



An
Bord
Pleanála

Inspector's Report

ABP-319609-24

Development

Construction of 3 no. warehouse units with ancillary office and staff facilities; demolition of 2 no. agricultural sheds; provision of pedestrian and vehicular entrance, car parking spaces and associated site works.

Location

Garrane, Mitchelstown, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

235083

Applicant(s)

Nocsy 4 Limited

Type of Application

Permission

Planning Authority Decision

Grant Permission

Type of Appeal

Third Party

Appellant(s)

Limerick Road Residents Association

Observer(s)

Jermiah and Mary O'Connell, Orla Cotter and J.J. O'Mahony.

Date of Site Inspection

25 November 2024

Inspector

Claire McVeigh

1.0 Site Location and Description

- 1.1. The subject site, stated as 9.25ha, is located in the development boundary of Mitchelstown approximately 55km north/northeast from Cork City and 55km south/southeast from Limerick City. The subject lands are in the townland Garrane (alternative known as Gurrane – as per submitted Planning Report prepared by Thornton O'Connor) and are approximately 900m north of the roundabout junction of the N73 (Mallow-Dublin Road) at which the Aldi Distribution Centre is positioned. Mitchelstown Business Park and the Coolnanave Industrial Estate accessed off the N73 are approximately 1km south/southwest of the subject site. The Funshion River flows approximately 400m to the north and 300m west of the subject site with the R513 forming a bridge crossing adjacent to Mitchelstown Golf Course.
- 1.2. The subject site is bounded to the north by the L95131-1 road to the south by existing dwellings and greenfield lands, to the east by agricultural lands and to the west by the Limerick Road (R513). An existing ruined stone farmhouse 'Gurrane House' is located in the northwestern corner of the site and two 2no. existing agricultural sheds on the site. An existing medium voltage overhead ESB power line crosses the proposed development site.
- 1.3. To the northern edge of the L95131-1 is Palm Lodge B & B and to the opposite side of the R513 Limerick Road (western side) is a row of detached single storey/ storey and a half residential dwellings set behind an attractive tall stone boundary wall and backing onto Mitchelstown Golf Course.

2.0 Proposed Development

- 2.1. The proposed development comprises the construction of three no. warehouses with ancillary office and staff facilities set within a new estate including internal access and egress from the Limerick Road (R513). 'Gurrane House' and the old stone walls at the northwestern corner of the subject site are proposed to be preserved on site.
- 2.2. It is stated, in the Planning Report prepared by Thornton O'Connor, that the proposal is for a high-quality warehouse development that is attractive to the industrial and logistics market which seeks strategically located developments that can meet their specific needs.

2.3. In summary the proposed development comprises:

- Demolition of two no. existing agricultural sheds on site,
- Construction of three no. warehouse units with ancillary office and staff facilities.
 - Warehouse Unit A will have a maximum height of 15.7m with a gross floor area of 8,550 sq. m¹. Warehouse area 7,702 sq.m, ancillary offices of 433 sq. m and staff facilities 415 sq.m.
 - Warehouse Unit B will have a maximum height of 17.15m with a gross floor area of 11,973 sq.m. Warehouse area 10, 958 sq.m, ancillary offices 566 sq.m with staff facilities 449 sq. m.
 - Warehouse Unit C will have a maximum height of 16.5m with a gross floor area of 6,691 sq.m. Warehouse area of 6, 141 sq. m, ancillary offices 288 sq.m and staff facilities 262 sq.m.
- Provision of a vehicular and pedestrian entrance to the site from the Limerick Road (R513),
- Provision of an internal estate road with internal access/egress spurs, pedestrian accesses, footpaths and marshalling yards with level access goods doors and associated ramps and dock levellers,
- Provision of 163² no. car parking spaces including EV and accessible parking spaces and 144no. bicycle parking spaces, and
- Lighting, ESB substations, wastewater pumping station, plant including firefighting tank, external canopies, green walls, boundary treatments, hard and soft landscaping and all associated site and development works.

Further information was sought on the 24 July 2023, response received 4 September 2023.

Modifications to the proposed development in response to the FI request include:

¹ Reduction in the gross floor area (from 8, 550 sq.m to 8, 085 sq. m) and repositioning of Unit A following request for Clarification of Further Information, as detailed overleaf.

² Reduction in the number of car parking spaces serving Unit A by 9 no. (from 51 to 42 no.) Overall decrease in proposed car parking spaces from 163 to 154 no. as detailed overleaf.

- Revision to the layout of the proposed right turning lane on the Limerick Road (R513),
- Modifications to the landscaping including the replacement of a portion of the woodland planting to the south of the car parking area serving Unit B and Unit C with pollinator friendly planting, and
- Revisions to the layout and design of the public lighting including the positioning of the proposed luminaires on the Limerick Road (R513) and the utilisation of warm white lighting in lieu of neutral white lighting.

Clarification of further information sought on 2 October 2023, response received 29 January 2024. An extension of time was sought and agreed with Cork County Council in respect of the application for the submission of a response to request for clarification of further information (FI). Revised public notices received on the 5 March 2024.

Further modifications to address the matters raised in the request for clarification of FI include:

- Reduction in the red line boundary (from 9.25ha to 9.24 ha).
- Repositioning of the vehicular and pedestrian entrance (and associated right turning lane) to the proposed warehouse development and controlled pedestrian crossing,
- Reduction in the gross floor area (from 8, 550 sq.m to 8, 085 sq. m) and repositioning of Unit A,
- Relocation of the car access/egress and HGV access/egress to Unit A with the implementation of a one-way system,
- Reduction in the number of car parking spaces serving Unit A by 9 no. (from 51 to 42 no.) Overall decrease in proposed car parking spaces from 163 to 154 no.,
- Repositioning of the wastewater pumping station and associated relocation of fence Type C (acoustic barrier no. 2),
- Landscape changes including the positioning and lengthening of earth berms by 25m,

- Amended noise attenuation barriers and 2m high earthen embankments located along the proposed site perimeter to the nearest noise sensitive receivers.

The submitted Part L compliance reports prepared by axiseng states that the heating and cooling in the office areas are to be met by a variable refrigerant flow (VRF) system with a designed seasonal coefficient of performance (sCOP) of over 450% which is recognised as a form of renewable energy. The domestic hot water is proposed to be delivered by a heat pump system.

An EIA Screening Report and an Appropriate Assessment Screening Report are included in the planning documentation. Revised EIA screening and AA Screening reports were submitted on the 4 September 2023 in response to request for further information.

3.0 Planning Authority Decision

3.1. Decision

On the 2 April 2024 planning permission was granted subject to 93 no. conditions.

3.1.1. Conditions

The appellant notes the duplication of some conditions, and I would concur that there are duplicated conditions, conditions that are almost identical but with slightly different wording and some conditions that do not appear to be relevant to the proposed development. For efficiency of the record, the conditions can be grouped into the following categories, any bespoke conditions are highlighted under the relevant category:

- Standard
- Residential amenity

Condition no. 60 and 91 All external lighting within the site directed and cowed so as not to interfere with or cause any glare or additional light spill to adjoining residential property.

Condition no. 60 Light shall be dimmable and activated by a presence detection system.

Condition no. 68 Noise levels not exceed 55dBA (30 min LAR) between 0700 and 1900 hours, 50 dBA (30 min LAR) between 1900 and 2300 hours and 45dBA (15 min Leq) between 2300 and 0700 hours.

- Operational/use

Condition no. 5 proposed hours of operation to be submitted and agreed.

Condition no. 6 the use shall be warehouse units only and no change of use or subdivision shall take place without a prior grant of planning permission.

- Traffic

Condition no. 7 warning signage for vehicles exiting the site to dip headlights.

Condition no. 8 post construction Road Safety Audit stage 3.

Condition no. 55 existing footpath arrangements to be preserved and

Condition no. 56 any damage to existing footpath shall be repaired at the developer's expense.

- Biodiversity/landscaping

Condition no. 18 Lighting shall be as per the lighting layout plan submitted 4 September 2023 to ensure no disturbance to bat species.

- Utilities

Condition no. 88 The public lighting shall be switched on and kept active on occupation and maintained until an application for taking in charge by Cork County Council is received and accepted.

Condition no. 90 The public lighting along the public roadway shall be on a separate unmetered micropillar connection to that pertaining to the lighting within the development. The micro-pillar shall be fitted with surge protection.

- Water/Wastewater & Drainage

Condition no. 72 The applicant shall liaise with Uisce Eireann to agree a design layout for the foul pumping station.

Condition no. 73 The design layout and location of the header manhole shall be agreed with Uisce Éireann as part of the connection agreement.

Condition no. 74 The developer shall resolve any operations issues (including pump faults, odour, noise etc.) arising with the Wastewater pumping station serving the development and restore to normal operation in a timely manner and at their own expense.

Condition no. 83 Applicant shall confirm that the emissions to the foul collection network and that emissions from the Aldi pumping station have been taken into account.

- Environment & Residential Amenity

Condition no. 70 An operational noise monitoring programme

Condition no. 71 A report confirming the implementation of the noise attenuation measures and recommendations contained in the Noise Impact Assessment (NIA).

Condition no. 81 Odour abatement mechanisms for the pumping station.

- Development Contributions

Condition no. 93 Special development contribution towards overlay of road works along the R513 for 100m on both sides of the entrance and footpath upgrade works.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- Initial planner report (primary) dated 21 July 2023 seeks further information. As confirmed by report of the Senior Executive Planner with minor modifications dated 24 July 2023.

The SEP report acknowledges that the site is on the outer edge of the Mitchelstown settlement boundary, however, notes that it forms part of a contiguous bundle of business and industrial zonings leading out from the town along the Limerick Road and is zoned for 'Industry'. The proposed use for warehousing is considered acceptable in principle under the provisions of

the site-specific objective MH-I-04 'Medium to Large Scale Industry' and the appropriate uses contained within Objective ZU 18-16 'Industrial Areas' which includes for medium to large scale warehousing.

The SEP report notes the detailed report of the Water Services Engineer who, in addition of the CoF submitted, would require further security in the form of a signed agreement with Uisce Eireann that the additional loadings would not adversely affect the WWTP or receiving waters and details in relation to the proposed pumping station prior to any works commencing.

The key concerns identified include the deficiencies in the Noise Impact Assessment, Flood Risk and in respect to further details of connectivity proposals linking to the town for pedestrians/future workforce. EIA and AA screening deferred until the response from the applicant in respect to the items requested as further information which included:

- Traffic and Transportation with respect to operating characteristics of the proposed development and whether the applicant has appropriate consent in place to construct measures external to the site including the right turn lane, controlled pedestrian crossing and further measures for vulnerable users. In addition, whether there is sufficient carriageway width to cater for the development of the above-mentioned footpath and whether land acquisition is required.
- CCTV survey to be undertaken to determine if the existing line is capable for the additional loading of attenuated surface water.
- Flood risk screening assessment report and drainage impact assessment with consolidated surface Water Management Statement.
- Whether the tree exclusion zones connected with public lighting proposal will impact on tree identified for retention, trees and hedgerow proposed for planting and impact on bat commuting and foraging opportunities.
- Revised landscaping plan.
- Firewater Risk Assessment.
- Revised Noise Impact Assessment and specific design and configuration of noise barriers to be outlined.

- A lighting reality public lighting design report. Cork County Council's policy is to use warm white lighting and not the neutral white proposed under the current lighting design for the public roadway. Details to be provided to ensure that through design measures the lights from vehicles including HGVs existing the site at any given time of the day will not have an adverse impact on dwellings opposite including light shining into driveways.

EIA and AA Screening report to be revised and updated to reflect the information sought in the FI request.

- Planner's report following receipt of further information dated 29 September 2023

The R513 allows for speeds in excess of the posted speed limit and the subject site is c.1.5km north of the built-up town area. Clarification sought in respect to the right-hand turning lane design parameters in relation to a verified and measured design speed.

It appears that third party land ownership may be an issue in delivering the necessary road improvements. Confirmation that the appropriate consent is in place to construct measures external to the site including the right turn lane, controlled pedestrian crossing.

Storm water sewer survey.

Mitigation measures to reduce impact of light on dwellings opposite proposed new entrance.

Detailed cross sections of SUDS basin no. 1 to demonstrate if there will be any impact on existing residences adjoining.

Confirmation required that the predicted cumulative noise can meet the adopted noise criterion per Table 12 of the submitted noise impact assessment report.

- Clarification of further information report

The proposed development entrance has been relocated north to ensure that the road widening associated with the right turning lane can be delivered.

Recommends that a condition is attached to ensure that the developer carry out the proposed road widening/traffic calming works at their expense.

In respect lighting the revised entrance/exit to the site is located opposite a high stone wall and planting which will provide better screening relative to the originally proposed entrance.

The stormwater sewer survey indicates that there is a high level of silt deposits in the last run of the pipe to the outfall point and condition recommended for an alternative outfall grill.

Revised design for SUDS basin, including a linear element adjacent to the road frontage reduces the scale of the basin adjacent to existing housing mitigating the potential for impact and proposals include a maintenance schedule.

Strategic location of noise barriers and earthen embankments to mitigate potential emissions at the nearest noise sensitive receivers. The predicted worst-case scenario does not exceed the daytime/evening/nighttime noise criterion. Conditions recommended including stipulations on noise level emissions, completion of a report from an acoustic consultant, operational noise monitoring programme and a construction / demolition noise management programme.

There are capacity issues with Mitchelstown WWTP and notes that the plant upgrade is included in Irish Water Capital Investment Plan (RC3) 2020-2024. The applicant shall be precluded from commencing construction works until such a time as a full connection agreement has been secured from Uisce Éireann.

Updated landscaping proposals make provision for additional planting along the road boundary and southwestern section of the site, increasing the native woodland mix by 711 sq.m.

Calculations for contributions including a special contribution towards works to the R513 and footpath.

3.2.2. Other Technical Reports

- **Traffic & Transport Primary Report 21/7/23**

Confirm detailed operating characteristics of the proposed development.

Clarification of trip generation (units) required.

Measures to reduce parking for staff based on lower staff range provided.

Confirm right turning lane design parameters in relation to a verified design speed.

Confirmation that crossing layout is TII complaint.

Confirmation of proposal for vulnerable users along R513.

Revised travel plan for site specific details.

Clarify suggested footpath widening.

Confirmation that appropriate consents are in place to construct right hand turning lane, controlled pedestrian crossing and further measures for vulnerable users.

Engineering Report (Further information) 29/09/2023

Clarification sought in respect to a CCTV survey in respect to the existing main and more detailed cross section drawings of SUDs basin no. 1.

Clarification of further information report 16/2/24 Adequate information has been submitted Breakdown of costs for special contributions for road overlay works and footpath upgrades. Developer contribution at 50% of total cost.

- **Sustainable Travel Unit, Roads and Transportation**

Primary report – The proposed development is on a semi-rural regional road (R513) which allows for speed in excess of the posted speed limit. Works to improve the existing footpath and public lighting should be carried out by the developer in advance of constructing the proposed development. Further information sought in respect to operating characteristics of the development, clarification of trip generation including units of measurement, measures to reduce parking based on the lower staff range provided, design details for proposed right turning lane, confirmation that the crossing layout is compliant with TII standards, proposal for vulnerable users along R513, revised travel plan, proposals to address the “Suggested footpath widening where appropriate” and confirmation that appropriate consents are in place to

construct measures external to the site including the right turn lane, controlled pedestrian crossing, and further measures for vulnerable users.

Report following receipt of clarification of further information response -

Predicted design speed of 70kph may be reasonable given the proposals but this should be confirmed post construction. Conditions with respect to a quality audit (incorporating a detailed design stage 1/2 Roads Safety Audit (RSA), a post construction Stage 3 RSA, a phasing condition to deliver the works on the public road first, special contribution towards upgrading the footway and a workplace mobility management plan are recommended.

- **Area Engineer's Report (Primary) 19/7/23**

Requests further information in respect to the proposed right turning lane, details on footpath along the R513, drawings to include an upgraded footpath, clarification that there is sufficient carriageway width to cater for the development and applicant to clarify if any land acquisition required for the footpath development.

A CCTV survey to be carried out to determine if the existing line is capable of catering for the additional loading and to commence on the storm sewer's current condition.

A Flood Risk Screening Assessment (FRA) is required. In the event the FRSA identified potential sources of flood risk a site-specific flood risk assessment will be required.

- **Environment Report (Noise)**

Primary report – requests further information

The proposed noise mitigation measures should be further reviewed and designed to ensure overall cumulative compliance with the adopted noise criteria as per Table 12 of the noise impact assessment report, during daytime, evening and nighttime periods, at all noise sensitive locations in the vicinity of the proposed development. All claims for methods of mitigation should be sufficiently detailed to allow for audit of such claims and any documentation to support such claims should form part of any future submission.

It should be clarified if regard has been had in the predicted noise impact assessment for the presence or otherwise of tonal /impulsive components in the noises and have final predicted results been adjusted accordingly for the presence or otherwise of same.

Further information report – The overall predicted cumulative site operational noise levels arising from the proposed development with mitigation has not been satisfactorily addressed. Table 19 indicates the criteria is exceeded in respect of NSR5, NSR6, NSR7, NSR8 and NSR9 in terms of operational site daytime results (with mitigation). Table 20 indicates the criteria is exceeded in respect to NSR1, NSR2, NSR3, NSR4, NSR5, NSR6, NSR7, NSR8, NSR9, NSR10, NSR11 at nighttime. No results provided for evening time. It is the responsibility of the applicant to demonstrate that the facility can operate in accordance with the adopted noise criteria (as set out in Table 12 of the Noise Impact Assessment). Clarification of the predicted cumulative site noise levels (with mitigation) for daytime, evening and night-time.

Clarification of further information report -Table 2 outlines the predicted noise levels with mitigation measures. The values indicate that the cumulative site-specific noise levels due to unloading, HGVs and car movements and the pumping station will result in worst-case 1-hour noise levels that are in accordance with the EPA recommended operational noise limits detailed in Table 12 from the Noise Impact Assessment. The cumulative 1-hour noise levels do not exceed the daytime noise criterion of 55dB Lar, T, the evening noise criterion of 50 dB Lar, T or the nighttime noise criterion of 45 dB Laet. No objection to permission being granted subject to conditions (4 no.).

- **Environment Report (Further Information) (dated 19/09/2023)** notes no objection subject to conditions (8 no.).
- **Environment report primary (dated 18/07/23)** – Recommend deferral of the decision on this application and requests further information in respect to a Firewater Risk Assessment (FWRA) having regard to the Guidance Note to Industry on Fire Water Retention Facilities (EPA, 2019).
- **Environment report (Waste) Primary** – dated 28/06/23 no objection subject to 3 no. conditions, repeated 18/09/2023.

- **Engineering Report**

Clarification of further information report noted the information submitted by the applicant and includes a breakdown of cost for overlay works on the R513 and costs for footpath upgrades. No objection subject to conditions (38 no.).

Further information report seeks clarification with regard to the stormwater survey and the potential impact on the residence to the west of the SUDS basin no. 1.

- **Public Lighting Report**

Initial report seeks further information in respect to a lighting reality design report covering the lighting of the public roadway in front of this development, the use of warm white lighting and not neutral white as proposed, the applicant to demonstrate that the power supply (unmetered) for the public road element of the external lighting layout is independent of the supply to lighting within the development and the applicant shall ensure that no trees are proposed to be planted which could affect the light distribution on maturity.

Further information report the applicant has addressed the issues highlighted in the request for further information, the clarification of FI does not change their recommendations, no objection on public lighting grounds subject to conditions (5 no.).

- **Ecology**

Primary report - There are no direct hydrological connections to surface waterbodies. The proposed application outlines that storm water and treated wastewater will ultimately discharge to the Funshion River. The WFD monitoring river waterbody Funshion_030 is, according to current monitoring data (2016-2021), at Moderate ecological status and is at risk of failing to meet its WFD objectives. The latest Q Value, taken in 2021 approximately 750m downstream of the WWTP discharge point was Q3-4 (moderate). According to EPA mapping data, the main pressures impacting on water quality in Funshion_030 are agriculture, industry and urban wastewater.

Concurs with the conclusion of the submitted AA Screening report and is satisfied that due to the significantly remote hydrological connection, the

proposed development will not give rise to significant impacts to the Blackwater River (Cork/Waterford) SAC, Blackwater Callows SPA, or any Natura 2000 site.

Concurs with the ecological valuation of the habitats recorded onsite in the Ecological Impact Assessment Report (EclA) and satisfied that subject to the implementation of appropriate mitigations the impact to habitats and species will not be significant.

Given the scale of the development and the removal of the large trees within the centre of the site there will be a net loss of biodiversity, however, is satisfied that the landscaping proposals give an appropriate balance between the retention of vegetation, habitats and the development of appropriately zoned lands.

Further information sought in respect to:

- 1) Whether tree exclusion areas will impact on the trees outlined for retention, trees and hedgerows proposed for planting and impact on bat commuting and foraging opportunities.
- 2) A revised landscaping plan identifying:
 - a) The native species to be planted for the proposed 1428m of hedgerows
 - b) The native species to be planted for the proposed 9115sq. m of native woodland understorey
 - c) The appropriate species, preferably native, for the proposed 815 sq. m of wetland habitat
 - d) The appropriate pollinator friendly species (per the all-Ireland Pollinator plan) for the proposed 1019 sq. m of groundcover plants.

Further information report notes the trees within the retained treeline are between 10-15m in height, there is between 2-7m of vertical canopy height of this treeline which would remain unilluminated and allow for continued foraging and commuting usage by bats. Light spill on the lower portion of the tree canopy and ground levels are modelled to be between 1-20lx. It is expected that residual impact to foraging and commuting bats will range from

slight to not significant. Submitted list of planting species acceptable. No objections subject to conditions (6 no.).

- **Water Services Report 19/7/2023**

The site is not presently served for wastewater collection with the nearest point of the existing foul collection network is at the roundabout on the N73.

Notes that the existing wastewater treatment plant serving the Mitchelstown agglomeration has been overloaded in the past. Irish Water appointed a contractor to bring a fourth Trickling Filter back into service at the Mitchelstown WWTP. On completion of the works, it is envisaged that the WWTP would have a capacity of 7,400 PE as such an increase in capacity of 800PE.

In addition, an upgrade of the WWTP is included in the current IW Capital Investment Plan (RC3) 2020-2024. The planned upgrade will provide for existing domestic and non-domestic load with provision for growth in accordance with the NPF and an additional 10% headroom and provision for existing licensed industry. The timeline for completion of upgrade works is not finalised.

It should be noted that the existing treatment plant is not designed to remove ammonia or suspended solids.

It noted that details of odour abatement measures for the pumping station have not been finalised with Irish Water and details would be confirmed prior to construction. The pump station will be fenced off. The absence of a detailed design of the proposed pump station is noted. The emission to the foul collection network from the pump station have not been finalised and as noted in Figure 3.7 of the Engineering Design Report they are depending on confirmation from the manufacturer, installer and Irish Water. Confirmation of same will be needed prior to construction and the applicant shall confirm that the discharge times from the Aldi pumpstation have been considered.

Wastewater operations do not object to the development in principle and should planning be granted conditions are recommended.

3.3. Prescribed Bodies

- **Uisce Eireann** report dated 27 June 2023 have stated no objection to the proposal subject to condition,
 - (1) Where the applicant proposes to connect directly or indirectly to a public water/wastewater network operated by Uisce Eireann, the applicant must sign a connection agreement with Uisce Eireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
 - (2) In the interest of Public Health and Environmental Sustainability, Uisce Eireann infrastructure capacity requirements and proposed connections to the water and wastewater Infrastructure will be subject to the constraints of the Uisce Eireann Capital Investment Programme.
 - (3) All development shall be carried out in compliance with Uisce Eireann standards codes and practices.
- **Transport Infrastructure Ireland (TII)** in report dated 27 June 2023 (Following receipt of further information TII advise that the authority position remains as set out in letter of 27 June 2023) states that the authority will rely on the planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following conditions:
 - (1) The proposed development shall be undertaken in accordance with the recommendations of the Transport (Traffic) Assessment and Road Safety Audit submitted. Any recommendations arising should be incorporated as conditions in the permission, if granted. The developer should be advised that any additional works required as a result of the Transport Assessment and Road Safety Audits should be funded by the developer.
 - (2) The authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

- **Inland Fisheries Ireland (IFI)** in their report dated 21 June 2023 states that whilst not opposed to the development in principle, is of the view that the applicant should demonstrate that there is adequate spare WWTP treatment capacity serving the Mitchelstown agglomeration. The design capacity and level of treatment provided must be sufficient to cater for the additional load likely to arise from the proposed development without its performance efficiency being adversely affected. Furthermore, it should also be confirmed that there is existing available assimilative capacity available within receiving surface waters to avoid any deterioration in water quality or aquatic habitat degradation arising from an overall increase in biological loading from treated effluent discharges.

Where existing WWTP facilities are inadequate to cater for the proper treatment of additional sewage loading from the proposed development, then discharges arising from same may negatively impact upon the fisheries resource. In such an instance Inland Fisheries Ireland would consider the development for which permission is sought is premature and unsustainable until such a time that necessary wastewater treatment infrastructural facilities are put in place.

3.4. Third Party Observations

A total of 24 no. submissions and observations were received and a further 20 no. submissions following receipt of further information, the key issues of concern are similar to the issues raised in the grounds of appeal and in the observations received.

4.0 Planning History

- Subject site

Planning register reference 22/5682 Application for warehouse development – Withdrawn following request for clarification of further information by Cork County Council.

The submitted Planning Report prepared by Thornton O'Connor town planning explains that the application was withdrawn owing to the complexity of the request for clarification of further information. The current application has been submitted taking into account the issues raised in 22/5682 and the red line boundary has been extended from what was included previously in 22/5682.

- Aldi Distribution Centre site

Planning register reference 08/5019 Demolition of all existing buildings on site and construction of single storey distribution warehouse with associated two storey offices, loading bays, ancillary building to include refuse area, cycle shelter and service station, provision of 186 no. car parking spaces and all associated site works to include hard and soft landscaping and boundary treatments, surface water attenuation pond and associated signage.

Planning register reference 087899 permission granted (October 2008) for the amendment to condition no. 62 of Pl. Reg. No. 08/5019 to include rewording of condition no. 62 to comply with Environmental Protection Agency (EPA) noise guidelines.

5.0 Policy Context

5.1. Cork County Development Plan 2022

The site, in Mitchelstown, is located within the Strategic Planning Area of North Cork. The area is designated as an urban area and is located within a designated High Value Landscape.

The subject site is within the Development Boundary for Mitchelstown and zoned Industry. In addition, Volume 3 North Cork includes site-specific zoning objectives for Mitchelstown are set out in 1.5.61 under the heading 'Industry'. For the land parcel MH-I-04 of 17.31ha, of which the subject site sits, the site-specific zoning is for medium to large scale industry (TIA -Traffic Impact Assessment and RSA - Road Safety Audit required).

County Development Plan Objective ZU 18-3: Development Boundaries For any settlement, it is a general objective to locate new development within the development boundary, identified in this Plan that defines the extent to which the settlement may grow during the lifetime of the Plan.

Industrial Areas (I)

18.3.40 The purpose of this zoning is to facilitate opportunities for industrial and warehousing uses, activities and processes which would in general give rise to land use conflict if located within other zonings.

County Development Plan Objective ZU 18-16: Industrial Areas Promote the development of industrial areas as the primary location for uses that include heavy industry, manufacturing, repairs, medium to large scale warehousing and distribution (my emphasis), biomedical, pharmaceutical, bioenergy plants, open storage, waste materials treatment, port related facilities and port related activities and recovery and transport operating centres. The development of inappropriate uses, such as office-based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses.

The provision of strategic large scale waste treatment facilities including waste to energy recovery facilities will be considered in 'Industrial Areas' designated as Strategic Employment Locations in this Plan subject to the requirements of National Policy, future Regional Waste Management Plans and the objectives set out in this Plan.

Appropriate Uses in Industrial Areas: Medium to large scale warehousing and distribution (my emphasis), bioenergy plants, open storage, recovery and transport operating centres, strategic large scale waste treatment facilities including waste to energy recovery facilities*(as per objective above), port facilities and port related activities, logistics, heavy industry, offices ancillary to permitted use, laboratories, food related industry, marine related development, general industry, civic amenity site, plant storage, sustainable energy installation, heavy vehicle park, fuel depot/fuel storage, telecommunication structures, biomedical, pharmaceutical, data centres, childcare facilities, commercial film studio facilities

Transitional Lands

18.2.2 ... it is important to avoid abrupt/disconnected transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of these zones and in particular the more environmentally sensitive zones. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.

County Development Plan Objective ZU 18-5: Transitional Zones

Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.

CA 17-2: Support the transition to a low carbon, competitive, climate resilient and environmentally sustainable economy by 2050.

County Development Plan Objective BE 15-6: Biodiversity and New Development

Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities by:

- a) Providing ongoing support and guidance to developers on incorporating biodiversity considerations into new development through preplanning communications and the Council's guidance document 'Biodiversity and the Planning Process – guidance for developments on the management of biodiversity issues during the planning process' and any updated versions of this advice;
- b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;
- c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;

d) Fulfilling Appropriate Assessment and Environmental Impact Assessment obligations and carrying out Ecological Impact Assessment in relation to development and activities, as appropriate;

e) Ensuring that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats;

f) Ensuring that the implementation of appropriate mitigation (including habitat enhancement, new planting or other habitat creation initiatives) is incorporated into new development, where the implementation of such development would result in unavoidable impacts on biodiversity - supporting the principle of biodiversity net gain.

- **Chapter 8 Economic Development**

- **County Development Plan Objective WM 11-10: Surface Water, SuDS and Water Sensitive Urban Design**

a) Require that all new developments incorporate sustainable drainage systems (SuDS). Efforts should be taken to limit the extent of hard surfacing and impermeable paving.

b) Encourage the application of a Water Sensitive Urban Design approach in the design of new development or other urban interventions. Opportunities to contribute to, protect or re-enforce existing green infrastructure corridors or assets should be maximised.

c) Optimise and maximise the application of Sustainable Urban Drainage Systems (SuDS) to mitigate flood risk, enhance biodiversity, protect and enhance visual and recreational amenity; all in the most innovative and creative manner appropriate and in accordance with best practices. Proposals should demonstrate that due consideration has been given to nature-based solutions in the first instance in arriving at the preferred SuDS solution for any development.

d) Provide adequate storm water infrastructure in order to accommodate the planned levels of growth expected for the County.

e) Where surface water from a development is discharging to a waterbody, appropriate pollution control measures (e.g., hydrocarbon interceptors, silt traps) should be implemented.

f) The capacity and efficiency of the national road network drainage regimes will be safeguarded for national road drainage purposes

- **Volume 3: North Cork**

Vision and Strategic Context

1.5.1 The vision for Mitchelstown over the lifetime of this plan 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; (my emphasis) ...

1.5.28 Mitchelstown has a long history in the food-business sector and its established industrial area is located to the northeast and northwest of the town centre. Also, to the north is an industrial park and business park, both with partial take-up of sites and land available to accommodate new development. Land is also available for new industrial and business development to the west of the town centre with access via the western relief road...

1.5.29 ... There are numerous other small and medium sized businesses within the existing Business Park and Industrial Park. Aldi has a regional distribution centre in the town ...

1.5.30 The North Cork Agri-Food Network has been identified in the Regional Spatial and Economic Strategy, linking towns such as Charleville, Mitchelstown, Fermoy, and Mallow in order to boost the food and beverage industry.

1.5.31 The town has a good employment land supply and there are a number of vacant units available within existing Business and Industrial Parks within the town.

1.5.32 The strategic location of the town within Munster and with excellent access to the M8 corridor and other national secondary and regional routes renders the town attractive to distribution type uses. The expansion of this use at appropriate peripheral locations within the town will be encouraged.

Additional industrial lands have been identified to the north of the town to facilitate a choice of locations within the town for such development *(my emphasis)*.

Water Management

1.5.47 Mitchelstown receives its drinking water from the Mitchelstown North WS (Galtees) and the Mitchelstown South WS (Ballybeg bored wells). At present the Mitchelstown WS is at its limit. An additional source is required. There is leakage from the watermain network and water conservation measures are being pursued. Upgrading of some watermains will be required.

1.5.48 Wastewater in Mitchelstown is conveyed via a largely combined sewer system to the Mitchelstown Wastewater Treatment Plant. Upgrading of sewers is needed and extensions are also required to accommodate proposed growth in Mitchelstown. Mitchelstown WWTP is at its limit. Upgrading of Mitchelstown WWTP to provide adequate capacity to accommodate proposed development in Mitchelstown is required. The Mitchelstown WW Network and WWTP upgrade scheme is currently at Conceptual Design Stage. There may be additional issues of water quality impacts and / or licence compliance that need to be addressed to accommodate further growth.

MH-GO-01 Plan for development to enable Mitchelstown to achieve its target population of 4,674 persons. Provide a balance between the provision of housing and employment uses in the town, to support Mitchelstown's development as an integrated live/work destination.

MH-GO-02 In order to secure the sustainable population growth and supporting development proposed in MH-GO-01, appropriate and sustainable water and wastewater infrastructure that will secure the objectives of the relevant River Basin Management Plan and the Blackwater River Special Area of Conservation, must

be provided and be operational in advance of the commencement of any discharges from the development. Wastewater infrastructure must be capable of treating discharges to ensure that water quality in the receiving waterbody does not fall below legally required levels.

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...

MH-GO-10 In accordance with Objectives in Chapter 11 of Volume One of this Plan, all new development will need to make provision for Sustainable Urban Drainage Systems (SuDS) and provide adequate storm water infrastructure. Surface water management and disposal should be planned in an integrated way in consideration with land use, water quality, amenity, and habitat enhancements as appropriate.

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.

I note that the appellant refers to additional general objectives for Mitchelstown MH-GO-07 and MH-GO-08, however, these relate to the implementation of the Mitchelstown Traffic Management Plan and the development of suitable sites for additional sports, recreation etc and I am satisfied that they do not apply to the subject site.

5.2. **Noise Action Plan 2024-2028** (February 2025)

The Noise Policy Statement contains 8 no. responsible aims including:

RA_5 – Prevention – Evaluate and condition planning proposals for noise sensitive development near major noise sources

There are no identified ‘Most Important Areas’ (MIA) or ‘Priority Important Areas’ (PIA) within Mitchelstown.

5.3. Regional Spatial & Economic Strategy for the Southern Region 2020-2032

North Cork Agri-Food Network (including Mitchelstown) – highlighted as a well-established network of settlements in the region that are strategically driving sub-regional growth and opportunities for further potential networks.

Mitchelstown is identified as a Cork County boundary town with potential for social and economic initiatives to drive sub regional growth in shared hinterlands i.e. Co. Tipperary.

5.4. National Planning Framework (NPF) First revision (April 2025)

2.5 Building Stronger Regions: Accessible Centres of Scale “...a concentrated effort to focus on building internationally, nationally and regionally strong cities and towns, could deliver a lot of positive impacts and enhance overall national growth”

National Policy Objective 13 Develop cities and towns of sufficient scale and quality to compete internationally and to be drivers of national and regional growth, investment and prosperity.

5.5. Ireland’s 4th National Biodiversity Action Plan 2023-2030

The 4th National Biodiversity Action Plan strives for a “Whole-of-Government, Whole-of Society” approach to the governance and conservation of biodiversity. The aim is to ensure that every citizen, community, business, local authority, semi-state and state agency has an awareness of biodiversity and its importance, and of the implications of its loss, whilst also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to act for nature.

5.6. Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas – Water Sensitive Urban Design. Best Practice Interim Guidance Document.

Section 7.2 Use of contracted maintenance period.

Longer maintenance periods will be required for nature-based solutions than would normally be the case for hard landscaping. It takes time for plants to establish themselves over several growing seasons. Plants that fail or are damaged need to be removed and replaced.

It is, therefore, likely that a “design build and maintain” contract approach will be required, incorporating a long-term maintenance period, ideally of at least five years. This will encourage site appropriate plant selection and material design.

If nature-based planted areas within the urban landscape are to become the norm and be accepted by those using the urban areas, it is important that these are well maintained so that they add to the amenity of the area, as well as providing a rainwater management solution.

5.7. Natural Heritage Designations

The proposed Natural Heritage Area (NHA): Glenacurrane River Valley (Site Code 002035) is located approximately 1.9km north of the subject site.

Blackwater River SAC approximately 8.9km from the subject site.

Blackwater Callows SPA approximately 13.2km from the subject site.

6.0 Environmental Impact Assessment (EIA) Screening

In Appendix 1 (pre-screening) and 2 (Form 3 Screening Determination) of this report, the proposed development has been screened for environmental impact assessment. Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment subject to the implementation of mitigation measures outlined. It is concluded, therefore, 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 and an EIAR is not required.

7.0 Water Framework Directive (WFD) Screening

- 7.1. I have assessed the proposed warehouse development (Please refer to Appendix 4 for detail) and have considered the objectives as set out in Article 4 of the Water Framework Directive which seek to protect and, where necessary, restore surface & ground water waterbodies in order to reach good status (meaning both good chemical and good ecological status), and to prevent deterioration.
- 7.2. As addressed in section 9.9 of my report, it appears that based on the information available to me that there is sufficient capacity within the WWTP serving the Mitchelstown agglomeration and subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann, including agreement in respect to the emission to the foul collection network from the pump station accounting for the discharge times from Aldi pumpstation, the proposed development would not result in a deterioration in water quality or aquatic habitats degradation arising from an overall increase in biological loading from treated effluent discharges.
- 7.3. Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no risk to any surface and/or groundwater water bodies either qualitatively or quantitatively.
- 7.4. The reason for this conclusion is as follows:
- Nature of the development and the proposed mitigation measures.
 - Location-distance from nearest Water bodies and/or lack of hydrological connections.

I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment.

8.0 The Appeal

8.1. Grounds of Appeal

The appellants requested that an oral hearing be held in respect to the subject appeal. A Board direction refusing an oral hearing request was made on the 2 October 2024, as it was deemed that there was sufficient written evidence on file to enable an assessment of the issues raised.

The grounds of the third-party appeal, as submitted by the Limerick Road Residents Association (LRRA), are summarised as follows:

- Proposed use – Considers that the proposed warehouse use is not in accordance with the industry zoning and, as such, would contravene the County Development Plan 2022-2028. Concerned that the proposal is for warehousing and as such does not fall within the definition of industrial use as per the Planning and Development Regulations 2001 (as amended) and 2000 Planning and Development Act (as amended).
- The development is premature in the absence of a masterplan.
- There are limits on the Mitchelstown wastewater treatment plant (WWTP) which is already overloaded.
- Refers to development plan policy for Little Island Area with respect to the environment is not conducive to a high standard of residential amenity (24/7 activity, HGV traffic, noise, light or odour concerns associated with industrial processes).
- There is no clear indication of the precise use for the warehouse, any permission should restrict the use by category of materials i.e. restricting harmful or corrosive materials.
- Site selection - Alternative location for the proposed development, alternative access to the proposed development and a failure by Cork County Council (CCC) to take into account the existing zoning/established pattern of development into account before changing the zoning of the land from Agriculture to Industrial.

- Traffic impact and safety concerns, highlighting additional necessary road improvement works noting no cycle track provision and concerns relating to inadequate car parking/truck parking provision. States that an adequate traffic management plan has not been submitted for the construction phase of the development and there is no mitigation measures proposed during the construction phase to minimise the impact on existing properties and residents. The proposed development would result in a loss of recreational/walking amenity (L951311 and L9513-2).
- Visual impact (including materials and design, proposed acoustic barriers and lack of adequate screening) on landscape, noting that Mitchelstown is a heritage town and part of its natural heritage is its agricultural hinterland in the heart of the Golden Vale area, and established residential character of the area (noting ZU 18-5 Transitional Zones, ZU 18-9 Existing Residential/mixed residential and other uses and Land Uses in New Areas 18.3.11).
- Noise, dust and air quality (including diesel pollution). Concerns about the noise barriers channel the noise generated by the proposed development and associated HGVs amplifying the noise. The tonal quality of noise has not been adequately captured in the noise impact assessment.
- Light pollution.
- Wind tunnel impacts.
- Overlooking, overbearing and loss of privacy.
- Impact on biodiversity
- Surface/storm water runoff management, condition no. 46 indicates that the existing outfall/discharge pipe may not be adequate potential and flooding of properties. Surface water proposals - potential vermin infestation.
- Foul water proposals.
- Concerns that no fire main connection is proposed and the adequacy of what is proposed with respect to fire water storage.
- Unsustainable energy supply – No conditions attached requiring the use of solar or wind or other renewable technologies to power the facility contrary to

the objectives of the development plan, National Development Plan and National Climate Change Plan.

- Lack of consultation with the local community.
- State that CCC failed to sufficiently take into account the views and submissions of the residents, the development plan provisions Including MH-GO-01, MH-GO-02, MH-GO-05, MH-GO-06, MH-GO-07, MH-GO- 08, MH-GO-10, MH-GO-12 and the provisions of the National Transport Plan, the National Wildlife Act 1975, the National sustainability goals and climate change goals in making its decision.
- Provides a comparison exercise of proposal against development at the Aldi distribution centre and the Kerrygold site to illustrate how the subject site and proposals do not have the have attributes as other industrial developments, with respect to set back from the public road, distance from existing residential developments, scale and height of the buildings significantly smaller, judicious landscape screening and position of surface water basin well away from any potential access by neighbouring children etc.
- Conditions - The conditions inadequately protect the residential character and amenity of the area. Conditions inserted mostly providing for essential details to be submitted for agreement with CCC later. Duplication of conditions (Nos. 44 and 47, 30 and 86).
- Devaluation of properties in the area.
- Incorrect/inaccurate site plans.
- Inadequate responses to the request for further information and clarification of further information.

The following appendices of supporting documentation are noted:

Appendix A – Shadow over adjoining properties (Prepared by Potter & Finn Consulting Engineers)

Appendix B – Shadow – Sections through O’Connell property (Prepared by Potter & Finn Consulting Engineers).

Appendix C – Height differences with warehouses O’Connell property (Prepared by Potter & Finn Consulting Engineers).

Appendix C [sic] – Height differences with warehouses S.Lee property (Prepared by Potter & Finn Consulting Engineers).

Appendix D – Table of Sunrise & Sunset times and declination – by date & time of day Mitchelstown Co. Cork 2025

Appendix E - Table of Sunrise & sunset times and declination – by table and month Mitchelstown Co. Cork 2025.

Appendix F – WHO noise limits and health effects.

Appendix G – Extract from County Development Plan 2022-2028 General Objectives for Mitchelstown.

Appendix H – Copies of ‘Objections and Concerns submission by J.J O’Mahony.

Appendix I – Photos of flooding in the area.

8.2. Applicant Response

In response to the key points raised in the third party appeal the applicant sets out a high-level summary of Cork County Council’s assessment of the development proposed and directly response to the third-party appeal issues as summarised:

- Compatibility of use with zoning objective - The concerns that warehouse use is not in accordance with the zoning objective pertaining to the site appears to have arisen from a misunderstanding of the zoning objective. Medium to large scale warehousing and distribution is an appropriate use within zoned ‘Industrial Areas’.
- Impacts on Biodiversity - Comprehensive suite of ecological surveys has been carried out on the site refer to Ecological Impact Assessment Report (EclA) and Bat Activity Survey Report (the Bat Survey was carried out in consultation with Mr. David Reece (the National Parks and Wildlife Service NPWS). The vacant structure ‘Gurrane House’ (an old stone wall farmhouse dwelling) is being retained and a suite of mitigation measures have been put in place to reduce potential impacts to bats, including site-specific bat-friendly lighting,

acoustic fencing, a buffer zone between the HGV Yard and 'Gurrane House' and a landscaped berm to provide additional screening. Residual impacts to local bat populations are considered to range from slight to not significant, given the low numbers of bats recorded roosting within 'Gurrane House'. In compliance with the Wildlife Act any clearance of vegetation will take place outside of the breeding season (i.e. 1st March to 31 August) should any vegetation removal be required during breeding season it will be surveyed for breeding birds and bird nests and if they are noted during evaluation the vegetation in question will not be removed until the young have fledged and the nest is no longer in use. Pre-felling assessments and emergence surveys will also be carried out on any trees found to have moderate bat roost potential. The additional landscaping proposal will provide increased foraging habitat on site.

- Visual impact of development – Acknowledge that the properties located on/off the Limerick Road R513 will have a changed outlook it is submitted that the warehouse development proposed on the appropriately zoned subject site will not be visually obstructive or overbearing. The warehouse units proposed have been set back considerably from neighbouring properties with a minimum separation distance of 58.50 metres between the proposed Warehouse Unit A and the property to the southeast. Significant landscaping measures are proposed to ensure the site's respective curtilages are appropriately screened from the public realm.
- Appropriateness of site access/egress onto the Limerick Road (R513) – The warehouse development as determined by the junction analysis will have a minimal impact on the road network in the vicinity of the subject site, with appropriate visibility splays provided at the site entrance. All recommendations of the RSA have been accepted and adopted into the proposed design. It is proposed to enhance pedestrian infrastructure by the provide of a new footpath along the boundary of the subject site and a signalised pedestrian crossing which connects the development to the existing network of footpaths.

- Car and truck parking provision – Warehouse development having a total gross floor area of 26, 749 sq.m at a rate of 1 no. space per 100 sq. m (Table 12.6 of the development plan) would equate to a maximum of 267 no. car parking spaces. It is proposed to provide 154 no. car parking spaces and 28 no. truck parking spaces, contrary to the appellants statement that no truck parking has been provided for.
- Design of Engineering Services, Network Capacity and potential for Flooding – For comprehensive details of the design of the Civil Engineering Services and the capacity of the Uisce Éireann (Irish Water) networks to accommodate the development we refer An Bord Pleanála to the Engineering Design report and drawing submitted with the planning application. The project ecologist advises that it is not envisioned that any species labelled as vermin or pest species will accumulate on the subject site detention basins as these only allow for temporary attenuation rather than indefinite retention of standing water. The wastewater rising main is proposed to be installed under the road to pump the wastewater from the development along Limerick Road (R513) to a header manhole located at the roundabout junction of the R513 and N73. To prevent /mitigate against the occurrence of septicity, combined sewerage retention time in the wet well and the rising main is not more than six hours. The design of the Civil Engineering Services will notably ensure that the residential amenity of properties in the area is not adversely affected.
- Energy Sources – The Part L compliance reports submitted with the planning application illustrate that each of the warehouse units have a renewable energy ratio with meets or exceed the target of 0.1 under the Building Regulations Technical Guidance Document Part L. The domestic water is proposed to be heated with a heat pump system. It is stated that there is no proposed gas supply to the warehouse development.
- Overlooking and overshadowing - Considerable separation distances between Warehouse Unit A and neighbouring properties. The submitted Daylight, Sunlight and Overshadowing Assessment prepared by Building Performance Consulting Engineers concludes that the warehouse development will not give rise to undue impacts by way of overshadowing. Minimal additional shadows

cast on the neighbouring property 'Palm Lodge B & B' in early morning December.

- Potential noise impacts – AONA Environmental Consulting Ltd. Have provided a response to the appellant's concerns regarding potential noise pollution arising and the validity of the Noise Impact Assessment report. It is stated that the overall cumulative noise levels do not and cannot comply with the EPA Target Levels, as they are already exceeded due to the road traffic noise. The noise mitigation measures are designed to result in future noise levels that are in accordance with EPA Daytime, Evening and Nighttime noise criteria.
- Potential for light pollution – Design measures incorporated to minimise material impact on the residential amenity of surrounding properties include controlled pedestrian walkways via built-in luminaire photocell and motion sensors, within the HGV yard controls via photocell and timeclocks, luminance will be of a warm white reducing the blue light component and all pole mounted luminaries along the northern and western boundaries of the subject site will have additional pole top shields to control the direction of light. In addition, dipped headlights should be automatically utilised in accordance with the rules of the road mitigating against the potential for light pollution, reminder signage at the exit point of the subject site. The vehicular entrance proposed has been moved further north to enable the existing boundary to mitigate the potential for lights from vehicles impacting on residential amenity.
- Demolition and Construction Impacts – refer to the Outline Construction Environmental Management Plan and Outline Construction and Demolition Waste Management Plan which include mitigation measures to minimise the temporary impacts during demolition and construction phases i.e. adherence to noise emission limits and utilisation of appropriate water-based dust suppression system and the attachment of conditions relating to demolition and construction management would further mitigate against the impact of the works on local residents.

8.3. Planning Authority Response

- Comment submitted by the Senior Executive Engineer in relation to appeal item that relate to public lighting:

“In response to the appeal items that involve Public Lighting, I would comment as follows: - Item 6.2 ‘...no condition limiting light spread from the road, works and other lighting on the site...’. Conditions 50, 60, 89 & 91 all relate to the proper design of external lighting associated with this development and the requirement to ‘direct and cowled so as not to interfere with passing traffic or not cause undue glare or additional light spill to adjoining residential properties. Also condition no. 60 requires lighting within the development to be dimmable and activated by a presence detection system, which should mean that it is not on necessarily.’

8.4. Observations

Three observations were received from the following:

- **J.J O’Mahony**

There is overlap with many of the grounds of appeal, in summary the concerns raised include:

- No provision for a cycle path between the proposed site and the Limerick Road/Cahir Hill roundabout in breach of the development plan provisions TM12-2-1, TM12-2-2 and TM-12-9. In breach of objective MH-GO-05 to contribute to the improvement of cycle access routes for Mitchelstown and related Climate Change provisions.
- Inadequate sight lines at the entrance, alternative entrances put forward off the N73 (existing entrance to the business park) or off the R513 but opposite the Aldi distribution centre through lands zoned MH-I-05.
- Noise impact, suggest a substantial green-belt area between the development site and neighbouring properties.
- Light pollution.

- Issues raised with the zoning of the lands for industrial sites (Appendix M1-M9 submitted to illustrate how industrial sites can be separated from residential development).
- Overshadowing effect (Submitted overshadowing analysis Appendix N, O and P).
- Consider that restrictions that apply to residential development should be applied to other types of development i.e. restrictions on the height of boundary walls and height of extensions to dwellings (Excerpts of the development plan included).
- Concerns about the height of the 5.5m high boundary/screen fencing. Consider this indicates the adverse impacts the development would have on adjoining properties.
- **Orla Cotter**
 - Light/noise/waste pollution
 - Historical flooding issues on the Limerick Road.
 - Size of development and its impact on the beautiful landscape.
 - Environmental factors – impact on biodiversity, landscape and mature trees.
 - Potential decrease in local property values.
 - Traffic congestion and road safety. Traffic report cited was completed in April 2021 when pandemic lockdowns were still affecting the country and is not an accurate reflection of the busy nature of the road.
 - The proposed new entrance is positioned directly across from the entrance to dwelling, concerns about privacy, impact of light pollution and traffic access/safety when turning right towards Mitchelstown across the ghost island.
 - Alternative access points through the existing industrial zones would be more appropriate.
- **Jerimiah and Mary O'Connell**

Have the following concerns:

- The position and height of the acoustic barriers on the south side of dwelling and the height of the warehouses to the south and east. Detracting from the southerly aspect associated with the design of the existing house and resultant overshadowing.
- Impact of noise, in particular the reversing alarms of Forklift trucks and HGVs.
- Diesel fumes generated by the HGVs so close to the existing dwelling is and lighting from vehicles reversing and loading will impact directly.
- Suggest that the warehouses be situated further east to negate the identified problems, as listed above, problems associated with the development.

9.0 Assessment

- 9.1. In the first instance I shall consider the proposed principle of development under the zoning policy applicable to the subject site. The subject site is zoned 'Industry' with special objective MH-I-04 for Medium to large scale industry. A Traffic Impact Assessment (TIA) and Road Safety Audit (RSA) is required as part of the specific objective (see 1.5.61 of Volume 3 North Cork).
- 9.2. The subject lands form the most northerly of the zoning land parcels which abuts the settlement development boundary. Immediately adjacent is special objective MH-I-05 (Industry. Access to this site is to be from the regional road to its west) which adjoins the zoning parcel of MH-B-02 for Business Use. MH-I-04 and MH-I-05 wrap around existing one-off detached dwellings set within the existing agricultural landscape.
- 9.3. The appellants have raised concerns about the proposed use for warehousing in that it would contravene the County Development Plan zoning of industry. It is my opinion that the appellants appear to have conflated the zoning objective acceptable uses with the definitions of use as contained in the Planning and Development Act 2000, as amended. The Board should not, therefore, consider itself constrained by Section

37(2) of the Planning and Development Act. This interpretation is incorrect please see section 9.5 of my report in respect to the defined 'appropriate uses' in industrial areas.

- 9.4. Separately the appellants have put forward the argument that a masterplan should be developed to support the future development of the lands including alternative location for the development and an alternative access to the proposed site through the Mitchelstown Business Park linking directly to the N73. I would agree with the appellants that a masterplan would help provide an overall framework to guide the coordination of future development of both the subject site and future development of the lands zoned MH-I-05. Notwithstanding, I highlight for the Board that the development plan does not require a masterplan to support the development of these new lands for industry or require phasing of same to enable a sequential development from the existing Mitchelstown Business Park and the Coolnanave Industrial Estate. Furthermore, County Development Plan Objective ZU 18-3 makes clear that for any settlement the development boundary defines the extent to which the settlement may grow during the lifetime of the plan. On this basis, I am of the view there is no limit to the lands coming forward for development in a non-sequential manner.
- 9.5. Medium to large scale warehousing and distribution is stated as an appropriate use in Industrial areas, as per County Development Plan Objective ZU 18-16 of the development plan. I am of the view that the special objective for 'Medium to Large Scale Industry' can be reasonably understood as being a directive as to the scale of the development such that would warrant the undertaking of both a Traffic Impact Assessment and a Road Safety Audit. I do not agree with the appellants that the use of the word 'Industry' within the special objective is limiting the use solely to industry given the underlying development plan zoning of Industry and the range of appropriate uses acceptable in principle in same (Please refer to section 5.1 of my report).
- 9.6. Taking into account that the applicant has submitted both a TIA and RSA, specific requirements of the land parcel, to support the proposed development for what I consider to be within the range of medium to large scale I am satisfied that the development proposal meets with the zoning MH-I-04 zoning objective. I highlight to the Board Table 8.5 of the development plan which sets out Cork County's

employment hierarchy and land supply incorporates the subject site within the zoned Industrial lands for Mitchelstown in respect to the North Cork Agri-Food Network which the RSES, as set out in 5.3 of my report, defines as a well-established network of settlements in the region that are strategically driving sub-regional growth and opportunities for further potential networks. I am of the opinion that the development of these lands would contribute to the planned sub-regional growth.

- 9.7. Section 18.1.2 of the development plan highlights that zoning policy must also have regard to the core principles of sustainability, social inclusion, placemaking, resilience and climate action underlying the plan. Furthermore, it emphasises the need for integration of land use and transportation planning to help safeguard and improve the quality of life for all within Cork County. As such, I will continue to assess the development having regard to those stated core principles and the planning strategy of transportation planning and land use integration.
- 9.8. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the relevant local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered are as follows:
- Wastewater proposals
 - Sustainable urban Drainage System (SuDS)/ Nature based solutions/Flooding
 - Land Use and Transportation (including traffic impact and safety)
 - Visual impact and impact on established residential amenity
 - Noise impact, dust and air quality impacts
 - Impact on biodiversity
 - Impact of established residential amenity
 - Energy use
 - Miscellaneous issues

9.9. Wastewater proposals

- 9.9.1. The subject application seeks to connect to the Mitchelstown Wastewater Treatment Plant (WWTP). The development plan, as adopted in 2022, indicates that Mitchelstown Wastewater Treatment Plant (WWTP) is at its limit and upgrading of sewers is needed and extensions are also required to accommodate proposed growth in Mitchelstown. The development plan does highlight that “...*the Mitchelstown WW Network and WWTP upgrade scheme is currently at Conceptual Design Stage. There may be additional issues of water quality impacts and / or licence compliance that need to be addressed to accommodate further growth*”. Whilst I note that the development plan recognises problems there is no indication that the subject lands fall within Tier 2 lands (i.e. lands zoned but not serviceable).
- 9.9.2. The Engineering Design Report (May 2023) indicates that the proposed development has an assumed PE of 250 and 100 litres per head per day (in section 3.1 of the report). Uisce Éireann have issued a Confirmation of Feasibility (COF) (copy included in the Engineering Design Report) and state that the Mitchelstown wastewater treatment plant (WWTP) currently has sufficient capacity to accommodate this development. I note that in the COF Uisce Éireann highlights that a large volume of COFs has issued for this area and if these developments connect to the network in the interim there may be insufficient capacity, in the absence of the upgrade works for Mitchelstown WWTP which would significantly increase the capacity.
- 9.9.3. Notwithstanding, the development plan stated position in respect to the WWTP and the number of COF's issued by Uisce Eireann, the concerns by the appellants with respect to wastewater capacity are in part addressed given that, subsequent to the decision to grant permission by Cork County Council, the 2022 Annual Environmental Report (AER) outlines that (a) the capital maintenance on Trickling Filter no. 4 at Mitchelstown WWTP was progressed in 2022 with the 4th trickling filter now operational and (b) Uisce Eireann Capital Investment Programme now indicates that the Mallow and Mitchelstown Sewer Upgrade, to remove blockages and address structural defects, is now completed. The primary report from the Water Services states that on completion of the works to bring the fourth trickling filter back into service that there would be a nominal 800PE capacity available for growth.

- 9.9.4. In addition, I note from Uisce Éireann's wastewater treatment capacity register <https://www.water.ie/connections/developer-services/capacity-registers/wastewater-treatment-capacity-register/cork> as published December 2024 and accessed on 1 May 2025 that there is an Amber indication of capacity with a WWTP project planned/underway. Amber indicates that there is "*potential spare capacity, additional analysis of applications may be required on an individual basis considering their specific load requirements. Potential availability of capacity in this case would be dependent on any additional load not resulting in a significant breach of the combined approach as set out in Regulation 43 of the Wastewater Discharge (Authorisation) Regulations 2007, which is a matter for the relevant Planning Authorities to determine*".
- 9.9.5. Having regard to the foregoing, I am of the opinion that there is sufficient capacity serving the Mitchelstown agglomeration and consider that subject to a condition precluding the commencement of development until a full connection agreement has been secured from Uisce Éireann, including agreement with Uisce Éireann in respect to emissions to the foul collection network from the pump station accounting for the discharge times from Aldi pumpstation, the proposed development would not result in a deterioration in water quality or aquatic habitats degradation arising from an overall increase in biological loading from treated effluent discharges.
- 9.9.6. To connect to the WWTP a pumping station, with emergency storage, and rising main are necessary to pump the development's wastewater along the R513 to a header manhole located in the roundabout junction of the R513 and the N73 as stated in the Engineering Design report submitted on 29 January 2024 in response to the request for clarification of FI. The appellants raise concerns about the location of the rising main and its potential to impact on the existing grass margins and private driveways of the existing residences on the east side. I note the applicant's response to the third-party appeal in which it is clearly stated that the rising main would be installed under the road. I am of the view that in the event the Board is minded to grant permission this matter can be addressed by condition to mitigate any impacts on residential amenity in respect to the installation of the rising main.
- 9.9.7. The Engineering Report further states that the pumping station is proposed at the lowest point of the developable area in the southern section of the site and is a minimum of 15m from the boundary of the nearest dwelling in line with Uisce

Éireann's guidance. Given the topography of the site the location of the pumping station is constrained and options to position it within a less visually prominent location also appear to be limited by the requirement to have a minimum of 15m from the boundary of the nearest residential dwelling. The pumping station is proposed to be fenced with a 2.4m palisade fencing and gates to be galvanised and powder polyester painted a Holly Green (as per IW STD-WW-25) which in conjunction with the planting proposals will reduce its visual impact on the proposed primary access route through the subject site.

- 9.9.8. I am of the view that the pumping station will be visually prominent, however, taking into account the new visual context that would be as result as part of the warehousing scheme the pumping station would read as part of the integral infrastructure associated with the warehouse development and as such would be acceptable.

9.10. **Sustainable urban Drainage System (SuDS) /Nature based solutions/Flooding**

- 9.10.1. The submitted Engineering Design Report, prepared by MHL & Associates Ltd. Consulting Engineers, states that the SuDS strategy has been developed with reference to the Interim Code of Practice for Sustainable Drainage Systems published in July 2004. I highlight to the Board that this referred to code of practice is relevant to the allocation of maintenance for Sustainable Drainage System in England and Wales. For clarity my assessment will have regard to the Best Practice Interim Guidance Document '*Nature based Solution to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design*'. I note that the proposed surface water management plan incorporates both attenuation tanking and a nature-based solution. I do acknowledge the use of SuDS elements including permeable paving in car parks, cellular underground soakaways, swales, and stormwater basin storage locations.
- 9.10.2. The submitted Flood Risk Screening Assessment (FRSA) outlines that the subject site is outside the predicted flood extents of the Funshion River and that the Strategic Flood Risk Assessment (SFRA) for the development plan indicates that the subject site is not within a flood zone. The appellants are concerned that increase surface water run-off from the site will result in flooding of adjoining properties. I note

the submitted photographic record of flooding events within the vicinity of the site taken by the appellants. Taking into account the surface water exceedance flows and measures to accommodate such flows are incorporated into the drainage design and proposed mitigation measures included in the EclA and outline CEMP to safeguard the quality and control discharge to greenfield rates I do not consider that the proposed development would result in an increased risk of flooding.

9.10.3. The appellants raise concerns about the SuDS proposals in particular the stormwater basins. The proposed two no. 'stormwater basins' are stated to be approximately 1.5m deep with formations at 1/3 and 1/5 slope as per the Engineering Design Report received by the planning authority on the 29 May 2023. Subsequent details submitted following request for clarification of FI including the revised Drainage Impact Assessment SuDS Statement provides a section through the 'stormwater basin' (No. 1) closest to the existing residential properties to the south of the site. I note that Cork County Council's Area Engineer found the response to the CFI to be acceptable. The applicant in their response to the appeal advise that their project ecologist is of the view that as the detention basins only allow for temporary attenuation, rather than indefinite retention of standing water it is not envisaged that any species labelled as vermin or pest species will accumulate on the subject site.

9.10.4. On balance, I consider that the proposed stormwater detention basin would provide a green buffer for the existing residents adjoining the southern boundary of the site from the hard infrastructure of the internal warehouse development and taking into account the proposed management and maintenance of same I consider the proposals with these stormwater basins to be acceptable. In the event the Board is minded to grant permission this issue of contractual maintenance can be addressed by way of condition.

9.11. Land Use and Transportation Planning (including traffic impact and safety)

9.11.1. The subject site is at the furthestmost northerly point from Mitchelstown Centre approximately 1.8km. I note the Cycling and Walking Audit submitted identifies existing issues with footpath width and lack of public lighting for a portion of the Limerick Road. I noted same from my site visit and further that there is no

segregated cycling provision with cyclists currently sharing the roadway. Whilst acknowledging the proposed installation of a new section of footpath along the subject site boundary with the R513 the audit concludes that the proximity of the site to services means that sustainable travel modes are viable. The submitted 20min walking and (Figure 4.3) and 10 min cycling (Figure 4.4) isochrones illustrate the potential locations from which it would be possible to walk or cycle to the subject site. The planning authority have included a special contribution condition to contribute towards the future upgrade of the existing footpath and in this instance, I consider such a condition to be appropriate as the proposed development seeks to connect into the existing pedestrian network.

- 9.11.2. No cycle paths have been provided as part of the subject application, and I note the appellant's concerns in this regard. Given that the subject site is along the busy inter-urban road where pedestrian flows are low (refer to 4.2.7.5 of the Cycle Design Manual) in the event the Board is minded to grant permission this issue could be addressed by way of condition requiring the provision of a shared pedestrian and cycle facility along the entire site frontage.
- 9.11.3. The appellant has concerns that the proposed development would result in a loss of recreational/walking amenities along the local roads L951311 and L9513-2. I do not concur with the appellant given the proposed development would not result in a change to the local roads by way of new vehicular accesses. Taking into account the significant landscaped buffer proposed along the site boundaries to visually ameliorate the warehouses I am of the view that a refusal would not be warranted on these grounds.
- 9.11.4. I am of the opinion that sustainable modes of travel could be a reasonable option for potential employees travelling to the warehouse units and to further support modal spilt to more sustainable options I consider the reduced number of car parking spaces (154 no) to be appropriate. I note the applicant's clarification that 28 no. truck parking spaces are to be provided and from review of the submitted drawings this number appears to correlate with the truck spaces to the rear of the warehouse units within the loading/unloading area.
- 9.11.5. The TTA demonstrates that the warehouse development, as determined by the junction analysis carried out in November 2019 and not in 2021 as referenced by

one of the observers, will have a minimal impact on the road network in the vicinity of the subject site and the appropriate site visibility splays have been provided (as per FI or CFI). I note that the Road Safety Audit findings (as revised to take account the repositioned site entrance) have been taken into the adopted design and that pedestrian infrastructure is provided to be enhanced by the provision of a new stretch of footpath on the eastern edge of the R513 along with a signalised pedestrian crossing. I am of the view that the proposal to continue to improve safe pedestrian connectivity meets with the development plan objective MH-GO-05 and, as already stated in my report, a condition requiring the proposed pedestrian footpath be modified to provide for a shared pedestrian and cyclist facility across the entirety of the site would be appropriate in the event the Board is minded to grant permission.

9.11.6. In conclusion, I am of the opinion that the application documentation adequately demonstrates that the subject site can be accessible by sustainable modes of travel and that the proposed access/ egress would not result in a traffic hazard or result in traffic safety concerns. In the event the Board is minded to grant permission I consider that these matters could be confirmed by condition.

9.11.7. Separately, I note the development plan objective TM 12-12: EV Charging seeks that all new applications for non-residential development with more than 10 parking spaces are to provide at least one EV recharging point. Given the changes to the Building Control Regulations I highlight for the Board that it would be a requirement to comply with these and that in this instance a condition would not be necessary.

9.12. Visual impact and impact on established residential amenity (including overshadowing, overbearing and overlooking)

Visual impact (including light pollution)

9.12.1. Mitchelstown is designated as an area of very high landscape value in the development plan. The northern and southern approach roads to the town are designated scenic routes within the plan (S1 and S3 respectfully), these scenic routes are not within the zone of influence of the proposed subject site. The landscape in the immediate vicinity of the subject site is characterised as agricultural usage, consistent with the immediate surroundings to the east of the site as stated in

the Landscape Design Rationale report. Taking the same into account, and from my site visit carried out, I would agree with the appellants that there will be a visual impact and change to the existing landscape character of the area by reason of the height and scale of the proposed warehousing scheme and hard infrastructure in the form of roadways, car and truck parking and pedestrian footpaths.

9.12.2. The proposed warehouse scheme is described in the submitted architectural design statement as being of the contemporary architectural finish with planted 'green' walls to soften the elevations. Furthermore, it is stated that the use of different metal cladding profiles, colour shades plus horizontal placement of the cladding panels has been carefully considered to work together to avoid large monotonous metal cladding surface and ameliorate its scale and height. Glazing panels have been integrated into the cladding to break long elevations and make them more visually appealing.

9.12.3. As already noted above in my assessment (sections 9.5) the expansion of industrial uses in Mitchelstown is plan led, and I highlight for the Board paragraph 1.5.32 of Volume 3 (see section 5.0 of my report) of the development plan expressly confirms that additional industrial lands have been identified to the north of the town to facilitate a choice of locations within the town for such development. In order to achieve the development of these lands there will be a major change to the landscape and the outlook for many of the adjoining residents. I am of the view that the proposed retention of Gurrane House would provide for a visual buffer and act as a transition point between the existing and the proposed new development. I am of the opinion that the proposed scheme includes a significant landscaping and screening strategy to mitigate these visual impacts, including ground contouring and embankments which will help visually integrate the proposed timber noise barriers height (ranging between 4m-5.5m) and minimise their visual impact, and which will in time would enable the new warehousing development to bed down into the landscape. From my site visit I consider that the proposed landscaping scheme would be similar to that implemented at the Aldi distribution centre which provides a soft landscaped buffer onto the R513. The success of the proposed landscaping will be subject to the full implementation of landscaping proposals and management and maintenance of same. In the event the Board is minded to grant permission these matters can be confirmed by way of condition.

- 9.12.4. The appellant is also concerned that the proposed development would detrimentally impact on the established residential amenities by reason of the visual impact of light pollution both from vehicles/associated road infrastructure and also from the glazed areas in the offices within the proposed warehouses. The appellants are of the view that no conditions have been attached to limit light spread. As already noted in section 8.3 of my report, the response to the appeal from Cork County Council's Senior Executive Engineer (SEE) to the appeal highlights that conditions 50, 60, 89 & 91 all relate the proper design of external lighting associated with the development. It is stated by the SEE that lighting must be directed and cowled so as not to interfere with passing traffic or not cause undue glare or additional light spill o to adjoining properties. Furthermore, the SEE highlights that "...*Condition no. 60 requires lighting within the development to dimmable and activated by a presence detection system which should mean that it is not on unnecessarily*".
- 9.12.5. I am of the opinion that the proposed development would result in an increase in levels of lighting within this edge of town location, and there is potential for it to be a source of annoyance to the existing residents. Taking into account the submitted Site Plan Lighting Services as prepared by Axiseng Consulting Engineers and mitigation measures proposed I am of the opinion that it has been adequately demonstrated that the impact of external lighting is not such that would detrimentally impact upon the neighbouring properties. I am of the view that the noise barriers will also provide screening from light spill. Furthermore, I highlight to the Board that the proposed entrance to the development was relocated following request for clarification further information to face the existing higher section of stone boundary wall of the adjoining properties on the western side of the Limerick Road to minimise the impact of lights from vehicles moving in and out of the subject site. With respect to the internal lighting proposed of the two storey ancillary offices I recommend that this matter is addressed by way of condition in the event the Board is minded to grant permission.
- 9.12.6. On balance, taking into account the mitigating measures proposed I am of the view that impacts of lighting on the neighbouring properties (please also refer to issues relating to impacts to Bats in section 9.14 of my report) and can be addressed by the setting of appropriate conditions.

Overshadowing, overbearing and overlooking

- 9.12.7. I have integrated the considerations of impact on residential amenity and impact on daylight/sunlight and overshadowing with the visual impact as I consider these aspects to be integral and the considerations of the mitigation measures overlap. At the outset of my assessment under this issue I note that the separation distance of the proposed new warehouse building A (proposed height of 15.7m) from the existing residential properties is more than three times its height and as per the “Site Layout Planning for Daylight and Sunlight, A Guide to Good Practice” 2022 (the BRE guide) the loss of light will be small. The BRE guide states that the loss of light to existing windows need not be analysed if the spacing to height ratio is 3 (separation distance):1 (height). Notwithstanding the applicant has included in the submitted ‘Daylight, Sunlight & Overshadowing Assessment’ Vertical Sky Component (VSC) results which show that the proposed development has a negligible adverse impact on daylight to Palm Lodge B&B, the houses on the R513 to the west of the subject site and the 2 no. houses south of the site. The impact classification, as per Appendix I of the BRE Guide sets out that where the loss of skylight or sunlight fully meets the guidelines in the BRE guide the impact is classified as negligible adverse impact i.e. where loss of light is well within the guidelines. I consider having regard to the submitted VSC results that there will not be a negative impact upon the existing residents by reason of loss of light from the sky.
- 9.12.8. I note the appellants detailed shadow analysis submitted (Appendix A) and the observation received from JJ O’Mahony which includes a shadow effect analysis (Appendix N and Appendix O) both of which have been prepared by Potter & Finn Chartered Consulting Engineers. Having carried out a comparison exercise with the submitted Daylight, Sunlight & Overshadowing Assessment submitted by the applicant I note that there is consensus in that all identify Palm Lodge B&B as the most impacted property with respect to potential overshadowing by the proposed development. In respect to the applicant’s shadow analysis created for March 21, June 21 and December 21 the additional shadow is limited to impacting Palm Lodge B & B early morning in December when the sun angle is very low. It is stated that “*at this time of year even low buildings will cast long shadows*”.
- 9.12.9. I highlight for the Board that it is indicated in Appendix N that warehouse (A) height of 17m, warehouse (B) height of 22m and warehouse (C) height of 23m have been

used. It is not stated what methodology has been applied in this respect. These heights do not reflect the heights proposed of 15.7 for unit A, 17.15 for unit B and 16.5 for unit C.

- 9.12.10. A direct comparison between all three of the shadow analysis cannot be carried out given the different approaches and the different time periods selected to demonstrate effects. Below in Table (9.1) I set out the dates of the analysis undertaken and key findings of each analysis:

Table 9.1: Record of shadow analysis presented

	Month	January	February	March	April	May	June	July	August	September	October	November	December
Appellant (prepared by Potter & Finn Consulting Engineers)	Date		1		1		21		1		1		21
Key findings:	The appellant's shadow analysis (Submitted as Appendix A), indicates that overshadowing would be, as concluded by the appellant in their submission, "...particularly severe on a number of residences...particularly those immediately to the north and west and southwest of the development site".												
Observers (prepared by Potter & Finn Consulting Engineers) Plus, single day shadow analysis 21 June and 21 December (Appendix O) Plus, (Appendix P)	Date	1	1	1	1	1	21	1	1	1	1	1	1

Sunrise to no shadow.													
Key findings:	The observer's shadow effect analysis (see Appendix N – Shadow effect of Warehouses, Appendix O Shadow Effect from Warehouses A, B & C Single Day June & December and Appendix P Sunrise to no shadow) similarly indicates the properties to the western side of the R531 will be affected by shadow from the proposed warehouses.												
Applicant (prepared by Building Performance Consulting Engineers)	Date			21			21						21
Key findings:	Applicant's analysis of shadow indicates that no additional shadows cast on the existing neighbouring properties to the west and south after the proposed development is built. It is stated in the applicant's daylight, sunlight and overshadowing assessment that: "Minimal shadows are cast on the neighbouring property Palm Lodge B & B".												

9.12.11. Notwithstanding the differences in approach between all three-shadow analysis and the selected time/month for the analysis available to me, I note that the results are common in that in early morning December there will be increased overshadowing of Palm Lodge. When comparing the findings of shadow analysis found in Appendix P of the observers submission for 21 December, 21 March and 21 June the shadow effect generally visually correlate with exception to the early morning diagrams where the effect is shown to spread in a more westerly direction in the observers analysis and, therefore, impacting on those properties along the northwestern section of the R513 opposite from the subject site.

9.12.12. The methodology used in the applicant's shadowing analysis is in line with the recommendations of BRE's Site Layout Planning for Daylight and Sunlight, a guide to good practice (2022) and I note it is stated that the lighting simulation software used to perform the analysis meets with all relevant guidelines set out in the BRE guide BR209. I, therefore noting the methodology contained within, prefer this evidence in forming my opinion that the proposed development would not result in a change in overshadowing to be so significant as to warrant a refusal.

9.12.13. With respect to overbearing and overlooking concerns I am of the view that a sufficient off set from each of the subject site boundaries is proposed and a green buffer provided in the form of landscaped berms and planting and stormwater/surface water basin that the scale of the proposed warehouses will be minimised. In addition, given the separation distances of 65.25m between the proposed warehouse rear elevation and the side elevation of Palm Lodge and a distance between façades of the neighbouring property to the south of over 58m I consider that potential overlooking is mitigated by design.

9.13. Noise impact, dust and air quality impacts

9.13.1. Limerick Road (R513) is a source of road traffic noise, which as per the submitted Noise Impact Assessment (NIA) report and subsequent information prepared by Aona Environmental in response to further information request and clarification of further information is in excess of the EPA target levels outlines in Table 12 of (NIA) due to road traffic volumes. I note for the Board that the noise prediction model was updated to take into account the revisions to the proposed development following request for further information and clarification of further information which would have the potential to affect predicted noise levels. These changes include:

- Revised site access location,
- Revised car parking arrangements in front of Unit A,
- Revised Unit A orientation,
- Revised location of the SuDS retention basin and wastewater pumping station,
- Amended noise attenuation barriers and 2m high earthen embankments located along sections of the site perimeter to the nearest noise sensitive receivers (NSR), and
- The updated noise prediction model takes into account the existing stone perimeter walls (ranging in height from 1m to 2.5m) on the western side of the R513) which had not been taken into account in the originally submitted noise prediction model.

- 9.13.2. I highlight to the Board that a 4m high noise barrier is proposed to attenuate any potential for noise breakout from the pumping station. I have already addressed the visual impact of all noise attenuation barriers please see section 9.12 of my report.
- 9.13.3. The response to clarification of further information from Aona Environmental states that the predicted site-specific noise levels are lower than the existing R513 road traffic noise levels experienced at the receiver locations along the existing R513. The predicted cumulative noise levels in Table 2 (contained within Aona Environmental Response to CFI) indicates that the relative noise impact (increase in noise levels as a result of the proposed development cumulatively) during both day and night would range from negligible to minor in terms of short term impact and negligible in terms of long-term impact, when taking into account the mitigation measures, having regard to the 'IEMA Impact from change in sound levels' (Table 3 of the submitted NIA). I note that the report from Cork County's Environmental Department notes that the *"...cumulative site-specific noise levels due to unloading, HGVs, car movements and the pumping station would result in worst case 1-hour noise levels that are in accordance with the EPA recommended operational noise limits detailed in Table 12 from the Noise Impact Assessments at the noise sensitive receptors in proximity to this proposed development"*. The report from Aona Environmental concludes that the predicted cumulative noise levels with the existing noise levels generated by the R513 indicate a small, predicted change in overall noise level dB(a) Leq 1hour, that will be relatively inaudible at the nearest sensitive receiver locations.
- 9.13.4. I am of the view that the change in noise levels would not be so injurious to residential amenity to warrant of refusal of permission. In the event the Board is minded to grant permission a condition could be attached to enable the local authority to monitor noise emissions from the development.

Dust and air quality impacts

- 9.13.5. In respect to concerns relating to dust and impacts on air quality the EIA Screening report identifies the main air quality impacts associated with construction as:
- Dust deposition and surface soiling
 - Visible dust plumes
 - Elevated PM10 concentrations due to dust generating activities on site,

- Increase in airborne particles and nitrogen dioxide due to exhaust emissions from diesel powered vehicles and machinery onsite and vehicle accessing the site.

I acknowledge that there will be impacts during the demolition and construction period but note that these impacts will be short term and temporary in nature. I am of the view that these matters can be adequately addressed by a final Construction and Environmental Management Plan (CEMP), which would include for environmental monitoring to be carried out to manage dust levels and avoid it becoming a nuisance effect on local receptors, and finalisation of the Construction and Demolition Waste Management Plan (C&DWMP) by way of condition.

With respect to concerns relating to diesel fumes I highlight for the Board that the submitted NIA includes for electric cooling for refrigerated HGVs which offers a cheap, clean and quiet alternative to diesel generators in additional idling of HGV engines would not be permitted on the site. In the event the Board is minded to grant permission these mitigations measures can be confirmed by way of condition.

9.14. Impact on biodiversity

- 9.14.1. The National Biodiversity Action Plan (NBAP) as referred to in section 5.0 of my report seeks to ensure that there is *“an awareness of biodiversity and its importance, and of the implications of its loss, whilst also understanding how they can act to address the biodiversity emergency as part of a renewed national effort to act for nature”*. In this respect I acknowledge the ecological surveys undertaken (in respect to habitat surveys, bat surveys, bird surveys, mammal surveys and invasive species surveys) which accompany the application. I highlight to the Board the embedded designed mitigation, proposed mitigation and enhancement measures incorporated within these reports include site-specific bat-friendly lighting conditions as demonstrated by the light spill modelling conducted for the proposed lighting design, acoustic fencing which will further reduce the light spill and acoustic disturbance, a buffer zone between the HGV yard and Gurrane House created by a landscaped berm with tree and shrub planting to create a buffer (from light spill and noise) and additional landscaping and planting to provide increased foraging habitat on the site. I am of the view that the retention of ‘Gurrane House’ in its current ruined state is

appropriate in this context given that it will both avoid impacts on the local bat population roosting and its retention also provides a visual buffer as set out in 9.12 of my report.

9.14.2. The applicant confirms, in their response to the appeal, that derogations have been obtained from the NPWS with respect to the hay barn (a Soprano Pipistrelle bat roost proposed to be demolished) and the stone cottage (with respect to potential for disturbance to the roost during the Construction Phase as vegetation clearance, barn demolition and landscaping activities will occur in close proximity to the cottage). I note the derogations attached to the application DER/BAT 2023-03 and DER/BAT 2023-04. From review of the NPWS database that derogations at the subject site DER-BAT-2024-62 and DER-BAT-2024-63 were extended in duration to the 31/12/2024. Depending on the timeframe for works the applicant may need to renew the derogations. On balance, if the applicant adheres to the terms and conditions of the derogations, I am in agreement with the findings of the Bat Activity Survey Report that the residential impacts on local bat populations as a result of the proposed development would range from slight to not significant. Appropriate approvals are in place to enable a grant of permission.

9.14.3. I note the submitted Tree Report & Survey concludes that the proposed development will require the removal of 16 mature trees with an estimated addition of 1,996 trees. This figure provides for 63 Oak, 70 Birch, 16 Mountain Ash and 13 Callery Pear it also takes into account the 9,115 sq. m of native woodland mix at 1 plant per 5 sq. m which would potentially give 1823 trees. I highlight to the Board that the proposed native woodland understory was reduced to 8,865 sq.m following request for further information and then increased by 711sq.m to 9,576sq.m following receipt of clarification of further information equating to potential of 1,915 trees. It is also proposed within the landscape proposals to remove 180m of hedgerow, categorised in the submitted survey as low quality, and replace with 1,428m of new native hedgerow. The submitted Ecological Impact Assessment Report (EclA) and the Landscaping Design Rationale include designed in mitigation measures and enhancement measures to maximise the number of habitats on site through varied native and pollinator friendly species, extensive boundary planting, natural SUDs features planted with appropriate wetland species, trees, hedgerows and grass areas. The Landscape Design Rationale states that it has taken cues from the

existing field patterns and the surrounding landscape and retaining the mature trees within what is assessed in the tree survey as the most visually dominant, Tree Group 2 (T2) which runs parallel to the R513, and I highlight to the Board that the Bat Activity Report indicates that this treeline is used as a foraging and commuting habitat.

9.14.4. Taking into account the subject lands are zoned for industrial use I consider that any development proposal, over and above a do-nothing scenario, on the subject site would have an unavoidable impact on the established biodiversity of the lands. I am of the view that the application demonstrates an integrated approach to the landscape design, lighting proposals and nature-based solutions to the management of rainwater and surface water runoff. Therefore, on balance, subject to the implementation and ongoing management of all mitigation measures and enhancement measures along with appropriate monitoring of same I am of the opinion that the residual impacts on biodiversity would not be of such significance to justify a refusal of permission.

9.15. Energy use

9.15.1. The appellants raise concerns that the proposed development does not incorporate solar or wind or other renewable and sustainable energy sources for the development. The appellant's question that the issue of energy use has not been adequately set out and is uncertain in the application.

9.15.2. Whilst I would agree with the appellant's that no solar or wind energy projects are incorporated into the proposed scheme I highlight to the Board that the proposed warehouse scheme has been assessed for Part L compliance which concludes that the proposed development has an energy performance coefficient (EPC) Carbon Performance Coefficient (CPC) and Renewable Energy ratio within the established targets achieving NZEB performance specification for energy and carbon dioxide emissions. As such I am of the view that it has been demonstrated that the proposed development meets with the objectives of the development plan, in particular CA 17-2 (see section 5.0).

9.16. Miscellaneous issues

- Lack of fire main connection

The proposed development has provided for firewater storage on site and appropriate containment measures are proposed within the surface water drainage at the site to prevent any release of contaminants. I consider this to be acceptable.

- Lack of consultation with the local community and inaccuracies in site plans/inadequate response to the request for further information and clarification of further information.

The appellants raise the issue that a detrimental effect on the quality of the proposed development may result by way of a lack of consultation, making reference to the EPA's Environmental Impact Assessment Report Guidelines 2022. I note for the Board that the public had an opportunity to engage with the planning application both at original submission and subsequently following request for clarification of further information and I am satisfied that the concerned parties were not prevented from making representations. The above assessment represents my de novo consideration of all planning issues material to the proposed development.

The appellants note discrepancies on the drawings in that they state only two residences to the south side of the subject site are shown. Having reviewed the submitted documentation included the proposed site plan I would not agree with this statement and note that all existing residences are shown on same.

- *Conditions inadequately protect the residential character and amenity of the area.*

I have addressed conditions in section 3.1 above and in my assessment under the relevant headings.

- *Devaluation of property in the area.*

I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the

value of property in the vicinity.

10.0 AA Screening

10.1. 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 the Blackwater River (Cork/Waterford) SAC (002170) and the Blackwater Callows SPA (004094) in view of the conservation objectives these sites and is therefore excluded from further consideration. Appropriate Assessment is not required.

This determination is based on:

- Nature of works
- Location-distance from nearest European site and lack of connections
- The appropriate assessment screening of the planning authority.

11.0 Recommendation

I recommend that planning permission should be granted, subject to conditions for the reasons and considerations as set out below.

12.0 Reasons and Considerations

Having regard to the MH-I-04 Industrial Area zoning of the site located within the development boundary of Mitchelstown the proposed development, subject to compliance with the conditions set out below, would accord with the zoning policy to develop medium to large scale industry, including for warehouse uses at this peripheral location within the town and would facilitate safe active travel options between the subject site and Mitchelstown town centre. The retention of the old, ruined farmhouse 'Gurrane House' would provide an appropriate buffer between the existing dwellings and the proposed warehouse development, in accordance development plan objective ZU 18-5 Transitional Zones, between the more

environmentally sensitive rural zone and the new Industry zoning. Furthermore, by reason of the proposed separation distances and significant landscaping proposals the proposed development would not have a significant impact on the residential amenities of the adjoining neighbouring properties, would not result in a significant impact on the operation of the road network and would not result in a traffic hazard, and would provide for biodiversity within the site. Given the stated capacity in the Mitchelstown Wastewater Treatment Plant the proposed development would not pose a risk to public health. The sustainable urban drainage systems (SuDS) proposed would ensure that at operational stage the surface water discharge is to be restricted, and flow rates are to be no greater than the existing run-off from the greenfield site and, as such, would not result in a deterioration in quality of the receiving waters in compliance with the Water Framework Directive (WFD) or give rise to flood risk. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 4 September 2023 and 29 January 2024, 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 mitigation measures contained in the submitted Environmental Impact Assessment Screening Report, Ecological Impact Assessment report and Bat Activity Survey Report shall be implemented in full and remain effective throughout the lifetime of the development.

Reason: To protect the environment and the amenity of neighbouring residential properties.

3. The proposed development shall be amended as follows:

(a) Provision shall be made for a shared active travel facility (Please refer to TL106 of the Cycle Design Manual NTA/Department of Transport 2023) along the site frontage instead of the proposed pedestrian footpath.

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

Reason: In the interests of sustainable transportation.

4. The developer shall carry out the proposed road widening, shared active travel facility (as per condition no. 3) and pedestrian crossing along with integrated traffic calming works as the first phase of the development at their own expense. A phasing plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of orderly development.

5. (a) Noise levels emanating from the proposed development when measured at Noise Sensitive Locations shall not exceed 55 dBA (30-minute LAR) between 0700 hours and 1900 hours, 50 dBA (30-minute LAR) between 1900 hours and 2300 hours and 45 dBA (15-minute Leq) between 2300 and 0700 hours.

(b) The mitigation measures contained in the submitted Noise Impact Assessment Report, as supplemented by submissions received 4 September 2023 and 29 January 2024, shall be implemented and remain effective throughout the lifetime of the development.

(c) A Construction/Demolition Noise Management plan shall be submitted to and agreed in writing with the Planning Authority prior to the commencement

of development. This plan shall provide details of intended construction plan for the development, including (i) Proposals for the suppression of on-site noise (ii) Proposals for the suppression of any vibration.

(d) A report from a suitably qualified acoustic consultant/professional shall be submitted to the and agreed in writing with the Planning Authority prior to the commencement of operational activities on site confirming the implementation of the noise attenuation measures and recommendations contained in the noise impact assessment report accompanying the application.

(e) An operational noise monitoring programme shall be implemented to monitor the impact of noise emissions arising from the proposed development. The scope and methodology of this programme shall be submitted to and agreed in writing with the planning authority prior to the commencement of operations on site. Monitoring points shall be located so as to ensure that monitoring is reflective of the noise emanating from the proposed development. The results of the survey shall be submitted to the planning authority within 1 month of completion of the survey. The developer shall carry out any amendments to the programme or additional noise mitigation measures as may be required by the planning authority following a review of each or all noise survey results.

Reason: To safeguard the amenities of the area and control noise emissions from the development.

6. Prior to the commencement of development, the developer shall:

(a) Enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network and adhere to the standards and conditions set out in that agreement. In the interest of public health and environmental sustainability Uisce Éireann infrastructure capacity requirements and proposed connections to the water and wastewater infrastructure will be subject to the constraints of the Uisce Éireann Capital Investment Programme.

(b) The developer shall liaise with Uisce Eireann and agree a design layout for the foul pump station and the design of header manhole.

(c) The developer shall liaise with Uisce Éireann to confirm the emissions to the foul collection network station accounting for the discharge times from Aldi pumpstation.

Copy of agreements in respect to (items a, b and c) above, shall be submitted to the planning authority and retained as part of the public record.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

7. Prior to commencement of development the developer shall confirm the agreed odour abatement mechanisms proposed for the pumping station, details of same to be submitted to the planning authority.

Reason: In the interest of public health.

8. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the relevant Section of the Council for such works and services.

Prior to the commencement of development, the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon completion of the development a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

9. (a) Lighting shall be in accordance with the Lighting Layout Plan submitted to the planning authority on the 04/09/2023.

(b) All lighting within the site curtilage shall be directed and cowled so as not to interfere with or cause any glare or additional light spill to adjoining residential property and public roadway when assessed against. 'Guidance Notes for the Reduction of Obtrusive Light GN01:2021 and in particular that the limits in Table 3 for environmental zone E2 shall not be exceeded and that the limits outlined in Table 5 in relation to road glare shall not exceed the limits for a road with no road lighting currently.

(c) Lighting shall be dimmable and activated by a presence detection system, in accordance with an E2 Zoning designation (TII Guidelines DN-LHT-03038, 2018).

(d) All internal lighting in the ancillary offices shall be turned off between 21:00 and 07:00 and limited to a presence detection system as necessary during these curfew hours.

Reason: To minimise light interference on neighbouring properties.

10. (a) Public Lighting in this development shall be designed and constructed in accordance with Cork County Council's Public Lighting Manual and Product Specification 2023; a copy of which is available on Cork County Council's website, www.corkcoco.ie.

(b) The public lighting on the public road shall be switched on kept active once the facility is deemed operational and maintained by the developer until an application for taking in charge by Cork County Council has been received and accepted.

(c) The developer shall ensure that public lighting along the public roadway is on a separate unmetered micropillar connection to that pertaining to the lighting within the development. The micro-pillar shall be fitted with surge protection.

Reason: In the interests of public safety and to facilitate the taking in charge of the public lighting in phases if required.

11. A 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 dust, noise and vibration, waste management, protection and retention of trees/hedgerows, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

13. 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.

14. Site development and building works shall be carried out between the hours of 0800 to 1800 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.

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

15. The development shall be managed in accordance with a management scheme which shall be submitted to, and agreed in writing with, the planning authority, prior to the occupation of the warehouse units. This scheme shall provide adequate measures relating to the future long-term maintenance of the development; including the SuDS and nature-based infiltration basins, landscaping, roads, paths, parking areas, lighting, waste storage facilities and sanitary services together with management responsibilities and maintenance schedules.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

16. The landscaping scheme as submitted to the planning authority on the 4 September 2023 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of seven 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 the interest of residential and visual amenity.

17. a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of tree(s) 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.

(b) No works shall take place on site until a final construction environmental

management plan (CEMP) 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. Any excavation within the tree protection areas shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the tree(s) are not damaged or otherwise adversely affected by building operations.

18. No soil, spoil, construction material or waste will be stored or tipped near hedgerows or tree and no construction plant or vehicles shall be parked within the spread of existing/retained trees or hedgerows.

Reason: To protect biodiversity.

19. Cutting or removal of trees, hedgerows and clearance of ground vegetation shall not be undertaken between the 1st of March and 31st of August.

Reason: To protect biodiversity.

20. Sight distance of 90 m to the north and 90 m to the south shall be provided from centre point of entrance 3.5 m back from public road edge. No vegetation or structure shall exceed 1m in height within the sight distance triangle.

Reason: To provide proper sight distance for emerging traffic in the interests of road safety.

21. Warning signage for vehicles exiting the site to dip headlights shall be installed.

Reason: In the interests of residential amenity.

22. No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.

Reason: To protect the amenities of the area and in the interests of road Safety.

23. During construction the developer shall provide adequate off carriageway parking facilities within the curtilage of the site for all traffic associated with the proposed development, including delivery and service vehicles/trucks. There shall be no parking along the public road or footpath.

Reason: In the interests of road safety and to protect the amenities of the area.

24. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual amenity.

25. Existing roadside drainage arrangements shall be preserved to the satisfaction of the Planning Authority. Surface water shall not be permitted to flow onto the public road from the site.

Reason: To prevent the flooding of the public road.

26. A post construction, Stage 3, Road Safety Audit shall be carried out by a suitably qualified Audit Team for the completed road works. The team shall be provided with confirmed speed survey data to inform the auditors. Recommendations following the audit shall be agreed with the roads authority and implemented, as appropriate, at the sole expense of the developer.

Reason: In the interests of road safety and orderly development.

27. The developer shall implement, review, and update the submitted Workplace Travel Plan (Mobility Management Plan) on an ongoing basis. The Mobility Management Plan shall inform the detail regarding the on-site facilities for

staff including the showers and lockers. Updates shall include updated informing travel survey information. Recommended measures shall be implemented, as appropriate. Updated Plans shall be submitted to the Planning Authority on request.

Reason: In order to encourage active travel in the interests of sustainability.

28. No unit shall be exclusively used as offices and all office use within the development shall be ancillary to the warehouse use.

Reason: In order to clarify the development hereby permitted and to comply with the zoning provisions of the development plan for the area.

29. No additional floorspace shall be provided in any unit, either by way of subdivision of any unit, 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 appropriate to the provision of car parking spaces and service facilities.

30. No goods, raw materials or waste products shall be placed or stored between the front of the building and the public road.

Reason: In the interest of public health and visual amenity.

31. 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.

32. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in respect of the (a) the overlay road works along the R513 for 100m on both sides of the proposed site entrance and (b) footpath upgrade works along the R513, which benefits the proposed development. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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

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.

Claire McVeigh
Planning Inspector

29 May 2025

Appendix 1: Form 1 - EIA Pre-Screening

Case Reference	319609-24
Proposed Development Summary	Construction of 3 no. warehouse units with ancillary office and staff facilities; demolition of 2 no. agricultural sheds; provision of pedestrian and vehicular entrance, car parking spaces and associated site works.
Development Address	Garrane, Mitchelstown, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, no further action required.
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1 . EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
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?	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p>EIA is Mandatory. No Screening Required</p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	<p>Class 10 Infrastructure Projects 10 (a)(i) Industrial estate development projects, where the area would exceed 15 hectares, Class 14 Works of Demolition and Class 15 of the Planning and Development Regulations 2001, as amended.</p> <p>Schedule 7A information submitted</p>

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input checked="" type="checkbox"/>	Screening Determination required (Complete Form 3)
No <input type="checkbox"/>	

Inspector: _____ Date: _____

Appendix 2: Form 3 Screening Determination

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP 319609-24	
Development Summary	Construction of 3 no. warehouse units with ancillary office and staff facilities; demolition of 2 no. agricultural sheds; provision of pedestrian and vehicular entrance, car parking spaces and associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	Planner's report (following receipt of further information stage) notes that a 'screening determination will be carried out on foot of a response to the clarification request'. It does not appear, from the information on file, that a screening determination is included in either the planner's report following receipt of CFI or the endorsing report of the Senior Executive Planner.
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report with Schedule 7A information accompanied the application. I note the typographical error in section 3.6.1 which makes reference to supply of housing in the area.
3. Has an AA screening report or NIS been submitted?	Yes	An Appropriate Assessment Screening Report (AASR) has been submitted with the application which considers the Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).

<p>4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?</p>	<p>N/A</p>	<p>N/A</p>
<p>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA</p>	<p>Yes</p>	<p>Other assessments carried out include:</p> <ul style="list-style-type: none"> • An Environmental Impact Assessment Screening Report (EIASR) which considers the EIA Directive (2011/92/EU, as amended by 2014/52/EU). Updated EIASR to take account of revisions made following request for further information and the potential effect on firewater use in the event of an emergency. • An Ecological Impact Assessment (EcIA) which considers the Wildlife Act 1976 (as amended), EU Habitats Directive 1992 and EC (Birds and Natural Habitats) Regulations 2011, Flora Protection Order 2015, Water Framework Directive (2000/60/EC), Bern and Bonn Convention and the Ramsar Convention. • A Bat Activity Survey Report and updated report following request for further information in respect to public lighting proposals. • Daylight, Sunlight & Overshadowing Assessment. • A Noise Impact Assessment Report plus update to NIA following request for further information. • A Traffic and Transportation Assessment. • A site-specific Flood Risk Screening Assessment which considers the content of the EU Floods Directive (2007/60/EC). • An Outline Construction Environmental Management Plan (OCEMP). • An Outline Construction & Demolition Waste Management Plan (OC&D WMP) • Submitted Landscape and visual impact assessment - Landscape & Visual Screening and 'Verified photomontage views'. • Tree Report and Survey • Drainage Impact Assessment and Surface Water Management Statement. • Outline Surface Water Management Plan (OSWMP).

		SEA was undertaken by the planning authority in respect of the Cork County Development Plan 2022-2028.	
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith.			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	Yes	<p>The project comprises the construction of a mid-scaled, warehousing scheme (3 no. units) on zoned lands. The subject lands are located on the edge of the development boundary for Mitchelstown. An existing ruined old stone farmhouse dwelling 'Gurrane House' is located to the northwestern corner and there are two no. agricultural sheds on the site.</p> <p>The project would result in a physical change to the immediate context of agricultural lands and the scattered form of residential one-off development and ribbon development of one-off dwellings. Considering the transitional nature of the lands on the edge of Mitchelstown I note the wider context</p>	No

		<p>includes a golf course, existing Coolnanave Industrial Estate, Mitchelstown Business Parks and Aldi distribution centre. As noted in the submitted LVIA the larger commercial sites are not the defining feature as experienced on or near the site due to the screening effect of the vegetation, bunding and walls around the commercial sites. The Landscape and Visual Screening report notes that the immediate contrast of land use degree of built form could give rise to potential landscape character effects. Mitigation proposed to ameliorate these potential impacts include:</p> <ul style="list-style-type: none"> • Significant planting and ground contouring proposals with a focus on oak, native hedgerows, holly and native evergreen. Oak has been chosen as it will grow larger than the proposed buildings and physically and visually dominate the local and wider landscape in the long term. • The site is proposed to be subdivided into three visual units and the retention of existing trees and enhancing the existing planting with proposed native hedgerow would further soften these three sub areas. • A dispersed colour scheme is proposed to break up the bulk and massing of the buildings. <p>I would agree with the conclusion of the landscape report that as the landscaping matures in the short to medium term (plus 7 years) the landscape character would largely return with the native hedgerows and large trees along the roadside and site edges. On balance, taking into account the</p>	
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		above referred to mitigation measures I am of the opinion that the residual landscape and visual impacts are not likely to be significant.	
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes	<p>There will be physical changes to the topography of the site during the construction phase of the project. In terms of topography the lowest ground levels are to the western side of the site (c. 95.5) rising to the east (c. 102.8).</p> <p>Site preparatory works include demolition of two no. agricultural sheds and excavation (top and subsoils), infilling, and ground reprofiling with undulating berms to the boundaries. Construction works will include laying of subsurface services infrastructure and foundations, and subsequent erection of buildings, and installing of roads, footpaths, SuDS basins (2 no.), and site services.</p> <p>The project would change the land use at the site. The site is presently greenfield in nature and agricultural in use. The proposed warehouse use would result in physical changes to the built environment at the site, involving the provision of warehouses with ancillary offices, car parking and cycle parking spaces, pumping station and formal landscaping integrating noise barriers and landscaped elements close to the site edges. As above in question 1.1 the impact of these physical changes can be mitigated.</p> <p>There are no watercourses at or immediately adjacent to the site. The River Funshion is approximately 400m northwest of the subject site with the R513 forming a bridge crossing adjacent to Mitchelstown Golf Course. The Engineering</p>	No

		<p>Design Report (EDR as revised following clarification of further information request) refers to the intention to construct the surface water drainage prior to the completion of the final development surfaces on site and prior to the completion of the impermeable surfaces and the site will drain normally as an undeveloped site. At operational stage surface water discharge is to be restricted and flow rates are to be no greater than the existing runoff from the greenfield site.</p> <p>As such, I do not consider that the physical changes arising from the project are likely to result in significant effects on the environment in terms of topography, land use, and hydrology/ hydrogeology.</p>	
<p>1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?</p>	Yes	<p>The project uses standard construction methods, materials and equipment, and the process would be managed though the implementation of the outline CEMP/ final CEMP (required by condition). Similarly, waste arising from the site preparation and construction phase would be managed through the implementation of a final RWMP (required by condition). There is no significant use of natural resources anticipated.</p> <p>The project connects to the public water and wastewater services systems which have/ will have sufficient capacity to cater for demands arising from the project.</p> <p>The project includes an energy efficient design with Part L compliance reports demonstrating that</p>	No

		warehouse units would achieve Nearly Zero Energy Building performance specification. Several SuDS features are included in the design and the proposed development is located in reasonably close proximity to existing pedestrian footpath network that leads to Mitchelstown centre.	
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes	<p>Construction phase activities would require the use of potentially harmful materials, such as fuels and concrete waste for disposal. The use of such substances would be typical of construction sites.</p> <p>Noise and dust emissions during the construction phase are likely. These works would be managed through implementation of the outline CMP/ final CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition).</p> <p>Operational phase of the project does not involve the use, storage, or production of any harmful substance. Conventional waste produced from warehousing use will be managed through the implementation of the OWMP.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects in terms of human health or the environment.</p>	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	Yes	Conventional waste will be produced from construction activity and will be managed through the implementation of the outline Construction and Demolition Waste Management Plan (OCDWMP)/ final CEMP (required by condition) and a final RWMP (required by condition), as outlined above.	No

		Operational phase of the project (i.e., the occupation of the warehouse units) will not produce or release any pollutant or hazardous material. Conventional operational waste will be managed through the implementation of the OWMP to mitigate against potential environmental impacts.	
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Yes	<p>The project involves preparatory works of excavation (top and subsoils), infilling (with imported material), and ground contouring to facilitate site services, buildings, roads, footpaths, and open spaces.</p> <p>Standard construction methods, materials and equipment are to be used, and the process would be managed through the implementation of the OCDWMP, outline CMP/ final CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition), and a final RWMP (required by condition).</p> <p>The submitted EIA Screening states that due to the greenfield nature of the site it is not anticipated that hazardous, contaminated soil will be present on site. Furthermore, it states that any soil that is required to be removed from the site will be classified as either hazardous or non-hazardous waste in accordance with the EPA's Waste Classification: List of waste and determining if waste is hazardous or non-hazardous. In respect to hazardous substances/chemical used on the site during the construction phase such as concrete retarders and curers, machine grease</p>	No

		<p>and motor oils for machinery, adhesive, paints and glues would be kept in small quantities and stored in bunded containers. The small volumes of waste will be retained on site pending removal by a suitably licensed waste contractor.</p> <p>Accordingly, as risks of contamination to ground or water bodies are mitigated and managed, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
<p>1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	Yes	<p>Noise and vibration impacts are likely during the site development works. These works are short term in duration, and impacts arising would be temporary, localised, and be managed through implementation of the outline CMP/ final CEMP (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition).</p> <p>The operational phase of the project would also likely result in noise and light impacts associated with the warehouse use (increased traffic generation, loading and unloading of HGVs) which are considered to be typical of such medium sized warehousing as proposed. The NIA states that it is proposed that any overnight parking of refrigerated HGVs will be cooled using electric cooling which offers a cheap, clean and quiet alternative to diesel generators. This would substantially reduce lower noise levels. Furthermore, idling HGV engines would not be permitted on site.</p> <p>Traffic impacts would be mitigated by measures included in the NIA i.e. Noise barriers and Noise</p>	No

		<p>Management Plan, the TTA and through the implementation of the outline CMP/ final CEMP (required by condition).</p> <p>Lighting impacts would be mitigated by the relocated entrance point opposite a high point in the boundary wall to the existing residential dwellings facing the subject site and the provision of signage advising drivers to dip their headlights when exiting the site.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in significant effects on the environment in terms of air quality (noise, vibration, light pollution).</p>	
<p>1.8 Will there be any risks to human health, for example due to water contamination or air pollution?</p>	Yes	<p>The potential for water contamination, noise and dust emissions during the construction phase is likely.</p> <p>These works would be managed through implementation of the outline Construction and Demolition waste Management Plan (OCDWMP) and Outline Construction and Environmental Management Plan (required by condition) (with mitigation measures as proposed and/ or with additional measures agreed through condition). Site development works are short term in duration, and impacts arising will be temporary, localised, addressed by the mitigation measures.</p> <p>Operational phase of the project would not likely cause risks to human health through water contamination or air pollution due to the nature</p>	No

		<p>(warehouse use) and design (SuDS features) of the scheme and connection to public water services systems.</p> <p>Accordingly, in terms of risks to human health, I do not consider this aspect of the project likely to result in a significant effect on the environment.</p>	
<p>1.9 Will there be any risk of major accidents that could affect human health or the environment?</p>	No	<p>The potential for the construction or operation phase of the proposed development to result in any major accidents and/or disasters is considered to be low within the submitted EIA Screening report. I would concur with this view taking into consideration the measures to adopt all standard health and safety procedures and the lack of substances that would be used in the proposed development which may cause concern for having likely significant effects on the environment.</p> <p>The proposed development has provided for firewater storage on site and appropriate containment measures are proposed to be incorporated in the surface water drainage at the site to prevent any release of contaminants to the receiving environment including firewater, accidental spills of fuels or other contaminants.</p> <p>The EIA Screening report concludes that in the event of firewater being used to extinguish a fire the effects from the dispersal of firewater would be temporary short term adverse impacts but would not be considered to result in permanent long term or significant environmental effects taking into account the containment measures proposed.</p>	No

<p>1.10 Will the project affect the social environment (population, employment)</p>	<p>Yes</p>	<p>The project increases localised temporary employment activity at the site during site development works (i.e. site enabling and construction phases). The site development works are short term in duration and impacts arising would be temporary, localised, addressed by the mitigation measures in the outline CMP/ final CEMP (required by condition).</p> <p>The operational phase of the project (i.e. the occupation of the warehouse units) results in a potential new workforce. The submitted planning report, prepared by Thornton O'Connor Town Planning highlights that the proposed warehouse on this strategically located site within immediate proximity of the N73 National Secondary Road (c. 1 minute drive) and in close proximity to the M8 motorway (c. 5 minute drive) will introduce employment to the area, supporting growth and development of Mitchelstown which is of a sufficient size and scale to accommodate the market demand for appropriately sized warehousing that can facilitate the modern operational capacities and requirements of the logistics and business sector.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the social environment of the area.</p>	<p>No</p>
<p>1.11 Is the project part of a wider large-scale change that could result in cumulative effects on the environment?</p>	<p>Yes</p>	<p>The site is zoned for industry in the CDP. The zonings at the site and in the vicinity seek to optimise employment opportunities at appropriate locations within the development boundary having regard to the town's proximity to the M8 Corridor (section 1.5.1 Volume 3 North Cork). In this</p>	<p>No</p>

		<p>regard, the project is part of a wider large-scale change planned for the area by the CDP within the lifetime of the plan (CDP Objective ZU 18-3 Development Boundaries) which has been subject to SEA.</p> <p>However, as the project pertains to a greenfield zoned (without phasing restrictions) and serviced site, its development is not restricted or curtailed at this time. The design and layout of the scheme has had regard to adjacent lands, including landscaping mitigation measures and proposed new pedestrian infrastructure along the eastern side of the R513 connecting into the existing pedestrian network.</p> <p>I direct the Board to the response to Q: 3.1 below in respect of considerations of cumulative effects of the project.</p> <p>Within this plan led context, I do not anticipate cumulative significant effects on the area arising from the project.</p>	
2. Location of proposed development			
<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna 	Yes	<p>The project is not located in, on, or adjoining any European site, any designated or proposed NHA, or any other listed area of ecological interest or protection.</p> <p>A potential pathway was identified in the EcIA between the subject site and the Blackwater River Callows (000073) pHNA due to a hydrological pathway via surface water discharges to the River</p>	No

<p>- Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan</p>		<p>Funshion. However, the EclA concludes that the potential for surface waters and foul waters generated at the site to reach this pNHA and cause significant effects is negligible.</p> <p>There are no nature areas or parks that will be affected by this development due to the distance from any designated natures reserves and parks.</p> <p>There are indirect hydrological and hydrogeological connections between the site and the European sites, Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) and Blackwater Callows Special Protection Area (SPA), via surface water to Funshion River to the west of the site and groundwater connections to the Mitchelstown groundwater body, which in turn discharges to the River Blackwater. The AA Screening presents information on potential impacts of the project on the European sites, allowing the Board to undertake an Appropriate Assessment Screening Stage 1 (see section 10.0 and Appendix 3 of this report).</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant effect on the environment in terms of ecological designations or biodiversity.</p>	
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>Yes</p>	<p>The site is not under any wildlife or conservation designation.</p> <p>The site is comprised of seven habitats including improved agricultural grassland, treelines, hedgerows, stonewalls and other stonework,</p>	<p>No</p>

		<p>buildings and artificial surfaces, scrub, and spoil and bare ground.</p> <p>Field survey results included in the EcIA indicate one medium impact invasive plant species i.e. Sycamore <i>Acer pseudoplatanus</i> observed growing within the tree line habitat on the site. No invasive flora species other than sycamore were recorded on site.</p> <p>The EcIA identifies that the derelict old stone farmhouse within the northwest of the site was found to be a multi-species active bat roost and the nature treeline habitat on site offers suitable roosting, foraging and commuting habitat for local bats, with the open grassland also providing foraging and commuting habitat. I note for the Board that the mature treeline (that runs northwest to southeast) is proposed to be retained as part of the proposed development. Furthermore, the Bat Activity Survey report contains (Section 8) embedded, construction phase and operational phase mitigation measures for local bats.</p> <p>15 no. bird species were observed on site including 2 no. amber listed (the house sparrow and the swallow) of conservation concern.</p> <p>No rare or protected mammals were recorded within the site, evidence of fox and rabbit were recorded in the field survey results. Overall, it is determined that the site does not have habitats or species with links to European sites.</p>	
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		Subject to mitigation and enhancements measures are implemented in full and remain effective throughout the lifetime of the development, the EclA determines that no significant negative residual impacts on the local ecology or on any designated nature conservation sites area expected from the proposed development.	
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	Yes	<p>There are no landscape designations or protected scenic views at the site. Neither are there any protected structures or architectural conservation area designations at the site.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant impact on the environment in terms of archaeology and cultural heritage.</p>	No
2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No	There are no such high quality or scarce resources on or close to the site.	No
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	Yes	<p>There are no watercourses at or adjacent to the site.</p> <p>I direct the Board to the response to Q: 1.2 above in respect of the construction and operation phase impacts of the project on the surface water at the site.</p> <p>There are indirect hydrological and hydrogeological connections between the site and the European sites, Blackwater River (Cork/Waterford) Special Area of Conservation</p>	No

		<p>(SAC) and Blackwater Callows Special Protection Area (SPA), via groundwater connections to the Mitchelstown groundwater body and surface water connections to Funshion River to the west of the site and, which in turn discharges to the River Blackwater.</p> <p>I direct the Board to the response to Q: 2.1 above in respect of the impact of the project on Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) and Blackwater Callows Special Protection Area (SPA).</p> <p>A range of mitigation measures are identified in the EcIA, and outline CEMP during the construction phase of the project to safeguard the quality of the surface water run-off, prevent pollution events to groundwater, and mitigate against excessive siltation. Operation phase impacts are addressed primarily through design, with a comprehensive surface water management system including several SuDS features, on-site stormwater attenuation, discharge at greenfield rates to the surface water network via petrol interceptors and new grating to provide existing outfall approximate 30% wider grill opening to reduce the incidence of blockages.</p> <p>The project's Flood Risk Screening Assessment (FRSA) states the developable area is located outside the predicted flood extents of the Funshion River. The Strategic Flood Risk Assessment (SFRA) for Cork County Development Plan indicates that the subject site is not within a flood zone. The walkover carried out as part of the</p>	
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		<p>FRSA confirmed that the site has a gradual slope falling from east to west but there was no visual sign of excess water and appeared to be relatively well drained. Surface water exceedance flows and measures to accommodate such flows from the site are considered as part of the drainage design.</p> <p>Accordingly, I do not consider this aspect of the project likely to result in a significant impact on the environment in terms of water resources.</p>	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	There is no evidence identified of these risks.	No
2.7 Are there any key transport routes (e.g. National Primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	Yes	<p>The main vehicular access to the project is via Limerick Road (R513), part of the local road network, which is well connected to the national road network including the N73 and M8.</p> <p>During the site development works, the project will result in an increase in traffic activity (HGVs, workers) as construction equipment, materials, and waste are delivered to/ removed from the site. Site development works are short term in duration and impacts arising will be temporary, localised, and managed under the outline CMP/ final CEMP (required by condition) and measures in the TTA.</p> <p>The TTA considers operation phase impacts for the project, predicting total vehicle trips (combined arrivals and departures) using TRICS of 91 trips during the AM peak hour, and 109 trips in the PM peak hour, assesses two junctions in the adjacent road network with a significant increase shown in</p>	No

		<p>traffic volumes at the proposed development entrance and a less than 5% increase at the roundabout junction with the N73 and R513. The analysis in the TTA indicates that the proposed junction at the subject site is operating below capacity for all scenarios up to and included the 2039 development scenario and any delays are minimal. At the roundabout junction, any delays are noted to be minimal with a maximum delay occurring at the Firgrove Hotel Entrance of approximately 6 seconds.</p> <p>The TTA demonstrates that the key transport routes in the vicinity of the site will not be congested by or otherwise affected by the project.</p>	
<p>2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?</p>	No	<p>There are no sensitive community facilities, such as hospitals or schools, in proximity to the site and/or that could be significantly affected by the project.</p> <p>There are private residential dwellings located to the north, south, and west of the site. Palm Lodge B & B is located north of the subject site. However, the separation distances are such that there is no realistic prospect of significant overlooking, overshadowing, overbearance caused.</p> <p>Site development works will be implemented in accordance with the outline CMP/ final CEMP (required by condition) which includes mitigation measures to protect the amenity of adjacent properties and residents.</p> <p>The operational phase of the project causes an increase in activity at the site (traffic generation</p>	No

		and operation of the warehouse use) which are considered to be typical of such medium scaled warehousing and is demonstrated to be within acceptable parameters for same.	
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	<p>Existing and/ or approved planning consents in the vicinity of the site and the wider area of Mitchelstown have been noted in the application documentation and associated assessments, e.g. in respect of AA, TTA, FRA Screening.</p> <p>However, these developments are of a nature and scale that have been determined to not have likely significant effects on the environment.</p> <p>No developments have been identified in the vicinity which would give rise to significant cumulative environmental effects with the project.</p> <p>No cumulative significant effects on the area are reasonably anticipated.</p>	No
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	There are no transboundary effects are arising.	No
3.3 Are there any other relevant considerations?	No	No	No
C. CONCLUSION			
No real likelihood of significant effects on the environment.	X	EIAR Not Required	
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

- Regard has been had to:
 - a) The nature and scale of the project, which is below the threshold in respect of Class 10 Infrastructure Projects 10 (a)(i) Industrial projects of 15ha, Class 14 Works of Demolition and Class 15 of the Planning and Development Regulations 2001, as amended.
 - b) The location of the site on zoned lands (Industry – MH-I-04), and other relevant policies and objectives in the Cork County Development Plan 2022, and the results of the strategic environmental assessment of this plan undertaken in accordance with the SEA Directive (2001/42/EC).
 - c) The location of the site outside of any sensitive location specified in article 109(4)(a) the Planning and Development Regulations 2001, as amended and the absence of any potential impacts on such locations.
 - d) The guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage, and Local Government (2003).
 - e) The criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended.
 - f) The available results, where relevant, of preliminary verifications or assessments of the effects on the environment carried out pursuant to European Union legislation other than the EIA Directive.
 - g) The features and measures proposed by the applicant envisaged to avoid or prevent what might otherwise be significant effects on the environment, including those identified in the EIA Screening report, outline Construction & Demolition Waste Management Plan, outline Construction Environmental Management Plan, Ecological Impact Assessment Report, Landscape Specification Management and Maintenance Plan, Bat Activity Survey Report, Noise Impact Assessment, Tree Report & Survey, Road Safety Audit and Green Strategy Plan.

In so doing, the Board concluded that by reason of the nature, scale and location of the proposed development, the development would not be likely to have significant effects on the environment and that an Environmental Impact Assessment and the preparation of an Environmental Impact Assessment Report would not, therefore, be required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 3: Appropriate Assessment (AA) Screening

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	Construction of 3 no. warehouse units with ancillary office and staff facilities; demolition of 2 no. agricultural sheds; provision of pedestrian and vehicular entrance, car parking spaces and associated site works, see section 2.0 of my report for detail.
Brief description of development site characteristics and potential impact mechanisms	<p>The subject site area is stated as 9.24ha (reduced following response to further information) and located within the development boundary of Mitchelstown, County Cork.</p> <p>The application site is characterised by agricultural land, currently under arable and grassland management and a network of hedgerows/tree lines. There is no watercourse within the immediate vicinity of the subject site.</p> <p>Site preparation work and construction works will require ground clearance and excavations with the removal of a number of treelines/hedgerows that currently cross the site. A construction and environment management plan (CEMP) accompanies the appeal. Good practice construction site management measures are integrated into the project.</p> <p>The proposed development will be connected to the public water, surface water and foul sewer network. Attenuated surface water will outfall from the proposed development to the Funshion River.</p> <p>The application site was surveyed by ecologists with habitat, mammal and bat surveys undertaken at the appropriate time of year and in accordance with standard methodologies. One invasive plant species was recorded on the site.</p>
Screening report	Y/N—Appropriate Assessment Screening Report, prepared by Enviroguide Consulting.
Natura Impact Statement	Y/N
Relevant submissions	None

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Step 2. Identification of relevant European sites using the Source-pathway-receptor model

The preliminary screening carried out in the AA Screening report submitted with the application concluded that there is a total of five SACs and one SPA located within the Zone of Influence (ZOI) of the proposed development site. Potential pathways between the proposed development site and two European sites within the ZOI were identified.

I note the Cork County Council's ecologist is satisfied with the approach taken. I consider it appropriate to focus on the European sites for which a S-P-R link was identified in the AA Screening report submitted with the application. I am satisfied that the further four sites within the wider area (c.15km) can be excluded from further consideration.

These European sites are listed in the following table:

European Site (code)	Qualifying interests ¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections ²	Consider further in screening ³ Y/N
Blackwater River (Cork/Waterford) SAC (002170)	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum</p>	8.9km	Yes – surface water discharges to the River Funshion both at construction and operational phases and discharges from the Mitchelstown WWTP into the River Funshion during the operational phase.	Yes.

	<p>in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [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> (Twaite Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p> <p>Blackwater River (Cork/Waterford) SAC National Parks & Wildlife Service</p>			
<p>Blackwater Callows SPA (004094)</p> <p>Note that this SPA overlaps with Blackwater River (Cork/Waterford) SAC (002170).</p>	<p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p>	13.2km	Yes – surface water discharges to the River Funshion both at construction and operational phases and discharges from the Mitchelstown	Yes

	Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Wetland and Waterbirds [A999] Blackwater Callows SPA National Parks & Wildlife Service		WWTP into the River Funshion during the operational phase.	
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¹ Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

³if no connections: N

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: 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 (<i>Glaucopuccinellietalia maritimae</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	Direct: None Indirect: Construction Phase Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution. Loss of grassland/agricultural land. Operational Phase The proposed development would be served by the existing surface water network along Limerick Road immediately west of the site. Surface water will be attenuated by integrated SUDs system and hydrocarbon filtration system.	No Direct. Indirect: Construction and Operational Phase Low risk of surface water borne pollutants reaching the SAC. The qualifying interests of the SAC estuarine / intertidal habitats are considered to have relatively low sensitivity to suspended sediments or other pollutants, and their conservation objectives would not be compromised and there would be no significant changes in ecological functions due to any minor construction related emissions.

<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0] <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] <i>Petromyzon marinus</i> (Sea Lamprey) [1095] <i>Lampetra planeri</i> (Brook Lamprey) [1096] <i>Lampetra fluviatilis</i> (River Lamprey) [1099] <i>Alosa fallax fallax</i> (Twaité Shad) [1103] <i>Salmo salar</i> (Salmon) [1106] <i>Lutra lutra</i> (Otter) [1355] <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p> <p>https://www.npws.ie/protected-sites/sac/002170</p> <p>(Accessed 12.05.2025)</p>	<p>Increased lighting in the vicinity of the proposed development and increased human presences in the vicinity.</p>	<p>Undermine conservation objectives related to water quality and negative impact on habitat quality.</p>
	<p>Likelihood of significant effects from proposed development (alone): Y/N</p>	
	<p>If No, is there likelihood of significant effects occurring in combination with other plans or projects? No</p>	
	<p>Possibility of significant effects (alone) in view of the conservation objectives of the site*</p>	
	<p>Impacts</p>	<p>Effects</p>
<p>Site 2: Blackwater Callows SPA (004094)</p> <p>Whooper Swan (<i>Cygnus cygnus</i>) [A038]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Wetland and Waterbirds [A999]</p>	<p>Direct: None</p> <p>Indirect:</p> <p>Construction Phase</p> <p>Negative impacts (temporary) on surface water/water quality due to construction related emissions including increased sedimentation and construction related pollution.</p> <p>Loss of grassland/agricultural land.</p> <p>Operational Phase</p>	<p>No Direct.</p> <p>Indirect:</p> <p>No meaningful pathway for effects.</p>

Blackwater Callows SPA National Parks & Wildlife Service (Accessed 12.05.2025)	The proposed development would be served by the existing surface water network along Limerick Road immediately west of the site. Surface water will be attenuated by integrated SUDs system and hydrocarbon filtration system.	
	Likelihood of significant effects from proposed development (alone): Y/N	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? No	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
I conclude that the proposed development (alone) would not result in likely significant effects on Blackwater River (Cork/Waterford) SAC (002170) and Blackwater Callows SPA (004094). 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 River (Cork/Waterford) SAC (002170) and Blackwater Callows SPA (004094) 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
- Location-distance from nearest European site and lack of connections
- The appropriate assessment screening of the planning authority.

WFD IMPACT ASSESSMENT STAGE 2: SCREENING

Step 1: Nature of the Project, the Site and Locality

An Bord Pleanála ref. no.	319609-24	Townland, address	Garrane, Mitchelstown, Co. Cork.
Description of project	Construction of 3 no. warehouse units with ancillary office and staff facilities; demolition of 2 no. agricultural sheds; provision of pedestrian and vehicular entrance, car parking spaces and associated site works.		
Brief site description, relevant to WFD Screening,	The site is within the Blackwater (Munster) catchment and waterbody Funshion_SC_030 sub catchment 18 17 Funshion SC-010. The closest watercourse in the River Funshion, flows less than 320m west of the site, that runs into the River Blackwater 14.3km southeast of the site and ultimately enters Youghal Bay. The EPA station is located 365m northwest of the site.		
Proposed surface water details	SUDs system proposed with hydrocarbon interceptor.		
Proposed water supply source & available capacity	Uisce Eireann mains water connection.		
Proposed wastewater treatment system & available capacity, other issues	Uisce Eireann wastewater connection. Sufficient capacity in the WWTP is conditional to other projects not coming forward in the interim and/or the pending upgrade of the WWTP. The proposed development would be subject to condition such that no works can commence full connection agreement has been secured from Uisce Éireann,		

	including agreement with Uisce Éireann in respect to emissions to the foul collection network from the pump station accounting for the discharge times from Aldi pumpstation.
Others?	<p>The stretch of river immediately downstream of the EPA station located c. 365m northwest of the site (Station code: RS18F050100) is currently At Risk of not meeting its WFD objectives.</p> <p>The site is situated on the Mitchelstown groundwater body which is At Risk of not meeting its WFD objectives. The primary aquifer type within the site boundary is a Locally Important (LI) aquifer on bedrock which is Moderately Productive in Local Zones Only, with areas of the south and north boundary comprised of Regionally Important Aquifer – Karstified (diffuse) (Rkd). The submitted Ecological Impact Assessment Report notes that the level of vulnerability of the site to groundwater contamination via human activities is Moderate.</p>

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body e.g. lake, river, transitional and coastal waters, groundwater body, artificial (e.g. canal) or heavily modified body.	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run- off, drainage, groundwater)
River Waterbody	320m west	Funshion_030	At Risk	At Risk	Urban wastewater, Agriculture, Industry, Historically Polluted sites.	Surface water and drainage.
Groundwater Waterbody	Underlying site.	Mitchelstown	Good	At Risk	Agriculture, Industry, Domestic Wastewater, Waste and Mines and Quarries.	Surface water and drainage.

Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 3. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 3.
1.	Site clearance and construction	Funshion_030	Indirect impact via potential hydrological pathway	Surface water pollution / Hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
2.	Site clearance and construction	Mitchelstown Ground Waterbodies IE_SW_G_082	Drainage through soil/bedrock	Hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
OPERATIONAL PHASE							

3.	Surface water runoff and urban wastewater	Funshion_030	Indirect impact via potential hydrological pathway	Hydrocarbon spillage	SUDs features including interceptors	No	Screened out
4.	Discharges to ground	Mitchelstown Ground Waterbodies IE_SW_G_082	Drainage through soil/bedrock	Spillages	Firewater containment measures and interceptors	No	Screened out
DECOMMISSIONING PHASE							
5.							