



An  
Coimisiún  
Pleanála

## Inspector's Report

### ABP-322378-25

<b>Development</b>	Construction of 3 bonded warehouses, fire pump building, fire fighting tank and attenuation pond, internal roadway and associated site works.
<b>Location</b>	Hollyhill, Bantry, Co. Cork
<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	24686
<b>Applicant(s)</b>	Bill Enright Limited
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Transport Infrastructure Ireland
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	3 <sup>rd</sup> July 2025
<b>Inspector</b>	Matthew McRedmond

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Appendix 1 – Form 1: EIA Pre-Screening

Appendix 2: AA Screening

Appendix 3: WFD Assessment

## 1.0 Site Location and Description

- 1.1.1. The subject site is located at the Holyhill, Bantry, which is approximately 2.5km south west of Bantry town centre, and approximately 80km south west of Cork City. It is accessed from the N71, the main approach road to Bantry from the south.
- 1.1.2. The entry point provides access to an existing tool hire compound, entrance gates, office and industrial warehouse unit.
- 1.1.3. The site has a stated area of 1.69ha, and forms part of the larger tool hire premises, which is substantially re-profiled with raised bunding area to the northeast and north west of the site, a sloped entrance path and mature landscaping along the southern boundary with the N71. A small number of construction vehicles and equipment were stored on site on the day of inspection.
- 1.1.4. Elsewhere in the vicinity, the entrance to an existing garage is located on the opposite (western) side of the N71, approximately 50m south east of the access to the subject site. Bantry Bay Equestrian Centre is located to the north of the subject site, accessed from a separate entrance, approximately 150m to the north west.

## 2.0 Proposed Development

- 2.1. The proposed development consists of the following:
  - 3 bonded warehouse buildings (attached) with a floor area of 990sqm each and an overall height of 10.9m.
  - Single storey fire pump building of 14.4sqm
  - Fire fighting tank and firewater attenuation pond
  - New internal roadway and turning area
  - New site boundary fencing and all associated site works.

## 3.0 Planning Authority Decision

### 3.1. Decision

On the 4<sup>th</sup> April 2025, Cork County Council granted permission for the proposed development, subject to 16no. Conditions with the following of relevance:

- Condition 2 – requires the proposed development shall be for the purposes permitted only.
- Condition 14 – Sightlines of 215 metres to be maintained.
- Condition 15 – All surface water shall be contained within the site.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, planning history and any submissions made on the application. Their assessment included the following:

- The planner's assessment included reference to the planning history of a number of bonded warehouse applications in County Cork, which generally presented a range of outcomes including grant of permission, refusal and appeal to An Bord Pleanala.
- Noted that subject site and proposed development is located on Greenbelt land, a high value landscape, and with a direct access to the N71, which is contrary to the provisions of the County Development Plan.
- Application is similar to the previous application Ref. 23/547, which was withdrawn. The only different is the submission of a Traffic and Transport assessment (TTA) and a Road Safety Audit (RSA). The findings of the TTA are not accepted and the traffic impact is considered to be 'intense'.
- The planning history of existing industrial uses and machinery shed is noted (Ref. 22/30), which is also noted as being associated with a machinery and plant hire business at this location.

- The current application is not considered to be related to the existing plant hire business.
- The new use is contrary to the requirements of Green Belt land as set out at Section 5.54 of the Development Plan. Permitting the subject proposal on un-zoned land would undermine Business Park zoned lands to the northwest.
- The process for development bonded warehouses appears to be on an ad-hoc basis and is not supported. The site selection process used by the applicant is not supported and a number of examples are provided of permitted development by Cork CC (23/6174 and 21/905 being two example sites provided).
- The principle that the use of industrially zoned lands for large scale maturation warehousing would be an inefficient and unsustainable use of serviced land is noted.
- The proposed warehouse at 2,967sqm would not assimilate into this high value landscape, and will be highly obtrusive and clearly visible from the N71.
- While the area Engineer has not recommended refusal of permission, Transport Infrastructure Ireland (TII) has, with reference to the Section 28 National Guidelines.
- Road gradients are not mentioned in relation to forward visibility and the availability of 215m sightlines is questionable. Significant levels of HGV traffic on this road (N71) are noted.
- The carrying capacity of the N71 should be protected and the recommendations of TII in relation to the proposal and requirements for planned development cannot be disregarded.
- Appeal Ref. 320473 is noted, whereby TII appealed the decision to grant due to access on to N71. Previous reasons for refusal by the Planning Authority are also noted and referenced in terms of consistency of decision making.
- Refusal of permission is therefore recommended due to visual impact in a highly sensitive landscape, and being contrary to County Development Plan and National Planning policy guidance in relation to access, road safety and

protection of national road infrastructure. The two reasons for refusal recommended were as follows:

*“1. The proposed development would be located on a visually prominent site, on land within the Town Greenbelt of Bantry and in an area of High Value Landscape, directly adjoining the National Secondary Road, the N71, on the main approach to Bantry town and in proximity to the development boundary of the town, as set out in the Cork County Development Plan 2022. The Planning Authority considers that by reason of the siting, scale, design, height and massing of the proposed bonded warehouses on a site elevated above the N71, that the proposed development would not fit appropriately into the Town Greenbelt / rural / High Value Landscape, would be visually obtrusive, would seriously detract from the visual and scenic amenities of the area, would undermine the setting and compromise the specific function and character of the Town Greenbelt and would materially contravene the objectives RP 5-19, GI 14-9 and HE 16-21 of the Cork County Development Plan 2022. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

*2. The proposed development is intended to avail of an existing direct entrance onto the N71 National Secondary Road, at a point where the maximum permitted speed limit applies. The proposed development would be contrary to objective TM 12-13 (m) of the Cork County Development Plan 2022 which seeks to avoid the generation of increased traffic from existing access points onto national roads to which speed limits of greater than 50kph apply and contrary to the Department of Environment, Community and Local Government Section 28 Guidelines 'Spatial Planning and National Roads' 2012 which seeks to control development on / affecting national roads, to safeguard the strategic role of the national road network and to avoid the creation of new access points onto national roads. The proposed development, which is intended to avail of an existing access onto the N71 where the maximum speed limit applies, and in the absence of a detailed Traffic and Transport Assessment, would endanger public safety by reason of traffic hazard and give rise to obstruction of road users due to the movements of the extra traffic generated and, the proposal, by itself or by the precedent which a grant of permission would set, would adversely affect the operation and safety of*

*the national road network. The proposed development would, therefore, be contrary to the stated Development Plan Objective and to the Section 28 Guidelines and would be contrary to the proper planning and sustainable development of the area.”*

- The Area Planner’s Report was supported by a report by the Senior Executive Planner. While the principle of permitting maturation warehouses in rural parts of Cork County is established in precedent, this is subject to scale, site suitability and normal planning and sustainable development. The Senior executive planner therefore recommended refusal consistent with the recommendations of the area planner.
- A report from the Senior Planner also supported the recommended reasons for refusal by the Area Planner and the Senior Executive Planner.
- A report from the Director of Services noted the negative views of the Development Management team and notes no issues from an environmental, ecological or archaeological perspective. The existing commercial enterprise is noted in the context of the Greenbelt, and the visual impact. The nature of the business from a traffic and transport perspective needs also to be further considered. Further information was recommended by the Director of Services in relation to the visual impact and road safety issues (sightline drawing) raised in the planners reports and by the Area Engineer.
- On foot of the direction by the Director of Services, further information was sought in relation visual impact, sightlines and interceptor drain to be provided at the entrance (raised as a road safety issue).

#### Further Information Response

3.2.2. The applicant submitted a further information response in March 2025, which included the following details:

- A landscaping plan and 4no. photomontages showing the implementation of the proposed landscaping over a 20 year period.
- A revised site layout plan showing 215m sightlines in both directions and a revised site plan showing an interceptor drainage channel.

### Planning Authority Response

- Council Ecology Department notes the landscape proposal is acceptable from the perspective of native biodiversity.
- Visual representations provided in photomontages are not accepted and the visual impact is considered to be significant.
- The decision on File Ref. 21/905 (ABP Ref. 315749-23) for 12 maturation warehouses was noted as being refused and the details in the decision that refer to the 'most appropriate location' for the proposal. This case was further noted as not being within a greenbelt, area of high value landscape nor accessed directly from the N71.
- The sightlines are noted as acceptable by the area engineer who recommended a grant of permission subject to conditions. The duties of TII are reiterated and noted that they have recently lodged an appeal to a grant of permission (Ref 24/266) for a single dwelling house to An Board Pleanála (ABP-320473-24).
- Details on proposed drainage channel at entrance are accepted.
- Having regard to their original assessment, the Area Planner recommended refusal of permission.
- The Senior Executive Planner (SEP) provided an additional report in relation to the FI response from the applicant. The details of the further information request are considered to be appropriately responded to, including the provision of photomontages that illustrate the proposal as being adequately screened from nearby views, sight lines provided to the satisfaction of the area engineer and a proposed drainage channel that is also to the satisfaction of the area engineer.
- The SEP notes their assessment of the proposal remains as per their original report, however given the applicant has satisfactorily addressed the matters raised in the FI request, recommended a grant of permission subject to 16no. conditions.

#### 3.2.3. Other Technical Reports

- Area Engineers Report – Recommended further information in relation to sightlines, flood risk and a revised site plan showing an interceptor drain at the entrance. The site is noted as being within Flood Zone C, and the applicant provided the remaining details at FI stage and this was considered acceptable to grant permission subject to conditions.
- Archaeological Report – Recommended no archaeological intervention required given site is already developed.
- Environment Report – No objection subject to conditions in relation to management of waste from construction.
- Ecology Report – Considers AA is not required. No objection to the proposal subject to native planting and hedge cutting conditions.

### 3.3. Prescribed Bodies

- 3.3.1. Uisce Eireann (UE) – No objection in principle as there is no proposal for connections to Uisce Eireann water/waste water assets.
- 3.3.2. Transport Infrastructure Ireland (TII) – Proposal is at variance with national guidelines including ‘Spatial Planning and National Roads Guidelines for Planning Authorities’ and would set an undesirable precedent for the operation and safety of national road network. The proposal would lead to the intensification of an existing access to a national road. The proposal is on an unimproved section of road, is not plan led and has not been progressed in consultation with TII.

### 3.4. Third Party Observations

- 3.4.1. 2no. third party observations were received in relation to the proposed development. The following are the main points:
- Proposal may have an effect on the Glengarriff Harbour and Woodland SAC.
  - Location and elevation of warehouses and security fencing will have a visual impact on surrounding countryside.
  - Lack of landscaping a concern.

- Increase in HGV turning movements at the entrance to the site on to the N71 is a concern.

## 4.0 Planning History

- 4.1.1. The following is a relevant planning history for the site itself:
- 4.1.2. **Cork Co. Co. Ref. 23/547:** Application for 3no. bonded warehouses, similar to the subject proposal. The applicant withdrew this application in November 2023.
- 4.1.3. **CCC Ref. 22/30:** Retention permission was granted in September 2022 for cabins, machinery workshop, billboard sign and use of the site for office and storage of materials.
- 4.1.4. **CCC Ref. 99/7165:** Permission granted for the construction of an industrial unit for storage and maintenance purposes, re-grading of site, provision of site office and on-site storage.

## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

- 5.1.1. National Policy Objective 30 of the National Planning Framework (NPF) seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector and diversification into alternative on-farm and off-farm activities, while at the same time noting the importance of maintaining and protecting the natural landscape and built heritage which are vital to rural tourism.
- 5.1.2. National Policy Objective 33 seeks to 'Support the agri-food industry in promoting Ireland's continued food security in a manner that ensures economic, environmental, and social sustainability while ensuring progress in achieving targets in the National Climate Action Plan 2024 and the River Basin Management Plan.'
- 5.1.3. National Strategic Outcome 3 (Strengthened Rural Economies and Communities) includes: 'Continued investment in the agri-food sector will underpin sustainable growth as set out in Food Wise 2025.'

5.1.4. The policies in the Southern Regional Spatial and Economic Strategy (RSES) are under Regional Policy Objectives (RPOs) and Metropolitan Area Strategic Plan (MASP) Policy Objectives.

5.1.5. RPO 50-Diversification is as follows:

*“It is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including innovation and diversification in agriculture (agri-Tech, food and beverage), the marine (ports, fisheries and the wider blue economy potential), forestry, peatlands, renewable energy, tourism (leverage the opportunities from the Wild Atlantic Way, Ireland’s Ancient East and Ireland’s Hidden Heartlands brands), social enterprise, circular economy, knowledge economy, global business services, fin-tech, specialised engineering, heritage, arts and culture, design and craft industries as dynamic divers for our rural economy.”*

## **5.2. Food Wise 2025 – A 10-year vision for the Irish agri-food industry – Department of Agriculture, Food and the Marine.**

5.2.1. This document notes that exports of Irish Whiskey have increased by 60% between 2009 and 2014. It states that there are huge opportunities for growth in the whiskey sector and notes that one challenge that must be met is the significant working capital finance needed to fund the minimum three-year maturation process in the whiskey sector. An objective of Food Wise 2025 is to: ‘Develop fiscal and other revenue generating initiatives which will enable the Irish Whiskey industry to fund the minimum three-year maturation process’.

### **5.1. Spatial Planning and National Roads (Guidelines for Planning Authorities)**

5.1.1. One of the key principles of the Spatial Planning and National Roads Guidelines is to ensure proper planning is central to ensuring road safety. In this regard the Guidelines specify: *‘The creation of new accesses to and intensification of existing accesses to national roads gives rise to the generation of additional turning movements that introduce additional safety risks to road users. Therefore, from a road safety perspective, planning authorities, the NRA, road authorities and the Road Safety Authority must guard against a proliferation of roadside developments*

*accessing national roads to which speed limits greater than 50-60 kmh apply as part of the overall effort to reduce road fatalities and injuries.'*

5.1.2. Chapter 2 of the Guidelines also state:

*'Development plans must include policies which seek to maintain and protect the safety, capacity and efficiency of national roads and associated junctions, avoiding the creation of new accesses and the intensification of existing accesses to national roads where a speed limit greater than 50 kmh applies.'*

5.1.3. Section 2.6 of the Guidelines provides for exceptional circumstances such as being of national or regional importance and proposals by their nature are most appropriately located outside urban areas, and where the locations concerns have specific characteristics that make them particularly suitable for the developments proposed. Chapter 3 refers to development management and applications on national roads.

## **5.2. National Biodiversity Action Plan (NBAP) 2023-2030**

5.2.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

## **5.3. Guidance on technical land-use for Planning Authorities and COMAH establishment operators (February 2023)**

5.3.1. This Guidance interprets Health and Safety Authority (HSA) policy on technical land-use planning (TLUP) advice under the Seveso-III Directive (Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of

major accident hazards involving dangerous substances, amending and subsequently repealing Council Directive 96/82/EC), as implemented by the COMAH Regulations 2015. It replaces the Policy & Approach of the Health & Safety Authority to COMAH Risk-based Land-use Planning (19 March 2010). The Guidance has been re-titled and streamlined, with a greater emphasis placed on a more rigorous risk-based approach across all sectors. Clear guidance is provided for scenario frequencies and modelling parameters. Sections on liquefied natural gas, recovered natural gas, hydrogen and distillery/warehouse sectors are also notable additions, as is a revised approach to societal risk that emphasises expectation value. Some specific examples have been provided for planning authorities, and a new form has been provided for requesting technical advice electronically.

5.3.2. Section 3.13 of the guidelines refers to Distilleries and spirit maturation warehouses.

#### 5.4. **Climate Action Plan, 2025 [CAP25]**

5.4.1. It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as-usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. In relation to buildings, it is noted that operational emissions in the built environment sector have decreased by 21% since 2018, and achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, OneStop-Shops, and Sustainable Energy Communities. It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

#### 5.5. **Climate Action Plan, 2024 [CAP24]**

5.5.1. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel

usage, significant increases in sustainable transport trips, and improved modal share.

#### 5.5.2. **Water Framework Directive (WFD)**

5.5.3. The WFD was transposed into Irish statute under the European Community (Water Policy) Regulations 2003 (S.I. 722 of 2003).

5.5.4. Ireland is required to comply with four main obligations under the environmental objectives of Article 4 of WFD, namely to:

- Prevent deterioration of the status of all bodies of surface water and groundwater.
- Protect, enhance and restore all bodies of surface water and groundwater with the aim of achieving at least good status by the end of 2027 at the latest
- Protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving at least good ecological potential and good surface water chemical status.
- Achieve compliance with the standards and requirements for designated protected areas.

5.5.5. A WFD Impact Assessment is included at Appendix 3 of this Inspector's Report.

#### 5.6. **Cork County Development Plan 2022-2028**

5.6.1. The Cork County Development Plan 2022-2028 (CDP) is the relevant statutory plan that applies to the subject site. The site is covered by Volume 5 of the Development Plan – West Cork.

5.6.2. The site is located within a Greenbelt area in a 'High Value Landscape' setting.

5.6.3. Section 5.5 of the Development Plan relates to Greenbelts and Objective RP 5-16 refers to long established uses within greenbelts and states:

*“Recognise the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion / intensification of existing uses. Such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open*

*character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations.”*

5.6.4. Objective RP 5-17 states the following in relation to Strategic and Exceptional Development:

*“Recognise that there may be development of a strategic and exceptional nature that may not be suitably located within zoned lands and that such development may be accommodated successfully in Greenbelt locations. In such circumstances, the impact on the specific functions and open character of the Greenbelt should be minimised.”*

5.6.5. Chapter 8 of the CDP refers to Economic Development and Section 8.15 relates to the Rural Economy. Objective EC: 8-13 reads as follows:

*“Rural Economy (a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments. (b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation. (c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.*

5.6.6. Table 8.4 of the CDP refers to the ‘West Cork Marine Network’ that includes Bantry and Skibereen and has an overall strategy that refers to the ‘*Network based on the N71 West Cork to South Kerry Corridor, leveraging significant marine economy, tourism, food and beverage, digital and other assets with strategic transport connections to the Cork Metropolitan Area.*’

5.6.7. Objective EC: 8-14 relates to Business Development in Rural Areas and states:

*The development of appropriate new businesses in rural areas will normally be encouraged where:*

- The scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity.*
- The development will enhance the strength and diversity of the local rural economy. The proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape.*

- *The existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.*
- *The proposal has a mobility plan for employees home to work transportation. Where possible the proposal involves the re-use of redundant or underused buildings that are of value to the rural scene.*
- *The provision of adequate water services infrastructure; and*
- *Provision of a safe access to the public road network.*

5.6.8. Objective TM 12-13 (j), (k) and (m) in relation to the National, Regional and Local Road Network is relevant to the proposal:

*j) Restrict individual access onto national roads in order to protect the substantial investment in the national road network, to improve carrying capacity, efficiency and safety and to prevent the premature obsolescence of the network.*

*k) Limit access to regional roads where appropriate so as to protect the carrying capacity of the network and have regard to safety considerations, particularly where access to a lower category road is available.*

*m) Avoid the creation of additional access points from new developments or the generation of increased traffic from existing accesses onto national roads to which speed limits of greater than 50kph apply.*

## 5.7. Natural Heritage Designations

5.7.1. The site is not located within any designated site. The closest Natura 2000 site is the Glengarriff Harbour and Woodland SAC (Site Code: 00090) which is located approximately 8.3km to the northwest of the site with the Dunbeacon Shingle SAC (Site Code 002280) located approximately 9km southwest of the site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

6.1.1. The proposed development has been the subject of a single third-party appeal by TII against the decision of Cork County Council to grant planning permission. The main

points of the appeal are related to the intensification of traffic accessing a national secondary route (the N71). The following points are provided:

- National and regional policy: At NPF level it is policy to maintain the capacity and safety of the national road networks. The Spatial Planning and National Roads Guidelines seek to restrict increased traffic from existing accesses onto national roads, and this applies to all categories of development.
- Proposal does not give effect to maintenance and protection of national road network, nor does it seek to safeguard the road user safety of all road users.
- TII agrees with the Council planner's assessment of the subject application in relation to intensification of access to a National Road that will result from the proposed commercial development.
- Cumulative impact with the existing established development at the site that is reliant on access to the N71.
- Given the nature and character of the proposal, the decision conflicts with national and local policy.
- Exceptional reasons for the location of the subject proposal have not been provided, nor has any consultation taken place with TII in relation to the matter.
- To grant permission for the proposal would amount to piecemeal development and would lead to an undesirable precedent for similar type developments.
- The proposal by itself and the precedent it would set would endanger public safety by reason of traffic hazard due to the additional traffic turning movements generated on the N71.
- Permission at variance with official policy and will be contrary to policy to safeguard strategic function of the national road network and public investment in same.
- The subject proposal would jeopardise the strategic function of the national road network. Guarding against the intensification of existing access points will reduce collisions and fatalities on the road network.

## 6.2. Applicant Response

6.2.1. The applicant has provided a response to the appeal, which can be summarised as follows:

### Site Context

- Proposal will not lead to an intensification of use of the access point. Lack of clear policy in relation to the proposed development type but submit that the proposal is consistent with national and local planning policies.
- Proposal will support the rapid expansion of the whiskey economy in Ireland. Existing bonded warehouses at the distillery are at capacity, and a minimum period of 3 years storage is required to qualify as whiskey. Depending on commercial strategies, the storage period may be longer.
- ABP Refs. 301078 and 300429 are noted as permitting bonded warehouse developments in rural areas.
- Having regard to the storage function and storage period, there is very little employment function and associated traffic movement. Location of maturation warehouses could be considered an inefficient use of zoned and serviced lands. All such sites are also categorised as SEVESO sites given the fire risk involved and their location away from busy employment locations or built up areas is preferable.

### Regional and Local Policy

- Claim the appeal is selective in highlighting where the proposal conflicts with policy. The proposal is consistent with many local and national policies. RSES notes the countryside will continue to be a lived in landscape.
- Local Policy contained in Table 8.4 of the CDP identifies the West Cork Marine Network, based on the N71 and leveraging significant marine economy, tourism, food and beverage...with strategic transport connections to the Cork Metropolitan Area.
- Refusal of permission for ABP Ref.315749-23 is noted as being due to access from an insufficient local road network.

- Policy EC: 8-13 seeks to strengthen rural economies through diversification. Objective 5-16 is noted as providing for long established commercial uses within greenbelt areas. Objective 5-17 is also noted as providing for exceptional development in greenbelt locations, rather than zoned land.
- The proposed development is consistent with Objective 5-16 as it comprises a diversification of an existing use, which is consistent with the existing character of the site. The location away from employment generating land uses is further supported due to SEVESO considerations.
- From a natural landscape and visual impact perspective, the proposal is not visible from any designated scenic route or from passing traffic on the N71, due to the recently completed works of stone wall and planting along the site boundary with the National Road.
- Given the consistency with policy objective 5-16 and the landscaping of the site, existing and proposed, the proposal is fully in accordance with the CDP and is therefore not considered to be a material contravention.
- The proposal is consistent with Objective TM 12-1 (j) as adequate sightlines are provided which were considered satisfactory by the area engineer.
- The proposal is consistent with objectives 12-8 (e) and 12-13 (b), (j) and (m) as it utilises an existing, established entrance that has had no previous traffic incidents. Given that the majority of generated traffic will be during the construction phase and short term, and traffic during operational phase is limited to one vehicle per day following the initial filling period, the traffic impacts do not lead to an intensification of the existing access.

#### National Guidelines

- The provisions of Sections 2.5 and 2.6 of the National Roads and Spatial Planning Guidelines (The Spatial Planning Guidelines) are noted by the applicant. However, this is considered contrary to Objective 5-16 as it limits the appropriate expansion of rural enterprises.
- 5,500 vehicles (AADT) using this section of the N71 is not considered to be a significant level of existing traffic. There is a lack of policy in relation to

appropriate locations for bonded warehouses but given the strategic nature of the N71 link, the subject proposal is considered suitable at this site.

### Road Safety

- The Traffic and Transport Assessment (TTA) Guidelines by the TII are noted. Although the subject proposal does not generate traffic that would meet the threshold for 'significant' traffic that requires a TTA, one was submitted with the application that shows the low levels of traffic, which are expected to be 0.15% of existing traffic levels at operational stage, and 0.725% at construction stage. The submitted road safety audit and sightlines assessment also meet standard requirements of 215m visibility in both directions and no matters of road safety arise from projected turning movements.
- The projected levels of traffic will not impact the carrying capacity of the N71 and sightline and junction arrangements were considered acceptable by the Area Engineer.

### Planning Precedence

- Case Law of McMahon v Dublin Corporation [1996 WJSC-HC 4138] and Galway County Council v Lackagh Rock Ltd [1985 WJSC-HC 1197] are referenced in terms of establishing where intensification is likely to occur: when there is an essential change in the character of a site and the intensification is likely to lead to additional impacts on the environment. The applicant submits that there has been no essential change in the character of the entrance to the N71 nor the use of the site for what is essentially storage.
- The Galway case referenced places the onus on the Planning Authority to prove that intensification has occurred. As detailed in the submitted TTA, no significant intensification of traffic will occur, and it is difficult to understand how the TII can claim intensification would occur in this instance.
- The applicant would accept a condition to limit hours and level of activity at the site to ensure no intensification occurs.

### Conclusion

- As the proposal will lead to low level of traffic during construction and operational phases, no intensification of use occurs with the subject proposal. Construction traffic is expected to consist of 20 vehicle entries and exits per day. The nature of bonded warehouse whiskey storage is that the product will remain in place for at least 3 years and therefore the initial period of delivery is the most intense with 4 vehicle arrivals and departures per day, with only one vehicle per day for inspection purposes thereafter.
- Given the absence of specific policy in relation to suitable locations for bonded warehouses, the proposal is suitable for a number of reasons such the low environmental impact, the existing use of the site and the carrying capacity of the N71 will not be undermined, the proposal should therefore be granted permission.

### **6.3. Planning Authority Response**

The Planning Authority have provided a response to the appeal that states they have fully considered the issues raised by TII in their appeal, through consideration of the submitted TTA and RSA. No reference is provided in the appeal to the nature of the proposed business which is for the storage of whiskey which will not be moved for a number of years once stored. The minimal access/egress via an existing entrance was a key factor in the decision arrived at by the Planning Authority. The Planning Authority ask that these factors are considered in the assessment of the appeal.

### **6.4. Observations**

None on file.

## **7.0 Assessment**

### **7.1. Scope of Assessment**

- 7.1.1. I have read the grounds of appeal and have reviewed the file contents having due regard to the issues arising, the assessment of the Local Authority and their ultimate decision to grant permission and the provisions of the current Cork County Development Plan and relevant statutory guidance. I have inspected the site and

have regard to relevant local/regional/national policies and guidance in my consideration of the appeal. The appeal focuses on the principle of intensification of a vehicular access on a national secondary route, various points of note in relation to the acceptability of the proposal, and includes consideration of the principle of development accessing on to a National Secondary Route. I note that the proposed development is for a bonded warehouse and matters such as visual impact and site drainage were considered satisfactory by the Local Authority. While sightlines and the use of the access were ultimately considered appropriate, and granted permission, the third-party appeal by TII focuses on the use of this access and the overall principle of the proposed use at this location. Accordingly, the assessment is focused on this matter, with all other matters considered to be satisfactorily addressed up to this point.

## **7.2. The Principle of Development**

- 7.2.1. The 'Spatial Planning and National Road Guidelines' as cited, clearly restrict new accesses or development that would cause intensification of an existing access onto national roads such as the N71 and there is a reasonable basis therefore for the TII to oppose the development in principle.
- 7.2.2. I note the considerations in the guidelines which refer to exceptional circumstances and refer to this provision to appraise the appropriateness of the proposed development.
- 7.2.3. The appeal refers to the maintenance of strategic capacity and safety of the national road network. I address the issue of road safety in the following sections, and consider the issue of strategic capacity a key issue in relation to the principle of the proposal. The Spatial Planning Guidelines refer to 'Strategic Traffic' as follows:
- “Strategic traffic, in the context of national roads, primarily comprises major inter-urban and inter-regional traffic, whether HGV, car, public transport bus services or other public service vehicles, which contributes to socio-economic development, the transportation of goods and products, especially traffic to/from the main ports and airports, both freight and passenger related.”*
- 7.2.4. The subject proposal is associated with West Cork Distillers Limited who have a lease agreement with the applicant subject to approval of planning. West Cork Distillers are located at Marsh Road, Skibereen, which is connected to Bantry, and

the subject site by the N71. The applicant included an appraisal of alternative sites for the subject proposal, including the existing facility, which itself was ruled out due to capacity constraints. Other potential sites were eliminated due to capacity constraints, proximity to residential and site size. I consider the connection between the subject site and the distillery in Skibereen to be of a strategic nature, given the storage requirements for the maturation of whiskey over a number of years, and the unique nature of the Irish Whiskey industry, which requires support in the context of ongoing strategic employment. This principle is supported in Table 8.4 of the County Development Plan, which refers to the N71 corridor as supporting the employment network of the county.

- 7.2.5. At a local level, Objective EC: 8-13 of the Cork County Development Plan 2022-2028 seeks to (a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments (b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation and requires that (c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.
- 7.2.6. Objective EC: 8-14 of the Development Plan refers to Business Development in Rural Areas and it provides that the development of appropriate new businesses in rural areas will normally be encouraged where the scale and nature of the proposed new business are appropriate to the rural area and are in areas of low environmental sensitivity. Also, that the development will enhance the strength and diversity of the local rural economy, that the proposal will not adversely affect the character, appearance, and biodiversity value of the rural landscape and that the existing or planned local road network and other essential infrastructure can accommodate extra demand generated by the proposal.
- 7.2.7. I consider the subject proposal to represent a diversification of the overall storage function of this site. CDP Objective RP 5-16 relates to long established commercial uses located within the Greenbelt and that proposals of an appropriate scale may be considered. CDP Objective RP 5-17 provides for strategic and exceptional development, recognising that such development may not be suitably located within zoned lands and that such development may be better suited to greenbelt locations. The subject site is already developed with an existing storage warehouse and

cabins, with hard compacted granular surfacing across the site. The landbank is screened by contoured berms to the northwest and northeast, a landscaped berm with mature trees to the south facing the N71 and can be further screened with additional landscaping of native biodiversity supporting species as set out in the submitted landscaping plan. While the proposal itself is not of an employment generating nature, this feature of the proposal supports the case for minimal increase in traffic through the existing entrance, while also supporting employment at a remove from the site and in the town of Skibereen.

- 7.2.8. As highlighted in the first party response to the appeal, previous precedents were set by the Board in the determination of maturation warehouse appeals under ABP-301078-18 and ABP-300429-17, and that such uses/development in rural areas are suitable given the inactive nature of their use. The applicants submit that as previously determined by the Board that locating such uses on centrally serviced zoned lands is unsuitable as there can be conflict with adjacent uses in terms of health and safety, and zoned land is more suitably allocated to employment generating land uses that would be effectively sterilised by what is a largely storage function for maturation warehouses. Additionally, I have regard to the document 'Guidance on technical land-use for Planning Authorities and COMAH establishment operators, whereby Section 3.13 identifies spirit maturation warehouses as potential fire locations, there is an established principle of locating these facilities remote from populated areas.
- 7.2.9. Given the above assessment, the principle of the proposed development at this rural location is acceptable given the socio-economic function of the use proposed, the existing access provided, the screening of the site that would maintain the overall biodiversity and visual appearance of the locality, and the low level of traffic generated.

### **7.3. The relevance of proposed development in supporting the aims and objectives of the National Spatial Strategy and Regional Planning Guidelines**

- 7.3.1. In relation to the policy context, the application is related to the agri-food sector and whiskey is food production, as per 'Food Wise 2025: A 10 year vision for the Irish Agri-Food Industry 2015', which sets out the Government's ten year plan for the agri-

food sector. Within this document, reference is made to the Whiskey and Craft Beer Sector, including a reference to the whiskey maturation process.

- 7.3.2. The National Planning Framework is of relevance. National Policy Objective 30 seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. NPO 33 seeks to support the agri-food industry.
- 7.3.3. At a Regional Level, the Regional Spatial & Economic Strategy – Southern Regional Assembly, 2020 notes the importance of the agri-food sector as an integral part of Ireland’s economy and specifically references Food Wise 2025: A 10-year Vision for the Irish Agri-Food Industry that sets out a strategic plan with growth projections for 23,000 additional direct jobs. Policy objective RPO 50 refers to diversification and states that it is an objective to further develop a diverse base of smart economic specialisms across our rural Region, including innovation and diversification in agriculture specifically Agri-Tech, food and beverage as dynamic drivers for our rural economy.
- 7.3.4. The proposal for 3 bonded warehouses has a localised impact, and while the site is zoned ‘Greenbelt’, there is an existing industrial/warehouse/storage use associated with the site in the guise of the machinery/plant hire company. A significant landscaping plan has been submitted that screens the proposal from view as evidenced from the submitted photomontages and the proposal will result in minimal levels of additional daily traffic once filled initially, with one vehicle per day expected. The proposal supports employment and investment in the drinks industry, which is a strategic socio-economic function, by providing appropriate maturation storage for the main processing facility, that has been identified in the application documents and response to the appeal, as a policy gap in terms of identifying and sourcing appropriate storage locations. The proposed development in itself is notably a low employment generator, which contributes to the negligible traffic impact from the proposal, however the existing use of the entrance can absorb this additional traffic without significant impact on the N71.
- 7.3.5. The economic corridor of the N71 is identified in County Development Plan Policy and the strategic function of national roads supports the inter-regional traffic generated by the proposal.

**7.4. The requirements of other planning guidelines issued under section 28 of the Act**

7.4.1. This provision has particular emphasis on the Retail Planning Guidelines (2005), which include a general presumption against large retail centres being located adjacent or close to existing, new or planned national roads, including motorways; The proposal is not of this scale or nature and is therefore not relevant to the consideration of the appeal.

**7.5. The nature of proposed development and the volume of traffic to be generated by it**

7.5.1. The proposed development is for a storage warehouse on an existing machinery/plant storage yard. The development will utilise an existing entrance and therefore does not propose a new access point to the N71. The key issue is if intensification of the access to the N71 National Secondary route will occur.

7.5.2. The appeal submits that the proposed development is not consistent with Objectives TM 12-1 (j), TM 12-8 (d & e) and TM 12-13 (b, J and m), which variously refer to the protection of the strategic function of the road network, protection of road safety and efficiency of the road network, including avoiding creation of new access points on national roads with speed limits above 50kph.

7.5.3. As I have already set out, I consider the subject proposal to be within the definition of strategic traffic, owing to the transportation connections to the main producer of the items to be stored. In relation to road safety and site visibility, I note the applicant provided details of 215m sightlines in both directions from the existing entrance to the site. Details of drainage proposals at the site entrance were also provided by the applicant that will further contribute to the safety principles of this existing junction. I further note the access proposals were considered to be satisfactory by the Local Authority Area Engineer.

7.5.4. The applicant submits that traffic generated by the proposed bonded warehouses will be short term and periodic thereafter.

7.5.5. Construction traffic is expected to last 14 weeks and consist of 20 arrival and 20 departure trips per day, which although is not insignificant, I can accept that this would be short term and be via an existing access with good sightlines. Standard

construction management measures would further mitigate potential safety concerns in relation to traffic turning movements during this period.

7.5.6. For the initial filling of the warehouse this is expected to be for a period of 6 weeks and consist of 3 HGV arrivals and 3 HGV departures per day and 1 standard vehicle arrival/departure per day. A single supervisory vehicle arrival and departure will be required on a daily basis for the following three years, before the movement of the stored stock is required once again. The first party response to the appeal sets out that construction traffic would represent 0.725% of overall traffic using this section of the N71, with the operational traffic representing 0.15% of existing flows on the N71. On balance I consider the nature of additional traffic will be negligible having regard to the circumstances for strategic employment support, the strategic function of the N71, the existing entrance already in place and the developed nature of the site. The level of traffic would not be so significant that it would impact on the existing flow of traffic at the N71 and therefore I do not consider this to amount to an intensification of the existing access.

#### 7.6. **Any implications for the safety, capacity and efficient operation of national roads**

- 7.6.1. The appeal refers to the requirement for road safety to be upheld and the fact that restricting direct access and intensification of use of a direct access to the high-speed national road network can contribute to a reduction in collisions on the network.
- 7.6.2. The first-party response to the appeal notes the TII requirements in relation to traffic and transport assessment and highlights that the subject proposal does not meet the TII thresholds that would normally trigger the requirement for a TTA. Although not a standard requirement, a TTA was submitted as part of the application documents and, as specified under Section 7.5 above, the traffic impacts are considered to be negligible due to the specific long term storage requirements and minimal traffic generating characteristics of the proposal.
- 7.6.3. In addition to the TTA, a RSA was also submitted with the application, that did not identify any significant road safety issues. Sightlines of 215m in both directions were also shown on a site plan (Drawing 09) as submitted at further information stage. Based on the submitted information, I am of the opinion that the minimal operational

road traffic, the established nature of the existing access and sightlines provided will provide for the maintenance of road safety at this location.

7.6.4. The First-Party response includes reference to Case Law of *McMahon v Dublin Corporation* [1996 WJSC-HC 4138] and *Galway County Council v Lackagh Rock Ltd* [1985 WJSC-HC 1197]. The First Party submits that both these cases establish where intensification is likely to occur, i.e. when there is an essential change in the character of a site and the intensification is likely to lead to additional impacts on the environment. The applicant submits that there has been no essential change in the character of the entrance to the N71, nor the use of the site for what is essentially storage.

7.6.5. I note the *Galway County Council v Lackagh Rock* case that it must be proven by the Planning Authority that there are additional effects on the environment of the site arising from the change or intensification of the use. This is only considered to occur where there are significant increases in measurable effects such as traffic and there is limited capacity in the receiving environment. I consider that the TTA has adequately illustrated the minimal levels of increased turning movements associated with the proposed use at the existing junction. Other environmental impacts may include landscape and visual impact. I am satisfied that this has been adequately addressed at application stage and the proposal can be appropriately screened by adding native planting species to the boundaries of the site.

7.6.6. While I accept the restrictive approach to access on to the National Road Network in principle, I consider there are significant safety merits to the existing access that would maintain traffic safety, capacity and efficiency of the N71 in the vicinity of the proposed site access. I consider any additional traffic movements would not constitute an intensification of the use of the access and any additional turning movements are supported due to the strategic nature of the use, the strategic nature of N71 corridor that has a particular purpose as set out in CDP policies and the proposal will support employment, albeit at a location removed from the subject site.

#### **7.7. Any plans for future upgrades of national roads and other transport infrastructure/services**

7.7.1. I have examined the national development plan and NPF and there are no upgrades planned for the immediate environs of the site.

## **7.8. The suitability of the location compared to alternative locations**

7.8.1. The applicant provided a review of the site selection process at application stage as part of their planning report. All zoned land within the current West Cork Municipal District LAPs is noted as being targeted towards employment generation close to towns and urban areas. As the large-scale maturation warehousing does not lead to a direct increase in employment, these sites were not considered compatible. 7no. other sites were also considered, including the existing Marsh Road site where the distillery is located. The various sites identified were ruled out for various reasons including availability for sale, limited capacity and proximity to residential uses. The subject site was chosen based on availability, sufficient area for the proposed development and associated infrastructure.

7.8.2. I consider the proposed site selection process to be appropriate, without providing an endless assessment of potential sites across the County. The rationale for selecting the subject site is acceptable in my opinion given the developed nature of the site and the minimal impact the proposal will have on the surrounding area as set out in the sections above.

## **7.9. The pattern of existing development in the area**

7.9.1. I accept that there is nothing exceptional in terms of the pattern of development in this rural area that would warrant justifying a new entrance or intensification of same by itself. However, the configuration of the access and sightline provision and the minimal level of traffic associated with the specific use is a relevant consideration. I note the business park located to the north west, the existing garage on the west side of the N71 and the established use of the subject site for machinery/plant hire and storage. The existing use of the site is a relevant consideration and, when the levels of expected traffic are factored in, I consider the pattern of existing development and the existing access with appropriate sightlines at the subject site, contribute significantly to the acceptability of the subject proposal.

## **7.10. Satisfactory details of the proposed demand management measures**

7.10.1. As discussed already I consider the nature of the proposal relating to a bonded storage warehouse with one vehicle entry and exit per day will have negligible impact on traffic levels and turning movements at this entry point.

**7.11. Acceptable funding and delivery proposals for any road improvements required**

7.11.1. The application includes the use of an existing access point that is associated with an established use and therefore no specific road upgrades are required. The proposal includes the provision of a drainage channel at the site access junction, which was identified as a potential issue in the Road Safety Audit and therefore requires implementation. This improvement would prevent surface water run off to the national road and would be funded by the applicant.

**7.12. The precedent that could be created for cumulative development in the area and the potential implications for the national road network**

7.12.1. There are limited circumstances in the area that would contribute to a cumulative impact on the national road network. The subject site is already developed for storage purposes, with an existing access on to the road network, which I consider to be a critical factor in identifying the acceptability of the subject site for the purposes proposed. I note the business park located to the north west that is zoned for business, general employment and industrial uses, and the existing car garage on the west side of the N71 that all operate in the locality, without significant impacts on the road network.

**7.13. Conclusion**

7.14. In conclusion, having regard to the nature of the development which will utilise an existing access onto a national secondary route and that the proposal will give rise to negligible traffic increases, I do not consider the proposed use of the existing access to constitute a contravention, materially or otherwise of the development plan. I refer in particular to objective TM12-13 which aims to restrict access onto national roads so as to protect the carrying capacity of the network and have regard to safety considerations particularly where alternative access on a lower category road is available. Alternative access is not available, and the proposal is consistent with the strategic function of the road network that provides a socio-economic benefit that supports the beverage industry of whiskey distillation in West Cork. Accordingly having regard to the development plan provisions in the context of the TII guidelines, I consider the proposal in overall terms to have merit and to be acceptable.

## 8.0 AA Screening

- 8.1. Having reviewed the details on file and having regard to the nature and scale of the proposed development, the absence of strong ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded. Please refer to Appendix 2 for complete details.

## 9.0 Water Framework Directive

- 9.1. 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 based on the drainage arrangements and management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

## 10.0 EIA Screening

- 10.1.1. Having regard to the limited nature and scale of the proposed development and the absence of any significant environmental sensitivity in the vicinity, the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 11.0 Recommendation

- 11.1.1. I recommend that permission be GRANTED subject to the following conditions and for the reasons and considerations set out below.

## 12.0 Reasons and Considerations

12.1.1. The 'agri-food' development proposed is supported by the over-arching national policy as set out in National Policy Objective 30 of the National Planning Framework 2040 which seeks to facilitate the development of the rural economy through supporting a sustainable and economically efficient agricultural and food sector. Having regard to the nature and scale and the unique characteristics of the proposed development (whiskey maturation) the Board recognises that it is different to standard warehousing and that directing this type of development into zoned lands would result in an inefficient use of serviced zoned lands. Having regard to the provisions of the Cork County Development Plan 2022-2028 specifically Objective EC:8-13 which refer to Rural Economy and Objective EC:8-14 which refer to Business Development in Rural Areas the Board considers that the proposed development would contribute to the rural economy of Cork County and the region. It is further considered that the development would not give rise to an unacceptable traffic hazard and would not detract from the strategic nature or carrying capacity of the N71. 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 submitted on the 11<sup>th</sup> day of March 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. A drainage grating, of sufficient capacity to dispose of the expected volume of surface water from site/roadways, along with a discharge pipe to a

soakaway/watercourse located within the site, shall be installed at the entrance to the site to the satisfaction of the Planning Authority. Details of the proposed surface water design and materials shall be submitted to the Planning Authority for written approval prior to the commencement of Development.

**Reason:** In the interests of the proper planning and sustainable development of the area.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

4. The land and buildings to which this permission relates shall be utilised for purposes of maturation of spirit to whiskey and provision of cask filling services only.

**Reason:** To define the use permitted by this permission, having regard to the justification for, and particular characteristics of, the proposed development, and to prevent any other form of warehousing or industry at this rural location.

5. Detailed specification for all proposed external materials and finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. External cladding shall be dark green in colour throughout.

**Reason:** In the interest of visual amenity.

6. No development shall commence until a landscaping and biodiversity scheme has been submitted to and agreed in writing by the planning authority to suitably screen the proposed development over the life of the facility. The

scheme shall comprise a planting plan and schedule which shall include details of:

- (i) Existing and proposed ground levels in relation to an identified fixed datum;
- (ii) Existing area of tree cover, landscaping features and vegetation to be retained;
- (iii) Location design and materials of proposed boundary treatment, fences and gates;
- (iv) Proposed soft and hard landscaping works including the location, species and size of every tree/shrub to be planted;
- (v) Details of the location of the perimeter berm and landscaping to include native species proximate to the closest house;
- (vi) Biodiversity enhancement proposals;
- (vii) A programme for the timing, method of implementation, completion and subsequent on-going maintenance;

Any trees/shrubs which within a period of five years from the completion of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted unless otherwise approved in writing by the planning authority.

**Reason:** In the interests of visual amenity and to integrate the development into its surroundings.

7. Details of the finished floor level of proposed structures relative to the existing ground levels shall be submitted to, and agreed in writing with, the Planning Authority Prior to commencement of development.

**Reason:** In the interest of visual amenity.

8. Hours of construction and operation of the proposed facility shall be between 0800 and 1900 Monday to Friday, 0800 and 1400 on a Saturday and not at all on Sundays or bank or 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:** In order to safeguard the amenities of property in the vicinity.

9. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

10. The construction of development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, and noise management measures.

**Reason:** In the interests of public safety and residential amenity.

11. Details of any external lighting to be used within the site shall be submitted to and agreed in writing with the Planning Authority prior to installation. Such

details shall include the location, type, angle of direction and wattage of each light, which shall be so positioned and angled to prevent any glare or light spillage out from the site boundary. No external lighting shall be installed except in accordance with the duly agreed scheme.

**Reason:** In order to avoid light pollution in the interest of amenity.

12. All works on site shall be implemented in accordance with a Construction Environmental Management Plan (CEMP) to be submitted and agreed with the Planning Authority prior to the commencement of development.

**Reason:** In the interest of environmental protection.

13. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;

(b) Location of areas for construction site offices and staff facilities;

(c) Details of site security fencing and hoardings;

(d) Details of on-site car parking facilities for site workers during the course of construction;

(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

(f) Measures to obviate queuing of construction traffic on the adjoining road network;

(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;

- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

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

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads that may be damaged by construction transport coupled with an agreement empowering the planning authority to apply such security or part thereof to such reinstatement. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

**Reason:** To ensure the reinstatement of public roads that may be damaged by construction transport.

15. 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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Matthew McRedmond  
Senior Planning Inspector

08<sup>th</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322378-25
<b>Proposed Development Summary</b>	3 bonded warehouses and associated works.
<b>Development Address</b>	Hollyhill, Bantry, Co. Cork
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a ‘project’ for the purposes of EIA?</b>  (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.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input checked="" 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><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	<p><b>State the Class and state the relevant threshold</b></p>
<p><input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and relevant threshold</b></p>

<p><b>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)?</b></p>	
<p>Yes <input type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

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

<b>Screening the need for Appropriate Assessment</b>			
<p><b>Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)</b></p> <p>I have considered the proposed development of a storage and processing warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.</p> <p>A screening report for Appropriate Assessment was not submitted with the planning application. Additionally, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Cork County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Cork County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.</p> <p>A detailed description of the proposal is presented in Section 2.0 of my report. In summary, the site itself is a brownfield site, and the proposal consists of a storage warehouse.</p> <p>The proposal is not located on, in or adjoining an ecologically sensitive site. The closest European site is Glengarriff Harbour and Woodland SAC (Site Code: 00090) which is located approximately 8.3km to the northwest of the site with the Dunbeacon Shingle SAC (Site Code 002280) located approximately 9km southwest of the site. The proposal would be located in a rural area and is removed from any designated European site by at least 8km.</p> <p>The site would not present a significant risk to the levels of occurrence, population density and habitats for which qualifying species of designated sites due to disturbance or displacement effects. The proposal would not have the potential to affect other significant environmental sensitivities in the area.</p>			
<p><b>European Sites</b></p> <p>The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). Glengarriff Harbour and Woodland SAC (Site Code: 00090) is located approximately 8.3km to the northwest of the site with the Dunbeacon Shingle SAC (Site Code 002280) located approximately 9km southwest of the site..</p>			
<b>European Site</b>	<b>Qualifying Interests (summary)</b>	<b>Distance</b>	<b>Connections</b>
Glengarriff Harbour and	Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	<b>8.3km northwest</b>	There is no source-pathway-

Woodland SAC [00090]	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]  Geomalacus maculosus (Kerry Slug) [1024]  Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]  Lutra lutra (Otter) [1355]  Phoca vitulina (Harbour Seal) [1365]		receptor link identified between the proposed development (source) and the Glengarriff Harbour and woodland (receptor). No links exist hydrologically or via a loss or disturbance to ex-situ foraging habitat (pathway).
Dunbeacon Shingle SAC [002280]	Perennial vegetation of stony banks [1220]	<b>9km southwest</b>	There is no source-pathway-receptor link identified between the proposed development (source) and the Glengarriff Harbour and woodland (receptor). No links exist hydrologically or via a loss or disturbance to ex-situ foraging habitat (pathway).

**Likely impacts of the project (alone or in combination)**

Due to the enclosed nature of the development site and the presence of a significant buffer area (green and blue) between the brownfield site and the two identified SACs, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. The development site is already cleared and consists of compacted granular surfacing that provides no habitats of significant value.

During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water. During operational phase, surface water will drain to an attenuation tank that will ultimately discharge at normal greenfield run off rates to an existing local stream.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to both identified SACs, make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

### **Likely significant effects on the European sites in view of the conservation objectives**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of either SAC. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any bat species (ex-situ) due to proximity and availability of foraging habitat elsewhere.

### **In combination effects**

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of the hydrocarbon filter a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SPA.

## **Overall Conclusion**

### **Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Glengarriff Harbour and Woodland SAC (Site Code: 00090) and the Dunbeacon Shingle SAC or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to European sites
- No significant ex-situ impacts on birds/bats and associated feeding habitats

### Appendix 3

<b>WFD IMPACT ASSESSMENT STAGE 1: SCREENING</b>			
<b>Step 1: Nature of the Project, the Site and Locality</b>			
<b>An Bord Pleanála ref. no.</b>	<b>ABP-322378-25</b>	<b>Townland, address</b>	Holyhill, Bantry, Co. Cork
<b>Description of project</b>		3 bonded warehouse and associated works.	
<b>Brief site description, relevant to WFD Screening,</b>		Site is located at Hollyhill on the N71, to the southeast of Bantry town. The site relatively flat, in an elevated location from the public road and is connected to the Bantry_010 river waterbody via an existing underground drainage culvert. Dinish Island is located within the Dunmanus-Bantry-Kenmare WFD Catchment (Catchment ID 21). A water quality monitoring station is located 2.2km north at Bantry and 2.2km south at Four mile water-Letterlicky Bridge.	
<b>Proposed surface water details</b>		Connection to existing storm sewer to south of the site.	
<b>Proposed water supply source &amp; available capacity</b>		There are no water supply requirements associated with the subject proposal.	
<b>Proposed wastewater treatment system &amp; available capacity, other issues</b>		There are no waste water supply requirements associated with the subject proposal.	

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

Identified water 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)
Ground Waterbody	Underlying	Beara Sneem IE_SW_G_019	Good	Not at risk	No pressures	Yes – via Groundwater
Coastal Waterbody	8km west	Outer Bantry Bay IE_SW_170_000 0	High	Not at risk	No pressures	No. Treatment of surface water in attenuation tank and discharge to Bantry_010. Treatment and Intervening waterbody of Bantry_010 provides separation.
River Waterbody	Adjacent	Bantry_010 IE_SW_21B3107 50	Good	Not at Risk	No Pressures	Yes, surface water run off via on site attenuation tank

**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	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	<b>Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.</b>
1.	Surface	Bantry_010 IE_SW_21B3 10750	Existing drainage infrastructure - surface. Proposed attenuation tank will feed treated water that drains to stream.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes, proximity to watercourse.	Screened in
2.	Ground	Beara Sneem IE_SW_G_019	Yes. Pathway via drainage characteristics.	spillages	As above	No	Screened out
3.	Coastal	Outer Bantry Bay	No. Separation distance provided to dilute	Siltation, pH (Concrete),	Standard construction practice	No	Screened out

		IE_SW_170_0 000	treated surface water run off	hydrocarbon spillages	CEMP		
<b>OPERATIONAL PHASE</b>							
1.	Surface	Bantry_010 IE_SW_21B31 0750	Yes, proximity to watercourse. Surface water discharge.	Hydrocarbon spillage	Attenuation tank with filter	No	Screened out
2.	Ground	Beara Sneem IE_SW_G_019	Pathway exists but poor drainage characteristics	Spillages	Surface water attenuation tank	No	Screened out
3.	Coastal	Outer Bantry Bay IE_SW_170_0 000	No. Separation distance provided to dilute treated surface water run off	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No	Screened out
<b>DECOMMISSIONING PHASE</b>							
1.	NA						
<b>STAGE 2: ASSESSMENT</b>							
<b>Details of Mitigation Required to Comply with WFD Objectives</b>							

<b>Surface Water</b>					
<b>Development/Activity</b> e.g. culvert, bridge, other crossing, diversion, outfall, etc	<b><u>Objective 1:Surface Water</u></b> <b>Prevent deterioration of the status of all bodies of surface water</b>	<b><u>Objective 2:Surface Water</u></b> <b>Protect, enhance and restore all bodies of surface water with aim of achieving good status</b>	<b><u>Objective 3:Surface Water</u></b> <b>Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status</b>	<b><u>Objective 4: Surface Water</u></b> <b>Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
	<b>Describe mitigation required to meet objective 1:</b>	<b>Describe mitigation required to meet objective 2:</b>	<b>Describe mitigation required to meet objective 3:</b>	<b>Describe mitigation required to meet objective 4:</b>	
<b>Construction works</b>	Standard site specific construction mitigation methods to be included in CEMP to be submitted.	Standard site specific construction mitigation methods to be included in CEMP to be submitted.	Standard site specific construction mitigation methods to be included in CEMP to be submitted.	Standard site specific construction mitigation methods to be included in CEMP to be submitted.	YES
<b>Stormwater drainage</b>	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	YES
<b>Details of Mitigation Required to Comply with WFD Objectives</b>					
<b>Groundwater/surface water</b>					

<b>Development/Activity</b> e.g. abstraction, outfall, etc.	<u><b>Objective 1: Groundwater</b></u> <b>Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater</b>	<u><b>Objective 2 : Groundwater</b></u> <b>Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*</b>	<u><b>Objective 3:Groundwater</b></u> <b>Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity</b>	<b>Does this component comply with WFD Objectives 1, 2, 3 &amp; 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)</b>
Development Activity 1 : Development of warehouse facility	Site specific construction mitigation methods including: • Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.	Site specific construction mitigation methods as described.	Site specific construction mitigation methods as described	Yes