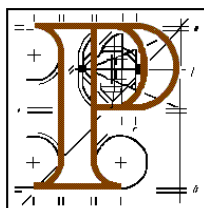


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County Council

An Bord Pleanála Reference Number: 04.PM0010

(Associated Application Reference Number 04.PA0035)

REQUEST received by An Bord Pleanála on the 20th day of July, 2016 from Port of Cork Company care of McCutcheon Halley Chartered Planning Consultants, 6 Joyce House, Barrack Square, Ballincollig, County Cork under section 146B of the Planning and Development Act, 2000, as amended, to alter the terms of a strategic infrastructure development described as the redevelopment of existing port facilities at Ringaskiddy, County Cork.

WHEREAS the Board made a decision to grant permission, subject to conditions, for the above-mentioned development by order dated the 28th day of May, 2015,

AND WHEREAS the Board has received a request to alter the terms of the development, the subject of the permission,

AND WHEREAS the proposed alteration comprises the following:

- alterations to (lengthening) of the permitted main berth,
- the relocation of mooring dolphins,
- changes to the landside handling of containers, and
- changes to the design and layout of ancillary buildings, some of which are located outside of the boundary of the application site as submitted for approval under An Bord Pleanála Reference number 04.PA0035.

AND WHEREAS the Board considered that the alteration would result in a material alteration to the terms of the development, the subject of the permission,

AND WHEREAS having regard to the nature of the issues involved, the Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter from members of the public, and prescribed bodies,

AND WHEREAS having considered these submissions / observations and documents on file and the Inspector's initial report, the Board considered that the making of the proposed alteration would be likely to have significant effects on the environment, and requested the applicant to submit an environmental impact statement,

AND WHEREAS following receipt of the environmental impact statement from the applicant, the Board invited further submissions / observations in relation to the matter from members of the public and prescribed bodies,

AND WHEREAS having considered all documentation from the applicant, submissions / observations from members of the public and prescribed bodies and the reports of the Inspector, the Board considered that the proposed alteration would be acceptable,

NOW THEREFORE in accordance with section 146B(3)(b)(i) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be otherwise altered in accordance with the plans and particulars received by An Bord Pleanála on the 20th day of July, 2016.

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

In coming to its decision in relation to the proposed alteration, the Board had regard, inter alia, to the following:

- (a) The extant permission for the redevelopment of the port facility at Ringaskiddy granted under An Bord Pleanála Reference 04.PA0035,
- (b) The rationale for the proposed alterations as set out in the application documentation, in particular Chapter 2 of the submitted Environmental Impact Statement.
- (c) National, regional and local plan policy including the land use zoning objective for the development site, including the extended site area, as Objective I-18 for Port Facilities and Port Related Activities under the Carrigaline Electoral Area Local Area Plan, 2015,
- (d) The nature and scale of the proposed alterations and particularly to the fact that no additional traffic would be generated by the proposed alterations sought,
- (e) The documentation on file including the Environmental Impact Statement received by the Board on 16th December, 2016,
- (f) Submissions on file, including the submissions received in response to the public notices dated 8th day of September, 2016 and 3rd day of January, 2017, and
- (g) The reports of the Inspector.

Appropriate Assessment

The Board completed an appropriate assessment of the proposed alterations, taking into account the content of the Inspector's report dated 21st April, 2017.

Screening Stage

The Board agreed with the screening assessment set out in the Inspector's report dated 21st April, 2017 which concluded that the proposed alterations have the potential to give rise to significant adverse effects on the qualifying interests of the Cork Harbour SPA (Site Code 04030) by reason of potential construction phase sedimentation and pollution and the potential for in combination effects particularly the Port of Cork Maintenance Dredging Operations, and the dredging connected with the extant permission for the redevelopment of Ringaskiddy port (Reference 04.PA0035).

In making this assessment the Board had regard to the screening assessment determination issued by the Environmental Protection Agency in respect of dumping at sea licence application Ref. S0021-02.

Stage II Appropriate Assessment

The Board considered that the submitted Natura Impact Statement contained in Appendix 15.1 of the submitted EIS, relevant submissions on file, including that received from the National Parks and Wildlife Service, and the report of the Inspector and carried out an Appropriate Assessment of the implications of the proposed alterations on the Cork Harbour SPA (Site Code 04030). The Board considered that the information before it was adequate to allow for the carrying out of an Appropriate Assessment.

In completing the Appropriate Assessment, the Board considered, in particular, the

- (i) likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (ii) mitigation measures which are proposed as part of the extant permission for the port redevelopment under Reference 04.PA0035 and as part of the current proposal,
- (iii) the conservation objectives for the European site, and
- (iv) the views of the Department of Arts, Heritage and the Gaeltacht.

The Board accepted and adopted the Appropriate Assessment conclusion ultimately reached in the Inspector's Report in respect of the potential effects of the proposed development on the Cork Harbour SPA (Site Code 04030), having regard to the conservation objectives of the site and was satisfied with the nature of the mitigation measures proposed.

In conclusion, the Board was satisfied that the proposed development would not have an adverse effect on the integrity of the Cork Harbour SPA (Site Code 04030) in view of the conservation objectives of the site.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the case, taking into account the following:

- The nature, scale and location of the development permitted under An Bord Pleanála Reference 04.PA0035 and those of the proposed alterations,
- The environmental impact statement submitted,
- The submissions received from observers to the application for alterations and from prescribed bodies,
- The report of the Inspector dated 21st April, 2017.

It is considered that the environmental impact statement adequately identifies and describes the likely significant direct and indirect effects of the proposed alterations on the environment. The Board completed an environmental impact assessment in relation to the subject development, by itself and in combination with other plans and projects in the vicinity, and concluded that the proposed development would not have unacceptable effects on the environment. In doing so the Board adopted the report of the Inspector.

Proper Planning and Sustainable Development

It is considered that the making of the proposed alteration would be in accordance with national, regional and local planning policy, would not have a significant adverse effect on residential or visual amenity and would not result in increased traffic congestion and would be an acceptable alteration to the approved port development project. The proposed alteration would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. Apart from any departures specifically authorised by this alteration, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 21st May, 2015 under An Bord Pleanála Reference 04.PA0035, and any agreements entered into thereunder 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 and to ensure that the overall development is carried out in accordance with the previous permission.

2. In addition to Condition number 3 of Reference 04.PA0035, all environmental mitigation measures set out in the environmental impact statement, Natura Impact Statement and associated documentation submitted by the applicant, received by An Bord Pleanála on 16th December, 2016, shall be implemented in full except as may be required in order to comply with the conditions attached to this order.

Reason: In the interests of environmental protection.

3. Pending the completion of the N28 and Dunkettle road schemes, throughput at the permitted Ringaskiddy port facility shall be limited to 322,846 TEU. Prior to the commencement of operations at Ringaskiddy East the developer shall submit proposals for the monitoring of compliance with this limit for the written agreement of the planning authority.

Reason: In the interests of clarity and to ensure that the capacity of the existing road network is not exceeded.

4. Phase 3 of the proposed development (provision of link span bridge and use of the berth to accommodate roll on / roll off freight traffic) shall not become operational until such time as the N28 and Dunkettle road upgrade schemes are completed. Pending completion of the road upgrade schemes, the container / multi-purpose berth 1 shall be modified for use for containers and general cargo as shown on the drawings submitted to the Board on 20th July, 2016, as amended by drawings received on 16th December, 2016. In the interests of clarity, this condition supersedes Condition number 4 attached to An Bord Pleanála Reference 04.PA0035.

Reason: In the interests of orderly development and to minimise traffic congestion on the road network prior to the coming into operation of these schemes.

5. Low frequency alarms as provided for at Chapter 9 of the submitted Environmental Impact Statement, received by An Bord Pleanála on 16th December 2016, shall be fitted to all equipment to be operated on site.

Reason: To protect the residential amenities of property in the vicinity.

6. The proposed maintenance building shall not exceed 22.5 metres in height. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of permission.

Reason: In the interests of clarity and visual amenity.

7. Operation of the maintenance facility shall be restricted to 08.00 hours to 18.00 hours Monday to Friday inclusive, between 08.00 hours to 14.00 hours on Saturdays and not at all on Sundays and public holidays.

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

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

Dated this day of 2017.