respect their specific requirements concerning the content of the plan.

**Reason:** In the interests of ensuring the protection of biodiversity.

20. Prior to commencement of development, a detailed closure decommissioning and site restoration plan, including a timescale for its implementation should the development cease to operate on a permanent basis, shall be submitted to, and agreed in writing with, the planning authority. The site shall be restored and structures removed in accordance with this plan within three months of decommissioning/cessation, to the written satisfaction of the planning authority.

**Reason:** To ensure the satisfactory reinstatement of the site on cessation of the proposed development.

21. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the reinstatement of public roads that may be damaged by construction transport.

22. The developer shall pay a financial contribution of €200,000.00 (two hundred thousand euro) to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of works proposed to be carried out, for the provision of the repair/reinstatement of the L-4241-0 between the N71 junction and the site. (Specify the particular works of public infrastructure and facilities to which the specific exceptional costs relate), which benefits the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development, and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this

financial contribution shall be agreed in writing between the planning authority and the developer.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority in respect of public services, which are not covered in the Development Contribution Scheme or the Supplementary Development Contribution Scheme and which will benefit the proposed development.

23. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Siobhan Carroll  
Planning Inspector

30<sup>th</sup> of January 2025

## **Appendix 1 – Appropriate Assessment Screening**

- 11.1.1. Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)
- 11.1.2. I have considered the proposed development of in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.
- 11.1.3. A screening report for Appropriate Assessment was submitted with the planning application when it was originally lodged. The AA Screening Report for the proposed Project in Tullig, Leap, Co. Cork was prepared by Whitehall Environmental.
- 11.1.4. Appropriate Assessment Screening was undertaken by Cork County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Cork County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.
- 11.1.5. A detailed description is presented in Section 2.0 of my report. In summary, the proposed development site comprises agricultural lands which contain dilapidated farm buildings. It adjoins improved agricultural grassland, coniferous forest and small areas of scrub. The development will comprise construction of twelve bonder maturation warehouses for the storage of product produced by the West Cork Distillers facility on the Marsh Road, Skibbereen, Co. Cork. Each warehouse has an area of 1,530sq m with an overall total floor area of 18,360sq m. The development will include security gates and fencing, CCTV, loading and unloading bays, internal access road, limited lighting, fire-fighting and sprinkler tanks, surface water attenuation and retention ponds, staff welfare facilities and a forklift charging point. Water provided from a groundwater well installed at the site. A domestic wastewater treatment plant to be installed.



11.1.6. There are drains within the site and the Cashel stream flows along the southern boundary of the application site. The Cashel stream flows west and joins the Roury River.

#### **Potential effect mechanism for the project**

11.1.7. In relation to the matter of habitat loss or alteration the proposed development site is not located directly adjacent to any European sites and therefore there will be no direct loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation.

11.1.8. In relation to the matter of disturbance and/or displacement of species the proposed development does not have the potential to cause a disturbance and/or displacement to species of qualifying interest in the European sites identified within the zone of influence of the appeal site.

11.1.9. The proposed development is not considered to have the potential to result in the reduction in the baseline population of species associated with any of the European sites identified within the zone of influence.

11.1.10. There is no direct surface water connection between the appeal site and any of the European sites identified within the zone of influence.

11.1.11. In relation to the operational phase in direct effects are not anticipated on the basis that surface water arising at the proposed development will be dealt with on site using an attenuation pond and infiltration system with SuDS elements. The proposed scheme includes the installation of a domestic wastewater treatment plant. Flooding therefore is not considered to be an issue at this location.

#### **European Sites at risk**

11.1.12. The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). There are seven European sites located within 15 kilometres of the potential development site:

- Myross Wood SAC (Site Code 001070)

- Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061)
- Bandon River SAC (Site Code 002171)
- Castletownshend SAC (Site Code 001547)
- Gallery Head to Duneen Point SPA (Site Code 004190)
- Clonakilty Bay SAC (Site Code 000091)
- Clonakilty Bay SPA (Site Code 004081)

11.1.13. Myross Wood SAC is located approximately 6.8m to the south-west of the appeal site. The qualifying interest for the site is Killarney Fern and the conservation objective is to maintain the favourable conservation condition of Killarney Fern in Myross Wood SAC which is defined by a list of attributes and targets.

11.1.14. Kilkeran Lake and Castlefreke Dunes SAC is located circa 9.1km to the south-east of the appeal site. The qualifying interests for the site are Coastal lagoons, Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria* and Fixed coastal dunes with herbaceous vegetation. The conservation objectives for Coastal lagoons and Fixed coastal dunes with herbaceous vegetation are to restore the favourable condition. The conservation objectives for Embryonic shifting dunes and Shifting dunes along the shoreline with *Ammophila arenaria* are to maintain the favourable conservation condition.

11.1.15. Bandon River SAC is located approximately 8.7km to the south-east of the appeal site. Qualifying interests for the site are Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachium* vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* and Freshwater Pearl Mussel. The conservation objectives for these qualifying interests are to restore the favourable condition. Brook Lamprey is also a qualifying interest and the conservation is to maintain the favourable conservation condition.

11.1.16. Castletownshend SAC is located circa 10.7km to the south-west of the appeal site. The qualifying interest for the site is Killarney Fern and the conservation objective is to maintain the favourable conservation condition of Killarney Fern in Castletownshend SAC which is defined by a list of attributes and targets.

- 11.1.17. Gallery Head to Duneen Point SPA is located approximately 11.4km to the south-east of the appeal site. The qualifying interest for the site is Chough and the conservation objective is to maintain or restore the favourable conservation condition of Chough in the SPA.
- 11.1.18. Clonakilty Bay SAC is located circa 12km to the east of the appeal site. The qualifying interests for the site are Mudflats and sandflats not covered by seawater at low tide, Annual vegetation of drift lines, Embryonic shifting dunes, Shifting dunes along the shoreline with *Ammophila arenaria*, Fixed coastal dunes with herbaceous vegetation and Atlantic decalcified fixed dunes. The conservation objectives for all these qualifying interests is to maintain the favourable conservation condition, apart from the conservation objective for Fixed coastal dunes with herbaceous vegetation which is to restore the favourable conservation condition.
- 11.1.19. Clonakilty Bay SPA is located approximately 12km to the east of the appeal site. The qualifying interests for the site are Shelduck, Dunlin, Black-tailed Godwit, Curlew and Wetland and Waterbirds. The conservation objectives for all these qualifying interests is to maintain the favourable conservation condition which are defined by a list of attributes and targets.
- 11.1.20. Accordingly, of these seven European sites three of which have conservation objectives which seek to restore the favourable conservation condition. Firstly, Kilkeran Lake and Castlefreke Dunes SAC where the conservation objectives for Coastal lagoons and Fixed coastal dunes with herbaceous vegetation are to restore the favourable condition. Having regard to the separation distance between the appeal site at Tullig, Leap, Co. Cork and the European site of 9.1km and the absence of source-pathway-receptor linkages to species and any hydrological connection there would be an absence of influence to the SAC.
- 11.1.21. Secondly, Bandon River SAC where the conservation objectives for Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche*-*Batrachium* vegetation, Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* and Freshwater Pearl Mussel are to restore the favourable condition. Having regard to the separation distance between the appeal site at Tullig, Leap, Co. Cork and the European site of 8.7km and the absence of source-pathway-receptor linkages to

species and any hydrological connection, and there would be an absence of influence to the SAC.

- 11.1.22. Thirdly, Clonakilty Bay SAC where the conservation objective for Fixed coastal dunes with herbaceous vegetation are to are to restore the favourable condition Having regard to the separation distance between the appeal site at Tullig, Leap, Co. Cork and the European site of 12km and the absence of source-pathway-receptor linkages to species and any hydrological connection there would be an absence of influence to the SAC.

### **Likely significant effects on the European sites alone**

- 11.1.23. In relation to the Kilkeran Lake and Castlefreke Dunes SAC as set out above the appeal site is outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SAC. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Kilkeran Lake and Castlefreke Dunes SAC (Site Code 001061).

- 11.1.24. In relation to the Bandon River SAC as set out above the appeal site is located outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SAC. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Bandon River SAC (Site Code 002171).

In relation to Clonakilty Bay SAC as set out above the appeal site is located outside the zone of influence and accordingly, and in the absence of a pathway connection there would be an absence of influence to the SAC. Accordingly, the proposal would have no likely significant effect 'alone' on any of the qualifying features of Clonakilty Bay SAC (Site Code 000091).

### **In combination**

- 11.1.25. The AA screening report refers to in combination effects in the context of existing plans and projects. In relation to future plans and other projects a planning search was carried out for applications within the immediate vicinity of the site. None were identified in the vicinity of the site which would in combination with the subject development give rise to significant effects. I have carried out a search of current applications and I note that there are none which would in combination with the

proposal give rise to significant effects. In relation to plans that refer that refer to the area the Cork County Development Plan 2022-2028 includes the Volume 5 (West Cork). The plan was prepared in accordance with European and national legislation, Cork County Council has carried out: a Strategic Environmental Assessment of the Plan; Appropriate Assessment under the Habitats Directive; and a Strategic Flood Risk Assessment, all of which informed the preparation of the County Development Plan.

- 11.1.26. Accordingly, in combination effects can be ruled out on the basis that all elements of the proposal are located outside the zone of influence of European sites in the wider and surrounding area and are not connected to European sites via any potential impact pathways and there will be no potential for the proposal to combine with other land use plans or projects.

No mitigation measures are required to come to these conclusions.

#### **Overall Conclusion - Screening Determination**

- 11.1.27. Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites namely, Kilkieran Lake and Castlefreke Dunes SAC, Bandon River SAC and Clonakilty Bay SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- Objective information presented in the Screening report.
- Standard pollution controls that would be employed regardless of proximity to a European Site and effectiveness of same.
- Distance from European sites.
- The absence of a meaningful pathway to any European site.
- Taking into account the screening determination by the planning authority.

No measures intended to avoid or reduce harmful effects on European sites were taken into account in reaching this conclusion.

## Appendix 2 - Form 3 - EIA Screening Determination

A. CASE DETAILS	
An Bord Pleanála Case Reference	ABP 315749-23
Development Summary	<p>Permission is sought for 12 no. whiskey warehouses, service building and all associated ancillary site works. The proposal comprises;</p> <p>(a) 6 No. warehouses for the maturation of whiskey, (3 No. double warehouse blocks), each Warehouse has a total ground floor area of circa 1,530m<sup>2</sup> with an overall total floor area of 9,180m<sup>2</sup> and an overall height of 11.45m. The Warehouses will be single storey in nature.</p> <p>(b) Single storey Service Building with a ground floor area of circa 124.5m<sup>2</sup></p> <p>(c) New 9m wide x 3m high planted embankment to perimeter of bonded Warehouse site</p> <p>(d) New 3m high security fence and security access gates to perimeter of bounded Warehouse site</p> <p>(e) New 540 cubic metre fire-fighting tank</p> <p>(f) New sprinkler fire-fighting tank</p> <p>(g) New fire water retention tank</p> <p>(h) Demolition of existing uninhabitable farmhouse and outbuildings</p> <p>(i) New internal road network and associated staff parking areas</p> <p>(j) Associated site excavations and recontouring works</p> <p>(k) Ancillary boundary treatments and access road enhancement</p> <p>(l) All associated site works</p>

	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	Yes	EIA not required
2. Has Schedule 7A information been submitted?	Yes	
3. Has an AA screening report or NIS been submitted?	Yes	AA screening report
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA	Yes	<ul style="list-style-type: none"> <li>• Site Specific Flood Risk Assessment</li> <li>• Ecological Impact Assessment</li> <li>• Construction and Demolition waste management Plan</li> <li>• SEA and AA was undertaken by the planning authority in respect of the Cork County Development Plan 2022-2028</li> </ul>



B. EXAMINATION	Yes/ No/ Uncertain	<p><b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b></p> <p>(having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)</p> <p><b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.</p>	<p><b>Is this likely to result in significant effects on the environment?</b></p> <p><b>Yes/ No/ Uncertain</b></p>
<p><b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b></p>			
<p><b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)</p>			
<p><b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?</p>	<p><b>No</b></p>	<p><b>The proposal is for 12 no. maturation warehouses. The proposed use is part of the agri-food business and while the appearance of the warehouses would be similar to agricultural buildings in terms of their dimensions the proposed buildings would be more clustered than a typical farm complex.</b></p>	<p><b>No</b></p>
<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p><b>No</b></p>	<p><b>The proposed development will result in the removal of existing dilapidated farm buildings on site with site excavations and construction of a new development within the area previously occupied by the outbuildings and the adjoining fields.</b></p>	<p><b>No</b></p>

<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	<b>No</b>	<p>The use of resources such as aggregates would be required during the construction stage of the proposed development.</p> <p>Significant volumes of water are not required to service the site. Some soil stripping and excavation would occur during the construction phase.</p> <p>The site comprises both agricultural land and wetland. The majority of the wetland habitat on site will not be reclaimed or drained for development purposes.</p>	<b>No</b>
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>No</b>	<p>The proposal would involve the transportation of whiskey produced at the distillery in Skibbereen for maturation at the site at Tullig. Alcohol is considered a flammable liquid under P5c under Schedule 1 of S.I No. 209/2015- Chemicals Act (Control of Major Accident Hazards Involving Dangerous Substances) Regulations 2015. Given the volume of material to held on site at any one time 36,000 tonnes of alcohol the site would be considered a lower tier site.</p>	<b>No</b>
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>No</b>	<p>There are limited emissions associated with the proposed development. Foul effluent from serviced areas would discharge to a septic tank and percolation area. Surface water would be collected from the developed areas of the site and disposed of via a surface water/firefighter lined retention pond.</p>	<b>No</b>

		<b>Venting from the proposed warehouses would be required as the whiskey matures. These emissions disperse quickly from the warehouses and would not be malodorous.</b>	
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	<b>No</b>	<b>Only treated sanitary waste and surface water run-off will be discharged from the site during the operational phase. Groundwater would be abstracted from the well on site to fill the sprinkler tank and also service the canteen/welfare facilities at the site. A surface water/firefighting lined retention pond will be installed on site to collect firewater generated in the event of any accident/emergencies on site.</b>	<b>No</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	<b>No</b>	<b>There is potential for the construction activity to give rise to noise and vibration emissions. Such emissions will be localised, short term in nature and their impacts would be suitably mitigated by the operation of standard measures listed in the CEMP. Management of the scheme in accordance with an agreed management plan will mitigate potential operational impacts.</b>	<b>No</b>
<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	<b>No</b>	<b>There are limited emissions associated with the proposed development.  The risk to human health during the construction phase would be managed in accordance with relevant health and safety legislation and best practice construction management.</b>	<b>No</b>

		<p>Once operational the proposed development will be a Seveso lower tier. Any risk to human health will be managed in line with HAS and legislative requirements in addition to the site's Major Accident Prevention Policy and Safety Management System.</p> <p>Risk identified is a fully developed warehouse fire. Measures in place to reduce this risk include:</p> <ul style="list-style-type: none"> <li>• ATEX zoning of warehouse, with Ex rated lighting in place</li> <li>• Hazardous warning signs</li> <li>• Fire detection</li> <li>• Fixed sprinkler system in warehouses</li> <li>• Watermain with hydrants</li> <li>• Fire water retention facilities in place</li> <li>• Warehouses bunded</li> <li>• 1 hour fire rated wall between warehouse compartments to protect against the spread of fire between warehouses</li> <li>• 24 hour site monitoring by CCTV</li> <li>• Emergency response plan</li> </ul>	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	Yes	The site will be designated a Seveso lower tier site. All relevant assessments and reports were prepared for submission and approval with the HSA. The levels of individual risk presented to the surroundings are in line with the HSA's	No

		<p>criteria for individual risk. There are no developments on site or off site which are presented with a level of individual risk which exceeds the HSA Land Use Planning criteria.</p> <p>The report from the HSA dated 4/2/22 in relation to the application following submission of further information states, following an assessment of all the information provided the Authority does not advise against the granting of planning permission in the context of Major Accident Hazards.</p>	
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>No</b>		<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>		<b>No</b>
<b>2. Location of proposed development</b>			
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: <ul style="list-style-type: none"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- Place, site or feature of ecological interest, the preservation/conservation/</li> </ul>	<b>No</b>	<p>The proposed development is not located within any Natura 2000 areas.</p> <p>A Stage 1 AA Screening was undertaken.</p> <p>The report concludes that there was an absence of potential pathways connecting the development site to any designated conservation areas with the nearest European designated site location 7km away.</p>	<b>No</b>

protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan			
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?	<b>No</b>	<p><b>Field surveys of the site indicate that no protected flora or fauna species use the site. The Ecological Impact Assessment Report provides that the trees and hedgerows and buildings on site have limited scope for bat roosting.</b></p> <p><b>The planting of native shrubs and trees around the perimeter and elsewhere within the site will minimise the effects of hedgerow and treeline loss on bat and bird species by providing additional nesting, roosting and foraging habitat.</b></p> <p><b>Where feasible hedgerows and treelines are to be retained with works set back from field boundaries.</b></p>	<b>No</b>
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<b>No</b>	<p><b>There are no designated heritage assets within the boundary of the proposed development. No Recorded Monuments or Protected Structures in the vicinity of the site have been noted. As this is a greenfield site an archaeological monitoring condition has been attached by the Planning Authority.</b></p>	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	<b>No</b>		<b>No</b>

<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	<b>No</b> <b>The site is not located in a flood risk area</b>		<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>		<b>No</b>
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	<b>No</b> <b>The site will not generate significant levels of traffic</b>		<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>		<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	<b>No projects in the vicinity which would result in cumulative impacts</b>	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	<b>No transboundary considerations arise.</b>	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		

## C. CONCLUSION

No real likelihood of significant effects on the environment.	✓	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

## D. MAIN REASONS AND CONSIDERATIONS

Having regard to: -

- (a) the nature and scale of the proposal, the development of 12 no. whiskey maturation warehouses, service building and all associated ancillary site works, the proposal does not trigger any thresholds for mandatory EIA
- (b) the absence of any significant environmental sensitivity in the vicinity,
- (c) the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)
- (d) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended,
- (e) The appropriate assessment screening that has been carried out of likely significant effects on European sites,
- (f) The features and measures that are applied to avoid or prevent what might otherwise be significant effects on the environment, including measures for the management of surface water and wastewater.



It is considered that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_