



An  
Bord  
Pleanála

## Inspector's Report

**ABP-319347-24**

**Development** Construction of link road from production plant to the wastewater treatment plant, to include realignment, associated surface water drainage, footpaths, lighting, security fencing, car parking and security gates, change of use from Residential/Mixed Residential to Other Uses to Mixed /General Business/Industrial Uses for part of the new road link. The application relates to a site with an existing IPC license (P0404-02).

**Location** Castlefarm Road, Mitchelstown, Co. Cork

**Planning Authority** Cork County Council

**Planning Authority Reg. Ref.** 23/5057

**Applicant(s)** Dairygold Co-operative Society Ltd.

**Type of Application** Permission

**Planning Authority Decision** Grant with conditions

**Type of Appeal** Third Party

**Appellant(s)** Kevin T. Finn

**Observer(s)** None

**Date of Site Inspection** 14<sup>th</sup> February 2025

**Inspector** Suzanne Kehely

## **1.0 Site Location and Description**

### **1.1. The context and environs**

- 1.1.1. The site forms part of the Castlefarm Dairy Complex occupied substantially by Dairygold Co-operative on an overall site of approximately 10 hectares to the west of Mitchelstown town in North Cork. The processing plant which operates under IPC License is situated on an elevated site, the site of the former Mitchelstown Castle and has its own wastewater treatment plant to the northeast on considerably lower ground near the river. The overall site is surrounded by: the Gradoge River to the north, the historic formally laid out 18<sup>th</sup> and 19<sup>th</sup> century part of the town to the east, (an Architectural Conservation Area), agricultural lands and the former Demesne ancillary structures and spaces to the south and the N73 is to the west.
- 1.1.2. The overall site has its main entrance off the roundabout at the junction of the N73 and R665, (Access 1). (Note: I have used the numbering as mapped in the Feasibility Study submitted with the application for ease of reference.) The previous main entrance at Access 2 was the original former Castle entrance and subsequently used by the dairy complex which dates from the 1950s. It is at the eastern town side and was open during my inspection. This approach from the town is marked by the original Victorian Gothic gate piers at the entrance to Castlefarm Road (also referred to as L-1437-0) which leads from Kings Square to the eastern dairy complex entrance, (Access 2). There is also a narrow gated access road off the northern side of the Castlefarm Road which leads to two entrances to the Dairy complex wastewater treatment plant (WWTP), (Accesses 4 and 5) and this same road also serves the municipal wastewater treatment plant facility beyond the bridge over the River Gradoge where this road terminates.
- 1.1.3. Kerrygold Ltd. also occupies lands of c.2.7ha to the west of the Dairygold site and there is also a segregated Anaerobic Digester (ATEX biogas plant) with restricted access in this western vicinity through which the WWTP site can also be potentially accessed. (Access point 3)
- 1.1.4. Castlefarm Road has a row of houses on its northern side which are also accessed via the gothic piers at the former Castle entrance. Open fields are opposite on the southern side of the road. The houses back onto a partly wooded and partly grassed area on the south side of the WWTP access road.

- 1.1.5. The overall site complex is bound by security fencing with gated entrances and the main entrance to the west is barrier controlled and supervised by a manned security building. The weighbridge facility is also located in this area. This entrance arrangement, circulation and parking areas provide for large scale heavy good vehicles of which there were many at time of inspection.
- 1.1.6. Approximately 100m south of Access 2, there is a walled graveyard and external burial ground (NIAH ref 20818120 of regional importance) and site of a Church (SMR ref CO019-027002) which are fenced off within the complex and to which there is public access. They are adjacent to a formal courtyard of outbuildings and walled gardens/yards, all sited directly south of the former Castle (SMR ref CO019-02600).

## **1.2. The development site**

- 1.2.1. The subject development site as delineated in red is an irregular zig zag shape to the east of the Dairy Complex and starting at Access point 2 and finishing at Access point 5 comprises:
- A linear strip (east to west) of c.140m x 14m along the publicly accessible Castlefarm Road to include c.12m of ground west of the entrance (i.e. part of the fenced complex) and otherwise extends eastwards along the road within a 25-30m distance from a dwelling, Castle Park House, to the east and the most western dwelling along this road,
  - A linear strip (south to north) of c. 70m x 30m through a partial clearing of mature woodland/scrub and residential grounds alongside a small utility building to the west and the grounds of Castle Park House to the east,
  - A 'Y' shaped strip that extends partly along the rear of Castle Park House and incorporates a grassed area and the existing treatment plant access road over a length of c.142m. The site includes wooded/scrub land to the east of this road and extends north to within 20m of the Gradoge River. This part of the site includes the southern/ main gated access (Access 5 to the WWTP). It is set back from the other dwellings.
- 1.2.2. The site includes overhead ESB cables and a designated Gas Main route.
- 1.2.3. There is an indentation on the southern side of the Castle Farm Road part of the site.

- 1.2.4. The landholding as outlined in blue extends around the site with the exception of the row of private residences.

## **2.0 Proposed Development**

- 2.1. The proposal seeks to construct a short link road of approximately 150m between the two eastern access roads along and off Castlefarm Road so as to connect the operational area of the Dairy Complex and the private Wastewater treatment plant via Access point 2 to Access point 5. The proposed new road and alignment is stated to provide the most feasible vehicular access to the WWTP from the processing facility. Works involve realignment of the Castlefarm Road and the WWTP access road and creation of an intervening new route between these newly aligned roads. Main elements include:
- A new alignment of fencing to extend the fenced area and internalise the new route within a secure and extended compound. As the works are to service an industrial use and traverse residential lands a change of use of these lands is also sought. This will segregate the access route to the Municipal plant retaining its access off the Castlefarm Road. The development site does not include Access 4, secondary access to the Private WWTP which will maintain gated access from the existing external access road.
  - Proposed tree felling/ site clearance and landscaping within the site as outlined and also additional tree planting in surrounding lands within the applicant's holding. (FI)
  - Provision is also made for pedestrian access to the graveyard site from Castlefarm Road. This is fenced off from the Dairy Complex. A row of 5 car park spaces is proposed at the eastern end of this access.
- 2.2. The application documents as updated and augmented by further information (FI) and clarification of further information (CFI) include:
- 2.2.1. Drawings which include site layout of road alignment, cross and longitudinal sections and site drainage details as further detailed in FI and a landscape plan as amended in FI and CFI to include planting in and outside the red line but within the holding

- 2.2.2. A Feasibility Study Report (FI): This sets out the rationale for a new link road. It identifies the 5 access points to the complex on Figure 2.1. (which I have used in my site description) and explains current traffic movement and constraints within and outside the site.
- 2.2.3. Mobility Management Plan (CFI): 120 out of 150 employees drive per day while others avail of carpool or working from home and it is proposed to increase this and working arrangements as well as provide EV charge points. One uses motorbike and 4 cycle. Nobody uses public transport.
- 2.2.4. An Ecological Impact Assessment Report with Bat Survey (FI):
- Table 17 summarises the impacts. There will be some habitat loss and fragmentation but with planting no significant residual impact. Based on the field surveys, a range of habitats of local significance identified. A range of common bird species identified - none of significant interest. A bat survey was carried out and possible a roost site at the northern end of the site near the river.
  - Measures proposed to protect water quality. Proposed drainage to utilise nature-based solution align with principles of SuDs
  - Invasive species identified and further report required.
- 2.2.5. An Arboricultural survey (FI): Out of 32 trees, 21 are identified as needing to be removed. 19 due to location and 2 due to condition. They are mostly Cypress but some indigenous deciduous species (ash oak hawthorn). They are rated as medium to low quality. Measures for tree protection and retention during site works are proposed. Survey includes detail to protect and maintain trees during construction stage. Tree condition is mostly B or C or lower grade.
- 2.2.6. Draft CEMP (FI): This sets out site specific details for construction site management. It takes account of the habitats and Non-Native Invasive Species Management Plan. It includes a map of all habitats and identifies invasive species in two locations. It also takes account of landscaping requirements as part of mitigation management and maintenance.
- 2.2.7. JW Garden Design (FI/CFI): This supplements the Arboricultural Report and sets out landscaping plan implementation details and planting and maintenance programme. This is stated to be in line with best horticultural practice having regard to birds

nesting season times and sensitivities. It sets out methods and specifics for the 100 linear metres of new hedgerow proposed.

- 2.2.8. Invasive Alein Species Management Plan: (CFI): Table 1 summarises the approach to eradicating Japanese Knotwood (off site in 3 clumps ranging at distances of 2m to 18m from site works) and Himalayan Balsam (on site) and off site near drain. Both are listed in the 3<sup>rd</sup> Schedule of SI 477/2011. Winter Heliotrope was also identified on site and is an invasive species but not currently subject to same restrictions as those in 3<sup>rd</sup> schedule
- 2.2.9. Badger Survey Report:(CFI): No evidence of badger activity on site - no setts or sighting of species on site during survey.
- 2.2.10. An Archaeological Assessment (FI): No recorded Monuments within site. Nearest sites of note are the Church (no upstanding remains) and Graveyard located around 100m south of the site. The report chronicles the history of site and the origins and development of the Castle Demesne and notably how the current dairy processing plant has been built over the site of Mitchelstown Castle. While the burial ground is closed for burials it remains open to the public. It refers to previous archaeological testing and discoveries. In this case archaeological testing was carried in trenches by license and no significant discoveries were made. Given the disturbance to the ground and no findings of significance no further investigation are recommended

## 3.0 Planning Authority Decision

### 3.1. Decision

Following a request for **further information** and **clarification of further information** and its consideration of responses and submissions, the planning authority, by Order on 5<sup>th</sup> March 2024, decided to **grant permission** subject to 42 conditions.

### 3.2. Planning Authority Reports

- 3.2.1. Planning Reports: In the initial assessment in principle there is compatibility with the range of development plan objectives relating to the multi-zoned site subject to due care. The report refers to pre-planning discussions a disposition to being open to

potentially improving efficiencies and potentially reducing traffic impacts in the wider area but further justification for site selection is needed. The extensive hard surfacing of the site is noted. Having regard to internal reports and to the wooded area and the location of the site in the attendant grounds of the former Mitchelstown Castle, further information on ecological impacts, archaeology, and construction impacts in addition to boundary details where it interfaces with residential property and the pedestrian route were also considered to be required to enable further assessment. The planner's report was endorsed by the Senior Executive Planner's report.

3.2.2. Planning Report (11/1/24) On review of the further information as summarised in section 2 and having regard to internal reports, clarification was sought in respect of landscaping, invasive species, mobility management and acoustic fencing.

3.2.3. Planning Report (28/2/24) On review of clarifications, issues considered to have been satisfactorily addressed.

3.2.4. Other Technical Reports

- Ecology Unit: FI was requested and an EcAI was subsequently received on 11/1/24. CFI was then sought on invasive species, tree planting and badger surveys. All details were acceptable and no objections to permission were raised in the final report of 27/02/24 subject to conditions. Conditions relate to: time of site clearance (not between 1<sup>st</sup> March – 31<sup>st</sup> August), adherence to mitigation measures in the EcIA, Landscaping to be completed with 18 months, protective fencing and measures for tree protection and Invasive Species Plan to be implement by an IASP specialist.
- Archaeologist: FI was requested in report of 11/7/23 wherein licensed testing was required. Testing under license was conducted and an AIA report was submitted concluding no uncovering of features and no further mitigation necessary. No objection to permission. No conditions recommended.
- Water Services Report: (12/7/23) no objections subject to conditions regarding drainage, access to municipal WWTP
- Public lighting: (26/6/23) No comment as no outdoor lighting.
- AA Screening: Weak hydrological connection – no impact

- Area Engineer: (12/7/23) This report describes the site as being accessed from the L-1437-0 local primary road and also a private laneway leading to the council /UE water services. No objection to soakaway trench. No objection subject to 29 conditions. Soakaway required.
- Environmental Services: (23/6/23) No objections raised in either report. Conditions recommended in 17/7/23 in relation to Surface water management, SuDs, and sediment control. permission.

### 3.2.5. Conditions

C.1	Standard
C.2, 3, 4, 5, relate to:	Site entrance
C.6 relates to:	Utility poles
C. 7, 8 ,9 13, 14, 15, 16, 17, 18, 19, 22, 24, 27, 28, 33, 37 (SuDs) relate exclusively or in part, to:	Surface water drainage
C.10, 11, 12, 21, 23, 36 relate to:	Construction management
C. 20, 25. 29, 30 relate to:	Footpath , public road outside boundary
C 26 relates to:	Internal road layout/turning area/ no reversing
C.3, C35 relate to:	Foul sewer discharge
C.32 relates to:	Groundwater from dewatering to public sewer
C.36, 38, 39, 40, 41, 42 relate to:	Landscaping/tree protection/Ecology
C.34 relates to:	Maintaining access to Mitchelstown treatment plant

### 3.3. Prescribed Bodies

TII: No observations to make.



Gas Networks Ireland: In reference to the Gas Pipelines in the vicinity of development no excavation may take place within any such wayleave without the consent in the form of a valid excavation Permit.

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

The appellant made a written submission on both the application details and further information and made a number of points in relation to alleged inadequacy of responses. The issue raised related primarily to procedural, HGVs and overall traffic and parking management and adherence to extant permission, impact on built heritage/ conservation area and ecology. These are largely re-stated in the grounds of appeal.

## **4.0 Planning History**

4.1. The planning authority report sets out the detailed planning history for the industrial complex. Of particular note are the following cases for extensions to the facility

4.1.1. ABP PL 04.233528, Permission in October 2009 for development relating to the entire complex. Condition 3 concerns HGVs and states:

All heavy good vehicles entering and exiting the overall site shall utilize the proposed new access road off the roundabout at the junction of the N8/N73/R665 once construction work for the development is completed. No heavy goods vehicles shall be permitted to use the LP 1437 once construction is completed.

Reason: In the interest of Traffic Safety and the amenities of the area and in the interest of proper planning and sustainable development.

4.1.2. ABP 310906, Permission granted for an extension to the existing Butter Processing Facility for the manufacture, packaging and distribution of butter products permitted by Cork County Council planning application references 145908 & 196855. An Environmental Impact Assessment Report and Natura Impact Statement were submitted to the Planning Authority with the application. This related to the Kerrygold plant on a site of less than 3ha to the west of Dairygold and accessed via the roundabout entrance (Access Point 1).

Product output projected to increase 75% by 2025. Condition 3 also restricts vehicular access in Access 2. (Order attached in pouch in file).

## 5.0 Policy Context

### 5.1. Development Plan

5.1.1. **Site specific objectives** as indicated in Volume 3 of the Cork County Development Plan 2022-2028 (CDP) that are relevant to the site.

- ZU18-10 'Existing Mixed/General Business/Industrial Uses as part of 17.44 tract of land
- ZU18-09 'Residential/Mixed Residential and Other Uses'
- GC-01/MH-GC-1 'Green Infrastructure' zone which extends along the River corridor to the north and agriculture to the south
- MH-U-02 Develop and maintain pedestrian walk in line with the Inland Fisheries Ireland Guidelines and volume one of this plan.
- The Demesne Castle Gardens and Buildings associated with the original site are in the Record of Protected Structures (RPS).
- The Gate Piers on Castlefarm Road through which the site is accessed are in the RPS
- The site borders the eastern end of town designated as an ACA which includes formal laid out Kings Square - a square of terraced houses that are all in the Record of Protected Structures.
- The River corridor is in Flood Zone A and Zone B which only marginally breaches Zone A.
- It is in a High Value Landscape.

5.1.2. Mitchelstown is the 2<sup>nd</sup> largest town within the Fermoy Municipal District in North Cork and is in the North Cork Strategic Planning Area. In Volume 3 of the CDP the aim is to boost the town's population in line with prescribed targets; optimise employment opportunities at appropriate locations within the development boundary having regard to the town's proximity to the M8 corridor and its strategic location within Munster; provide an appropriate level of supporting community and recreation

facilities to meet the needs of the population and ensure new development respects the significant historic and architectural fabric of the town.

- 5.1.3. **Public Realm Improvement** aims: to build upon and enhance the unique characteristics in town including King Square and Kingston College
- 5.1.4. **Green Infrastructure:** Land zoned GC-01 contains a significant number of mature trees which act as an important visual buffer to King Square and Kingston College and the established industrial lands to the north.
- 5.1.5. **Movement :** Mitchelstown Traffic Management Plan would significantly enhance both pedestrian and cycling facilities in the town. It is also important that new development provides for permeability and safe linkages for pedestrians and cyclists to the town centre and wider area
- 5.1.6. **Biodiversity:** Biodiversity areas were identified, the protection of which is important to ensure the conservation of biodiversity within the urban fabric of the town:
  - 1. **Mitchelstown Castle Woodlands & Wetlands** located adjacent to the River Gradoge and contains a number of semi- natural habitats of Special Conservation Importance for County Cork such as oak-ash-hazel woodland, wet willow-alder-ash woodland and reed and large sedge swamps. (located in MH-GC-01)
  - 2. **Gradoge River**, an important ecological corridor between the town and the surrounding lands containing several high local value habitats including semi-natural woodlands, reeds and large sedge swamp, dry meadows, and wet grassland.

MH-GO-05 All development should contribute to improved, safe pedestrian and cyclist connectivity and should include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate.

MH-GO-06 Protect and enhance the attractive landscape character setting of the town. Conserve and enhance the character of the town centre (including the special character of Architectural Conservation Areas) by protecting historic buildings, groups of buildings, the existing street pattern, zone of archaeological potential, plot size and scale while encouraging appropriate development in the town.

MH-GO-07 Support implementation of the Mitchelstown Traffic Management Plan

MH-GO-12 The green infrastructure, biodiversity and landscape assets of Mitchelstown include the Gradoge River corridor, mature trees, pockets of woodland and areas of unimproved grassland habitat as well as other open spaces. New development should be sensitively designed and planned to provide for the protection of these features and will only be permitted where it is shown that it is compatible with the requirements of nature conservation directives and with environmental, biodiversity and landscape protection policies as set out in Volume One Main Policy Material and Volume Two Heritage and Amenity.

## **5.2. Natural Heritage Designations**

- 5.2.1. The Blackwater Callows SPA 004094 and Blackwater River (Cork/Waterford) SAC (002170) are the nearest sites at c. 13km. For more details see Table 9 of the EclA.

## **5.3. National planning policy and guidance**

- 5.3.1. **The National Planning Framework - Project Ireland 2040.** This policy framework emphasises ‘making stronger urban places’ while also aiming to strengthen rural economies. A strategic goal is to achieve “Strengthened rural economies and communities” and “Transition to a low carbon, climate-resilient society.” The food sector is recognised as a traditional pillar of the rural economy. Chapter 5, ‘Planning for Diverse Rural Places’, includes National Policy Objectives relating to support rural job creation. Objective 23 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector
- 5.3.2. **Regional Spatial and Economic Strategy for the Southern Region (2020-2040) :** This promotes agri-food sector. RPO 48 seeks to develop innovation hubs and centres of excellence (with particular opportunities for innovation in agri-food, agri-tech, marine research, creative industries, knowledge economy etc) as local drivers for growth.
- 5.3.3. **Architectural heritage protection Guidelines for Planning Authorities (2011).** These guidelines provide practical guidance for planning authorities and for all others on the protection of the architectural heritage in the context of Part IV of the Planning

and Development Act 2000. They set out criteria for understanding the character and features of Protected Structures and ACAs. Section 14.4 refers to burial grounds and curtilage.

## 6.0 EIA Screening

- 6.1.1. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics of the proposed development and its location in a primarily industrialised urban area and also noting the location removed from any sensitive locations or features and having regard to the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not therefore required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

- 7.1.1. Kevin Finn a local resident in the ACA has appealed the decision to grant permission on the grounds of:

- **Continued use of the eastern side of the dairy complex for vehicular access** and the associated traffic impact on the amenities of the adjacent Kings Square and wider Architectural Conservation of the town.  
The proposed development would therefore injure amenities of and devalue properties in Kings Square and would be contrary to the provisions of the CDP
- **Failure of the applicant to sufficiently justify location of entrance** in context of extant restrictions and requirements by condition and failure to clearly quantify traffic movements within and to and from the site and precise rationale for route selection.
- **Inadequate details of pedestrian walkway** in light of CPD objective MH-U-02.

- **Inadequate ecological and landscaping details.**

7.1.2. In the event of permission **conditions** of a permission should address, within very specific timeframes:

- Outstanding information not submitted,
- Closure of Access 2 and Access 4 and
- A limit to construction duration.

## 7.2. **Applicant Response**

7.2.1. No response submitted

## 7.3. **Planning Authority Response**

No further comments as all relevant issues are considered to have been addressed in technical reports on file.

## 7.4. **Observations**

None

## 7.5. **Scope of issues**

Having examined the application details as amended and clarified by the applicant, together with the documentation and submissions on file and the reports of the planning authority and having inspected the site , I consider, in light of relevant policy and guidance, the key issues in the appeal are:

- Principle of development
  - Combability with land use objectives
  - Need and site selection,
- Impact on built heritage
- Impact on Natural Heritage and loss of trees
- Procedural
- Conditions

## **7.6. Principle of Development: Compatibility with land use objectives**

- 7.6.1. At a high level, the principle of supporting a key agri-business in the region is mandated in both the Regional Spatial and Economic Strategy for the Southern Region and the Cork County Development Plan 2022-2028 (CDP) aims and objectives for Mitchelstown although predicated on protecting both the natural and built heritage.
- 7.6.2. While the site is in a High Value Landscape it is in an established industrialised and urbanised context where development can be absorbed subject to not conflicting with localised natural and built heritage objectives. These are addressed in the following sections.
- 7.6.3. In terms of zoning, the development site straddles several different land use categories as described in the development plan; primarily it is governed by objective ZU18-10 'Existing Mixed/General Business/Industrial Uses,' a small strip is governed by ZU-18-9 'Residential/Mixed Residential and Other Uses' and another small area lies within the 'Green Infrastructure' zone. Objective MH-U-02 is a specific policy to provide for a walking route through the site and beyond along the river.
- 7.6.4. The proposed road development is to provide for ease of vehicular movement for Dairygold between its operational and waste treatment areas while extending the fenced off dairy business compound. It does not involve an extension of dairy processing facilities and would only be ancillary in use to the industrial use. The link road, which is a new build element, I note, traverses an existing utilities corridor where overhead electricity cables cross and where a gas pipeline upgrade is proposed. The material issue in terms of land use character is that it will accommodate large trucks, albeit in low volumes and will encroach into residential zoned lands which in this case relates to grounds at a distance of some 25-30m from the existing dwelling, Castle Park House and its immediate curtilage. The grounds however are densely planted and contribute to a buffer between the house as well as the wider area as viewed from the east. I note that this nearest dwelling will still retain its curtilage and generous private amenity space to the side as compared with the adjacent row of dwellings. I also note a letter of consent is attached for the use of the residential strip of ground.

- 7.6.5. I note the topographical features constraining the precise alignment, such as the utility building and power lines on one side and the dwelling on the other as well as the steep slope to navigate. In view of the ancillary service that the proposed link provides to both the dairy processing facility and the immediate site character, I do not consider the development of a link road segregated from the public realm to conflict materially with the residential zoning, insofar as amenities can be protected subject to boundary design detail which incorporates both landscaping and the noise acoustic measures as submitted in the clarification of further information. I say this noting the provision in the zoning objective for 'other uses' that should 'protect amenities and not threaten the vitality of the primary residential use.' In order to protect the residential character of the residential environs of the adjacent , dwellings I consider a restriction on industrial related storage along the proposed route should be de-exempted.
- 7.6.6. In respect of the encroachment into Green Infrastructure land where there is 'presumption against development' under objective MH-GC-1, developing the northern part of the site is potentially contrary to the development plan. However, only a very small area of the development site is governed by this zoning objective, and it is where, as part of the proposal, an existing road is proposed for realignment. It is also the location of a CDP planned walking route. Adherence to the objective is predicated on maintaining the character and in this regard, I note the CDP objective seeks to maintain a green buffer between industrial development and the Architectural Conservation Area. The objective makes reference to the Castle woodlands and habitats. I consider the principle of ancillary development works which includes tree planting, in a disturbed area where utilities traverse and plan to be augmented, is open for consideration subject to addressing ecology and landscaping details. This is addressed in more detail.
- 7.6.7. In respect of the objective for a walkway (objective MH-U-02), which seeks to provide a route from the Castlefarm Road to the riverbank, it is evident that the route, as dotted in the CDP (volume 3 Map) for Mitchelstown, overlaps with part of the site. This part of the site includes part of the access road which is to be realigned although its overall status quo as a municipal access road is to remain. The planning authority raised the issue of compatibility with the walk and sought measures consistent with achieving its objective. The appellant disputes that this matter has



been adequately addressed. In the applicant's FI response, it is explained that the proposed hedgerow on the eastern side will be set back to accommodate a later pathway. While I accept that the proposed details have not incorporated the construction of a footpath, critically, the provision of such has not been compromised. I would further add that this is an existing road from which HGV traffic entering the private WWTP will be diverted due to the road alignment and this I consider further supports the amenity objective. The detailed alignment and laying of services can be subject to agreement. I consider this matter has been adequately addressed and does not materially conflict with Objective MH-U-02 and does not constitute grounds for refusal.

- 7.6.8. While the appellant submits that the proposal in principle is contrary to the Development Plan in respect of a number of site-specific policies pertaining to the development area, in my judgement in view of the foregoing, I consider the principle of the proposed road and associated works does not give rise to material contravention issues and is acceptable subject to meeting detailed criteria. I would also comment at this point that permission for an ancillary industrial use such as a service road in part of residential zoned land does not change the zoning - it only changes the pattern of development. The appellant is correct in that the change in zoning or any objective or part of the Development Plan is a different process as provided for in the Planning and Development Act.

## **7.7. Principle of development based on need**

- 7.7.1. The applicant explains that the existing situation is that trucks access its wastewater treatment plant (WWTP) from the Castlefarm Road (LP 1437) via the town and is seeking to change these vehicular movements for the purpose of having a more direct, secure and segregated vehicular access route between the operational area of the Dairy complex and its private WWTP to which access is constrained within the current complex configuration. The option proposed involves the creation of a 150m new link road connecting two existing access roads serving the eastern side of the Dairygold Complex. The two roads are the Castlefarm Road, (this is the original Castle entrance,) and the minor road off this just inside the Kings Square entrance and also leading to the compound and the municipal WWTP beyond. It is proposed

to increase the fenced compound area so as to internalise this new link and also to push out Access 2 and fence off part of Castlefarm Road, associated woodland and part of private residential grounds.

- 7.7.2. The appellant makes the case that the proposal is not justified. It is effectively submitted that if the applicant was compliant with planning permissions, whereby Castlefarm Road is not permitted to be used for HGVs, the argument of diverting such traffic from the town carries no weight in justifying the proposal. The appellant further submits that the destination WWTP can be accessed within the confines of the existing compound.
- 7.7.3. I note condition 3 of the permission ABP PL04.233528 pertaining to the entire site and which provided for the N73 roundabout access for all HGVs and also note it was not conditional on closing other entrances. It requires that 'all heavy good vehicles entering and exiting the overall site shall utilise the proposed new access road off the roundabout at the junction of the N8/N73/R665 once construction work for the development is completed. No heavy goods vehicles shall be permitted to use the LP 1437 once construction is completed.' My understanding is that all business related HGVs use the main entrance off the roundabout and that the effluent tanks moving within the compound continue to use the minor road off the LP1437 to reach entrances at Access points 4 and 5 which does I note require a short overlap with the Castlefarm Road – the precise extent of LP1437 is not clear. It is not within the scope of this case to determine matters of compliance. Whether compliant or not it does not preclude the applicant from seeking permission for the proposed development. What is relevant is that the proposal will not materially contravene a condition of permission. In this case the objective is to contain internal operational traffic within the compound and avoid going through the town and accordingly is consistent with extant traffic conditions.
- 7.7.4. In terms of the precise route selection, this matter was raised in more detail in the consideration of the proposal by the planning authority who sought a Feasibility Study. This was submitted and explained the rationale for the route selection to its satisfaction. The appellant is of the view that the route selection is not however sufficiently evidenced having regard to its sensitive context.

- 7.7.5. In the Feasibility study it is explained how Access 1 is used for all HGVs entering and exiting the Dairygold Complex and that Access 2 is generally not used for vehicular traffic. In this regard I noted during my inspection over an afternoon that while the gates were open, no vehicles appeared to use this entrance. In terms of moving effluent from the processing area to the on-site WWTP the study explains how there is a considerable difference in ground levels within the site and there are three options as presented and analysed - see Fig 2.2 in study report.
- 7.7.6. Route A follows an existing track along the northern boundary within the existing compound, but its upgrading is constrained based on terrain and environmental sensitivities along the riverbank as an important ecological corridor. It requires considerable works where there is a steep slope and rock face and woodland habitat. It would include felling of 150 trees to provide a 6m wide road. In this regard I note the sensitive riparian setting and CDP objectives to protect its biodiversity, including the woodland habitat in this vicinity along the river corridor. I refer to MH-GO-12 as cited in section 5.1 of this report). This route also necessitates traversing a high security zone associated with the anaerobic digester which I accept is not in the best interest of health and safety.
- 7.7.7. Route B is the proposed route which traverses utilities corridors (overhead powerlines and gas network pipeline route) and where ground has been disturbed although involves further loss of woodland. While I note the need to fell 19 trees due to the proposed route alignment, I note the tree survey and low to moderate quality due to condition and also extensive cypresses and scrub type habitat. The refencing of the Dairygold complex to incorporate this new link route would I note accord with the extant permission as it would contain HGVs and effluent tanker movements within the fenced compound.
- 7.7.8. Route C is the current route by which effluent tankers exit the main entrance and then enter the WWTP site via the road that also services the municipal plant off the Castlefarm Road. This would divert traffic from the town although I accept arguably some of this traffic should not be there.
- 7.7.9. On balance I consider that the applicant has in principle reasonably justified a need to provide a link road at the proposed route having regard to site constraints and in the interest traffic safety and efficiencies.

## **7.8. Impact on Built Heritage**

- 7.8.1. The archaeology report sets out the history and context of the Castle, its development as Mitchelstown Castle and its Demesne and associated historic town which is part of an Architectural Conservation Area. Since 1949 the original demesne was carved up and re-amalgamated to form the dairy farm complex today and it is, on the basis of this proposal, still evolving. Part of the proposal is to extend the dairy complex eastward in the direction of the old Castlefarm entrance but the fenced compound will still be within the Demesne. The proposal does not in my judgement materially alter any historic boundary or feature such as estate walls or structures. I note from the history maps that the clearance in the grounds approximately aligns with some previous paths.
- 7.8.2. While the Castle and its replacement have long gone, the attendant grounds and wider Demesne landscape setting, particularly in its relationship with the Georgian planned town, remains an important contextual setting. A key feature of the historic town is the highly ordered and imposing Kings Square through which there is a formal entrance along Baldwin Street to the remaining Mitchelstown Castle Gothic gate piers at the eastern end of Castlefarm Road which lead to the modern gated compound within the Demesne. The appellant is concerned about the continued use of the east Access 2 as relocated, and the generation of heavy goods vehicles through these architectural set pieces which are also home. The heritage town streets cannot sustain high volumes of such vehicles and this I note was a consideration in the permission for the new entrance off the N73.
- 7.8.3. Given the context, it is understandable why the appellant seeks to curtail traffic which I note from inspection includes very large tankers. However, I consider the permanent closure of Accesses 2 and 4 to stop all traffic is extreme. I note the employee access sign at Access 2 and consider the continued use of this entrance for non-HGV traffic, such as for employees for example, is important for continuing the functional connectivity and permeability between the town and Demesne, in keeping with its origins. In this regard I note the alternative Route C in the Feasibility Study which is indicative of the pedestrian route if an employee wishes to walk or cycle from the town to work in the Dairygold complex and avoid Castlefarm Road. This circuitous route is not I consider consistent with sustainable travel as it would be inclined to make local employees car dependant. The segregation and containment

of trucks provides an opportunity to improve pedestrian and cycling and I further note this proposed segregated footpath is to serve the graveyard 100 meters south of the site and this is to be fenced off from what is to become an internal compound road so as to maintain public access. The development site incorporates about 120m in length of the Castlefarm Road which is presently open to the public to walk, cycle or drive along and is proposed to become part of the fenced compound with the exception of a pedestrian corridor, thereby maintaining pedestrian linkage.

7.8.4. I concur with the appellant that details of the pedestrian route to the graveyard site within complex are insufficient. I would further add that a redesign is needed to address the context and safe usage. Firstly, in respect of the pedestrian access for both burial grounds, it should be wider than the proposed 1.5m, particularly with continuous high fencing. Secondly, having regard to the Architectural Heritage Guidelines, (section 14.4 refers to Burial ground settings,) palisade fencing should be replaced with a more sensitive design and use of materials so as to at least harmonise with the existing loop top metal fencing. Both of these issues can be reasonably addressed by condition.

7.8.5. Similarly in respect of 'way finding' the appellant raises concern about the absence of details for signage for the publicly accessible graveyard and car park. I consider this is an important detail but that it can be addressed by conditions.

7.8.6. In terms of protecting the woodland character and encroaching on a visual buffer of views from the town, the loss of historic woodlands is I consider marginal and well compensated for by the location and extent of proposed planting. The row of dwellings contributes to already urbanised environs in the area however the proposed tree planting particularly along the minor access road and extending over the expansive lawned area is well placed to maintain the woodland buffer.

7.8.7. On balance, I accept the proposal provides a feasible solution to restricting through traffic reliant on independent access to the WWTP from the east and consider it to be a positive development for the town amenities and its historic built heritage.

7.8.8. As a related issue in terms of permeability and mobility management, I consider the pedestrian access should be available for employee access, and this could also be part of a mobility management plan review specifically addressing modal shift measures.

## **8.0 Impact on Natural Heritage and loss of trees**

- 8.1.1. The appellant disputes the adequacy of ecological assessment, tree surveys and landscaping detail but does not elaborate on particular concerns. I accept the site has some sensitivities in terms of woodland habitat and its riparian setting and the specific CDP policies and objectives which aim to protect same, as cited in section 5.1. The planning authority in this context rightly sought a comprehensive range of specialist information with an emphasis on tree surveying and proposed landscaping together with plans for mitigation. I note from the subsequent Ecological Impact Assessment Report with Bat Survey that, based on the surveys as updated, there will be no significant habitat loss and that there are no Annex 1 Habitats or any rare protected floral species. The birds survey does not include Qualifying Interests of any European sites within 15km and a total of 9 green listed birds were recorded. Notably, no amber or red species were recorded. While potential impacts from site works may impact on nesting birds, roosting bats near the river and badgers, construction management measures and landscaping measures will I accept address these impacts with little or no residual negative impact.
- 8.1.2. The arboricultural survey submitted by the applicant identifies the loss of 21 trees to be felled out of 32 and 19 of these are due to the location. However, they are mostly cypresses with some indigenous deciduous species such as ash, oak and Hawthorne but rated as medium to low quality. Measures for tree protection and retention during sized works are proposed.
- 8.1.3. The EclA also includes water quality protection measures and protection of the riparian area, root protection measures for trees to be retained, invasive species survey and management plan as incorporated into the CEMP, restricted removal of vegetation outside bird breeding season, installation of bird and bat boxes, pre-construction survey of trees with bat potential and appropriate operational lighting, construction stage pollution prevention measures. Accordingly, I am satisfied, that with best practice design and mitigation measures, along with the monitoring programme that any residual impacts would be neutral in the long term.
- 8.1.4. As a final comment in this regard, I note that the planning authority sought further information and clarification of same based on recommendations of its Ecology Unit and I consider thoroughly assessed this matter and that the conditions of permission

reasonably seek to ensure measures are adhered to in the interest of biodiversity. Most notably the area of tree planting will be increased within the applicant's landholding extending outside the application site outlined in red. The mitigation measures seek to both replenish low quality trees and also address invasive species outside the development site and near the drain. Such measures are pro-active in terms of biodiversity management. I note the Ecology unit of the PA accepts the methods for eradication of invasive species and the landscaping plan to include replacement trees which also increases the linear extent of and that no further landscaping mitigation measures are required. I am satisfied that biodiversity net gain is provided for as sought by the ecology unit.

- 8.1.5. On balance, I do not consider that the proposal would result in degradation of woodland habitat or biodiversity on the overall site, nor would it conflict with the Green Infrastructure objectives of the CDP. Accordingly, there is no basis to refuse permission on such grounds. As a precautionary measure I recommend landscaping conditions to safeguard the protection of trees to be retained and to ensure earthworks do not cause undue run off having regard to the steep slope and proximity to the river downgradient which lies in a flood plain.

## **8.2. Procedural issues**

- 8.2.1. The applicant makes reference to the lack of details regarding the site boundary and landholding and to the inadequate details indicating local features such as the entrance to the municipal WWTP. While I agree that details of adjacent features are helpful in conveying the nature of the proposal and its impact, I do not consider third parties have been unduly misled or compromised by the level of detail. I noted this entrance on my site inspection and have had due regard to its presence in consideration of the case.
- 8.2.2. The validity of the public notices is questioned. The planning authority has confirmed that the site notices were in place and accepted to comply substantially with the Planning and Development Regulations. Ultimately the appellant has had the opportunity to make observations, and I consider there is insufficient evidence for the Board to refuse permission on the basis of an invalid application.

### 8.3. Appellant's conditions of permission

- 8.3.1. The appellant seeks the attachment of particular conditions in the event of permission. While the related issues have been substantially addressed in my forgoing assessment, the conditions of concern are considered below.
- 8.3.2. Outstanding matters to be submitted within 3 months of a grant of permission: I consider provision for such can be addressed by compliance with the requirements of the respective divisions of the planning authority and where appropriate, such measures should be agreed in writing prior to commencement of development.
- 8.3.3. Permanent closure of the eastern entrances to the Dairygold production and waste water treatment sites within 12 months: I do not consider this necessary or reasonable as the compound will be enlarged to prevent a need for eastern access - the arrangement is that trucks enter and exit the western main Access point 1 and do not use Access 2 which provides for employees/pedestrian and possible emergency and non-HGV vehicular traffic. As stated, I consider complete closures would be inappropriate in terms of connectivity. Nor do I consider it unreasonable to maintain an alternative external access to the WWTP. It also provides for an alternative route and access to the municipal WWTP in the event of an emergency. I note its concerns for example during roads works. As stated, the relocation of the Access 2 eastwards and encompassing an internal access has wider benefits to the town. There would I consider be no material benefit in permanently blocking this entrance.
- 8.3.4. No traffic serving the Dairygold production and WWTP sites at Castlefarm should enter the sites other than the western entrance no. 1 off the roundabout, after 12 months from the date of permission: I consider the continued use of the main entrance for HGVs relating to the daily operations is a sufficient restriction. Clearly the works proposed seek to avoid the circuitous route through to the town and Gothic Piers and the private access road. A restriction on the WWTP site access could be imposed in terms of being a secondary/emergency access, details of which could be submitted as part of a traffic and mobility management plan.
- 8.3.5. No traffic serving Dairygold production and waste water treatment sites at Castlefarm and Clonmel Rd. should you use any part of the L 14370 between Baldwin St. and the proposed eastern entrance to the site designated entrance No. 2 after 12 months



from the permission: I consider I have addressed this matter and do not consider such a restriction other than what exists is warranted.

- 8.3.6. The proposed development should be constructed within 12 months of the date of permission: I do not consider this to be reasonable as it is contingent on ecological considerations which require invasive species eradication, surveys, seasonal restrictions, and may be subject to a bat derogation license as well as weather constraints having regard to the flood risk at the northern end to the north of the site. A final agreed CEMP should address amenity considerations and good practice to safeguard amenities and the environment throughout the construction phase.
- 8.4. Require a further planning application within six months making provision for all of the development works proposed submission outside the site development boundary. As I am satisfied that the applicant has sufficient legal interest in the lands pertaining to the proposed development, I do not consider this is warranted.

#### 8.5. Other Conditions

- 8.5.1. The planning authority has attached an extensive list of conditions relating to detailed specifications and issues concerning drainage, roads and impacts of associated works. Many of these are of a similar nature or superfluous given provisions under the Planning Act such as relating to road opening license requirements. These could be rationalised.

##### Surface Water Drainage

- 8.5.2. The appellant raises concerns about the use of asphalt in the road surface. I consider the detailed specification is a matter to be addressed by the planning authority together with the detailed design of the surface water drainage system in its capacity to dissipate waters at an acceptable rate and quality.
- 8.5.3. I further note that due to the industrial nature of the processing facility and associated activities that the site operates under IPC license. As the subject development relates to ancillary site works and access arrangements and is not of a nature that generates industrial emissions, I consider the requirements for EPA consultation in licensing cases does not apply. Nor does the development involve any direct loading onto the waste water treatment plant and cannot, in view of its

nature and scale, be considered to have a significant impact on waste water discharges.

- 8.5.4. In terms of discharge, the main source is an increase in surface water off due to the increased hardstanding and this has been addressed in further information by the provision of a surface water system which includes collector gullies and a collector pipe with silt traps which feed into an existing soakaway system as the initial edge drainage system proposed risked flowing into eastern property. It is not fully clear to what extent SuDS is being integrated. I note there is reference by the applicant to an EPA relaxation on the use petrol interceptors but I consider, as a precaution this, together with integration of SuDS, should be provided for in a condition. As stated, I consider these are matters of detail to be managed and agreed on by planning authority.

#### Mobility Management Plan (MMP)

- 8.5.5. I note that the MMP refers to an ongoing review and that this in my view should be cognisant of any Traffic Management Plan for the Town and incorporate active travel opportunities. In this regard I also consider that adequate footpath provision should be made available for access to the site as well as the burial ground. Conditions of permission could address this.

## **9.0 AA Screening**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Blackwater Callows SPA 004094 or Blackwater River (Cork/Waterford) SAC (002170) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works and limited duration and imperceptible change in the landscape and habitats

- The unlikely potential for the proposed development to give rise to significant source impacts and
- The weak and indirect ecological connections and long distance to the above-named SAC and SPA.

## 10.0 Recommendation

I recommend a decision to grant permission subject conditions based on the following reasons and considerations.

## 11.0 Reasons and Considerations

Having regard to the pattern and character of development in the area, and particularly the existing established use on the majority of the site and associated zoning, the ancillary nature and limited scale of the proposed link road and containment of traffic within the site, its set back from the curtilage of residential property and provision of an acoustic barrier in a residential zone, together with the provision for a future walkway as intended under Objective MC-U-02, it is considered that subject to compliance with the conditions set out below that the proposed development would not materially conflict with the objectives for the area as contained the Cork County Development Plan 2022-2028 and would not seriously injure the amenities of the area or property in the vicinity, would not detract from architectural or archaeological heritage and would be acceptable in terms of traffic safety and convenience and protection of biodiversity. The proposed development would therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on 7 <sup>th</sup> December 2023 and 9 <sup>th</sup> February 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to
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	<p>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><b>Reason:</b> In the interest of clarity</p>
2	<p>The proposed development shall be amended as follows:</p> <p>(a) The proposed footpath along Castlefarm Road in the direction of the Church and Graveyard sites within the grounds of the Demesne and forming part of the setting of the 'Demesne, Castle, Gardens and Buildings' (RPS no. 01357) and shall be at least 1.8m in width and landscaped.</p> <p>(b) The proposed palisade type fencing and footpath surface along the pedestrian route shall be re-designed to harmonise with the architectural and historical heritage of the burial site included in the Sites and Monuments Records.</p> <p>(c) The proposed footpath shall provide pedestrian access for employees into the Dairygold site.</p> <p>The footpath shall otherwise be constructed and dished in accordance with the requirements of the planning authority.</p> <p>Revised drawings showing compliance with these requirements together with details for signage and the maintenance and management of the pedestrian link to the Graveyard and access arrangements to the sites, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development on site.</p> <p><b>Reason:</b> In the interests of visual amenity, pedestrian safety and to protect the setting of a Site of heritage value.</p>

3	<p>Prior to commencement of road works, screen walls shall be provided along the side boundary of Castle Patk House to screen its side and rear garden(s) from public view and these walls shall be provided with acoustic measures as submitted and as clarified in further information received by the planning authority on 9<sup>th</sup> February 2024. Details of material and finishes including height shall be submitted for prior written agreement with the planning authority.</p> <p><b>Reason:</b> In the interest of residential amenity.</p>
4	<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. In this regard SuDS measures, silt traps and petrol interceptors shall be provided. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To prevent flooding and in the interests of sustainable drainage.</p>
5	<p>Only clean, uncontaminated storm water shall be discharged to the soakaway.</p> <p><b>Reason:</b> In the interest of public health.</p>
6	<p>Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree to be retained, as submitted to the planning authority shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.</p> <p>(b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the tree(s), together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority..</p>

	<p><b>Reason:</b> To ensure that the trees are not damaged or otherwise adversely affected by building operations.</p>
7	<p>No development shall take place until details of earthworks have been submitted to, and agreed in writing with, the planning authority. These details shall include the following:</p> <p>(a) Soil and subsoil cross-sections.</p> <p>(b) Plans and sections showing the proposed grading and mounding of land areas, including the levels and contours to be formed.</p> <p><b>Reason:</b> In the interest visual amenity and surface water run-off control.</p>
8	<p>All road works shall comply with the requirements of Irish Water in respect of protection its piped infrastructure.</p> <p><b>Reason:</b> In the interest of public health</p>
9	<p>The developer shall comply with the detailed requirements of Area Engineer in respect of road construction, gradient and surface finishes, entrance design and layout and marking out of the proposed car park spaces.</p> <p><b>Reason:</b> To ensure a satisfactory standard of development and in the interest of public safety</p>
10	<p>The development hereby permitted shall be carried out and completed at least to the construction standards as set out in the planning authority's Taking In Charge Standards.</p> <p><b>Reason:</b> In the interest of safety.</p>
11	<p>Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with the planning authority prior to the commencement of development.</p> <p><b>Reason:</b> In the interest of amenity and public safety.</p>

12	<p>Site development and building works shall be carried out between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 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.</p> <p><b>Reason:</b> To safeguard the amenity of property in the vicinity</p>
13	<p>A final Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to, construction phase controls for, invasive species eradication, dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.</p> <p><b>Reason:</b> In the interest to public safety and amenity.</p>
14	<p>The mitigation measures contained in the submitted Ecological Impact Assessment Report (EclA) as updated by details submitted 9<sup>th</sup> February 2024, shall be implemented.</p> <p><b>Reason:</b> To protect the environment.</p>
15	<p>Notwithstanding the provision for exempted development, no vehicles, goods, raw materials or waste products shall be placed or stored on or alongside the proposed road or any part of the proposed development area.</p> <p><b>Reason:</b> In the interest of public health and visual amenity</p>
16	<p>Prior to the opening of the new link road, a revised Mobility Management Plan (MMP) shall be submitted to and agreed in writing with the planning authority. This shall provide pedestrian facilities and for incentives to encourage the use of public transport, cycling and walking by staff employed in the development. The mobility strategy shall be prepared and implemented by the applicant.</p>

	<b>Reason:</b> in the interest of encouraging the use of sustainable modes of transport.
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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.

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Suzanne Kehely

Senior Planning Inspector

20<sup>th</sup> May 2025



## Appendix 1

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
<b>Brief description of project</b>	Construction of an approx. 150m long link road between existing roads and realignment works of these existing roads, tree removal and provision of footpath, 5 car park spaces, new hedging, tree planting, new fencing and security gate and public lighting.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	The site is less than one hectare and part of a c. 13 hectare industrial dairy complex as described in detail in section 1 of the main report. It is 13km from the nearest European site across land and 30km upstream. Works involve site clearance of scrub and trees (felling of 21 trees of low to moderate quality) and road construction in a disturbed area with related impacts over a construction period 12 months subject to ecology conditions. The proposed development would be unlikely to give rise to significant source impacts, given the weak and indirect ecological connections and long distance to SAC/SPA
<b>Screening report</b>	<b>No</b>
<b>Natura Impact Statement</b>	<b>No</b>
<b>Relevant submissions</b>	<u>Applicant</u> Ecological Impact Assessment: This screened out an AA at preliminary stage. The report takes account of the wider ecological context of the site and impacts arising from construction works and operational uses. It includes surveys of habitats, birds and mammals on the development site. It states the impacts arising on the receiving environment including the receiving waters and having regard to the works and drainage mechanisms. Section 3 of this report confirms there are no qualifying interests associated with any sites within

		a 15km radius that are present in the development site. These European sites are considered to be outside the zone of influence for impacts.		
		Invasive Species Management Plan: This supplements the EcIA and sets out an eradication programme for 3 invasive species (2 in 3 <sup>rd</sup> schedule) on or near the development area.		
		<u>Planning Authority primary report:</u> Screened out need for AA and noted the internal report of the ecology unit.		
Step 2. Identification of relevant European sites using the Source-pathway-receptor model				
European Site (code)	Qualifying interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance(km ) from proposed development	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Blackwater Callows SPA 004094	A038 Whooper Swan Cygnus cygnus A050 Wigeon Anas penelope A052 Teal Anas crecca A156 Black-tailed Godwit Limosa limosa A999 Wetlands  <a href="#">CO004094.pdf</a> NPWS, March 2024	12.7km	None None of the QI were species recorded on site	N
Blackwater River (Cork/Waterford) SAC (002170)	Estuaries [1130]  Mudflats and sandflats not covered by seawater at low tide [1140]  Perennial vegetation of stony banks [1220]  Salicornia and other annuals colonising mud and sand [1310]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Approx. 8.6km across land and 32km downstream	None	N

	<p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>			
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	Trichomanes speciosum (Killarney Fern) [1421]  <a href="#">Site specific cons o bj</a> NPWS, July 2012			
<sup>1</sup> Summary description / <b>cross reference to NPWS website</b> is acceptable at this stage in the report <sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species <sup>3</sup> if no connections: N				
<b>Step 3. Likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</b>  N/A				
<b>Step 4 Conclusion</b>  I conclude that the proposed development alone would not result in likely significant effects on Blackwater Callows SPA 004094 or Blackwater River (Cork/Waterford) SAC (002170). The proposed development would have no likely significant effect in combination with other plans and projects on any European site(s). No further assessment is required for the project. No mitigation measures are required to come to these conclusions.				

### Screening Determination

#### Finding of no likely significant effects

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on Blackwater Callows SPA 004094 or Blackwater River (Cork/Waterford) SAC (002170) in view of the conservation objectives of these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works and limited duration and imperceptible change in the landscape and habitats
- The unlikely potential for the proposed development to give rise to significant source impacts and
- The weak and indirect ecological connections and long distance to the SAC/SPA

## Appendix 2

### Form 1

#### EIA Pre-Screening

<b>An Bord Pleanála Case Reference</b>		ABP 319347	
<b>Proposed Development Summary</b>		Construction of an approx. 150m long link road between existing roads and realignment works of these existing roads, tree removal and provision of footpath, 5 car park spaces, new hedging, tree planting, new fencing and security gate and public lighting.	
<b>Development Address</b>		Mitchelstown, Catlefarm Road, Co. Cork	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	<b>x</b>
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	<b>x</b>	Class 1(a) Class 10 (a) and (dd)	Proceed to Q3.
<b>No</b>			
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>			
<b>Yes -the proposed development is of a Class but is sub-threshold.</b>	<b>x</b>	Class 10 Infrastructure projects (a) Industrial estate development projects, where the area would exceed 15 hectares. (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. (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)	Preliminary examination required (Form 2)

		<p>(dd) All private roads which would exceed 2000 metres in length.</p> <p>Class 1(a) Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity.</p> <p>As the site is less than 1 hectare and relates to a 150m of new road it is subthreshold by a significant magnitude in the context of the above Infrastructure projects. Similarly, as the proposed indentation of the field boundary to provide car parking relates to c.30m of field boundary of some 300m along the southern side of Castlefarm Road, it is insignificant in terms of its capacity to restructure a rural holding. The relocation of fences landscaping does not reflect any obvious or significant alteration field boundaries or rural holdings.</p>	
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4. Has Schedule 7A information been submitted?		
No	x	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_

## Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	ABP 319347
<b>Proposed Development Summary</b>	Construction of a c 150 length road and realignment works
<b>Development Address</b>	Mitchelstown, Castlefarm Road, Co. Cork
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposal is for the construction of 150m long link road between existing roads and realignment works of these existing roads, tree removal and provision of footpath, 5 car park spaces, new hedging, tree planting, new fencing and security gate and public lighting all substantially within or adjacent to an established industrial compound on a site of c. 13 hectares. The site is of a very small scale in this context. The main elements of the proposed works are described in section 2 of the main report. The only demolition works are in relation to a security hut and removal of fencing and gates. The new road is on a sloped site dropping about 16m in level and traverses a woodland area where it is proposed to remove 21 trees and other vegetation. This has a bearing on the proposed drainage having regard to the residence and the river down gradient. The EclA summarises the habitats and species on site and there are none of significant interest</p> <p>A kerb and gully drainage system is proposed with some over the edge drainage which presently exists for the roads subject of realignment. Their drainage system is not changing.</p> <p>The Castlefarm Road section to be realigned is semi-industrial in nature as it is fronted by large scale industrial development being the former main entrance to the facility. The other minor road to be realigned is more rural in character and serves the municipal treatment plant</p>

	<p>The dairy processing on the site operates under EPA licence and the proposal does not involve any expansion to the processing (i.e licensable activities.)</p> <p>The proposal is to accommodate HGVs transporting waste from the operational area to the WWTP within the same complex but internal access is constrained by topography and terrain. It is not for the purposes of generating a net increase of HGV in the area and will result in shorter journeys and overall disturbance.</p> <p>Disposal of storm water is via silt traps and is described as discharging to a soakaway before discharging to the outfall pipe to a drain generally to the satisfaction of the planning authority. There will be a modest increase in run-off via . Subject to compliance with the agreements in place and future agreements this will not result in pollution.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The immediate environs of the site is in a small woodland pocket as part of a demesne landscape which includes riparian woodland habitat. While the proposed pedestrian access to the an ancient burial ground (SMR and RPS) these sites are not part of the development area.</p> <p>While the woodland habitat is identified as a landscape feature of interest the subject location is of low quality - it is adjacent to the highly developed industrial complex and both private and public and waste water treatment plants. The site is not what I would describe as significant as a component of the Mitchelstown Castle Woodland as and Wetland habitat (as identified in the development plan objectives MH-GC-01) but it has an overall biodiversity value and also contributes to a visual buffer.</p> <p>A dwelling at a distance of c 27m to the east of the proposed road is vulnerable to HGV traffic passing in close proximity.</p>



	While the river corridor is in a flood zone the works barely overlap and relate to realignment of existing road.	
<b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	<p>Interface with the dwelling: Impact of truck noise has been addressed by acoustic barrier/ boundary treatment and buffer.</p> <p>Loss of woodland has been addressed though additional planting and overall retention of vegetation without compromising the overall habitat.</p> <p>In terms water quality, it is not likely to result in significant pollution and details to ensure this are subject to further agreement with the planning authority. The proposed development will not result in the production of significant waste, emissions, or pollutants.</p> <p>This is a relatively small development and as the proposal relates to an effective re-routing of existing traffic and is in partially disturbed woodland within an industrialised and urban context, there is no real likelihood of significant effects or cumulative effects with other permitted or related developments. I do not consider the proposed works to be significant or to be of a magnitude to warrant an EIA given that such matters can be addressed under normal planning considerations.</p>	
<b>Conclusion</b>		
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>	
<b>There is no real likelihood of significant effects on the environment.</b>	<b>EIA is not required.</b>	<b>x</b>

Inspector:

Date:

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)