



An
Bord
Pleanála

Board Direction
BD-007526-21
ABP-307938-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 11/02/2021.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

- (a) the nature and extent of the proposed development consisting of demolition, site infrastructure improvements and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals,
- (b) the proposed development being consistent with national, regional and local planning policy, in particular:
 - National Ports Policy (2013)
 - The National Planning Framework – Ireland 2040 (2018),
 - Regional Spatial and Economic Strategy for the Southern Region (2020)
 - the Cork Metropolitan Area Strategic Plan (2020)
 - the Cork County Development Plan 2014, and
 - the Cobh Municipal District Local Area Plan 2017

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, the Natura impact statement and all the other relevant submissions and carried out both an appropriate assessment screening exercise and an appropriate assessment in relation to the potential effects of the proposed development on designated European Sites.

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Great Island Channel Special Area of Conservation (Site Code: 001058) and Cork Harbour Special Protection Area (Site Code: 004030) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment

The Board considered the Natura impact statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development for European Sites, namely, Great Island Channel Special Area of Conservation (Site Code: 001058) and Cork Harbour Special Protection Area (Site Code: 004030) in view of the sites' Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Sites, having regard to the sites' Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the sites' Conservation Objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) The nature, scale, location and extent of the proposed development on a site that is subject to significant risk of environmental pollution,
- (b) The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) The submissions received from the planning authority, prescribed bodies and third parties, and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed on the environment.

The Board agreed with the examination set out in the Inspector's report of the information contained in the environmental impact assessment report and associated documentation submitted by the developer and submissions made in the course of the planning application.

Reasoned Conclusion

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- The risk of pollution of ground and surface waters through a potential lack of control of surface water during construction, the mobilisation of sediments and other materials during construction, and the necessity to undertake construction activities in the vicinity of the marine environment. These impacts would be mitigated by the implementation of Construction and Environment Management Plan measures and water quality control measures including water quality monitoring.
- Biodiversity impacts on flora and fauna on and in the vicinity of the site arising from the nature and extent of the works and the immediate proximity to European Sites. These impacts would be mitigated by adhering to the water quality management proposals inclusive of the implementation of the Construction Surface Water Management Plan, employment of best practice construction methodologies and on-site protection measures for bird, mammal and plant species of conservation interest.
- Traffic impacts deriving from increased HGV movements. Significant impacts on the road network would be avoided by restricting hours of importation and exportation of materials, extensive utilisation of materials obtained at the demolition and site works stage for infill and regrading, and the implementation of a Construction Traffic Management Plan.

The Board also considered that environmental benefits would arise from the proposed project in terms of the improvements to the nature and quality of site infrastructure, the removal of obsolete structures and infrastructure, and the consequent improvements to emissions, in particular to surface and foul waters discharging to the marine environment.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in Chapter 15 of the Volume 2 of the EIAR which provides a Programme of Mitigation Measures, and subject to compliance with the conditions set out below, the effects of the development on the environment by itself and in combination with other plans and projects in the vicinity are not

considered significant and, as such, are acceptable. In doing so, the Board adopted the report and conclusions of the inspector.

Proper Planning and Sustainable Development

Having regard to the location and former use of the site, to the pattern of development in the area and the nature and extent of the proposal, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with national, regional and local planning policy, would be acceptable in terms of traffic safety, would not have an unacceptable impact on the amenities of the area, would be acceptable in terms of water quality, air, noise, landscape and visual impacts, would be acceptable in terms of public health and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed 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 10th March 2020, 30th March 2020 and the 4th June 2020, 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 proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. (a) The mitigation and monitoring measures outlined in the plans and particulars relating to the development, including those set out in Chapter 15 of

Volume 2 of the Environmental Impact Assessment Report submitted with this application, shall be implemented in full.

(b) PA c 6

Reason: In the interest of clarity and to mitigate the environmental effects of the project.

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" – Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first operation of the treatment plant, the developer shall submit a report to the planning authority from a suitably qualified person with professional indemnity insurance certifying that the effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health

4. (a) Prior to the commencement of development, the developer shall prepare a Construction and Environmental Management Plan (CEMP), to include demonstration of proposals to adhere to best practice and protocols, which shall be submitted to and agreed in writing with the planning authority. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.
- (b) PA c26

Reason: In the interest of protecting the environment, residential amenities, protection of European sites and in the interest of public health.

5. PA c 27

6. Prior to the commencement of development, the developer shall prepare a Sediment Control Plan, which shall be submitted to and agreed in writing with the planning authority, to cover on-site construction activity related to demolition of existing structures, removal of obsolete infrastructure, and provision of new infrastructure and upgraded utilities. The submitted plan shall include details of measures to protect water quality of the adjoining marine environment.

A programme of water quality monitoring to cover the period of works covered by this condition shall be prepared in consultation with the planning authority and the programme shall be implemented thereafter.

Reason: In the interest of protection of receiving water quality and aquatic habitats.

7.

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.

8. Prior to the commencement of development, the developer shall prepare a Hazardous Waste Management Plan, which shall be submitted to and agreed in writing with the planning authority, to cover on-site construction activity related to demolition of existing structures and removal of obsolete infrastructure. The submitted plan shall include an inventory of hazardous materials and shall define the specialised management practices to be employed, as well as the handling, storage and disposal arrangements proposed.

Reason: In the interest of protecting the environment and in the interest of public health.

9. Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received by the contractor from the local authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

10. Prior to the commencement of development, the developer shall prepare a Construction Traffic Management Plan which shall be submitted to and agreed in writing with the planning authority.

Reason: To ensure appropriate engagement with the public and the appropriate management of construction traffic.

11. A suitably qualified ecologist shall be retained by the developer to oversee the demolition works and construction of the proposed project and implementation

of mitigation measures relating to ecology. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on file as part of the record.

Reason: In the interest of nature conservation and protection of terrestrial and aquatic biodiversity.

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

13. Prior to the commencement of development, the developer shall prepare, and agree in writing with the planning authority, detailed landscaping and planting proposals, along with proposed timing for their implementation, and proposals for ongoing landscape maintenance of the site.

Reason: In the interest of protecting the landscape and biodiversity

14.

(a) The site entrance, emergency access, internal road network, footpaths and public lighting shall all comply with the detailed standards of the planning authority for such works.

(b) PA c 35

(c) PA c 36

Reason: In the interest of amenity and of traffic and pedestrian safety.

15. The proposed realigned road markings on the R624/L2989 junction shall be provided at the expense of the developer. The programme and full details of the realignment shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of orderly development.

16 The 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.

17. PA c 38

Board Member

Date: 11/02/2021

Terry Prendergast