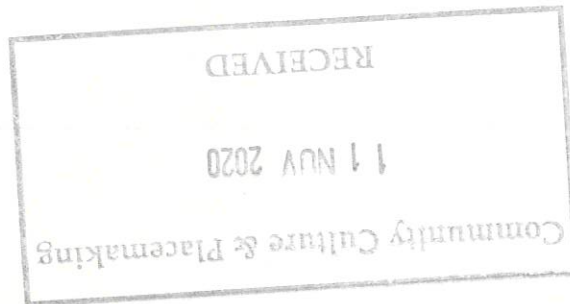


The Secretary
Planning Department
Cork City Council
City Hall
Cork



11 November 2020

Re: Section 5 Declaration seeking confirmation that the provision of a hard surface to be used in connection with the adjoining light industrial/storage use at Cork Builders Providers, West Link, Togher Industrial Estate, Ballycurreen, Cork

Dear Sir/Madam,

We McCutcheon Halley, 6 Joyce House, Barrack's Square, Ballincollig, Co. Cork act on behalf of Cork Builders Providers who are the owner of an existing light industrial/storage use and adjoining lands at Cork Builders Providers, West Link, Togher Industrial Estate, Ballycurreen, Cork, and request a declaration in accordance with Section 5 of the Planning and Development Act 2000 (as amended), seeking confirmation that the provision of a hard surface to be used in connection with the adjoining light industrial/storage use at Cork Builders Providers, West Link, Togher Industrial Estate, Ballycurreen, Cork is exempted development under Classes 21 and 22 of Part 1 Schedule 2 (Article 6) the planning and Development Regulations, on the basis that:

- The provision of a hard (i.e. concrete) surface within the curtilage of and in connection with an existing light industrial/storage use is exempted development under Class 21(b) Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations;
- The provision of a hard/concrete surface to be used in connection with existing light industrial/storage use permitted under Ref. No 97/3586 at Togher Industrial Estate will not contravene any of the conditions of the 97/3586 permission;
- The light industrial use associated with the primary storage of materials use is a permitted use of the site; and
- The conditions of the existing permissions do not preclude the proposed use.

It is therefore submitted that the provision of a hard (i.e. concrete) surface to be used in connection with the light industrial/storage use building permitted under 97/3586 is exempted development in accordance with Classes 21 and 22 of the planning and Development Regulations – the above reasons are outlined in greater detail in Section 4.0 below. The remainder of this declaration request, is set out as follows:

- 1.0 Site Context and Planning History
- 2.0 Planning Legislation/Regulations
- 3.0 Relevant Section 5 Declarations / Referrals
- 4.0 Assessment.

www.mhplanning.ie

McCutcheon Halley is a limited partnership registered under the Limited Partnerships Act, 1907, registration no. LP512. Registered in Ireland No. 326490. Registered office: 6 Joyce House, Barrack Square, Ballincollig, Co. Cork. Directors: Brian McCutcheon, BA(Econ) DipTP DipGIS MIPI (Chairman), Tom Halley, BA(Mod), MRUP BSc ARCH(Hons) Cert. Civil Eng. MIPI.

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1.0 Site and Context and Planning History

The site is situated within Togher Industrial Estate within the Cork City development boundary on the southern side of the City as shown in Figure 1 below. The site is accessed via the existing Togher Industrial Estate road off Pouladuff road running to the west of the subject site. Existing development on the site consists of Cork Builders Providers, a timber store, ancillary building and associated parking / hard standing / yard and ancillary areas. The N40 South Ring Road is located to the north with the Forge Hill Industrial Estate located to the south. Southside Industrial Estate is located to the west with the remainder of Togher Industrial Estate located to the east.

The area in the vicinity of the exiting timber storage building is used for the bulk storage of sand and aggregates which are then sorted and packaged into a variety of bagged products by Cork Builders Providers.



Fig. 1 Location of the Site in the context of Togher Industrial Estate

The specific location of the proposed hard/concrete surface area is along the southeastern corner of our clients' site as outlined in Figure 2 below.

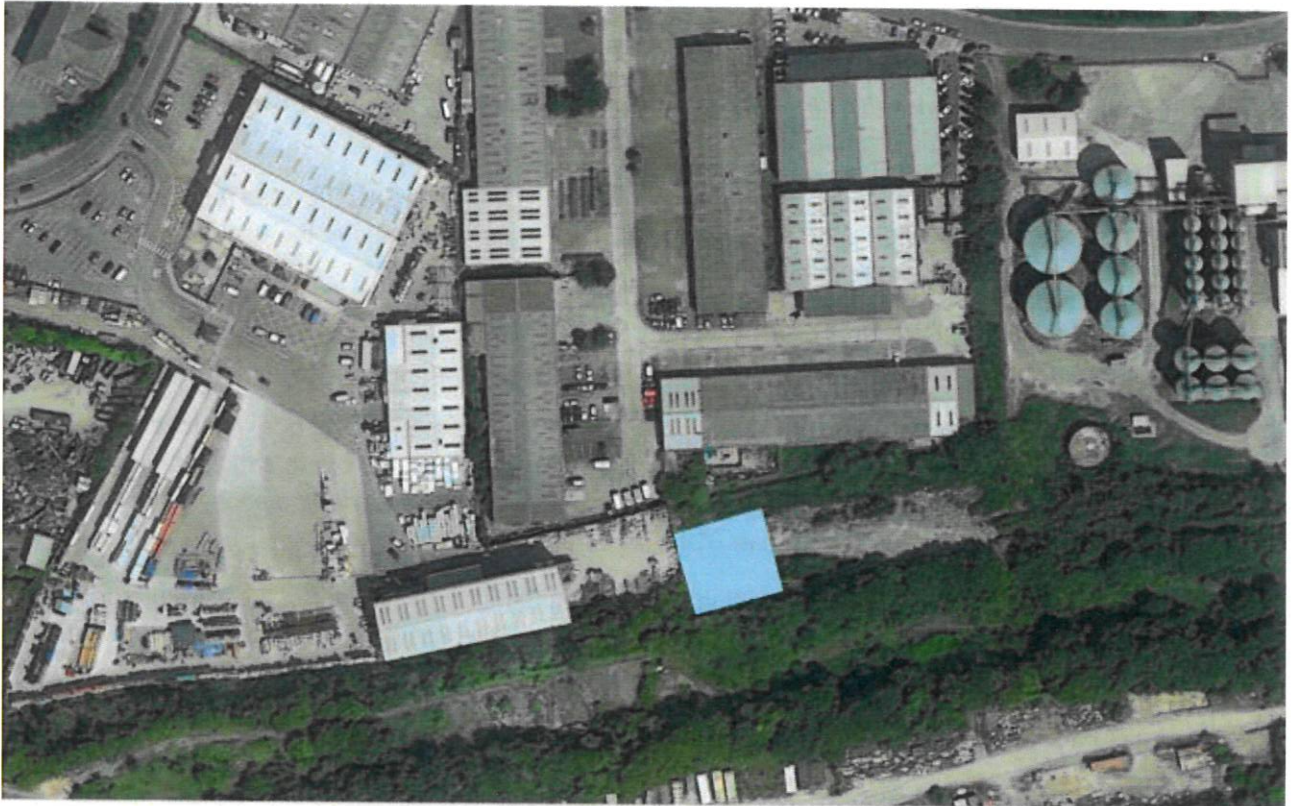


Fig. 2 Location of hardstanding/concrete area illustrated in blue.

The light industrial/storage uses on this site were first permitted by Cork County Council Ref. No. 97/3586 for the construction of a builder's providers and manufacturing facility including open storage, signage and ancillary works. The permitted light industrial/storage uses were extended under Ref. No. 00/2553 and 00/6002 when permission was granted for 2 no. additional units at Togher Industrial Estate.

2.0 Planning Legislation/Regulations

In order to assess whether the proposal is or is not development and/or is or is not exempted development, regard must be had to the 2000 Planning and Development Act (as amended) and the 2001 Planning and Development Regulations (as amended). The principal provisions of both the Act and the Regulations are outlined below:

2.1 Planning and Development Act, 2000 (as amended)

Section 2 of the 2000 Planning and Development Act (PDA), defines a "Structure" as:

"any building, structure, excavation, or other thing constructed or made on, in or under any land, or any part of a structure so defined, and-

(a) where the context so admits, includes the land on, in or under which the structure is situate, and

(b) in relation to a protected structure or proposed protected structure, includes:

- i. the interior of the structure;
- ii. the land lying within the curtilage of the structure;
- iii. any other structures lying within that curtilage and their interiors, and
- iv. all fixtures and features which form part of the interior or exterior of any structure or structures referred to in subparagraph (i) or (ii)”

Section 3 (1) of the Act defines “Development” as, ‘except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land’

Section 4 of the Act refers to “exempted development” and Subsection (1) sets out categories of development that shall be exempted development for the purposes of this Act, including subsection (1)(h) which includes:

“Development consisting of the carrying out of works for the maintenance, improvement or other alteration of any structure, being works which affect only the interior of the structure or which do not materially affect the external appearance of the structure so as to render the appearance inconsistent with the character of the structure or of neighbouring structures”.

Section 4 (1)(h) of the Act makes it clear that works which affect only the interior of the structure or which do not materially affect the external appearance of the structure will be considered exempted development.

Section 4(2) of the Act provides for the making of regulations. The provisions from the planning and Development Regulations (2001) most relevant to this declaration are set out below:

2.2 Planning and Development Act, 2000 (as amended)

Under Article 5(1) of the Regulations, ‘industrial process’ is defined as follows:

“industrial process” means any process which is carried on in the course of trade or business, other than agriculture, and which is –

(a) for or incidental to the making of any article or part of an article, or

(b) for or incidental to the altering, repairing, ornamenting, finishing, cleaning, washing, packing, canning, adapting for sale, breaking up or demolition of any article, including the getting, dressing or treatment of minerals.

Also under Article 5(1) of the Regulations “light industrial building means an industrial building in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.”

Also under Article 5(1), Part 2 of the Regulations, “article” includes –

“(i) a vehicle, aircraft, ship or vessel, or

(ii) a sound recording film, broadcast, cable programme, publication and computer program or other original database.”

Article 5(1) of the 2001 Regulations defines “article” is not exhaustive and various declarations/ referrals have established that a wide range of products leaving an industrial building can be considered an “article” or part of an “article”, especially where the item or object has an “intrinsic value”.

Under Article 5(1), Part 2 of the Regulations, timber products all have an “intrinsic value” and can all be considered as being ‘articles’ under the definition included in Article 5(1). All of these articles/timber products are subject to an industrial process in accordance with Article 5(1) of the Regulations in that they are finished/packed/adapted for sale. All of the above uses/processes do not involve heavy industrial activities but do involve “**industrial processes**” as defined in the Planning Regulations.

2.3 Planning and Development Act, 2000 (as amended)

Under Class 21 Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations, development of the following description is considered to be exempted development:

“(a) Development of the following descriptions, carried out by an industrial undertaker on land occupied and used by such undertaker for the carrying on, and for the purposes of, any industrial process, or on land used as a dock, harbour or quay for the purposes of any industrial undertaking—

(i) the provision, rearrangement, replacement or maintenance of private ways or private railways, sidings or conveyors,

(ii) the provision, rearrangement, replacement or maintenance of sewers, mains, pipes, cables or other apparatus,

(iii) the installation or erection by way of addition or replacement of plant or machinery, or structures of the nature of plant or machinery.

“(b) Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building.”

The conditions and limitations outlined in Column 2 of the above exemption include:

1. *Any such development shall not materially alter the external appearance of the premises of the undertaking.*

2. *The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres above ground level or the height of the plant, machinery or structure replaced, whichever is the greater.*

Under Class 22 Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations, development of the following description is also considered to be exempted development:

“Storage within the curtilage of an industrial building, in connection with the industrial process carried on in the building, of raw materials, products, packing materials or fuel, or the deposit of waste arising from the industrial process

The conditions and limitations outlined in Column 2 of the above exemption include:

“The raw materials, products, packing materials, fuel or waste stored shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building.”

The extent to which the classes of development specified in Part 1 of the Second Schedule are exempted is governed by Article 9(1)(a) and that article is itself subject to the restrictions (see Appendix 1¹) on exemption which includes the following:

- contravene a condition attached to a permission;

- consist of or comprise the formation, laying out or material widening of a means of access to a public road or endanger public safety by reason of traffic hazard or obstruction of road users;
- interfere with the character of a landscape, or a view or prospect of special amenity value or archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area
- comprise development which would require an appropriate assessment or would be likely to have an adverse impact on an area designated as a natural heritage area;
- comprise an extension of an unauthorised structure;
- consist of the fencing or enclosure of any land habitually open to or used by the public (during the preceding 10 years or obstruct any public right of way;
- comprise works to the exterior of a structure within an architectural conservation area;
- consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

Each of the above conditions/restrictions are considered further in relation to our clients proposed development in Section 4 below.

3.0 Relevant Section 5 Declarations / Referrals

There are a number of declaration/referral cases which have been made under Section 5 of the Planning and Development Act 2000 (as amended) which deal with similar planning issues. The following declarations/referrals are of particular relevance:

An Bord Pleanála Reference Number: 68.RL.2061

Under An Bord Pleanála Referral Ref. 68.RL.2061 the Board considered whether the provision of a hard surface to side and rear of industrial building at Templemichael Glebe, Ballinalee Road, Longford was or was not exempted development. In his assessment the Boards Inspector made the following observations:

“The development in question is a hard surfaced area and I infer that it falls within this [exempted development] class. It is for use in connection with the industrial process carried out in the adjoining factory and it appears to be so used. I am satisfied that it is located within the curtilage of this building. Developments in this Class are subject to two conditions and limitations, which are as follows:- 1. Any such development shall not materially alter the external appearance of the premises of the undertaking. 2. The height of any plant or machinery, or any structure in the nature of plant or machinery, shall not exceed 15 metres or the height of the plant, machinery or structure replaced, whichever is the greater. Referring to No. 1, the development is essentially at ground level and has no significant implications for the appearance of the premises. Referring to No. 2, this is clearly not relevant. I would add that, while the machinery and materials stored in this area would be visible from some areas outside the site boundary, the use of this area for storage is covered by Class 20 as long as the materials etc. are not visible from any nearby public road. I consider that that requirement would be complied with; the nearest public road is well to the front of the building and there is scarcely any view from it of this area.”

An Bord Pleanála Referral Ref. RL29N.RL3348

Under An Bord Pleanála Referral Ref. RL29N.RL3348, the Board considered that the external storage of material at Unit 7B, Newtown Park, Malahide Road Industrial Estate, Coolock, Dublin 17 was not exempted development on the basis that the storage area was visible from the public road and therefore the exemption

under Class 22 of the Planning and Development Regulations, 2001 did not apply. However in the Inspectors report it was made clear that in cases where the storage is within the curtilage of an industrial building in connection with the industrial process carried on in the building and where the materials/products are not visible from any public road, then the provision of a hard surface may be considered as exempted development:

*"Class 22, Part 1, Schedule 2 of the Planning and Development Regulations 2001, as amended which allows for storage within the curtilage of an industrial building in connection with the industrial process carried on in the building. The conditions/limitations are that the materials/products shall not be visible from any public road contiguous or adjacent to the curtilage of the industrial building."*¹

An Bord Pleanála Referral Ref. RL2655

Under An Bord Pleanála Referral Ref. RL2655, the Board considered that the operation of a non-commercial helicopter pad on part of a hard surface area on land zoned for industry at Kilcommon More (North), Cahir, Co Tipperary was development and was not exempted development. It was considered that the adaptation and use of the land within the field within the complex as a helipad for the transport of executives and customers to the plant is development involving a material change of use with particular reference to use of the helipad for arrivals and departures of flights to the AIBP complex. It was also considered that while the helipad and the landings and take offs take place within the curtilage of the AIPB meat processing plant, the use of the helipad as so described is not integral to the industrial process (as described in Article 5 of the Regulations) that takes place within the complex and it does not come within the meaning of Class 21 of Part 1, Schedule 2 of the Regulations. It was therefore concluded that the helipad and the use of it as described is development and is not exempted development. It was also concluded that the over ground fuel storage tanks do not come within the meaning of the exemption provisions in Class 21 (a) (iii) and Class 22 of Part 1 Schedule 2 of the Regulations in that it is understood that their purpose is for the storage of fuel for helicopters arriving at and taking off from the helipad and are not associated with the industrial use on site.

It is clear from the above referrals that:

- The provision of a hard (i.e. concrete) surface within the curtilage of and in connection with an existing light industrial/storage use is exempted development under Class 21(b) Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations;
- ~~The provision of a hard/concrete surface to be used in connection with existing light industrial/storage use permitted under Ref. No 97/3586 at Togher Industrial Estate will not contravene any of the conditions of the 97/3586 permission;~~
- Section 4 (1)(h) of the Act makes it clear that works which affect only the interior of the structure or which do not materially affect the external appearance of the structure will be considered exempted development
- The light industrial use associated with the primary storage of materials use is a permitted use of the site; and
- The conditions of the existing permissions do not preclude the proposed use

We would ask that the Council has regard to each of the above precedents when considering this section 5 declaration.

¹ An Bord Pleanála Referral Ref. PL68.RL2061, Inspectors Report p.5.

4.0 Assessment

In this case, our clients request a declaration in accordance with Section 5 of the Planning and Development Act 2000, confirming that the provision of a hard (i.e. concrete) surface within the curtilage of and in connection with an existing light industrial/storage use is exempted development. The extent of the proposed hard (i.e. concrete) surface area is shown in shaded grey in Figure 3 below.

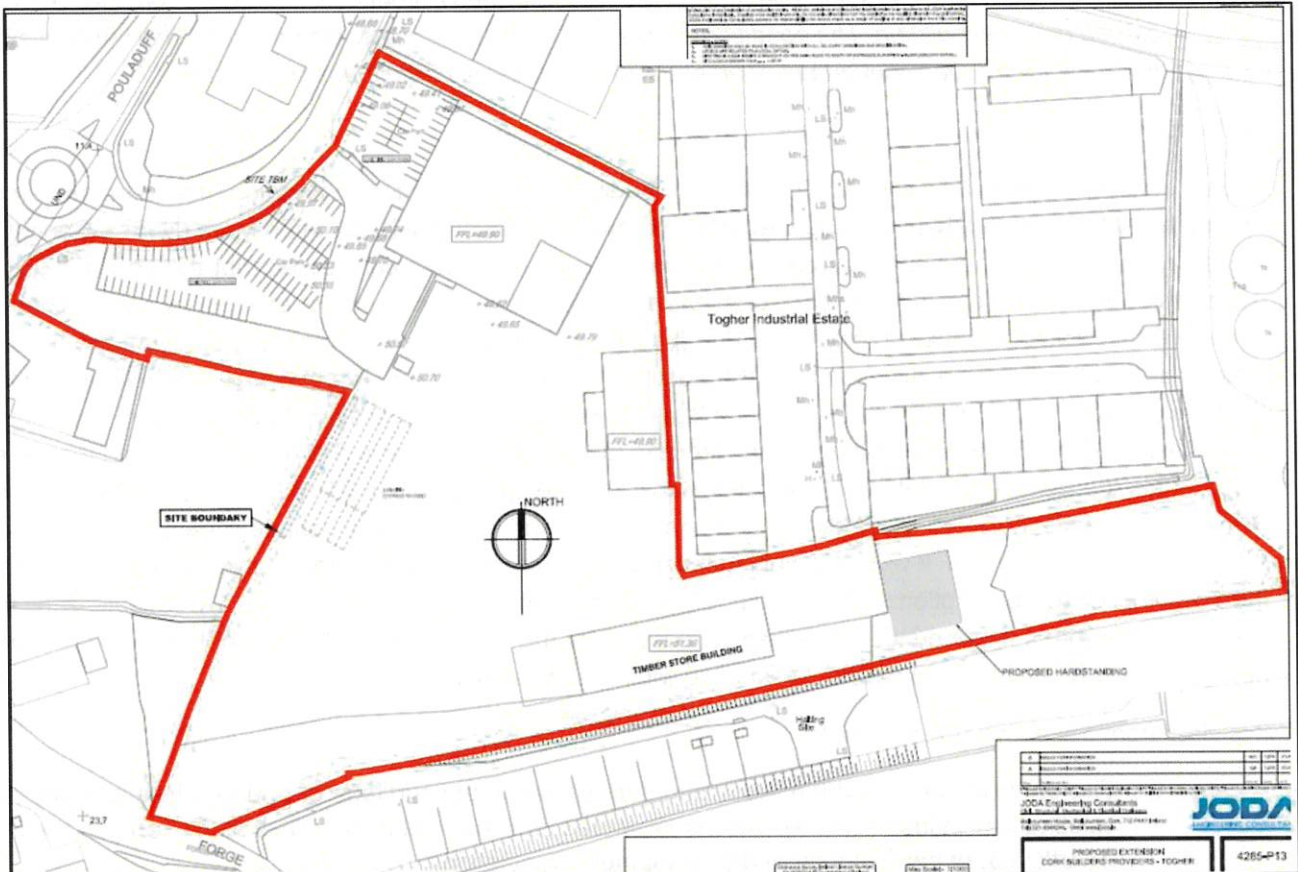


Fig. 3 Location of proposed hard (i.e. concrete) surface area outlined in grey.

As outlined in Section 2 above, under Class 21 Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations, industrial development of the following nature carried out by an industrial undertaker (i.e. Cork Builders Providers) on industrial lands (i.e. our clients lands at Togher Industrial Estate, Ballycurreen, Cork) is exempted development:

- **Any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building**

The proposed hard/concrete surface area will not materially alter the external appearance of the premises as the height and concrete finish of the hard surface will be consistent with the adjoining hard concrete surface area permitted under 97/3586 and 00/2553 and well below the 15 metres above ground level restriction specified in Column 2 of Class 21 Part 1, Schedule 2. The surface water from the proposed hard/concrete surface area will also drain into the interceptors/drains permitted under 00/2553.

The hard/concrete surface area will be used for storage within the curtilage of the existing light industrial/storage use and will be used in connection with the existing light industrial/storage use in accordance with Class 21 Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations.

The proposed hard/concrete surface will not be visible from any public road and will not therefore contravene the conditions and limitations outlined in Column 2 of Class 22 Part 1, Schedule 2 of the Planning and Development Regulations.

Furthermore, under Class 21(b) Part 1, Schedule 2, any works for the provision within the curtilage of an industrial building of a hard surface to be used for the purposes of or in connection with the industrial process carried on in the building is exempted development. Similarly, Section 4 (1)(h) of the Act makes it clear that works which affect only the interior of the structure or which do not materially affect the external appearance of the structure will be considered exempted development.

In addition to the above, the proposed hard/concrete surface area will also not contravene the restrictions outlined in Article 9(1)(a) on the grounds that:

- It will not contravene a condition attached to a permission (see Appendix 2);
- Will not consist of or comprise the formation, laying out or material widening of a means of access to a public road or endanger public safety by reason of traffic hazard or obstruction of road users;
- Will not interfere with the character of a landscape/view, ACA or area of ecological interest or comprise development which would require an appropriate assessment or have an adverse impact on an NHA;
- Will not consist of the fencing or enclosure of any land open or used by the public;
- Will not affect a Seveso site or comprise an extension of an unauthorised structure.

5.0 Conclusion

In conclusion, it is submitted that the provision of a hard surface to be used in connection with the adjoining light industrial/storage use at Cork Builders Providers, West Link, Togher Industrial Estate, Ballycurreen, Cork is exempted development under Classes 21 and 22 of Part 1 Schedule 2 (Article 6) the planning and Development Regulations, on the basis that:

-
- **The provision of a hard (i.e. concrete) surface within the curtilage of and in connection with an existing light industrial/storage use is exempted development under Class 21(b) Part 1, Schedule 2 (Article 6) of the Planning and Development Regulations;**
 - **The provision of a hard/concrete surface to be used in connection with existing light industrial/storage use permitted under Ref. No 97/3586 at Togher Industrial Estate will not contravene any of the conditions of the 97/3586 permission**
 - **The light industrial use associated with the primary storage of materials use is a permitted use of the site; and**
 - **The conditions of the existing permissions do not preclude the proposed use.**

In accordance with the Council's requirements for Section 5 declarations please find enclosed:

1. This cover letter which includes the applicant's name and address; the location of development; and the nature of development;

2. The correspondence address which is: McCutcheon Halley Chartered Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, Co. Cork;
3. Ordnance Survey Site Location Maps and Site Plan;
4. Copy of planning permissions granted under Council Ref. No.'s 97/3586, 00/2553 and 00/6002;
5. The appropriate referral fee of €80.00.

Please do not hesitate to contact us should you require any further information.

Yours sincerely

Andrea McAuliffe

Andrea Mc Auliffe
McCutcheon Halley

APPENDIX 1: EXEMPTED DEVELOPMENT RESTRICTIONS UNDER ART. 9(1)(A)

The extent to which the classes of development specified in Part 1 of the Second Schedule are exempted is governed by the following provisions under Article 9(1)(a):

- contravene a condition attached to a permission;
 - consist of or comprise the formation, laying out or material widening of a means of access to a public road or endanger public safety by reason of traffic hazard or obstruction of road users;
 - interfere with the character of a landscape, or a view or prospect of special amenity value or archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area
 - comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,
 - (viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
 - (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
 - (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
 - (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
 - (xi) obstruct any public right of way,
-
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,
 - (b) in an area to which a special amenity area order relates, if such development would be development:—
 - (i) of class 1, 3, 11, 16, 21, 22, 27, 28, 29, 31, (other than paragraph (a) thereof), 33 (c) (including the laying out and use of land for golf or pitch and putt or sports involving the use of motor vehicles, aircraft or firearms), 39, 44 or 50(a) specified in column 1 of Part 1 of Schedule 2, or
 - (ii) consisting of the use of a structure or other land for the exhibition of advertisements of class 1, 4, 6, 11, 16 or 17 specified in column 1 of Part 2 of the said Schedule or the erection of an advertisement structure for the exhibition of any advertisement of any of the said classes, or
 - (iii) of class 3, 5, 6, 7, 8, 9, 10, 11, 12 or 13 specified in column 1 of Part 3 of the said Schedule, or

-
- (iv) of any class of Parts 1, 2 or 3 of Schedule 2 not referred to in subparagraphs (i), (ii) and (iii) where it is stated in the order made under section 202 of the Act that such development shall be prevented or limited,
 - (c) if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these Regulations) to comply with procedures for the purpose of giving effect to the Council Directive,
 - (d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.

APPENDIX 2: CORK COUNTY COUNCIL REF. NO. 97/3586 DECISION

CORK COUNTY COUNCIL

Local Government (Planning & Development) Acts, 1963 - 1993

TO: CORK BUILDERS PROVIDERS LIMITED
c/o Kieran Mc Donogh,
The Lodge,
Inniscarra,
Co. Cork

Planning
Register No: S/97/3586

Application by CORK BUILDERS PROVIDERS LIMITED

Of c/o Kieran Mc Donogh, The Lodge,
Inniscarra, Co. Cork

On 09/09/97 And as amended by Drawings on 26/09/97 and 21/11/97

for Construction of builders providers and manufacturing
facility including open storage, signage and ancillary
works

at BALLYCURREEN, TOGHER

Further to Notice dated 19/01/98 the Cork County Council hereby
conveys a grant of PERMISSION for the application described above
subject to the conditions set out in the schedule (if any) attached
to the said Notice dated 19/01/98 of its intention to grant
PERMISSION.

Signed on behalf of Cork County Council

Planning Dept.,
County Hall,
Cork.

Date: 24/02/98

NOTE FOR GUIDANCE OF DEVELOPERS

A grant of Planning Permission or Approval does NOT of itself empower
a person to carry out a development unless that person is otherwise
legally entitled to do so. Unless otherwise stated or unless it is
revoked a Permission is valid for a period of five years.
Approval is valid only for the period of the Outline Permission to
which it relates.

Any development which takes place prior to the payment of a financial
contribution required by any of the conditions attached to a permission
or approval will be unauthorised until compliance with the condition or
conditions.

Please note that there is an onus on developers to ensure that there is
no danger to the public as a result of the proposed development.

✓

C O R K C O U N T Y C O U N C I L

LOCAL GOVERNMENT (PLANNING & DEVELOPMENT) ACTS, 1963-1993

NOTIFICATION OF DECISION TO GRANT PERMISSION (with conditions)

Reference No. in Planning Register
S/97/3586

CCRK BUILDERS PROVIDERS LIMITED
c/o Kieran Mc Donogh,
The Lodge,
Inniscarra,
Co. Cork

In pursuance of the powers conferred upon them by the above mentioned
Acts the Council of the County of Cork have by Order dated **19 JAN 1998**
decided to GRANT PERMISSION for the development of land namely;

Construction of builders providers and manufacturing
facility including open storage, signage and ancillary
works

AT: BALLYCURREEN, TOGHER

in accordance with the plans and particulars submitted by the applicant

On: 09/09/97

And as amended by Drawings on 26/09/97 and 21/11/97

and subject to the conditions (11 No.) set out in column 1 of the
Schedule attached hereto. The reasons for the imposition of the
said conditions are set out in column 2 of the Schedule.

An appeal against a decision of the Planning Authority may be made to
An Bord Pleanala by any person before the EXPIRATION of the period of
ONE MONTH beginning on the day of the giving (i.e. Date of Order) of
the decision of the Planning Authority. (SEE NOTES ATTACHED)

If there is no appeal against the said decision, a grant of PERMISSION
in accordance with the decision will be issued after the expiration of
the period within which an appeal may be made to An Bord Pleanala.

It should be noted that until a grant of PERMISSION has been issued, the
development in question is NOT AUTHORISED.

Planning Department,

County Hall,

Cork.

Signed on behalf of the said Council

DATE: 

19 JAN 1998

SEE NOTES ATTACHED

3
SCHEDULE

Reference No. in Planning Register: 97/3586

Column 1 - Conditions

Column 2 - Reason

- (1)
The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 21/11/97 save where amended by the conditions herein.
- (2)
Cladding facing to be used on the premises shall be agreed with the Council's Planning Officer prior to commencement of any development on site.
- (3)
All solid wastes arising on the site shall be disposed of at a location and in such a manner as is agreed with the Planning Authority. In any case no such wastes shall be stored on the site except within the confines of the building on site.
- (4)
All operations on-site shall be carried out in such a manner as to ensure that no odour or dust nuisance occurs beyond the site boundary because of such operations.
- (5)
Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 50 dBa (15 minute Leq) between 08.00 hours and 20.00 hours and shall not exceed 45 dBa (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic

In the interests of the proper development of the site.

To ensure that the development will be in visual harmony with the traditional pattern of development in the area.

To safeguard the amenities of the area.

To safeguard the amenities of the area.

To safeguard the amenities of the area.

SCHEDULE

4

Reference No. in Planning Register: 97/3586

 Column 1 - Conditions

 Column 2 - Reason

quantities and procedures".

If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA should be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)

(6)
 Loading or unloading shall not take place on the adjoining public road.

In the interests of road safety.

(7)
 Roadside drainage arrangements shall be maintained to the satisfaction of the Council's Area Engineer.

To maintain proper roadside drainage and to prevent the flooding of the public road.

(8)
 Within a period of one month prior to the date of commencement of the development but not later than such date, the developer shall pay to Cork County Council a sum of £19800 updated in accordance with the Consumer Price Index from the date of granting Permission to the value pertaining at the time of payment as a contribution towards the expenditure incurred by the Council in the provision of a public water supply which has facilitated the proposed development.

It is considered appropriate that the developer should contribute towards the expenditure incurred by the Council in respect of these works which have facilitated the proposed development.

No development shall take

APPENDIX 3: CORK COUNTY COUNCIL REF. NO. 00/2553 DECISION