



An
Bord
Pleanála

Inspector's Addendum 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 Introduction

This Addendum report should be read in conjunction with the Inspector's report on file dated 22nd October 2024.

2.0 Board Direction

The Board decided to defer consideration of this case (Board Direction BD-017998-24) on 25th October 2024. A Section 132 notice (*Planning and Development Act 2000, as amended*) was issued to the applicant which stated the following:

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, might be of the view 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. In this regard the applicant is required to provide a revised Site Specific Flood Risk Assessment (SSFRA) carried out by an independent and suitably qualified assessor to establish if the proposed development would or would not increase the risk of flooding elsewhere as a result of the proposed level changes across the site.

3.0 Applicant's Submission

On the 17th of January 2025, the applicant responded to the Section 132 request and submitted a revised Site-Specific Flood Risk Assessment (SSFRA). The Board decided to defer consideration of the case (Board Direction BD-019158-25) on 11th March 2025 and to direct that the applicant's submission be circulated to other parties under Section 131 of the Planning and Development Act 2000, as amended.

4.0 Response from Parties

4.1. Response from Planning Authority

A response was received from the planning authority (PA) on 2nd April 2025. The PA was of the opinion that all the relevant issues were covered in the technical reports already forwarded to the Board as part of the appeal documentation and it had no further comment to make.

4.2. Response from third-party Appellant

A response from the third-party appellant was received on 3rd April 2025. The issues raised in the submission are summarised as follows:

- The SSFRA omits to mention that to the south of the development site a man made ditch boundary is shared with the third-party appellant. A large blue tank was constructed by the IDA in the 1980s which resulted in flooding of the third party appellant's garden. A dike was built on the IDA side of the shared ditch boundary which is full of water after prolonged or heavy rainfall, resulting in spot flooding of the garden.
- There is no natural buffer zone within the development site as the mature hedgerows are on the other side of the Glen River.
- There is concern regarding the impact of the filling of 0.495 hectares of non-permeable concrete on the other side of the shared ditch on the garden which already suffers from ponding and flooding.
- Photographs are attached showing water retention issues, permeability and flooding in the Lisnagree area between October 2023 and March 2025. Three photos from February 2025 show what the appellant states is the garden and front gate suffering from ponding and flooding after rainfall. Six photos from January 2025 show overflow from the Glen River on the IDA site and water permeability issues post snowfall. Six photos from October 2023 show a flooding incident at Lisnagree farm complex north of the IDA site due to an unauthorised development.

- The mitigation measures proposed in the SSFRA only deal with future flood risks in the development site and no consideration is given to the neighbours.
- The subject site has yet to achieve compliance with their landscaping obligations under the initial planning permission granted in 1996.

5.0 Assessment

5.1. Having regard to the terms of the Board Direction BD-017998-24, the Board should note that this assessment is restricted to the issue of Flood Risk and those submissions relating to matters raised in the Direction. All other issues raised within the grounds of appeal have been addressed within the Inspector's report dated 22nd October 2024.

Flood Risk

5.2. The applicant has submitted a revised site-specific flood risk assessment (SSFRA) which takes into account the flood risk of lands elsewhere as a result of the proposed development. I will now undertake an assessment based on the application of the Justification Test set out in the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009). I note that this Justification Test is also specified in objective WM 11-17 of the Cork County Development Plan 2022-2028 (CDP).

Justification Test

Table 2.1: Justification Test as per Box 5.1 of the Planning System and Flood Risk Management Guidelines for Planning Authorities 2009 and Objective WM 11-17 of the CDP

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

The subject site is zoned 'Existing Mixed/General Business/Industrial Uses' within the Cork County Development Plan 2022-2028 (CDP). I note that a Strategic Flood Risk Assessment (SFRA) has been carried out for this Plan and in accordance with The Planning System and Flood Risk Management Guidelines for Planning

Authorities, as outlined in paragraph 11.11.4 of the CDP. Therefore, I am satisfied that the location of the proposed development complies with this criterion.

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

(i) The development proposed will not increase flood risk elsewhere and, if practicable, will reduce overall flood risk;

I note the further submission from the third-party appellant, accompanying photographs and the primary concerns that the submitted SSFRA does not consider the impact on neighbouring lands.

I have reviewed the SSFRA and note that Section 4.3 addresses the issue of flooding elsewhere. The applicant states that the maximum theoretical flood storage loss is approximately 1200m³, which represents an extremely conservative worst-case scenario. This is because the actual displacement would be significantly less since the National Catchment-based Flood Risk Assessment and Management (CFRAM) mapping shows only partial site coverage within Flood Zone A, with average flood depths of 15-20cm across the affected area.

The SSFRA states that the site lies within a much broader floodplain extending to approximately 12 hectares (120,000m³) to the north. The Glen River was modelled in the CFRAM Unit of Management (which is shown in figures 21 and 22) and is the most robust and current evidence base for assessing flood risk at this location. It is stated that the loss of 1200m³ of storage within a 120,000m³ floodplain area would result in an average increase in flood levels of less than 1cm. This falls well within the uncertainty bounds established in CFRAM model sensitivity testing which showed typical variations of +/- 4-6cm for changes in model parameters like Manning's n values and flow rates. It is stated that the natural surface flow path to the north is maintained and would remain the recipient of exceedance flows from the river channel.

Having regard to the above conclusions, I am satisfied that the submitted SSFRA has adequately considered the impact of the development on flood risk elsewhere. I consider that the proposed development will not increase flood risk elsewhere and,

as a result, my concerns under paragraph 7.6 of the Inspector's Report have been satisfactorily addressed. Therefore, I consider that the proposed development complies with this criterion.

(ii) The development proposal includes measures to minimise flood risk to people, property, the economy and the environment as far as reasonable possible;

Section 4.3.4 of the SSFRA outlines the measures to minimise flood risk which include the following:

- Finished floor levels are set at 81.20 metres OD which provides over 700mm freeboard above predicted floor levels. This ensures protection of vulnerable infrastructure and equipment while maintaining operational functionality during flood events.
- The surface water management system follows CIRIA SUDS standards and incorporates a 168.75m³ attenuation system with hydrobrake flow control to ensure a controlled discharge to greenfield runoff rates while providing additional storage capacity during extreme events.
- No ground level alterations are proposed within 10 metres of the Glen River thereby maintaining a natural buffer zone.
- A maintenance regime can be implemented covering regular inspection of drainage infrastructure and clearing of debris screens. It is also recommended that 'Flood Guard' synthetic type sandbags are stored onsite.

Therefore, having regard to the above, I am satisfied that the proposed development has included for measures to minimise flood risk as far as reasonably possible, and therefore, the proposed development complies with this criterion. It is recommended to the Board that if it is minded to grant permission that a condition is attached that ensures that these measures are implemented in full.

(iii) 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;

Section 4.4 of the SSFRA addresses the residual risk. The design of the proposed development provides freeboard above the 0.1% Annual Exceedance Probability (AEP) flood level, however, it is stated that in extreme events the design standard could be exceeded. Additionally, there is potential for a system blockage or exceedance of the surface water management system. Mitigation includes incorporation of appropriate inspection chambers, removable screens and a detailed maintenance schedule ensuring regular inspection and clearance. It is recommended that exceedance flow paths to the north should be identified and designed into the site layout to ensure any overflow is directed away from vulnerable areas. Climate change adaptation has been incorporated into the development through freeboard allowances, conservative design assumptions for drainage infrastructure and maintaining natural floodplain connectivity through the river buffer zone.

The development will incorporate clear access and egress routes to flood-free areas, ensuring safe evacuation during extreme events.

Therefore, having regard to the above and to the implementation of the mitigation measures as part of the proposed development, I am satisfied that the development complies with this criterion.

(iv) 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.

The subject site is located within Charleville in an established industrial estate. The proposed development also represents an extension to an existing industrial facility. Therefore, whilst I consider that the development has satisfactorily addressed the above criteria, I do not consider objectives in relation to good urban design and vibrant and active streetscapes to be a substantive issue with regards to this development due to the nature and location of the development.

Overall Flood Risk Conclusion

- 5.3. Having regard to the above, I am satisfied that the applicant has adequately assessed the proposed development against flood risk criteria which ensures that flood risk will not obstruct important flow paths and not increase flood risk elsewhere, subject to the implementation of the specified mitigation measures set out in the SSFRA. Additionally, it should be noted that the development represents a minor development being an extension to an existing industrial enterprise (paragraph 5.28 of the Planning System and Flood Risk Management Guidelines for Planning Authorities) and a less vulnerable development as classed by Table 3.1 of the Guidelines.
- 5.4. Therefore, I consider that my flood risk concerns outlined in my Inspector's Report, dated 22nd October 2024, have been adequately addressed by the applicant and the proposed development complies with objectives WM 11-16 and WM 11-17 of the Cork County Development Plan 2022-2028.

6.0 Recommendation

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

Recommended Conditions

- I note that the PA conditioned for a report specifying the loading of rack A over the attenuation tank and I am satisfied that condition no. 4(a) below adequately addresses this issue.
- Whilst I note that the submitted plans do not illustrate any external lighting on the structures, having regard to the appellant's concerns I have recommended condition no. 9 below that requires lighting details to be agreed with the PA prior to commencement of development.
- I note the PA conditioned for a dust and noise management plan under condition no. 18, however, I am satisfied that these issues were satisfactorily addressed within the submitted CEWMP and therefore it is recommended that condition no. 12 below suffices.
- I note that the PA conditioned for a bond to be attached to ensure completion of landscaping works etc. due to past non-compliance. Whilst the SEP report

specified €10,000, its condition did not state a specified amount. Therefore, I have recommended condition no. 17 below.

7.0 Reasons and Considerations

Having regard to the location of the development to be retained and the proposed development within an established industrial estate, to the 'Existing Mixed/General Business/Industrial Uses (MGB)' land use zoning objective pertaining to the site under the Cork County Development Plan 2022-2028 and Objective ZU 18-10 of the said statutory plan, to the nature of the development comprising an extension to an existing industrial facility, to the design and layout and separation distances to residential properties, to the quality of the road network serving the site, it is considered that, subject to compliance with the conditions set out below, the development would not seriously injure the residential amenities of property in the vicinity and would be acceptable in terms of traffic safety and convenience.

Furthermore, having regard to a portion of the site being located in an area at risk of flooding, to the classification of the land use as a 'less vulnerable development' under the Planning System and Flood Risk Management Guidelines for Planning Authorities (2009), to the application of the Justification Test and to the proposed mitigation measures as specified within the site-specific flood risk assessment (SSFRA), it is considered that the proposed development would be acceptable in terms of public health and would not increase the risk of flooding. The development would, therefore, comply with 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. Overall, it is considered that the development would be in accordance with the proper planning and sustainable development of the area.

8.0 Conditions

1. The development shall be retained, 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 the 20th day of April 2023, the 24th day of April 2023 and the 12th day of May 2023, and the further particulars received by An Bord Pleanála on the 17th day of January

2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The proposed buildings shall be used solely for purposes relating to steel storage and steel racking and shall not be used for retail use.

Reason: In the interest of clarity and to protect the industrial nature of the lands.

3. The mitigation measures contained within the Site-Specific Flood Risk Assessment received by An Bord Pleanála on the 17th day of January 2025 shall be implemented in full. Prior to commencement of development, a revised site layout plan illustrating these mitigation measures shall be submitted to the planning authority for its written approval.

Reason: In the interest of public health.

4. (a) The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

(b) Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

5. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

6. During the operational phase of the proposed development, the noise level shall not exceed:

- (a) 55 dB(A) rated sound level between the hours of 0700 to 1900,
- (b) 50dB(A) between the hours of 1900 and 2300 and
- (c) 45 dB(A) 15min Leq, at all other times, as measured at the nearest noise sensitive location.

Reason: To protect the residential amenities of property in the vicinity of the site.

7. The facility shall only operate between the hours of 0730 and 1800 Monday to Friday and 0800 to 1400 on Saturdays.

Reason: To protect the residential amenities of property in the vicinity of the site.

8. No additional floorspace shall be provided in any structure, either by way of sub-division of any structure, or the provision of mezzanine floorspace, or otherwise, without a prior grant of planning permission.

Reason: To control the intensity of development on the site.

9. Details of any proposed external lighting shall be submitted to the planning authority for written approval prior to commencement of the development. Any external lighting shall be directed and cowled away from residential properties such as to reduce, as far as possible, the light scatter over adjacent houses and gardens.

Reason: In the interest of residential amenity.

10. All goods, including raw materials, manufactured goods, packaging, crates etc. shall be stored or displayed only within the enclosed warehouse and storage rack buildings.

Reason: In the interest of visual amenity.

11. Site development and building works shall be carried out between the hours of 0700 and 1900 Mondays to Fridays inclusive, between 0800 and 1400 on

Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

Reason: To safeguard the amenity of property in the vicinity.

12. The construction of the development shall be managed in accordance with the submitted construction and environment waste management plan received by the planning authority on the 20th day of April 2023.

Reason: In the interest of environmental protection.

13. Prior to commencement of the development, the developer shall submit details of car parking design, layout, turning areas, loading and unloading areas and traffic movements, to the planning authority for agreement in writing.

Reason: In the interest of sustainable transport and safety.

14. (a) No dust, mud, debris or other material shall be carried onto or deposited onto the public road.

(b) The developer shall be responsible for the full cost of repair in respect of any damage caused to the public roadway arising from the construction works and operations and shall make good any damage to the road to the satisfaction of the planning authority.

Reason: In the interest of traffic safety.

15. (a) A landscaping scheme indicating boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This boundary treatment scheme shall provide a screen along the western boundary, consisting predominantly of trees, shrubs and hedging of indigenous species. The planting shall be carried out in accordance with the agreed scheme and shall be completed within the first planting season following the substantial completion of external construction works.

(b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development,

shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development, in the interest of visual amenity.

16. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment and the amenities of properties.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the satisfactory completion of landscaping works, vehicular markings and parking delineation, removal of all goods and materials from the site and the implementation of silt traps coupled with an agreement empowering the planning authority to apply such security or part thereof to such works. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure satisfactory completion of the development.

18. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement

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

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

Declaration

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

6th May 2025