



An
Bord
Pleanála

Inspector's Report ABP-316202-23

Development	Construction of a retail warehouse unit, signage, external plant, noise barrier fences and all site development, landscaping and drainage works, including removal of 48 no. car parking spaces.
Location	Midleton Retail Park, Knockgriffin (Imokilly), Midleton, Co.Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/6050
Applicant(s)	Watfore Limited
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions.
Type of Appeal	Third Party v. Grant
Appellant(s)	John O'Flynn
Observer(s)	None
Date of Site Inspection	23 May 2024

Inspector

Cáit Ryan

1.0 Site Location and Description

- 1.1. The site is located within Midleton Retail Park, a short distance north west of the town centre of Midleton in County Cork, and approx. 15km east of Cork city. It is an irregular shaped site comprising 0.31ha. Midleton Fire Station is located to the north of this retail park, opposite (north) of which is Market Green Retail Park. Market Green Shopping Centre and Market Green Plaza are located to the east. The Páirc an Aonaigh housing estate has recently been constructed north of Midleton Retail Park, west of the fire station. Owenacurra River is at its nearest point approx. 275m north east of the site. Midleton Rail Station is approx. 1.2km walking distance to north east via Market Green.
- 1.2. The retail park site is generally level. There is ramped pedestrian access to the public road in front of Joseph Ahern Terrace located at a slightly higher level to the west, which provides connectivity to the wider area to the west. The ramp is located approximately opposite 13 and 14 Joseph Ahern Terrace and is outside the red line boundary of the subject site. There is substantial mature planting comprising evergreen trees along the southern and western site boundaries. There is an approx. 12m wide gap in this planting along the western boundary due to the ramp.
- 1.3. The site of the proposed development is bounded
 - To the west by an established residential area, at which Joseph Ahern Terrace faces the subject site. South of 13 Joseph Aherne Terrace, a dwelling house has been constructed in recent years at 13A.
 - To the south by houses which front onto Cork Road.
 - To the east by the internal access route within the retail park, east of which is the surface car parking area serving Co-op Superstores.
- 1.4. There is an existing retail warehouse at the western part of Midleton Retail Park, north of the proposed retail warehouse unit. Occupiers comprise Mr. Price, Irwin's Megastore/Expert and Maxi Zoo, and Cope Foundation occupies the most southerly unit. An inward-bound delivery route runs from the south eastern corner of the subject site to the rear of this existing retail warehouse, where there is gated access to the rear of this block.

2.0 Proposed Development

2.1. The proposed development comprises

- Construction of a detached, single-storey retail warehouse unit (GFA 764sqm; net retail area 600sqm)
- Loading area, signage, external plant, noise barrier fences and all site development, landscaping and drainage works, including removal of 48 no. existing surface car parking spaces.

Documentation lodged with the application includes Screening Report for Appropriate Assessment, a Noise Impact Assessment, Traffic/Transport Assessment/Statement and Landscape Design Rationale.

Unsolicited Further Information (FI) was received on 10 March 2023 comprising revised Traffic/Transport Assessment/Statement, subsequent to FI response on 15 February 2023.

3.0 Planning Authority Decision

3.1. Decision

Following a Further Information (FI) request, permission was granted by the planning authority subject to 15 no. conditions. Conditions of note are:

Condition 1: Standard condition requiring development to be carried out in accordance with application lodged on 9 September 2022, as further detailed on 15 February 2023 and 10 March 2023.

Condition 2: Use shall be solely as retail warehouse by a bulky goods retailer. Excludes sale of goods which are not bulky unless otherwise agreed by planning authority.

Condition 3: Operational hours shall be Monday – Wednesday 09:00-18:00hours, Thursday – Friday 09:00 – 19:00hours, Saturday 09:00-18:00hours and Sundays 12:00-18:00hours, unless otherwise agreed. Specific time for delivery vehicles shall be agreed in writing prior to commencement.

Condition 4: Provide raised uncontrolled pedestrian crossing on existing pedestrian route from Joseph Ahern Terrace and retail park, details to be agreed.

Condition 7: Noise levels when measured at noise sensitive locations shall not exceed 55dBA (30 minute LAR) between 0700 hours and 1900 hours, 50 dBA (30 minute LAR) between 1900 hours and 2300 hours and 45dBA (15 minute Leq) between 2300 and 0700 hours.

Condition 8: Developer shall undertake noise monitoring survey if directed by planning authority.

Condition 11: Construction Dust and Noise Management Plan shall be put in place.

Condition 14: (a) Developer shall enter into Connection Agreement with Irish Water and shall not be dependent on any on site treatment infrastructure (b) a signed copy of Connection Agreement between developer and IW shall be submitted for written agreement at least 1 month in advance of development commencing.

Condition 15: Development contribution of €37,413.08.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis for planning authority's decision:

Executive Planner's (EP) reports (28 October 2022, 13 March 2023)

First report states that retail impact assessment is not warranted. Considers that as proposal is on hardstanding area within town centre zoning, difficult to justify seeking bat surveys. Notes internal reports. Recommendation to request FI reflects report.

Second report notes

- Unsolicited FI received on 10 March 2023
- FI response to a number of matters is acceptable. Where FI request has not been provided, matters can be addressed by condition.
- Requirement for Appropriate Assessment can be screened out.
- Site is c. 561m from rail line. Supplementary contributions within the suburban

rail corridor are not applicable having regard to proposed retail use.

Recommends grant of permission subject to 14 no. conditions.

Senior Executive Planner (3 November 2022, 13 March 2023)

First report endorses recommendation to request FI.

Second report endorses recommendation to grant, subject to 15no. conditions.

3.2.2. Other Technical Reports

Traffic & Transport (1 November 2022, 12 March 2023)

First report includes –

- No cycle parking nor staff changing and shower facilities.
- Loading bay adjacent to existing pedestrian route connecting Joseph Ahern Terrace to retail park. Possible conflict between vehicles and pedestrians.
- TTA references Market Green, not Midleton Retail Park
- Autotrack analysis does not show movement for vehicles from north.

Recommends FI on 7 no. items.

Second report states no objection subject to 2 no. conditions.

Environment (19 October 2022, 28 October 2022, 9 March 2023)

First report appears to be non-final (Recommendation not stated)

Second report recommends FI relating to opening hours/delivery hours, number of deliveries per day and further detailing of attenuation capacity of noise barrier.

Third report states no objection subject to 5 no. conditions.

Public Lighting (5 October 2022, 21 February 2023)

First report states no public lighting details submitted, and does not envisage this will be taken over. No objection, subject to 1no. condition.

Second report states that light spill onto adjacent houses needs to be avoided. No objection subject to 1no. condition.

Wastewater Operations/Water Services (14 October 2022, 1 March 2023)

First report states wastewater treatment capacity in Midleton agglomeration is full, and increased capacity may not be available until 2026. Application is not considered to benefit from Water-Rock wastewater diversion project estimated for completion in 2023. Applicant should consult with IW. Recommends grant subject to condition whereby there is full connection agreement with IW.

Second report notes revised pre-connection agreement states connection is feasible but subject to upgrades, the first of which should be completed by Q4 2023. No objection subject to 3no. conditions.

3.3. Prescribed Bodies

Uisce Éireann/Irish Water letter dated 25 October 2022 states no objection. The letter further states

- Wastewater: In order to accommodate the proposed connection, works are required to create additional capacity in the wastewater treatment system. IW is currently progressing two projects to provide additional wastewater treatment capacity, the first of which is due for completion in 2023 (subject to change) and will provide some extra capacity. This capacity will be distributed on a first come, first served basis. Otherwise, capacity will be available on completion of a parallel project circa 2026.
- Water: Existing water network in Midleton Retail Park is not taken in charge by IW. Developer will be required to provide proof of permission to connect to that network from the third party owner at Connection Application stage.
- Standard IW conditions outlined are
 - where connection directly or indirectly to public water/wastewater network operated by IW is proposed, connection agreement must be signed
 - IW infrastructure capacity requirements and proposed connections to infrastructure will be subject to constraints of IW Capital Investment Programme

- development shall comply with IW standards codes and practices

3.4. **Observations to the Planning Authority**

One no. observation was received by the planning authority. The main issues raised therein relate to noise pollution, concerns regarding foul water system, parking, visual impact, loss of privacy, negative effect on bats, lack of perimeter fencing and traffic safety.

4.0 **Planning History**

Relevant planning history on file relating to the overall Midleton Retail Park and on the planning authority's online planning search include:

P.A. Ref. 05/3424: Permission granted in 2006 for phased demolition of Dairygold Co-operative store, construction of temporary road and construction of 4Home DIY store, garden centre, external generator, car parking and ancillary site works.

P.A. Ref. 05/3425: Permission granted in 2006 for retail development consisting of 4 no. retail warehouse units.

P.A. Ref. 15/4457: Permission granted in 2015 for change of use from retail unit to day centre, external play area and internal and external alterations at a stated location of Unit 4, Market Green. However, this site is the southernmost unit in the western block of the Midleton Retail Park. The external play area is shown to be located to the south of this block. This permission has been implemented.

P.A. Ref. 18/456: Permission granted in 2018 to construct an extension to front (north) of Dairygold co-op store for café and extension to existing garden centre.

5.0 **Policy Context**

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

Land Use Zoning and Specific Development Objectives:

The site is zoned Objective ZU 18-17: Town Centres/Neighbourhood Centres

- a) Promote the development of town centres and neighbourhood centres as the primary locations for retail and other uses that provide goods or services principally to visiting members of the public. The primary retail areas will form the main focus and preferred location for new retail development, appropriate to the scale and function of each centre and in accordance with the Retail Strategy. Residential development will also be encouraged particularly in mixed use developments while the use of upper floors of retail and commercial premises in town centres for residential use will in particular be encouraged.
- b) Recognise that where it is not possible to provide the form and scale of development that is required on a site within the core area, consideration can be given to sites on the edge of the core area based on sequential approach.

Appropriate Uses under this zoning include retail.

The site forms part of a much larger area to which **Specific Development Objective MD-T-06** applies (Vol. 4): To provide for the development of non-retail town centre uses including office based employment, leisure, civic or healthcare uses and retail warehousing uses selling bulky format goods. Residential use at first floor level or above would also be acceptable in principle as part of a mixed-use scheme. This area is not suited to comparison shopping.

(In terms of detail, Objective MD-T-06 is indicated in Vol. 4 to comprise 7.09ha. In contrast, Development Plan online mapping indicates that it comprises 5.55ha).

It is stated (at Section 3.3.60; Vol. 4) that the area zoned as MD-T-06 was originally developed for retail warehousing and this site needs to retain this role into the future, providing for the sale of bulky goods only that will not undermine the role of the other established retail areas, especially the town centre. The area includes the fire station and a number of undeveloped sites which would be suitable for the development of non-retail town centre type uses such as office-based employment, leisure, healthcare or other civic type uses.

Other land use zonings and Specific Development Objectives in the vicinity are -

- Objective MD-T-06 lands are bounded to east by **Specific Development Objective MD-T-03** (Vol. 4), which is to provide for the development of a mix of town centre type uses, including retail in this ancillary retail area at a scale that will not undermine the Existing Town Centre MD-T-01. Proposals should include protection of the River Corridor, any development shall take into consideration Inland Fisheries Ireland guidelines, 'Planning for Watercourses in the Urban Environment'. *Flood Risk.
- Lands to the west and south of the site are zoned **Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses**. Section 18.3.3 (Vol. 1) states that the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. It notes (at Section 18.3.8) that problems can arise however, with the introduction of a new use or when the intensification or expansion of an existing use that is not the primary use in an area upsets the balance between different uses.

Vol. 1: Main Policy Material

Chapter 9: Town Centres and Retail

Objective TCR 9-3: Retail Hierarchy Facilitate a competitive and healthy environment for the retailing industry into the future which provides for adequate choice in appropriate locations whilst ensuring that future growth in retail floorspace is broadly with the identified Retail Hierarchy set out in Table 9-1.

Table 9-1 (set out under Objective TCR 9-3) **Retail Network/Hierarchy and Objectives (set within County and Metropolitan Context)** includes Middleton in Sub-Regional/Large Metropolitan Towns category. It outlines a preference for retail park developments to locate in or adjacent to Town Centres, to ensure the potential for linked trips and commercial synergy, and cautious approach to proposals for edge/out of town retail warehouse developments.

Objective TCR 9-6: Support the vitality and viability of the metropolitan towns and to ensure that such centres provide an appropriate range of retail and non-retail functions to serve the needs of the community and respective catchment areas, with an emphasis on convenience and appropriate comparison shopping.

Objective TCR 9-16: Retail Warehousing

a) The preferred location for new retail warehousing/bulky goods floorspace is in or adjacent to town centres. Proposals in other locations will normally be discouraged. Individual settlement plans may identify suitable locations for retail warehousing where an identified need is demonstrated.

b) The range and type of goods sold from such developments should be restricted to bulky goods as defined in Annex 1 of the Retail Planning Guidelines. Ancillary products should not exceed 20% of the total net retail floorspace

Section 9.8.1 includes that proposals for significant retail development would normally be expected to be supported by a full Retail Impact Assessment the requirement for which may be determined by the planning authority. Criteria to be demonstrated include that the floorspace proposed is appropriate having regard to the quantum and location of floorspace required in that centre.

It is stated (**at Section 9.9.1**) that Cork County Council will continue to take into account the floorspace potential figures agreed in the 2013 Joint Retail Strategy and included within the 2014 Cork County Development Plan until such time as a new Joint Retail Strategy is finalised.

Development Plan Mapping:

The site is located within Flood Zone C.

The nearest Flood Zone A and Flood Zone B are approx. 275m and approx. 250m to north east respectively.

5.2. Metropolitan Cork - Joint Retail Strategy 2013

The strategy indicates (at Table 1) 7,407sqm of existing retail warehousing/bulky goods net retail floorspace in Midleton. It states that the capacity assessment of the retail study demonstrates that there is potential for additional retail warehouse development over the period of the strategy of 57,555sqm by 2022 (Metropolitan Area). The key consideration in determining floorspace distribution is the appropriate and sustainable location for such retail activity.

Policy 13: Retail Warehousing / Bulky Goods To improve the quality of retail warehouse / bulky goods floorspace throughout the Metropolitan area, in accordance with the retail hierarchy and settlement strategy. The preferred location for new retail warehousing/bulky goods floorspace is within or adjoining District Centres and town centres within Large Metropolitan Towns, as opposed to the development of out-of-town retail parks or locating within industrial estates/business parks.

5.3. Retail Planning Guidelines 2012

- 5.3.1. The Guidelines state (at Section 2.5.1) that future retail development should be planned following the settlement hierarchy, including the identification of retail requirements and appropriate planning policies and objectives.
- 5.3.2. The Guidelines define a Retail Warehouse as a large single-level store specialising in the sale of bulky household goods such as carpets, furniture and electrical goods, and bulky DIY items, catering mainly for car-borne customers. A non-exhaustive list of examples of bulky goods set out in the Guidelines include –
- goods generally sold from retail warehouses where DIY goods or goods such as flatpack furniture are of such size that they would normally be taken away by car and not be portable by customers travelling by foot, cycle or bus, or that large floorspace would be required to display them
 - tools and equipment for the house and garden
- 5.3.3. Section 4.11.2 states that in order to minimise potential adverse impacts on central areas it is important that the range of goods sold in both existing and any future retail parks is tightly controlled and limited to truly bulky household goods or goods which are not portable by customers travelling by foot, cycle, or bus. While there are ancillary items associated with bulky goods, it recommends that the retail floorspace devoted to such ancillary products should not exceed 20% of the total net retail floorspace of the retail unit and such space to be clearly delineated on the planning application drawings to facilitate future monitoring and enforcement.
- 5.3.4. It is also stated that generally units of less than 700sqm gross floorspace are more easily capable of being accommodated in urban centres and tend to sell a less bulky range of goods. Planning authorities may consider it appropriate to impose a

minimum size condition preventing the construction or subdivision of retail warehouse units into stores less than 700sqm in out-of-centre locations.

5.4. Natural Heritage Designations

The site is not located in or adjacent to any European site. The nearest European sites are:

- Cork Harbour SPA (Site Code 004030) is approx. 640m to south.
- Great Island Channel SAC (Site Code 001058) is approx. 640m to south.

Great Island Channel pNHA (Site Code 001058) is approx. 640m to south.

5.5. EIA Screening

See completed Form 1 and Form 2. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. EIA, therefore, is not required.

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal may be summarised as follows:

- 14 and 15 Joseph Ahern Terrace to the west of the development are approx. 2m higher than the new unit. The height of the external plant is between 2.4m – 3.9m. This is higher than the 2m high acoustically absorptive noise barrier.
- Noise pollution likely to have been underestimated. Noise measurements in the Technical Report were taken during the day. Noise at night travels further and sound is clearer.

- The 2m noise barrier reaches ground level of 14 and 15 Joseph Ahern Terrace. It does not provide effect noise reduction as direct line of sight is maintained from ground and first floor windows. This would negate the -6db effect of the noise barrier bringing estimated noise level to over 55 dBA level.
- Height of reversing beeper, trailer and engine of articulated trucks is approx. 1.3m. Noise produced from any pallet trucks or forklifts working at this height would further mitigate the effectiveness of the sound absorbing barrier.
- Delivery truck events of 1 delivery a day is grossly underestimated. Nearby existing retail units taken an average of 4-5 deliveries a day, with the anchor tenant Dairygold Co-op taking 20-30 deliveries a day.
- Raised pedestrian crossing will necessitate the use of air brakes in the case of any trucks driving over it.
- Present car park has 411 spaces. Reduction of 48 spaces and use of estimated 10 spaces by employees will have significant impact on present capacity. One new unit (Sound Store) has been built in neighbouring Market Green retail park. Planning permission granted for fast-food drive through and restaurant (Dinos; P.A. Ref. 20/4286), and there is an application for a car showroom (Keary Motor Ltd.; P.A. Ref. 22/5604).
- Water Rock Development of circa 2500 new houses, schools and railway station approx. 1km from the unit is proposed. This will further increase demand for parking in Midleton. The location of another retail unit will increase movement of business from the town centre.
- Severe impact on the visual aspect of 14 and 15 Joseph Ahern Terrace
- Decrease in natural light reaching east facing rooms of No.s 14 and 15.
- Lack of any perimeter fencing around the loading bay and yard will lead to unsightly views of pallets, recycling and rubbish, would attract vermin and possible anti-social behaviour. Recycling and rubbish bins can be set on fire and are a target for anti-social behaviour.
- There is a lot of bat activity in the area, particularly in the south western corner of the site.

- Danger to pedestrians. The 2m sound absorption wall adjacent to pedestrian crossing point on the western perimeter will decrease visibility and vision of truck drivers and pedestrians. Condition 4 will not be sufficient to guarantee safety of pedestrians using raised uncontrolled pedestrian crossing. This is a very busy crossing as it is used as a shortcut to the nearby soccer pitch for the rest of the town. Ramp is used by local wildlife including hedgehogs.
- Property value depreciation: Submitted valuation report states the open market value of third party's dwelling is approx. €230,000 as of March 2023. If structure is built the market value of the property would be approx. €200,000.

6.2. **Applicant Response**

None

6.3. **Planning Authority Response**

The planning authority's response states that it is of the opinion that all relevant issues have been covered in the technical reports already forwarded to the Board and that it has no further comment.

6.4. **Observations**

None

7.0 **Assessment**

7.1. Having examined the application details and all other documentation on file, including all of 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 to be considered are as follows:

- Compliance with County Development Plan – Land Use Zoning

- Traffic and Transportation
- Noise
- Residential and Visual Amenities
- Devaluation
- Ecology
- Other Issues – Development Contributions
- Retail Impact Assessment - New Issue
- Conclusion

7.2. Compliance with County Development Plan – Land Use Zoning

- 7.2.1. The site is located within the existing Midleton Retail Park. The separate Market Green development comprising Market Green Shopping Centre and Market Green Plaza are located to the east, with Market Green Retail Park located to the north of Midleton Retail Park. While some signage relating to the retail areas is in place, it was noted on site inspection that the road layout and car parking areas associated with the retail parks and shopping centre lend themselves to an overall interconnected retail park/retail environment appearance.
- 7.2.2. The subject site and the wider retail park areas are zoned ZU 18-17: Town Centres/Neighbourhood Centres. Appropriate Uses include retail. The proposed structure is annotated as Proposed Retail Unit 9 on the lodged drawings. The site forms part of a much larger area to which Specific Development Objective MD-T-06 applies, where it is an objective to provide for the development of non-retail town centre uses including retail warehousing uses selling bulky format goods, and whereby it is also stated that this area is not suited to comparison shopping. Having regard to Specific Development Objective MD-T-06, I consider that in terms of land use that the provision of a retail warehouse would be in compliance with this specific development objective and in compliance with the Development Plan.
- 7.2.3. The grounds of appeal include concerns that the retail unit will increase movement of business from the town centre. In the event that the Board was minded to grant permission, I consider that this matter could be adequately addressed by attachment

of a condition which stipulates that the range of goods to be sold in the proposed development shall be limited solely to bulky goods, as defined in Annex 1 of the Retail Planning Guidelines, 2012.

7.3. Traffic and Transportation

Parking

- 7.3.1. Midleton Retail Park is located on lands zoned Town Centre/Neighbourhood Centres. The site outlined in red shows 30 spaces within the site boundary, 2no. of which are disabled spaces and 1no. is a parent and child space. Subsequent to the FI response lodged on 15 February 2023, Unsolicited FI comprising a revised Traffic/Transport Assessment/Statement was lodged on 10 March 2023, which is stated to include minor text amendments. This Unsolicited FI response clarifies that the proposed development would result in the loss of 48no. car parking spaces, thereby reducing the number of available spaces in Midleton Retail Park from 471 to 428. I note that this would be a 9.1% reduction.
- 7.3.2. The FI response outlines that Midleton Retail Park includes the c.3,733sqm anchor Co-op store and 4 no. retail warehouse units comprising c. 3,036sqm. It states that both parent permissions P.A. Ref. 05/3424 and P.A. Ref. 05/3425 provided a total of 471 parking spaces. On the basis of a maximum parking standard of 1 space per 25sqm for retail warehouse use, as per Table 12.6 of the current Development Plan, it estimates that the total existing and proposed development (at 7,533sqm) equates to a maximum of 301no. parking spaces. It is also stated that the entire of Midleton Retail Park contains 1,100 parking spaces. However, I note that the extent of the area to which the stated 1,100 spaces relates is not delineated.
- 7.3.3. Based on the floor areas of the referenced parent applications dating to 2005, and to the 764sqm GFA of the proposed development, I consider that the reduction in car parking spaces by 48no. within the overall retail park would be acceptable and would not be in conflict with the maximum car parking ratios set out in Table 12.6 of the current Development Plan.
- 7.3.4. With regard to cycle parking, the FI response states that the Proposed Site Plan (Drawing No. 0104; Rev. B) shows 4no. long stay and 2no. short stay cycle spaces. This number of spaces is in accordance with Table 12.9 of the current Development Plan, which requires minimum 1 long stay space per 200sqm GFA and 1 short stay

space per 500sqm GFA.

Deliveries/Vehicular Access

- 7.3.5. The proposed development would be serviced from the existing segregated delivery route. Delivery vehicles would access the loading bay at the rear (west) of proposed Unit 9, and exit the site along the rear of the existing retail warehouse, further north on this one-way vehicular route. The FI Traffic/Transport Assessment/Statement shows (at Appendix A) the entry and exit for 10m rigid long-wheelbase trucks at the rear (west) of the proposed unit. Two loading bays are proposed. The drawings in Appendix A indicate that access and egress from the southern loading bay requires the vehicle to partially traverse the northern loading bay. This would suggest that only one loading bay could be used at a time.
- 7.3.6. In terms of deliveries, the FI response states that typically there will be 1no. delivery per day. The worst case scenario would be 1-3 vehicles per day, including refuse collections. Deliveries will be primarily by long wheelbase transit vans, short wheelbase trucks, and 1-2 HGV trucks per week may be expected. These are stated to be mainly at off-peak trading times and are planned to occur in early morning.
- 7.3.7. The loading bays are approx. 22m east of 13 and 14 Joseph Ahern Terrace. With regard to the approx. up to 3 deliveries/refuse collections per day, I note that this would be additional to deliveries/refuse collection serving the existing retail warehouse to the north. Such loading/servicing relating to that premises takes place to the rear of that existing block, an area that is well screened to the west by mature evergreen trees.
- 7.3.8. I consider that the number of deliveries to serve the proposed development would not adversely impact on the residential amenities of the area in terms of additional traffic generated and would be acceptable in this regard. However, the matter of noise impacts associated with deliveries is discussed elsewhere in this report.
- 7.3.9. I note that the grounds of appeal include concerns regarding the lack of any perimeter fencing to the rear of the proposed unit, and the potential for unsightly views of pallets, recycling and rubbish. With regard to perimeter fencing, I note that a 2m high acoustic barrier is proposed to south of the loading space/drop-off area only. I consider that the loading/delivery of goods and waste management are operational matters that can be addressed by way of condition, such as no external storage of

material or other items. While the proposed ground floor plan shows a 71.92sqm Goods in + Storage area, I note that neither the floor plan nor the site layout show any bin storage areas. In the event that the Board was minded to grant permission, it may consider it appropriate in this case to attach a condition requiring operational waste management proposals including a revised floor plan which shows an internal bin storage area to be submitted for written agreement of the planning authority. Having regard to the current overall floor plan, I note that the provision of same may have consequent impacts on the overall internal layout.

Ramp/Proposed Acoustic Barrier

- 7.3.10. A 2m high acoustic barrier is shown on FI site plan to be positioned generally along the eastern side of the ramp near Joseph Ahern Terrace, such that it is placed directly either side of the proposed (non-signalised) pedestrian crossing. For clarity, there are no existing road markings for a pedestrian crossing to traverse the vehicular delivery route. The acoustic barrier extends 5.5m to the north of the pedestrian crossing, and 23.7m to the south, such that there is an approx. 2.5m 'gap' at the crossing.
- 7.3.11. While the number of vehicles servicing the proposed retail warehouse is stated to be up to 3 per day, which by itself is relatively limited, this would be in addition to servicing/deliveries to the existing premises to the north. I note that the FI landscape masterplan annotates a raised table speed control at the entrance to the delivery route from the retail park internal circulation route. There is a bend on the approach from the south towards the existing unmarked pedestrian crossing point.
- 7.3.12. Notwithstanding that the existing delivery route is a one-way system, I note that the Autotrack drawing of 10m rigid truck entering the loading area would drive forward of the proposed pedestrian crossing before reversing into the loading bay. I would have concerns that the provision of a 2m high solid barrier directly adjacent to the ramp egress would limit visibility for pedestrians and other vulnerable road users using this pedestrian connection accessing the site from the west, and particularly in the context of a 10m rigid truck reversing into the loading bay, thereby endangering public safety by reason of traffic hazard.
- 7.3.13. I consider that the matter of inadequate visibility for pedestrians and other vulnerable road users could be addressed by the omission/partial omission of the acoustic

barrier. In the event that the Board was minded to grant permission for the proposed development it may consider it appropriate to attach a condition requiring the omission of the entire 5.5m length of acoustic barrier to the north of the ramp access, and approx. 6m length to the south of same to improve visibility.

- 7.3.14. However, while the matter of traffic safety could be addressed by way of condition, the partial omission of the acoustic barrier at this location may have implications for potential noise impacts generated by the proposed development, and this is discussed further in the following section.

7.4. Noise

- 7.4.1. In terms of site context, the substantially larger retail warehouse block north of the proposed retail warehouse unit is in the range of approx. 22m to 30m from dwellinghouses at Joseph Ahern Terrace. There is a row of mature evergreen trees backplanted along the western site boundary of that retail warehouse block, such that these trees significantly screen that development from Joseph Ahern Terrace at that location.
- 7.4.2. The rear of proposed Unit 9 would be visible from the public realm and a number of houses at Joseph Ahern Terrace, but principally from No.s 13, 14 and 15 due to the 12m wide ramp between the public road to the west and the retail park at a lower level to the east. Having regard to the site configuration and mature trees on the western boundary, views of Unit 9's front (north) elevation would be more limited.
- 7.4.3. The survey results for Location 1 (at the ramp) in the Noise Impact Assessment lodged with the application state that daytime noise levels were in the range of 48 to 50dB LAeq and 43 to 45dB LA90.
- 7.4.4. The plans and particulars on file differentiate between noise relating to plant and to deliveries arising from the proposed development.
- 7.4.5. External plant on a steel frame is proposed on the rear (west) elevation of Unit 9. (In terms of detail, a separate internal plant room is also shown on the ground floor plan). The Noise Impact Assessment states that plant will consist primarily of ventilation units, and that as plant design has not been completed, it recommends that selected plant does not exceed 65dB LAeq at a distance of 1m, or to have noise control measures such as acoustic louvres/attenuators incorporated to achieve

same. It further states that taking into consideration this noise level along with corrections for distance, screening and the presence of nearby reflecting surfaces, the resultant noise levels are predicted to be 28dB LAeq at Joseph Ahern Terrace and 24dB LAeq at Cork Road (to south).

7.4.6. With regard to deliveries, it states that noise level at a distance of 10m from a typical retail store delivery service yard is 64dB LAeq, 1 hr. Including *inter alia* the noise barrier wall, noise levels would be 50dB LAeq at dwelling façades to west (Joseph Ahern Terrace) and 46dB LAeq at those to south. With regard to the proposed 2m high noise barrier fencing walls along the delivery truck loading area boundary, it states (at Section 6.2 Delivery Truck Events) that the fencing core shall not have holes or gaps. The Noise Impact Assessment does not appear to refer to the approx. 2.5m wide gap in the acoustic barrier fencing at the pedestrian crossing point which provides access to the ramp leading to Joseph Ahern Terrace. I note however that Fig. 5 of this document indicates 3 locations for the proposed acoustic noise barriers, and the gap at the pedestrian crossing does not appear to be included.

7.4.7. FI was sought to further detail the attenuation capacity of the proposed 2m high noise barrier in the context of potential noise arising from all noise generating events and plant equipment. The FI response outlines the 50dB(A) sound pressure level at Joseph Ahern Terrace dwellings is based on:

- Sound pressure level at source: 64dB(A), at 10m
- Noise reduction with distance to dwellings (from 10m to 26m): -8dBb(A)
- Noise reduction of absorptive barrier wall: -6dBb(A)

7.4.8. Having regard to the summary calculation outlined above, it would therefore appear that if the proposed acoustic barrier wall is not provided, the sound pressure level at John Ahern Terrace would be 58dB(A).

7.4.9. I note that the Environment Report on the FI response states no objection, subject to 5no. conditions. The planning authority's Condition 7 states that noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed 55dBA (30 minute LAR) between 0700 hours and 1900 hours, 50dBA (30 minute LAR) between 1900 hours and 2300 hours and 45dBA (15 minute Leq) between 2300 and 0700 hours. In this regard therefore I note, based on

the information on file, that the non-provision of the acoustic barrier would result in sound pressure level at John Ahern Terrace (58dB(A)) exceeding the 55dBA stated in Condition 7.

7.4.10. While I consider that the more southerly part of the proposed acoustic barrier could be provided over a length of approx. 17m without adversely impacting on traffic safety, it is estimated that this reduced length would have a consequent reduced impact on mitigating noise levels arising from delivery/service vehicles.

7.4.11. The FI response, as set out in the acoustic specialist's letter, relating to noise impacts states that the predicted delivery event noise emission level is expected to only occur for an hour per day on the days that deliveries are made. The separate FI cover letter proposes that the retail warehouse will operate:

Monday – Wednesday: 09:00-18:00hrs

Thursday – Friday: 09:00-19:00hrs

Saturday: 09:00-18:00hrs

Sundays and public holidays: 12:00 – 18:00hrs

It is further stated that deliveries are to be made at off-peak trading times, typically in the morning.

7.4.12. I note that the planning authority's Condition 3 requires *inter alia* specific time for delivery vehicles to be agreed.

7.4.13. However, having regard to the infrequent nature and short duration of the proposed deliveries, I consider that subject to deliveries being permitted during daytime hours only, as set out in the FI cover letter, and limited to Monday-Saturday inclusive only, that the anticipated noise levels exceeding 55dBA, due to the recommended partial omission of the acoustic barrier, over a limited timeframe would be acceptable in this instance.

7.4.14. It is recommended that a condition is also attached regarding maximum noise levels at all other times.

7.4.15. With regard to the proposed plant, I note that the predicted noise levels arising from same are stated to take account of screening. The recommended condition specifying maximum noise levels would also apply to the proposed plant. However, notwithstanding the plant's distance at approx. 30m from the nearest dwelling at

Joseph Ahern Terrace, I consider it reasonable in this instance that the plant be enclosed. It is recommended that this matter be addressed by condition.

- 7.4.16. With regard to operating times, it would appear that the FI response does not specifically refer to proposed opening (trading) hours, as distinct from deliveries. In the event that the Board was minded to grant permission, it is recommended that the retail warehouse unit's operating hours, as set out in the applicant's submission of 15 February 2023, are confirmed by condition, in the interests of clarity.

7.5. Residential and Visual Amenities

- 7.5.1. Noise impacts are set out under the previous section.
- 7.5.2. With regard to other impacts on the residential and visual amenities of the area, it is noted that the 'front' (north) elevation incorporates the proposed entrance, and the 'rear' elevation faces Joseph Ahern Terrace to west. Due to the absence of mature screen planting at the location of the ramp, the proposed development would be visible from some dwellings at Joseph Ahern Terrace. The overall height of the proposed Unit 9 is generally 8.54m, with an increase in height to 9.51m at the north eastern corner, i.e., the customer entrance location. The FI site plan shows that the proposed structure would be 32.2m from the front elevation of 13 Joseph Ahern Terrace, although I note that it would be slightly closer to the new dwelling at 13A Joseph Ahern Terrace (not shown). The proposed structure would have an approx. 17m minimum separation distance from the western site boundary.
- 7.5.3. The finished floor level of Unit 9 is shown as 7.5m OD. Section A-A lodged with the application shows 8.2 OD at Adjoining Estate Road (Joseph Ahern Terrace). While I note the separation distances from properties to the west, and that Joseph Ahern Terrace is at a slightly higher level, some overshadowing of these residential properties to the west would occur in the early part of the day as a result of the proposed development. However, I consider that such overshadowing would not be seriously injurious to the residential amenities of the area.
- 7.5.4. For comparison, the large retail warehouse block to the north has an overall height of 8.3m generally, increasing to 9.6m at entrances to premises, and sloping down to a lower 6.1m height along its rear (west) elevation, as shown on P.A. Ref. 15/4457.
- 7.5.5. Having regard to the overall height, scale and design of the proposed retail

warehouse unit, located within an existing retail park, and its separation distance to properties to the west which are located at a slightly higher level, I consider that the proposed development would be acceptable in terms of its impacts on the residential and visual amenities of properties to the west and the south.

- 7.5.6. For clarity, there would appear to be discrepancies in the height of Unit 9 shown on the FI Landscape Masterplan drawing. The building shown would be approx. 17m in height based on 1:200 scale, which is inconsistent with the heights annotated on other planning drawings on file.

7.6. Devaluation

- 7.6.1. Concerns are raised in the grounds of appeal in respect of the devaluation of third party's property. A valuation report lodged with the appeal states that the open market value of this property as of March 2023 is approx. €230,000 and that if the structure is built, the market value would be approx. €200,000. Obstruction of natural light and a change in the overall view of the house are cited.
- 7.6.2. With regard to obstruction of natural light, as outlined previously, I consider that while the proposed Unit 9 would result in some overshadowing of residential properties to the west, this however is not considered to result in serious overshadowing.
- 7.6.3. With regard to visual impact, I note that the rear of the premises would be visible from the third party's property at 15 Joseph Ahern Terrace. The area to the rear (west) of the proposed retail warehouse would appear to have an open character whereby no physical boundaries are indicated, save for a 2m high acoustic barrier to south of loading bay/delivery area. As outlined previously, it is recommended that in the event that the Board was minded to grant permission, that a condition is attached stipulating that there shall be no external storage of materials, waste or other items.
- 7.6.4. However, having regard to the assessment and conclusion set out above, including matters relating to deliveries and waste management, I am satisfied that subject to conditions the proposed development would not seriously injure amenities of the area to such an extent that would adversely affect value of property in the vicinity.

7.7. Ecology

- 7.7.1. The grounds of appeal state that there is a lot of bat activity in the area, particularly in the south western corner of the site.

- 7.7.2. On site inspection I noted that there are existing lighting columns in the south western area of the site, along the delivery route adjacent to the mature evergreen trees at this location. As previously outlined, the site is located within an existing retail park, and adjoining lands to the west and south are mature residential areas zoned Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses. I note that the subject site is not within the green infrastructure area shown on the Midleton Green Infrastructure Diagram (Fig. 4.3.4 – Vol. 4). The nearest ZU 18-13: Green Infrastructure zoned areas are located approx. 230m to west (Midleton FC) and approx. 250m to north east (lands bounding Owenacurra River, to rear of Millbrook housing scheme).
- 7.7.3. The approx. 12m wide gap in the row of substantial evergreen trees along the western boundary has been previously outlined. On the basis of the plans and particulars on file, no additional fragmentation in existing planting appears to be proposed. I note that the submitted AA screening report does not raise any issues in relation to bats. AA screening is addressed elsewhere in this report.
- 7.7.4. Having regard to the nature and scale of the proposed development within the built-up urban environment, the existing development on site and adjoining sites, the presence of existing lighting columns along the delivery route which extends from the south eastern corner of the site to the rear of the existing retail warehouse building to the north, I consider that the proposed development would not be likely to adversely impact on bats. In addition, any potential lightspill arising from the proposed development could be addressed by standard design features. In the event that the Board was minded to grant permission, this matter of lighting/lightspill could be addressed by way of condition requiring the submission of an external lighting design for the proposed development to be agreed prior to commencement of development.

7.8. Other Issues – Development Contributions

- 7.8.1. The Supplementary Development Contributions Scheme - Cobh/Midleton - Blarney Suburban Rail Project, under Section 49 of the Planning & Development Act, 2000, was adopted by Council on 23 February 2004. The Scheme applies to areas which are *inter alia* (a) within 1 kilometre of the Cork-Midleton lines and (b) in the functional area of Cork County Council.
- 7.8.2. Cork County Council's Development Contribution Scheme (DCS) rates applicable

from 1 January 2014 include a Supplementary Scheme relating to rail corridor only. A contribution is applicable for retail development within 0.5km. I estimate that the subject site is approx. 0.75km from Midleton rail station, as measured directly. Having regard to the retail nature of the proposed development, and the distance of same in excess of 0.5km from the rail station, it is considered that the supplementary development contribution scheme is not applicable in this case. I note that the planners' reports on file outline that the supplementary scheme does not apply to the proposed development.

- 7.8.3. For clarity, the site is not within the Water-Rock Development Contribution Scheme (2021-2041) area.

7.9. Retail Impact Assessment - New Issue

- 7.9.1. The Development Plan sets out (at Section 9.8.1) that proposals for significant retail development would normally be expected to be supported by a full Retail Impact Assessment, the requirement for which may be determined by the planning authority. In this case the planning authority considered that as the proposal is in a town centre zoned location within an existing retail park identified as being suitable for such uses, a retail impact assessment is not warranted.
- 7.9.2. The current Development Plan states that Cork County Council will continue to take into account the floorspace potential figures agreed in the 2013 Joint Retail Strategy and included within the 2014 Cork County Development Plan until such time as a new Joint Retail Strategy is made. I note that the Metropolitan Cork Joint Retail Strategy, December 2013 (accessed online on 23 July 2024), sets out a baseline figure of 7,407sqm net retail floorspace for retail warehousing/bulky goods in Midleton, and also potential for additional retail warehouse development over the period of the Strategy, namely 57,555 sqm by 2022, within the Metropolitan Area.
- 7.9.3. The information on file indicates that the combined two original 'parent' planning permissions for Midleton Retail Park amount to GFA 6,769sqm, although this does not take account of the wider Market Green retail park development.
- 7.9.4. Having regard to the current Development Plan's Specific Development Objective MD-T-06, and to the content (at Section 3.3.59; Vol. 4) that the preference for retail park developments is to locate in or adjacent to the town centre to ensure the potential for linked trips and commercial synergy, I consider that the principle of

providing a 764sqm GFA (600sqm net) retail warehouse at this location is acceptable in principle.

- 7.9.5. I note that the Retail Planning Guidelines state (at Section 4.11.2) that generally units less than 700sqm GFA can be more easily accommodated in urban centres and tend to sell a less bulky range of goods, and that planning authorities may consider imposing a minimum size condition preventing subdivision of retail warehouse units into stores less than 700sqm in out-of-centre locations. I note that the subject site is located on town centre zoned lands (Objective ZU 18-17), as opposed to an out-of-centre location. However, while the proposed 764sqm GFA is also slightly above the 700sqm referred to in the Guidelines, and as outlined previously in the report (under Compliance with County Development Plan – Land Use Zoning) it is recommended that in the event that the Board is minded to grant permission, that a condition is attached which stipulates that the range of goods to be sold in the proposed development shall be limited solely to bulky goods, as defined in Annex 1 of the Retail Planning Guidelines, 2012.
- 7.9.6. Accordingly, while I note the absence of a retail impact assessment, having regard to the location of the subject site within Midleton Retail Park and its proximity to the adjoining Market Green Retail Park and shopping area, its connectivity to the wider town centre and retail areas of Midleton, the size of the proposed development and subject to the inclusion of a condition limiting the sale of goods to bulky goods only, I consider that the provision of a 600sqm net retail warehouse unit would be acceptable in this case.
- 7.9.7. However, in the event that the Board consider that a retail impact assessment is warranted in this instance, I highlight that this is a new issue and that circulation to the parties may be required.

7.10. Conclusion

- 7.10.1. Having regard to the nature and scale of the proposed development, located on lands zoned Objective ZU 18-17: Town Centres/Neighbourhood Centres and to which Specific Development Objective MD-T-05 of the Development Plan applies, I consider that the provision of a detached retail warehouse unit within the existing Midleton Retail Park would be in compliance with the land use zoning objective of the site and would be acceptable in principle.

7.10.2. I note also that lands to the west and south of the site are zoned Objective ZU 18-9: Existing Residential/Mixed Residential and Other Uses, whereby the objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities. With regard to concerns raised relating to traffic safety due to the proposed provision of acoustic barriers, I note that the partial omission of these acoustic barriers, to address traffic safety concerns, may have implications for noise levels generated by the proposed development, principally due to deliveries. However, it is considered that subject to the attachment of suitable conditions, concerns relating to traffic safety and noise impacts on nearby residential properties can be adequately addressed. Accordingly, permission subject to conditions is recommended.

8.0 AA Screening

- 8.1. I have considered the proposed development in light of the requirements of S177U of the Planning and Development Act 2000 (as amended). The site is not located in or adjacent to a Natura 2000 site.
- 8.2. The site is located
- Approx. 640m north of Cork Harbour SPA (Site Code 004030)
 - Approx. 640m north of Great Island Channel SAC (Site Code 001058)
- 8.3. The proposed development comprises the construction of a 764sqm retail warehouse unit and all site development works, including the removal of 48 no. existing car parking spaces, all on a 0.319ha site. The subject site is located within the surface car park of an existing retail park in Midleton town centre.
- 8.4. The FI response includes a revised IW/UE Confirmation of Feasibility (CoF) which states
- Water connection feasible without upgrade by IW.
 - Wastewater connection feasible subject to upgrades. IW is currently progressing two projects to provide additional wastewater treatment capacity, the first of which is proposed for completion in Q4 2023 (subject to change).

- 8.5. Owenacurra River is at its nearest point approx. 275m north east of the subject site. The site is located within Flood Zone C. The nearest Flood Zone A and Flood Zone B are approx. 275m and approx. 250m to north east respectively.
- 8.6. No streams/watercourses have been identified on site.
- 8.7. Documentation lodged with the application includes Screening Report for AA. It concludes that
- the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on any European sites in view of their conservation objectives and on the basis of best scientific evidence and that there is no reasonable scientific doubt as to that conclusion, and
 - screening has resulted in a finding of no significant effects and as such a Stage 2 Appropriate Assessment is not required.
- 8.8. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European site. The reason for this conclusion is as follows:
- The location of the site in a surface car park within an existing retail park
 - The nature of the works proposed which are on serviced lands
 - The distance to the nearest European sites, and the absence any hydrological or other pathways,

I conclude on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (Stage 2) under Section 177V of the Planning and Development Act 2000, as amended, is not required.

9.0 Recommendation

I recommend permission be granted for the proposed development.

10.0 Reasons and Considerations

Having regard to the location of the site within an existing retail park on serviced lands within Midleton town centre, and to the nature and scale of the proposed development, it is considered that the proposed development would be in compliance with Objective ZU 18-17: Town Centres/Neighbourhood Centres and Specific Development Objective MD-T-06 of the Cork County Development Plan 2022-2028 and subject to the conditions set out below, would not seriously injure the visual or residential amenities of the area, and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1.	<p>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 received by the planning authority on 15 February 2023 and 10 March 2023 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.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Prior to commencement of development, revised drawings shall be submitted to the planning authority which shall show:</p> <p>(a) The omission of the proposed acoustic barrier north of the proposed pedestrian crossing, i.e., the crossing adjacent to the existing ramp access to Joseph Ahern Terrace;</p> <p>(b) The omission of the proposed acoustic barrier for a 6m distance south of the pedestrian crossing.</p> <p>Reason: In the interest of traffic safety.</p>
3.	<p>Prior to commencement of development, details of a raised uncontrolled pedestrian crossing to be provided traversing the delivery access route, as shown on Proposed Site Layout submitted as Further Information on 15 February 2023, shall be submitted to and agreed in writing by the planning authority.</p> <p>Reason: In the interests of traffic safety.</p>
4.	<p>(a) Prior to commencement of development, an operational waste management plan shall be submitted to an agreed in writing by the planning authority. Proposals to be submitted shall include revised drawings showing the provision of a bin storage area within the proposed structure.</p> <p>(b) No goods, raw materials, waste products or other items shall be placed or stored between the rear (west) of the proposed warehouse unit building and the adjoining delivery route.</p> <p>Reason: In the interest of public health and the visual amenities of the area.</p>
5.	<p>The delivery times for the proposed development shall be during daytime hours only, in accordance with Further Information submitted on 15 February 2023. No deliveries shall be taken at or dispatched from the premises at any time on Sundays or public holidays.</p> <p>Reason: To protect the residential amenities of the area.</p>

6.	<p>(a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location shall not exceed:-</p> <p>(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.</p> <p>(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.</p> <p>(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.</p> <p>Reason: To protect the residential amenities of property in the vicinity of the site.</p>
7.	<p>All plant shall be enclosed and soundproofed in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To safeguard the amenities of adjoining property.</p>
8.	<p>Prior to commencement of development, an external lighting design for the proposed development shall be submitted to an agreed in writing by the planning authority.</p> <p>Reason: In the interests of residential amenities and orderly development.</p>
9.	<p>The hours of operation shall be:</p> <p>Monday – Wednesday: 09:00-18:00hrs</p> <p>Thursday – Friday: 09:00-19:00hrs</p> <p>Saturday: 09:00-18:00hrs</p> <p>Sundays and public holidays: 12:00 – 18:00hrs</p> <p>Reason: In the interests of residential amenities and in the interests of clarity.</p>

10.	<p>No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of planning permission.</p> <p>Reason: In the interest of visual amenity.</p>
11.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
12.	<p>Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Uisce Éireann.</p> <p>Reason: In the interest of public health.</p>
13.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
14.	<p>Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of the visual amenities of the area.</p>

15.	<p>The range of goods to be sold in the proposed development shall be limited solely to “bulky goods” (as defined in Annex 1 of the Guidelines for Planning Authorities Retail Planning issued by the Department of the Environment, Community and Local Government in April, 2012).</p> <p>Reason: In order to prevent an adverse impact on the viability and vitality of the area, and so as not to undermine the retail hierarchy of the area.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
18.	<p>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</p>

	<p>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.</p> <p>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.</p>
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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.

Cáit Ryan
Senior Planning Inspector

23 July 2024

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference	ABP-316202-23			
Proposed Development Summary	Construction of single-storey retail warehouse unit (GFA 764sqm; net retail area 600sqm); loading area, signage, external plant, noise barrier fences and all site development, landscaping and drainage works, including removal of 48 no. surface car parking spaces.			
Development Address	Midleton Retail Park, Knockgriffin (Imokilly), Midleton, Co. Cork.			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X	
		No	No further action required	
2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?				
		Threshold	Comment (if relevant)	Conclusion
No		N/A		No EIAR or Preliminary Examination required
Yes	X	Class 10(b) Infrastructure projects:		Proceed to Q.4

		<p>(iii) Construction of a shopping centre with a gross floor space exceeding 10,000sqm.</p> <p>(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere.</p>		
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4. Has Schedule 7A information been submitted?		
No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____

Form 2

EIA Preliminary Examination

An Bord Pleanála Case Reference	ABP-316202-23	
Proposed Development Summary	Construction of single-storey retail warehouse unit (GFA 764sqm; net retail area 600sqm); loading area, signage, external plant, noise barrier fences and all site development, landscaping and drainage works, including removal of 48 no. surface car parking spaces.	
Development Address	Midleton Retail Park, Knockgriffin (Imokilly), Midleton, Co. Cork.	
<p>The Board carries out a preliminary examination [Ref. Art. 109(2)(a), Planning and Development Regulations 2001 (as amended)] of, at least, the nature, size or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations.</p>		
	Examination	Yes/No/ Uncertain
<p>Nature of the Development</p> <p>Is the nature of the proposed development exceptional in the context of the existing environment?</p>	<p>The proposed development comprises a retail warehouse unit, located within an existing retail park. While there is an established residential area to the west and south of the site, the nature of the proposed development is not exceptional in the context of the existing environment.</p>	No
<p>Will the development result in the production of any significant waste, emissions or pollutants?</p>	<p>Localised construction impacts would be temporary.</p> <p>The proposed development would not give rise to waste, pollution or nuisances beyond what would normally be deemed acceptable within the town centre and within proximity to residential areas.</p>	No
<p>Size of the Development</p> <p>Is the size of the proposed development exceptional in the context of the existing environment?</p>	<p>Given that the 764sqm retail warehouse unit is located within Midleton Retail Park, which adjoins Market Green Retail Park and which contains existing larger retail warehouse units/blocks, the size of the proposed development is not exceptional in the context of the existing environment.</p>	No

<p>There is no real likelihood of significant effects on the environment.</p> <p>EIA not required.</p> <p>X</p>	<p>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</p> <p>Schedule 7A Information required to enable a Screening Determination to be carried out.</p>	<p>There is a real likelihood of significant effects on the environment.</p> <p>EIAR required.</p>
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Inspector: _____

Date: _____

DP/ADP: _____ **Date:** _____

(only where Schedule 7A information or EIAR required)