



An
Bord
Pleanála

Inspector's Report ABP-317302-23

Development	Construction of steel storage warehouse and external steel racking; retention of existing hardstanding area
Location	IDA Industrial Estate, Kilmallock Road, Rathgoggan Middle, Charleville, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	22/5936
Applicant(s)	Dairy & Engineering Services Ltd.
Type of Application	Retention Permission / Planning Permission
Planning Authority Decision	Notification to Grant
Type of Appeal	Third Party
Appellant(s)	Ms. Ruth Ball
Observer(s)	None
Date of Site Inspection	9 th October 2024
Inspector	Gary Farrelly

1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.495 hectares and is located within an existing IDA industrial estate on the east side of the town of Charleville, County Cork. The county boundary with Limerick adjoins the eastern boundary of the industrial estate. Access to the industrial estate is via the R-515 (Kilmallock Road) which is located inside the 50kph zone and the subject site is accessed of an existing cul-de-sac road.
- 1.2. The subject site is located to the north of the existing facility operated by Dairy and Engineering Services Limited. The topography of the site is relatively level and the western boundary is defined by established hedgerow and tree cover and the Glen River. The northern boundary is undefined. The site is located approximately 50 metres northeast of a pair of semi-detached properties.
- 1.3. The subject site is located within Flood Zone A as per the Cork County Development Plan 2022-2028, indicating a high probability of flooding (greater than 1% or 1 in 100 for river flooding).

2.0 Development

- 2.1. Permission is sought to retain an existing hardstanding area and permission to concrete over the existing hardstanding area, and install steel racking (Rack B). Permission is also sought to construct a steel storage warehouse and steel racking (Rack A) on undeveloped lands to the north of the existing facility.
- 2.2. The floor area of the steel storage warehouse will measure 911sqm and will be built to a ridge height of 8.6 metres. The internal layout of the warehouse will comprise of steel racking areas around the perimeter of the building with a steel plate storage area and pallet storage area within the centre and toilet facilities within the northeast corner of the building. The external finishes of the warehouse building will comprise of a part plastered block wall and part corrugated side cladding.
- 2.3. The floor area of each steel rack will measure 146sqm and each is proposed to be built to a ridge height of 6 metres. The racks will be externally comprised of corrugated insulated sheeting above 2.4 metres of concrete wall on the rear and side elevations. The front elevation of each unit will be open. The roofs will also be comprised of corrugated insulated sheeting.

- 2.4. Surface water is proposed to be diverted to the Glen River that adjoins the boundary to the west, via an attenuation tank with a capacity of 168.75m³ and condor bypass separator. An existing foul sewer connection within the estate roadway will be utilised. It is also proposed to connect to the public water mains.
- 2.5. The application was accompanied by an infrastructure report, a noise impact assessment, a construction and environmental waste management plan (CEWMP) and a site specific flood risk assessment (SSFRA).

3.0 Planning Authority Decision

3.1. Decision

In considering the application, Cork County Council (the Planning Authority (PA)) sought further information on a range of issues, including the following:

- Clarification with regards to the nature and layout of the proposed development including a rationale for the extension to the operation at the location, that the proposed warehouse is for storage of goods only and whether a first-floor use was proposed.
- Clarification that there would be no increase in traffic and if additional staff are required parking proposals should be clearly outlined.
- Clarification on the cumulative operational noise levels arising from the existing and proposed development and impact on noise sensitive receptors in the vicinity, identification of any mitigation measures and clarification on the extent of noisy activities outside of normal working hours and likely number of occasions per year.
- Concerns were raised regarding the location of steel storage rack B in close proximity to a residential property and it was requested to relocate this and redesign the rack so that the side openings are fully enclosed and that the material specification of the racks is specified.
- A revised landscape plan that provides a suitable dense landscaping buffer on all boundaries of each storage rack.

- The submission of a site-specific flood risk assessment and drainage impact assessment and clarify measures to prevent pollution of the western stream during the construction phase.

The PA decided to grant permission by Order dated 17th May 2023, subject to 28 no. mainly standard conditions.

- Condition no. 2 restricted the use for steel storage only with no provision for retail use.
- Condition no. 4 required the submission of a report specifying the loading that will be placed on the roof of the attenuation tank from proposed Rack A.
- Condition no. 5 required the submission of a revised site layout plan and associated parking and traffic management statement to include, inter alia, clear demarcation of parking spaces, the provision of an EV space and movements of delivery vehicles around the site.
- Condition no. 6 required the submission of a revised landscaping plan from a competent landscape consultant and/or ecologist.
- Condition no. 13 prohibited any external storage on the site of materials or goods.
- Condition no. 16 required that noise levels emanating from the development at noise sensitive locations to not exceed 55dBA (30 minute LAR) between 0700 hours and 1900 hours, 50dBA (30 minute LAR) between 1900 hours and 2300 hours and 45 dBA (15 minute Leq) between 2300 hours and 0700 hours.
- Condition no. 17 required a noise monitoring survey to be carried out within 6 months of the commissioning of the development with its extent, timing and locations to be agreed with the PA in advance.
- Condition no. 26 required the submission of a bond to ensure satisfactory completion of landscaping and surfacing works, removal of all materials from the site and implementation of silt traps.
- Condition no. 27 required the payment of a financial contribution amounting to €14,133.12.

- Condition no. 28 required the payment of a special financial contribution amounting to €10,000 for the provision of footpaths in the vicinity.

The Board should note that there is no first party appeal in relation to the conditions.

3.2. Planning Authority Reports

Planning Reports

There are a total of 1 no. area planner (AP) report and 2 no. Senior Executive Planner (SEP) reports on file which assessed the development in terms of the principle of the development, the nature of the development, noise, landscaping, lack of compliance with the conditions of the original permission 96/1662, parking and flooding. It was considered that an EIA was not required following a preliminary examination. AA was screened out on the basis that it was outside of a screening assessment zone and that there was no hydrological connection with a Natura 2000 site. The AP and SEP reports requested further information on a number of issues. After submission of the further information, the second SEP report recommended a grant of permission subject to conditions.

Other Technical Reports

- Area Engineer (report dated 11/10/22) – This AE report requested the submission of a flood risk assessment. There is no other report on file after submission of the further information. However, the SEP report stated that the SSFRA was received and that the AE had no objection.
- Environment Section (reports dated 12/10/22 and 15/5/23) – The first report required an assessment and clarification on the overall cumulative operational noise levels arising from the development and the impact on noise sensitive receptors. The second report had no objection to the development subject to noise conditions.
- Engineering Section (report dated 16/5/23) – This report raised concerns with the construction of the storage bay above an attenuation tank and recommended conditions. Another engineering report dated 15/5/23 raised no objection to the development having reviewed the construction waste management plan.

3.3. Prescribed Bodies

None on file

3.4. Third Party Observations

There was 1 no. third party submission from Ms. Ruth Ball who raised a number of concerns with the proposed development in relation to, inter alia, the noise impact of the development, the level of traffic associated with the development, inadequate landscaping proposals and parking concerns.

4.0 Relevant Planning History

PA ref. 21/5881 (subject site)

Dairy and Engineering Services Ltd. sought permission for a steel storage warehouse and external steel racking, however, the application was withdrawn.

PA ref. 96/1662 (adjoining site to the south)

Dairy and Engineering Services Ltd was granted permission for a warehouse and offices.

ABP ref. 311373-21 / PA ref. 21/5295 (Site approximately 30 metres northeast of subject site)

Charleville Hire and Platform Ltd was granted permission by the Board for the construction of a new light industrial unit within the IDA industrial park following a third party appeal to the PA's notification to grant.

PA ref. 24/5094 (entrance to the IDA park)

IDA Ireland is seeking permission to replace the existing vehicle entrance gate and pedestrian access point and wing walls.

The PA requested further information on 29/07/24 including for the applicant to submit a study on pedestrian movements and consider if the access point would be better served on the western side of the vehicular entrance and consideration of a safe crossing point.

5.0 Policy Context

5.1. Cork County Development Plan 2022-2028

The subject site is located within the development boundary of Charleville and is zoned 'Existing Mixed/General Business/Industrial Uses'.

Objective ZU18-10

Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/Industrial Areas. Development that does not support, or threatens the vitality or integrity of the employment uses of these areas shall not be permitted.

Objective WM 11-16: Flood Risks – Overall Approach

Take the following approach in order to reduce the risk of new development being affected by possible future flooding:

- Avoid development in areas at risk of flooding; and
- Apply the sequential approach to flood risk management based on avoidance, substitution, justification and mitigation of risk.
- Where development in floodplains cannot be avoided, applications for development must meet the definition of Minor Development or have passed the Justification Test for Development Plans in the updated SFRA and can pass the Justification Test for Development Management to the satisfaction of the planning authority.
- Consider the impacts of climate change on the development.

Objective WM 11-17: Development in Flood Risk Areas

When considering proposals for development, which may be vulnerable to flooding, and that would generally be inappropriate as set out in Table 3.2 of the Guidelines, the following criteria must be satisfied:

1. The subject lands have been zoned or otherwise designated for the particular use or form of development in an operative development plan, which has been adopted or varied taking account of these Guidelines.

2. The proposal has been subject to an appropriate flood risk assessment that demonstrates:

- (a) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;
- (b) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;
- (c) The development proposed includes measures to ensure that residual risks to the area and/or development can be managed to an acceptable level as regards the adequacy of existing flood protection measures or the design, implementation and funding of any future flood risk management measures and provisions for emergency services access; and
- (d) The development proposed addresses the above in a manner that is also compatible with the achievement of wider planning objectives in relation to development of good urban design and vibrant and active streetscapes.

Section 12.24 Parking Standards

- Industry (light and general) 1 space per 50sqm
- Warehouse 1 space per 100sqm

5.2. National Guidelines

- The Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 (Department of Environment, Heritage and Local Government)
 - Technical Appendices Document

5.3. Natural Heritage Designations

The nearest designated site is the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) which is located approximately 4.5km south of the subject site. The site also has an indirect connection to the Lower River Shannon SAC (Site Code 002165) approximately 29km downstream, via the Glen River, which adjoins the western boundary of the site, and the River Maigue.

5.4. Environmental Impact Assessment (EIA) Screening

Having regard to the nature, size and location of the development to be retained and the proposed development and to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required. I refer the Board to Appendix 1 regarding this preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

A third-party appeal was lodged to the Board on 9th June 2023 by Ms. Ruth Ball. The grounds of appeal are summarised as follows:

- The appeal is filed by Jessica Ball on behalf of Ruth Ball who has resided at her home at Lisnagree for the last 60 years. Her house and garden are located on the south western boundary of the site.
- The road infrastructure at the IDA estate is insufficient to support the increased traffic resulting from the applicant's development. It is questioned how section 5.4(b) of the planning application states that there would be no additional traffic generated given that the development involves a trebling of their site area and a trebling of the storage space.
- The road infrastructure at the intersection of the IDA estate and the Kilmallock road is inadequate to deal with increased traffic that will result from the development. the road's width is approximately 6.5 metres with an incomplete footpath and which has two blind bends within 100 metres of either side of the entrance. No traffic calming measures are included.
- Reference is made to planning applications ref. 21/5295 and 22/4226 and the Council should have taken into account these permissions, in terms of traffic increase and the inadequate road infrastructure, in reaching its decision for this application.

- Noise emissions were not adequately dealt with by the Council and will result in an adverse effect on the neighbouring residential property. The use of forklifts and movement of steel should be kept to a minimum in the interest of residential amenity.
- No external steel racking structures of any type should be permitted and noise can be contained if it occurs within an enclosed space.
- The material specifications for the corrugated insulated sheeting described in the 20th April 2023 drawings are not detailed in terms of its type or thickness. A more effective noise containment measure would be the building of both these external racks with concrete blocks or not building them at all.
- External steel structure, rack B with a floor area of 146sqm should not be permitted as it is 6 metres from Ms. Ball's boundary.
- It is considered that adequate noise attenuation methods were ignored. The creation of noise barriers such as earth bunds and intensive tree planting of semi-mature native trees could help diminish the noise problems.
- The landscaping proposal is wholly inadequate and if done properly can also be used as an instrument of noise attenuation and reduction. Only hedging was contained within the second landscaping proposal submitted, however, semi-mature native trees would serve as a noise deflector. It is noted that this was rejected by the Council as part of Condition 6 they have requested a third landscaping plan, however, concern is raised regarding the lack of transparency and prevention of the public of filing any comments. It is stated that this is a breach of due process.
- Lighting was not dealt with by the Council and the regulation of such lighting is vital in order to avoid light pollution of adjacent dwellings. The use of lighting and design of same should be directed away from the appellant's property and should be regulated.
- Light industrial use within a residential farming zone is a delicate process but can be successful when the appropriate safeguards are put in place through the judicious use of planning conditions.

- Without prejudice to the appeal arguments, if the conditional permission was amended to take care of the above concerns, then most issues concerning residential amenity would be resolved.

6.2. Applicant Response

The applicant did not issue a response to the grounds of appeal.

6.3. Planning Authority Response

The PA issued a response on 7th July 2023 and considered that all relevant issues were covered in the technical reports forwarded to the Board as part of the appeal documentation and had no further comment to make on the matter.

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 reports of the planning authority and having inspected the site, and having regard to relevant local, regional and national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:

- Principle of the Development
- Flood Risk (**New Issue**)
- Traffic Safety
- Residential Amenity – Noise
- Residential Amenity - Lighting
- Landscaping

7.2. The Board should note that the applicant has stated within its further information response that the subject operation currently stores all types of steel within the existing building ready for the end user such as fittings, pipes and structural steel mainly for the agricultural, dairy, pharmaceutical and food industries. However, it is stated that it is coming under increasing pressure for space in order to meet demands and that is the reason for the second storage facility. It is stated that the proposed warehouse building will be for the storage of goods only and that there is no need to increase the number of employees as a result of the development.

Principle of the Development

7.3. The site is located within an existing established industrial park on lands zoned 'Existing Mixed/General Business/Industrial Uses' under the Cork County Development Plan 2022-2028 (CDP). This zoning allows for a range of uses including manufacturing, storage and general warehousing. Having regard to the land use zoning, I consider that the proposed development is acceptable in principle.

Flood Risk – New Issue

7.4. The Board should note that, although the issue is not raised within the appellant's grounds of appeal, I have significant concerns in relation to the risk of flooding as a

result of the proposed development. The subject site is located adjacent to the Glen River and is located within Flood Zone A as illustrated within the CDP. I note that as part of the further information response the applicant submitted a site-specific flood risk assessment (SSFRA) and submitted revised drawings, including drawing no. 2011-F, which illustrates the existing and proposed levels across the site.

- 7.5. Whilst I acknowledge that the proposed development seeks an extension to an existing use on site and represents a less vulnerable development, as classed by Table 3.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009, the development is still subject to the justification test under said Guidelines which requires it to be demonstrated, inter alia, that the development will not increase flood risk elsewhere. The SSFRA finds that for 1% Annual Exceedance Probability (AEP) with climate change flood levels across the site would be 0.42 metres (0.68 metres for 0.1% AEP).
- 7.6. I note that the SSFRA recommended the '*finished floor level*' to be raised by 0.5 metres to elevate it above the 1% flood envelope into Flood Zone B and concluded that "*this would not influence water displacement to neighbouring structures*". However, the SSFRA does not clearly indicate whether the "*finished floor level*" is in relation to the overall site or to the proposed buildings. In contrast, drawing no. 2011-F illustrates that ground levels across the subject site are to be raised by c. 0.32-0.62 metres to accommodate a finished floor level of 81.20metres for the storage warehouse building. It is my view that this increase in site levels in a Flood Zone A designation has clear implications on potential flooding of lands elsewhere. However, such potential effect in terms of fluvial flood displacement is not addressed in the SSFRA.
- 7.7. The Board should note that there is no assessment of the SSFRA within the PA's report, only a statement that the Area Engineer (AE) had no objection. There is no report on file from the AE in this regard.
- 7.8. Whilst I acknowledge that the site is zoned for the proposed development under the CDP, that the development represents an extension to an existing facility onsite, the use represents a less vulnerable development as classed by Table 3.1 of the 2009 Guidelines, and that the development has been designed to reduce the risk of flooding of the site, I am not satisfied that it has been adequately demonstrated within the submitted SSFRA that the development would not increase the risk of flooding

elsewhere. Therefore, it is my recommendation to the Board that permission should be refused on this basis. However, the Board should note that this is a new issue and it may wish to seek the views of the parties in this regard.

Traffic Safety

- 7.9. I acknowledge the appellant's comments regarding the road infrastructure serving the IDA industrial park as being insufficient in terms of road width, incomplete footpaths and sightlines and the concerns regarding additional traffic utilising the park as a result of the proposed development.
- 7.10. I note that the applicant states in its further information response that there will be no additional staff or traffic associated with the proposed development and that all new parking spaces being provided are to comply with the parking standards of the CDP. I note that the PA appeared to be satisfied with this response.
- 7.11. Having inspected the site on 9th October 2024, I noted that the entrance to the industrial park is located within the 50kph zone. I noted no obstacles when exiting the industrial park that impeded my lines of sight in both directions. I also noted no issues regarding the width of the roads in the immediate area. Therefore, in this regard I am satisfied that the access arrangements to the existing industrial park are acceptable in terms of traffic safety.
- 7.12. In addition, I observed a footpath on the opposite side of the Kilmallock road which connects the area to the town centre of Charleville. Due to the location of this footpath on the opposite side of the entrance to the industrial park and lack of a safe crossing point to said footpath from the industrial park, I am in agreement with the appellant that the footpath arrangements serving the industrial park are not adequate from a pedestrian point of view. However, having regard to the nature of the application which proposes an extension of storage facilities for an existing established operator within the industrial park and which does not propose an intensification of traffic in terms of staff movements, it is my view that it would be unreasonable to refuse permission on this ground.
- 7.13. Notwithstanding the above, the Board should note that IDA Ireland has recently lodged an application for related changes to the entrance serving the industrial park and as part of a further information request the PA has requested IDA to consider upgrades

to the existing footpath arrangements including for the provision of a safe access point crossing the Kilmallock Road.

- 7.14. The Board should also note that the PA conditioned for the payment of a special contribution of €10,000 for the “*provision of footpaths in the vicinity of the site*” on the basis of €100 per meter as set out in the Area Engineer’s report. The precise nature of such works is not detailed in the PA reports. Whilst I note that no appeal was received in relation to this condition, the Board should note that I do not consider the condition to be appropriate as I consider that such infrastructure works are covered under the general development contribution scheme. Therefore, if the Board are minded to grant permission, I recommend that this condition is omitted.

Residential Amenity – Noise

- 7.15. I note the appellant’s comments that their concerns regarding noise were not adequately addressed by the PA and that the development will result in an adverse effect on their residential amenity in this regard.
- 7.16. A noise impact assessment report (NIAR), dated 16/04/2023, with regards to the existing operations onsite, was prepared as part of the application. I note that the environment section of the PA reviewed this NIAR and had no objections to the development subject to noise regulating conditions.

Noise Survey

- 7.17. The noise survey was carried out in accordance with ISO (1996): Acoustics – Description, measurement and assessment of environmental noise, and the Environmental Protection Agency (EPA) guidance document – Guidance Note for Noise: Licence Applications, Surveys and Assessments in relation to Scheduled Activities (NG4). Whilst I note that the EPA Guidance Note is in relation to EPA licenced facilities, I consider that this guidance note is still relevant for a development of this type and in particular the typical limit values set out under Section 4.3 of said document.
- 7.18. The noise survey was conducted using an NTI Audio, Model XL2, Class 1, sound level meter which was set to measure continuous 15-minute periods. The survey was carried out on 13th February 2023 between 15:00 and 17:00. The weather conditions

at the time of the survey were 10 degrees Celsius with no rainfall and an easterly/south easterly wind speed of 1.2-1.8m/s.

- 7.19. The results of the survey found that the ambient noise environment was dominated by road traffic from the R-515 and it is stated that the LA90 values provide a more accurate profile due to this background noise. The highest LAeq value of 53dB(A), which was recorded between 15:45 and 16:00 and 16:00 and 16:15, is provided as the worst case assessment of the noise impact at the noise sensitive location (NSL) (i.e. appellant's dwelling) as these were the time periods where a truck was being unloaded, pipes were being placed on external racking and a series of steel joists were being cut with a gas torch.
- 7.20. Taking the distance of the appellants dwelling at 50 metres from the existing site and 70 metres from the proposed site into account, the noise level at the dwelling was indicated at 43dB(A) from operations at the existing site and 40dB(A) from operations at the proposed site, with the cumulative impact indicated at 45dB(A). I note that no screening attenuation was taken into account and that there was no evidence of any tonal or impulsive noise emissions during the survey.

Noise Conclusion

- 7.21. I note the concerns of the appellant regarding the distance of rack B to their boundary and to the material specifications of the rack sheds. The Board should note that I do not have any significant concerns regarding the location of the racks or the external finishes due to the results of the NIAR which has assessed the operations undertaken onsite and to the open side of the proposed racks being orientated away from the NSL.
- 7.22. Furthermore, it is stated that the existing and proposed facility will operate from 0900hours to 1730hours Monday to Friday and 0900hours to 1230hours on Saturdays. Having regard to these operational hours, to the location of the site within the settlement of Charleville on lands zoned for industrial use, to the results of the noise impact assessment which recorded a worst case scenario of 53dB(A) onsite, reducing to 43dB(A) at the nearest noise sensitive location due to the 50 metre distance from the operation and to the existing level of vegetative screening along the western boundary of the site, I am satisfied that the proposed development would not result in an adverse effect on residential amenity in terms of noise.

7.23. If the Board are minded to grant permission, I recommend that the PA's noise monitoring condition is attached.

Residential Amenity – Lighting

7.24. I note the appellant's comments regarding external lighting being cowled away from residential properties. I consider this to be a reasonable request. Therefore, if the Board are minded to grant permission I recommend a condition is attached that ensures any external lighting does not lead to overspill beyond the site boundaries.

Landscaping

7.25. With regards to the appellant's concerns in relation to the conditioning of a landscape plan without their input, the Board should note that I have no concerns in this regard as I am satisfied that the noise associated with the proposed development will not adversely affect the residential amenity of the appellant and that such plan is not to mitigate any such impact. Whilst I recommend for such plan to be conditioned, the primary purpose of this is in the interest of visual amenity and biodiversity. I also note that there is existing mature landscaping along the western boundary of the site that is proposed to be retained and I also recommend that a condition is attached for this to be retained.

Other Issues

7.26. Notwithstanding my concerns above in relation to the risk of flooding, if the Board are minded to grant permission there are a number of other matters which I draw its attention to.

7.27. I note that as part of condition no. 2 of the PA's notification to grant, the PA conditioned for the premises only to be used for steel storage. However, I consider this to be a very restrictive condition and, alternatively, would recommend a condition that restricts it to light industrial use, as defined by Article 5(1) of the Planning and Development Regulations 2001, as amended.

7.28. I also note that as part of condition no. 4 the PA conditioned for a report specifying the loading that will be placed on the roof of the attenuation tank from proposed Rack A. Whilst I consider this to be an avoidable conflict in the design, I would recommend that a similar condition is attached.

8.0 Appropriate Assessment (AA) Screening

- 8.1. I have considered the project in light of the requirements of Section 177U of the Planning and Development Act 2000, as amended. The subject site is located approximately 4.5km north of the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170). I note that the PA considered that as there was no hydrological connection with a Natura 2000 site, significant impacts were screened out.
- 8.2. Having considered the nature, scale and location of the proposed development, 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:
- Having inspected the site and having reviewed the Environmental Protection Agency's AA Mapping Tool, I note that there are no direct hydrological connections between the subject site and the Blackwater River SAC.
 - I note that the Glen River, which adjoins the western boundary of the site, flows in a northerly direction and it can be reasonably assumed that it connects to the River Maigue approximately 4.5km downstream to the north. The River Maigue flows into the Lower River Shannon Special Area of Conservation (SAC) (Site Code 002165) at Adare, County Limerick, which is approximately a further 25km downstream. Therefore, there is potential for an indirect impact on this European site.
 - However, having regard to the overall hydrological distance being approximately 29km downstream, to the level of dilution available and to the nature and scale of the proposed development, I am satisfied that the development would not likely have a significant effect on this European site, in views of the sites' conservation objectives.
 - Having regard to the separation distance from the European sites regarding any other potential ecological pathways and intervening lands.
 - Having regard to the screening determination of the PA.
- 8.3. I consider that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on a European site

and appropriate assessment is therefore not required. The Board should note that I have not taken into account any measures intended to reduce or avoid any harmful effect on the European sites.

9.0 Recommendation

I recommend to the Board that permission is **Refused**, for the reasons and considerations set out below.

10.0 Reasons and Considerations

1. The proposed development is in an area which is deemed to be at risk of flooding, by reference to the Cork County Development Plan 2022-2028 and the documentation on file. The Board is not satisfied, on the basis of the information submitted with the application, that it has been satisfactorily demonstrated that the proposed development would not increase the risk of flooding elsewhere as a result of the proposed level changes across the site. The Board, therefore, considers that the proposed development would be contrary to objectives WM 11-16 (Flood Risks – Overall Approach) and WM 11-17 (Development in Flood Risk Areas) of the Cork County Development Plan 2022-2028, would be prejudicial to public health and would be contrary to the proper planning and sustainable development of the area.

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.

Gary Farrelly
Planning Inspector
22nd October 2024

Appendix 1

(a) Form 1: EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-317302-23			
Proposed Development Summary	Retention of hard standing area, permission to concrete over hardstanding area, installation of 2 no. external steel racking areas and permission to construct a new steel storage warehouse with all associated site works			
Development Address	IDA Industrial Estate, Kilmallock Road, Rathgoggan, Charleville, County 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			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				No EIAR or Preliminary Examination required
Yes	X	Class 10(b)(iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the	The subject site is within an urban area that measures 0.495 hectares, and therefore well	Proceed to Q.4

		case of other parts of a built-up area and 20 hectares elsewhere.	below the relevant threshold.	
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4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

(b) Form 2 - EIA Preliminary Examination

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.

	Examination	Yes/No/ Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions or pollutants?	The development is located within an existing industrial park. The development will consist of typical construction related activities and works. Development to be undertaken in accordance with a CEWMP. Surface water to be discharged to a stream via attenuation and a silt trap. The development will connect to the existing foul water mains.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other	The development site measures 0.495 hectares. The size of the development is not exceptional in the context of the existing environment. Having reviewed the Department of Housing, Local Government and Heritage's National Planning Application database and EIA Portal and the Cork County Council's planning register, I note that there are no other plans or projects for potential significant cumulative effects on the environment.	No

existing and/or permitted projects?		
Location of the Development Is the proposed development located on, in, adjoining or does it have the potential to significantly impact on an ecologically sensitive site or location? Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	<p>The subject site is not located within any designated site.</p> <p>The nearest designated site is the Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) (Site Code 002170) which is located approximately 4.5km south of the site. The subject site also has an indirect hydrological connection to the Lower River Shannon SAC (Site Code 002165) approximately 29km downstream. My Appropriate Assessment screening undertaken concludes that the proposed development would not likely have a significant effect on any European Site.</p> <p>The subject site is located within Flood Zones A and B for fluvial flooding. Whilst I have concerns with the impact of the development on the risk of flooding elsewhere, these concerns are localised and not deemed significant in terms of the EIA Directive.</p>	No
Conclusion		
There is no real likelihood of significant effects on the environment. EIA not required.	There is significant and realistic doubt regarding the likelihood of significant effects on the environment. Schedule 7A Information required to enable a Screening Determination to be carried out.	There is a real likelihood of significant effects on the environment. EIAR required.