



An
Bord
Pleanála

Board Order PL 04.248154

Planning and Development Acts 2000 to 2017

Planning Authority: Cork County Council

Planning Register Reference Number: 16/06365

Appeal by Mark O'Leary of Seamount, Currabinny, Carrigaline, County Cork against the decision made on the 8th day of March, 2017 by Cork County Council to grant subject to conditions a permission to GE Healthcare Life Sciences BioPark Limited care of McCutcheon Halley of 6 Joyce House, Barrack Square, Ballincollig, County Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: A BioPark and all ancillary site development works including landscaping, fencing and signage. The proposed BioPark consists of four number two-storey bio-manufacturing buildings, four number two-storey administration/laboratory buildings with roof top plant room, a two-storey warehouse building with six-storey storage tower, a two-storey hydration facility building, a two-storey central utilities building with external boiler flues, and a two-storey canteen and administration building with roof top plant room and service yard. The bio-manufacturing, administration/laboratory, hydration facility and central utilities buildings are all connected to the central warehouse building via two number one-two-storey spine buildings. The proposed site development works include a security building, pump house, water chiller tower, the relocation of overhead wires, four number generators, Electricity Supply Board compound, water balancing tank farm, fire water tank, utility water tank, Bord Gáis compound, internal access roads, car parking and a fire water retention pond. Primary access to the proposed

development is from the R613 with a secondary access via an existing entrance from the L2496, all at Barnahely, Raheens East, Ringaskiddy, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

The Board had regard to-

- (a) the policies contained within the Cork County Development Plan 2014 and the industrial zoning of the site in the Carrigaline Electoral Area Local Area Plan 2011,
- (b) the pattern of development in the vicinity,
- (c) the planning history of the site,
- (d) the road access to the site and proposals for improvements to the wider road network in the area,
- (e) the distance to dwellings or other sensitive receptors from the proposed development,

- (f) the detailed environmental, ecological and services reports submitted with the application,
- (g) the submissions made in connection with the planning application and the appeal, and
- (h) the report and recommendation of the Inspector,

Appropriate Assessment Screening

The Board noted the Stage 1 Appropriate Assessment Screening report submitted with the application, the further information submitted by the applicant, and the reports of the Cork County Council's Ecologist, which accepted the conclusions of this Screening report. The Board also noted the Appropriate Assessment screening carried out by the Inspector. The Board accepted and adopted the Inspector's screening assessment and conclusions in respect of the identification of the European sites which could potentially be affected by the proposed development, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the Cork Harbour Special Protection Area (site code 004030), and the Great Island Channel Special Conservation Area (site code 001058), or on any other European site, in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment and submission of a Natura impact statement is not, therefore, required.

Environmental Impact Assessment

The Board considered that the Environmental Impact Statement submitted with the application, the reports, assessment and conclusions of the Inspector with regard to this file and other submissions on file, was adequate in identifying and describing the direct, indirect, secondary and cumulative effects of the proposed development.

The Board completed an environmental impact assessment, and agreed with the Inspector in his assessment of the likely significant effects of the proposed development, and agreed with his conclusions on the acceptability of the mitigation measures proposed and residual effects. The Board adopted the report of the Inspector. The Board concluded that, subject to the implementation of the mitigation measures proposed, and subject to the following conditions, the effect of the proposed development on the environment would be acceptable.

Conclusion on Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would not be prejudicial to public health, would not seriously injure the amenities of the area or of property in the vicinity, would not lead to a risk of flooding, would be acceptable in terms of impact on the visual amenities of the area and would be acceptable in terms of pedestrian and traffic safety. The proposed development 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 further plans and particulars submitted to the planning authority on the 13th day of January, 2017 and the 6th day of March, 2017, and the further details submitted to An Bord Pleanála on the 10th day of April 2017, 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. All environmental mitigation measures set out in the Environmental Impact Statement and associated documentation, including the further information submitted to the planning authority, shall be implemented in full, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of protection of the environment.

3. Finished floor levels of the proposed structures within the site shall be in accordance with details submitted to the planning authority by way of additional information on the 13th day of January 2017, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

4. Details of the materials, colours and textures of all external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

5. Boundary fencing shall, in general, be not greater than 2.4 metres high, and shall be coloured dark green.

Reason: In the interest of visual amenity.

6. Outdoor lighting within the site shall be controlled, so as to avoid light pollution into neighbouring properties or into the night sky, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development.

Reason: In the interests of visual amenity, ecology and residential amenity.

7. The landscaping proposals, submitted to the planning authority by way of additional information on the 13th day of January 2017, shall be carried out within the first planting season following substantial completion of the external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed, or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed, in writing, with the planning authority.

Reason: In the interests of residential and visual amenity.

8. Prior to commencement of development, the group of Monterey Cypress trees adjacent to the proposed site entrance from the R613 Regional Road, shall be enclosed with stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, and shall be maintained until the development has been completed. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds, topsoil heaps, storage of oil/chemicals or other substances, and no lighting of fires over the root spread of any tree to be retained.

Reason: To protect trees during the construction period in the interest of visual amenity.

9. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion of the landscaping of the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion of the landscaping proposals outlined in the application. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €50,000 (fifty thousand euro), or
- (b) a cash sum of €50,000 (fifty thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

Reason: To ensure the satisfactory completion of the landscaping of the development.

10. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling by staff employed in the development and to reduce and regulate the extent of staff parking, and shall include details of all shift work start/finish times so as to avoid peak traffic periods on the road network in the area. The Strategy shall be prepared and implemented by the management of all of the units within the overall development in a co-ordinated fashion, in accordance with the requirements of the planning authority.

Reason: In the interest of encouraging the use of sustainable modes of transport to reduce congestion on the local road network, in the interests of pedestrian and traffic safety.

11. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development, other than that shown on submitted drawings, shall take place at roof level of any building, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, nor any telecommunication aerials, antennas or equipment, unless authorised by a prior grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

12. The construction of the development shall be managed in accordance with a final Construction 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 waste,
 - (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 (including the installation of wheelwash facilities on the site).
 - (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 construction-stage noise, dust and vibration, and monitoring of such levels (where not already provided for in documentation submitted with the application and appeal).
- (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 soils/subsoils.
- (l) means to ensure that surface water run-off is controlled during the construction phase in accordance with the mitigation measures proposed in the submitted documents, and
- (m) details of the intended hours of construction.

Reason: In the interest of protection of the amenities of the area.

13. Access to the site, following construction, shall be in accordance with the requirements of the planning authority and shall provide for improved public lighting and an uncontrolled crossing on the R613 at the site entrance, and shall also provide for implementation of all recommendations of the Road Safety Audit (in the control of the developer) as submitted with the planning application.

Reason: In the interest of traffic safety.

14. The principal access to this site shall be from the R613 Regional Road. Upon completion of development, access to the site from the L2496 Currabinny Road, shall be used for emergency purposes only.

Reason: In the interest of orderly development.

15. Before the commencement of construction works on site, the developer shall submit to, and agree in writing with, the planning authority a Construction Traffic Management Plan (CTMP). The CTMP shall provide:
 - (a) proposals to reduce or limit, insofar as is possible, vehicular trips to and from the site during peak traffic times.
 - (b) that all construction-related HGV movements shall not use the R613 Road west of the site, nor the access on the L2496 Currabinny Road, except in exceptional circumstances, but shall access the site from the proposed entrance to the R613.

Reason: In the interest of orderly development, traffic and pedestrian safety and to encourage the use of sustainable modes of transport to reduce congestion on the local road network during the construction phase.

16. The developer shall employ a suitably-qualified archaeologist to carry out complete archaeological excavation to the base of the archaeological deposits of areas AA1-4, (as identified in Chapter 11 of the Environmental Impact Statement) and any further archaeological deposits discovered during archaeological monitoring in advance of the development. The work shall be conducted by the archaeologist under licence from the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht and in accordance with a Method Statement which shall be agreed with the National Monuments Service and the Planning Authority. Adequate time shall be set aside for the archaeological resolution of all the archaeological features identified in advance of the commencement of development. The developer shall employ a suitably-qualified archaeologist to monitor the controlled removal of topsoil within a 30 metre radius of archaeological features identified during testing. This area may be expanded, depending on the nature and extent of any newly-identified archaeological features. The Method Statement shall show that satisfactory arrangements have been agreed with the developer in

relation to the costs and time for excavation, post-excavation, research, recording, removal, and storage of any archaeological material which it may be appropriate to remove, and for the publication of a final report. In the event that the structure(s) is/are deemed to be of archaeological importance, the preservation in situ, of such features may be required. An interim report shall be submitted to the Planning Authority and to the National Monuments Service within one year of the completion of the excavation or within such extended period as may be agreed between the parties. Following submission of the final report, the relevant parties shall agree the arrangements for the full publication of the report.

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

17. A buffer zone shall be established from the outer extent of Archaeological Area AA5 (as identified in Figure 11.7 of the Environmental Impact Statement) in advance of any development, by a suitably-qualified and licenced archaeologist. The buffer zone shall be delimited using appropriate temporary fencing and signage. Prior to commencement of development, the archaeologist shall submit, to the planning authority, a site layout showing the location of the buffer zone, supported by photographic evidence. No construction works, stockpiling of topsoil or other materials, or any development or landscaping shall take place within the designated buffer zone. No trees or plants shall be removed from this buffer zone. Subsequent to the completion of the development, the buffer zone shall remain around the archaeological area. Planting within the buffer zone shall be limited to shallow-rooted plants and/or grasses.

Reason: In order to protect identified archaeological remains.

18. The developer shall engage the services of a suitably-qualified archaeologist to monitor, under licence from the Department of Culture, Heritage and the Gaeltacht, all ground works associated with the development outside of the areas of the site which have already been subject to archaeological excavation. All topsoil stripping shall be closely archaeologically monitored on a full-time basis, to ensure that the upper levels of any features are identified as early as possible. In the event that archaeological material is found, during the course of monitoring, the archaeologist shall have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Planning Authority and the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht with regard to any mitigation measures (that is, preservation in situ, or excavation). The developer shall facilitate the archaeologist in recording all the archaeological material found. In addition, the archaeologist shall record all cultural heritage material identified (photographs, sketch section and plans, written description), including all field boundaries below the ground. The Planning Authority and the National Monuments Service shall be furnished with a written report describing the results of the monitoring and excavation report where necessary. This shall include a detailed report on the field systems recorded on the site.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in situ or by record) and protection of any archaeological remains that may exist within the site.

19. An information plaque and leaflet shall be prepared with relevant information relating to the archaeology of the site. This shall be carried out by the archaeologist retained by the developer to monitor all site works. The text, design and location shall be submitted to and agreed in writing with the planning authority, prior to commissioning of any part of the development.

Reason: To raise archaeological awareness, and in the interest of the amenities of the area.

20. Water supply and drainage arrangements, including the attenuation of surface water as provided for within the additional information submission received by the planning authority on the 13th day of January 2017, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health and to prevent downstream flooding which might be caused by this development.

21. 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.

Reason: In the interest of sustainable waste management.

22. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no advertisements or other signage shall be displayed or erected on any of the proposed buildings or within the curtilage of the site, so as to be visible from public roads unless authorised by a further grant of planning permission. No signage of any kind shall be erected on the high warehouse element of the development.

Reason: In the interests of visual amenity, where no signage proposals were submitted with the planning application, and to permit the planning authority to assess any such development through the statutory planning process.

23. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2017