



An
Bord
Pleanála

Inspector's Report PL 04.248154

Development	Bio-park and all ancillary site works.
Location	Barnahely and Raheens East townlands, Ringaskiddy, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/6365
Applicant(s)	GE Healthcare
Type of Application	Permission
Planning Authority Decision	Grant permission
Type of Appeal	Third Party
Appellant(s)	Mark O'Leary
Observer(s)	None
Date of Site Inspection	28 th June 2017
Inspector	Michael Dillon

1.0 Site Location and Description

- 1.1. The site, with a stated area of 14.98ha, is located on the south side of the R613 Regional Road linking Ringaskiddy with Carrigaline, a short distance to the southwest of the village of Ringaskiddy in Co. Cork. The site forms the northwestern portion of a larger, industrially-zoned, land bank at Lough Beg West. The roadside boundary is timber post & rail fencing with green, plastic-coated, mesh wire. On the opposite side of the road there is agricultural land along with a portion of the frontage of the Novartis pharmaceutical plant. There is agricultural access to the site from the R613. To the northeast, the site abuts realigned county road L6518 – the boundary with which is timber post & rail fencing with green plastic-coated, mesh wire. The 80kph speed restriction applies on this road. There is no public lighting and there are no public footpaths. The road is wide enough for two vehicles to pass. There is agricultural access from this road also. The Castlewarren Safety Centre/Cantrell Keogh & Associates is located on the opposite side of this road. To the east, the site abuts the Moog electronics plant, the boundary with which is an hedgerow. The Moog plant takes access from the L6518. To the south, the site abuts mixed agricultural land – the boundary with which is hedgerows. To the west, the site abuts the Recordati pharmaceutical plant and adjoining ESB 38kV Factory Cross sub-station – the boundary with which is an hedgerow. To the northwest, the site abuts, and surrounds on three sides, a Gas Infrastructure Ireland compound (Barnahely) – the boundary with which is 2.4m high palisade fencing and screen planting.
- 1.2. All hedgerows within the site have recently been removed, with just a stand of mature Monterey cypress trees adjacent to the proposed entrance from the R613 remaining. 1.75m high, temporary security fencing has recently been erected inside all site boundaries – with access from a site compound set up within the IDA lands on the Currabinny road. Extensive archaeological testing has recently been carried out on the site. Contractors are on site to underground the 10kV ESB cables which traverse the site east/west. No work has commenced on levelling the site [separate permission granted for this work]. There is a GNI gas pipeline wayleave running through the site e/w. In addition, there are sewer wayleaves running along the northern and western boundaries of the site. The site slopes gently downhill from west to east – there being a difference of approximately 20m between the highest (26m OD) and lowest (6m OD) parts of the site.

1.3. Access to the site is directly from the R613, a route which has been recently realigned. The 80kph speed restriction applies in this area. Public lighting is in place on this road and there is a 1.8m wide footpath on the site side only – set back behind a grass margin. There is a secondary access to the site via a wide recessed entrance to the IDA land bank on the L2496 Currabinny Road to the southwest. The 80kph speed restriction applies on this road also. The road is broad, allowing for two vehicles to pass with ease. Sight distance at the IDA access is good in either direction. This access is indicated for construction traffic, and for emergency access following completion of construction. The L2496 is a cul de sac, which serves as access to a wide area of farmland, one-off housing, the Currabinny Woods recreational area, and most significantly, the Glaxo Smith Kline pharmaceutical plant on the southern shore of Lough Beg. A quarry which takes access from this road is closed at present. The junction of the L2496 with the R613 has been realigned and has good sight visibility in all directions.

2.0 Proposed Development

2.1. Permission sought on 23rd September 2016, for development of a bio-park (23,234m² floorspace), comprising the following elements-

- New vehicular entrance off the R613 with security building/hut. Secondary access to the southern end of the site, connecting to an existing industrial estate-type road which in turn links to the L2496 Currabinny county road to the southwest of the site. This secondary access will be used during the construction phase, but will only be used as an emergency access during the operational phase.
- Four separate, but inter-connected bio-pharmaceutical plants (part single- and part two-storey units).
- Two-storey spine unit linking all four bio-pharmaceutical units with the shared warehouse, hydration facility building and central utilities building.
- Two-storey central administration/canteen building.
- Warehouse/dispatch building – generally 12m high, but with one section 37m high.

- Two-storey hydration facility building – supplying prepared solutions to each of the four bio-pharmaceutical units.
- Two-storey central utilities building (boilers, compressors, chiller units etc.) with 3 no. 10m high cooling towers to the rear.
- Pumphouse with 9m high circular water tanks and wastewater tanks.
- ESB sub-station.
- Gas compound.
- 5 no. stand-alone diesel generator units for emergency power supply.
- Firewater retention pond next to site access (3,150m³ capacity). The outflow will be fitted with an hydrocarbon interceptor.
- Surface car-parking for 404 vehicles.
- Internal access roads.
- 2.4m high palisade/security fencing surrounding the entire site.
- Retaining walls and landscaping.
- Water supply from 225-300mm diameter public mains in the R613.
- Surface water discharge to the Firewater retention pond and from thence to Lough Beg via a 750mm diameter IDA-owned sewer.
- Foul waste will be discharged to the public foul sewer – via rising main.
- Aqueous process waste will be treated on the site prior to discharge to the public foul sewer by way of pumping to distribute the average 50m³ over a 24-hour period.

2.1.1. The application was accompanied by the following supporting documents-

- Environmental Impact Statement (including a separate Non-Technical Summary document and a separate Traffic & Transport Appendix.
- Planning Statement.
- Letter from the site owner (IDA Ireland) consenting to the making of the planning application.

- Construction Environmental Management Plan.
- Tree & Hedgerow Survey.
- Flood Risk Assessment.
- Fire Water Risk Assessment.
- Screening for Appropriate Assessment.
- Initial Mobility Management Plan.
- Engineering Services Report.
- Landscaping Report.
- Landscape Design Statement.

2.2. Following a request for additional information, the submission of 13th January 2017, provided for the following-

- The gross floor area of the proposed development is corrected to 39,908m².
- Indication that winter bird surveys at the site are continuing.
- Reduced surface car-parking to 306 spaces.
- Bicycle parking for 80 (+80) bicycles.
- Uncontrolled pedestrian crossing point at site entrance on R613.
- Indication of possible bicycle and bus routes in the area.
- Topographical survey of the site – indicating a 3m high retaining wall in the northwestern corner.

2.2.1. The submission is accompanied by the following supporting documentation-

- Surface Water Report which outlines 400m³ attenuation on site and connection point to IDA surface water sewer which obtrudes into the site next to the L6518 county road. The majority of this pipeline has a diameter of 1050mm, and discharges to Lough Beg via a recently-repaired tidal flap. Work on calculating the capacity of the pipe and possible improvement measures are ongoing.
- Ecological Report.

- Construction Traffic Management Plan.
- Ringaskiddy Area Road Safety Assessment.
- Stage 1 Road Safety Audit.
- Traffic Response Report.
- Addendum to Traffic Response Report.
- Construction Environmental Management Plan.

2.3. Unsolicited Additional Information was received from the applicant on 6th March 2017, in the form of a clarification of details of peak traffic flows in relation to construction and operational phases. Also included are diagrams of recorded peak traffic volumes and predicated 2023 (Port of Cork model year) peak traffic volumes and junction capacity analysis.

3.0 Planning Authority Decision

By Order dated 8th March 2017, Cork County Council issued a Notification of decision to grant planning permission subject to 39 conditions – the principal ones of which may be summarised as follows-

1. Development to be carried out in accordance with plans and particulars received on 23rd September 2016, 13th January and 6th March 2017.
2. Requires bond of €50,000 for completion of landscaping.
3. Finished floor levels to be as per drawings submitted on 13th January 2017.
8. Relates to submission of a Mobility Plan.
10. Relates to submission of a detailed Method Statement for the construction phase.
13. Relates to buffer zone for Archaeological Area 5 – identified in EIS Figure 11.7.
14. Relates to information plaque and leaflet for the site's archaeology.
15. Design & finish shall be in accordance with details submitted on 23rd September 2016.

17. Site to be landscaped in accordance with details submitted on 13th January 2017.
18. Boundary fencing to be in accordance with details submitted on 23rd September 2016.
19. Relates to archaeological monitoring.
20. Relates to submission of a final Construction Environmental Management Plan.
25. Relates to connection agreement with Irish Water for water and waste water (where appropriate).
27. Entrance to site from L2496 shall be for construction purposes only, and thereafter for emergency use.
29. All mitigation measures set out in the EIS submitted on 01/09/16 [sic] shall be implemented in full.
30. Relates to archaeological excavation to base of the archaeological deposits of areas AA1-4.
32. Relates to construction phase noise levels.
33. Relates to works within the gas pipeline wayleave through the site.
34. Requires written agreement from the planning authority for all shift work start times.
35. Within six months of commencement of operation of the development, a Mobility Management Plan shall be submitted to the planning authority.
37. Requires written agreement of the planning authority for a Construction Traffic Management Plan.
38. Requires provision of 80 secure bicycle parking spaces.
39. Requires payment of a development contribution of €651,298.56.

4.0 Planning History

Ref. 16/5658: Permission granted to IDA Ireland on 29th September 2016, to carry out site development works to level this sloping site, undergrounding of overhead

ESB wires which traverse the site east/west, landscaping and boundary treatment. The permission was subject to 22 no. conditions. In particular, Condition 2 required the carrying out of a survey of the usage of the site by wetland birds during winter for feeding/roosting. The site of 8.98 ha, is not exactly coterminous with the current appeal site, which is larger. Hedgerows have been cleared and work is under way for undergrounding of electricity cables.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The relevant document is the Cork County Development Plan 2014-2020. Within this Plan the Carrigaline Electoral Area Local Area Plan 2011, is the relevant planning document. The site, and lands to the south, are zoned I-08 – “Suitable for large stand-alone industry with suitable provision for landscaping and access points and provision for appropriate landscape buffering, to all residential areas...”. There is a Slí na Sláinte walking route along the R613 road to the north of the site. The settlement of Ringaskiddy is identified as a “strategic employment area suitable for larger scale development”. There is a grade-separated junction proposed on the M28 motorway upgrade at Barnahely, at the junction with the R613.
- 5.1.2. The Draft Ballincollig Carrigaline Municipal District Local Area Plan 2016, proposes to retain the I-08 zoning of this site, with the revised zoning objective RY-I-08 – “Suitable for large standalone industry with suitable provision for landscaping and access points and provision for appropriate landscape buffering, to all residential areas. This zone is adjacent to Cork Harbour Special Protection Area”.

5.2. South-West Regional Planning Guidelines 2010-2022

The site is located within the Greater Cork Area. This is the principal economic driver of the area. The strategic aim is to encourage the growth of population and employment in this area. Ringaskiddy is identified as an important location for ‘pharmachem’ industries.

5.3. Natural Heritage Designations

Lough Beg estuary, to the southeast of the appeal site, is one of the constituent parts of the Cork Harbour Special Protection Area (Site code 004030). The Great Island Channel Special Area of Conservation (Site code 001058) is located some 6km to the north of the site within the wider Cork Harbour. The Lough Beg proposed Natural Heritage Area (Site code 001066) is located to the east and southeast of the appeal site, and is somewhat larger in area than the SPA of the same name.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd party appeal from Mark O'Leary of 'Seamount', Currabinny, Carrigaline, received by the Board on 13th March 2017, can be summarised in bullet point format as follows-

- The appellant's dwelling is 130m from the proposed development boundary. The house is approximately 350m from the location of the cooling towers, which may cause noise nuisance. Deliveries and forklift trucks will also cause noise nuisance. Sound will bounce off the high warehouse building.
- Generators, alarms, paging systems, opening and closing of doors, pallets being dropped and other factory noise will result in nuisance. Noise will be a particular nuisance at night.
- There is insufficient noise buffering between this factory and houses.
- Existing factories in the area already cause noise nuisance, particularly at night.
- There is an old toxic asbestos dump on this site which was meant to have been cleared in recent years. It transpires that it was not fully removed, following the discovery of toxic matter on the site. There may be contamination of air and water if the asbestos is further disturbed.
- The planting proposed will not adequately screen such a massive building. A high berm with planting on top would be more effective.

- Putting construction traffic on a minor back road when there a good access from a Regional road to the site, does not make any sense.
- There is no mention of hours of construction and maximum noise limits during such construction.
- Cleaning of roads during construction will result in traffic hazard.
- Increased traffic will result in increased congestion – particularly at peak times.
- Night-time lighting will result in light pollution at houses in the area.
- The proposed development will result in property devaluation for residents.
- Local residents can have no input in relation to condition 10 – relating to the construction phase.
- The cost of planting outlined seems to be very low. A comprehensive and costed landscaping plan should be submitted.
- It is not clear that foundations will be able to support buildings due to the variability of the ground conditions.
- Speed limits on local roads are constantly ignored.
- Heavy machinery operating on this site may have damaged archaeological deposits outside of the testing areas.

6.2. Applicant Response

6.2.1. The response of McCutcheon Halley Planning Consultants, agent on behalf of the applicant, GE Healthcare, received by the Board on 7th April 2017, can be summarised in bullet point format as follows-

- Ringaskiddy is metropolitan Cork's primary location of large stand-alone industry.
- The appellant's house is located to the south. The application contains significant efforts to protect the residential amenities of the area.
- The applicant has consulted with the Council and the local community prior to making the planning application. This has resulted in only one appeal.

- Permission has already been granted for site development works, and with agreement almost reached on compliance issues, development works are expected to commence shortly.
- The development is in accordance with national, regional and local plans and policies. The site is zoned for industrial use.
- This site has been identified for industrial use since 1996. These 14.98ha comprise only a small part of the 353.02ha zoned for industrial use in the Ringaskiddy/Shanbally area.
- The EIS submitted dealt with the issue of noise and vibration, both during construction and operational phases: a series of mitigation measures are outlined. One of the noise-sensitive locations identified in the noise surveys was, in fact, close to the appellant's house – NSL 2. Table 9.16 of the EIS indicates that, with mitigation measures in place, the noise impact at the appellant's house will not be significant.
- Additional engineering design work for the cooling towers has enabled the production of an updated noise report. The noise levels will now be significantly lower than originally factored. Table 9.16 of the EIS has now been updated – with the impact now classified as “not significant”.
- Generators on site will be containerised diesel models, which will be fully sound-attenuated. These are back-up facilities, to be used in the event of a power cut. Their use will be negligible.
- Alarms will be contained within buildings. There will be 24-hour security on site to deal with any malfunctions or faults in alarm systems. There will be no public address system – either internally or externally.
- Goods in/out at the warehouse will be on the western side and will be screened from the south by the bulk of the warehouse building itself which projects to the west. The vast majority of goods will be transported during normal business hours.
- Condition 32 obliges the applicant to comply with construction noise limits set out in the Planning Report and Chapter 9 of the EIS.

- External lighting will not result in any significant light pollution. The entire system will be energy efficient. No flood-lighting is proposed.
- It is noted that the lands between the appeal site and the appellant's house are in the ownership of the IDA and are zoned for industrial use. There is, therefore, potential for industrial buildings much closer to the appellant's house than the buildings on the current appeal site.
- Berms are proposed on the northern and northeastern boundaries, whilst embankments are proposed on the southern and western boundaries. Screen planting will be undertaken on all boundaries – outlined in drawings submitted to the Council. The woodland areas are up to 30m wide in places. The bio-park is up to 6.5m below existing ground level at the southern end.
- The costing of landscaping has not yet been calculated – condition 2 of the Notification of decision to grant planning permission relates only to a bond.
- The issue of traffic has been comprehensively dealt with in documentation submitted to the planning authority. Construction traffic movements will adhere to conditions attached to the Notification of decision to grant planning permission. Road cleaning and wheel washing will be undertaken.
- Preliminary drafts of the Construction and Environmental Management Plan have been submitted with the application, allowing objectors/observers the opportunity to comment. It is not unusual for the final draft of such documents to be subject of written agreement with the planning authority.
- The Council required the use of Currabinny road for construction traffic. Should the Board be of the opinion that construction traffic should enter the site from the R613, then the applicant would be happy with such a condition attached to any grant of permission – restricting the Currabinny road access to emergency vehicles only.
- Shift patterns, traffic movement etc. is to be agreed with the planning authority in order to reduce the impact of the development on traffic on the local road network. A detailed Mobility Management Plan will be submitted by the applicant.

- Archaeological testing on site was carried out under licence from the National Monuments Service and in accordance with all relevant regulatory and policy controls. The Notification of decision to grant planning permission includes four conditions relating to archaeology, which the applicant will comply with. Archaeological mitigation works for AA1-AA5 will be carried out under the enabling works permission ref. 16/5658, and not under this current appeal.
- During construction and operational phases, mitigation measures for the protection of groundwater have been identified in section 7.4 of the EIS and in the CEMP. The activity will be subject to IED licensing by the EPA.
- The area of the site contaminated by asbestos waste was remediated by the IDA in 2008 – the affected area lying approximately 4m below the level of the proposed development. The area which was remediated will not be excavated. This constitutes best practice in ensuring there will be no risk of contamination for workers or nearby residents.
- Appropriate geo-technical investigations will ensure that there will be no issue with structural stability for buildings or facilities on the site. Already a series of boreholes, trial pits, dynamic probes and rotary cores have been undertaken – up to 20m deep – with samples removed for laboratory testing. Findings were used to inform geo-technical design and foundation solutions. A geophysical survey of the site was also undertaken – to identify bedrock (and any karst features) and anomalous ground conditions which are up to 40m below ground level. There is no evidence of any significant voids or cavities in the upper level of bedrock on the site. Given the scale of earthworks on the site, it is inevitable that there will be some unearthing of karst features. The design of foundations has taken into account the possibility of karst features. Adequate foundations will be provided for all above-ground structures.

6.2.2. The response is accompanied by an updated noise impact assessment – particularly in relation to noise from cooling towers. Cooling towers can be operated in a noise-reduced mode which would result in a measurement of 25dBA at the appellant's house or 44dBA in normal mode. An 11m high noise barrier will be erected close to the three cooling towers (10m high) to block the propagation of sound [drawing included]. This will result in noise being almost inaudible at the nearest dwellings.

6.3. Planning Authority Response

The response of Cork County Council, received by the Board on 7th April 2017, can be summarised in bullet point format as follows-

- The site will be subject to IED licensing for emissions (amongst which will be noise).
- Condition 32 of the Notification of decision to grant planning permission relates to controls on construction phase noise.
- The site will be adequately landscaped, and a bond condition has been attached to ensure that landscaping is carried out.
- Conditions have been attached in relation to traffic management, during both the construction and operational phases.
- The site will be screened by landscaping. Having regard to the industrial zoning, the design of the buildings is considered appropriate.
- In relation to devaluation of property, it is noted that the site has a long-standing industrial zoning.
- Legislation in relation to accidents is outside of the remit of the planning code.
- Adequate conditions were attached to protect archaeology on the site.

6.4. Observations

None received.

6.5. Further Responses

- 6.5.1. The Board referred the appeal to the Environmental Protection Agency (EPA) for comment – on or before the 6th July 2017, on the grounds that the activity being carried out on site might require an Industrial Emissions Directive (IED) licence.

EPA Response

The response of the EPA, received by the Board on 10th July 2017, indicated that the Agency had not yet received an application for an IED licence. The Agency notes that the application to the Board was accompanied by an EIS. The Agency will

ensure that the appropriate national and EU standards are applied, and that Best Available Techniques (BAT) will be used in the carrying on of the activities.

6.5.2. The Board referred the first party response to the grounds of appeal, for comment to the other parties to the appeal.

Cork County Council Response

The response, received on 15th June relates solely to lighting within the scheme.

Third Party Response

The response of Mark O'Leary, received by the Board on 8th June 2017 [although letter is mistakenly dated 7th July 2017], can be summarised in bullet point format as follows-

- 24-hour commercial activity is not compatible with residential amenity. There must be a reasonable separation between industrial uses and residences.
- Planting belts need to be hundreds of metres deep to act as a noise barrier.
- The cooling towers for the proposed development are located on the south side of the plant – closest to residences.
- The applicant has submitted noise measurements for 'reduced mode' operation of the cooling towers. It is not clear just what this means and when the plant will be operated at 'reduced mode'.
- There is room for expansion on this site – and more noise creation.
- Noise monitoring, even during the construction phase, may not be adequate, and may not record any sudden noises.
- NSL 2 is located in open fields. There is some screening (trees, large hay shed and houses) to the south of this monitoring point which ensure an even quieter environment at the appellant's house. Existing factories in the area already emit a noticeable tonal noise, perceptible even at the appellant's house which is 930m away from the noise source.
- Residences to the south are located on a slight rise, meaning that noise will be more perceptible.

- Drawings submitted with the application do not show the location of residences in the area. Elevation drawings are not available which show the plant relative to the nearest dwellings.
- It is not clear from drawings submitted just what the IDA plans to do with wayleaves through this site. This should be indicated on drawings.
- Residents will be awoken during the night by alarms going off, notwithstanding that there may be 24-hour security. Reversing alarms for vehicles will further add to noise – particularly at night.
- A berm should be erected around this facility to attenuate noise. There are no utility wayleaves to the south which could impact on any berm. Soil could be placed on archaeological deposits without causing harm.
- Additional traffic will extend peak times, where congestion already occurs.
- Emergency services will have difficulty responding to calls, if traffic volumes are increased. Residents can no longer walk on roads due to traffic volumes.
- There is no footpath and no public lighting on the Currabinny road. The road is narrow and not suited to construction traffic. The IDA entrance was originally designed to access a small business park.
- Insufficient detail has been supplied in relation to remediation of the asbestos waste which was deposited on this site. There is no map showing the extent of the waste deposit. There is no guarantee that all asbestos has been removed from the site. There is no indication if asbestos was recorded in groundwater samples. The discovery of any asbestos on site now, means that the 2008 remediation was unsuccessful.

7.0 Assessment General

7.1. Development Plan & Other Guidance

The site is zoned for industrial use, and has been so zoned for a considerable period of time. It forms part of a larger land bank in the ownership of the IDA. The IDA has issued a letter of consent to the making of the planning application. The zoning for

the site I-08 states– “Suitable for large standalone industry with suitable provision for landscaping and access points and provision for appropriate landscape buffering, to all residential areas...” The proposed scheme is in accordance with the zoning. The proposed bio-pharmaceutical units, with shared ancillary and warehousing facilities, are an appropriate form of development on lands thus zoned. I note the presence of other large industrial/pharmaceutical plants on nearby sites and within the wider Carrigaline/Ringaskiddy area. The South-West Regional Planning Guidelines support the growth of employment and population in the Ringaskiddy area. The Draft Ballincollig Carrigaline Municipal District Local Area Plan 2016, proposes to retain the same zoning.

7.2. Design & Layout

- 7.2.1. The site is a large one – extending to 14.98ha. Arising from the realignment of the R613 and the presence of a 300mm diameter underground gas main parallel to the road, but within the appeal site, there is a considerable set-back line for any buildings along the northern boundary of the site. The application was referred by Cork County Council to Gas Networks Ireland. GNI had no objection subject to maintenance of the 14m wide wayleave across the northern portion of the site, and adherence to the GNI – “Code of Practice for Working in the Vicinity of the Transmission Network”. This is acceptable. The only portion of the development within the wayleave is the access road into the site from the R613 – crossing the wayleave at right-angles.
- 7.2.2. Planning permission has been granted for re-grading this site – ref. 16/5658. Extensive archaeological testing under licence has been carried out within the site. Contractors are on site to underground the 10kV ESB cables which traverse the site east/west. All hedgerows have been removed. The additional information submission of 13th January 2017, included a contour survey of the site – indicating falls in level from west to east towards Lough Beg. At present there is a difference of 20m between the highest and lowest points of the site. The central portion of the site is to be regraded – involving cut & fill to produce a more level site for development – 13.6m OD. Permission exists for these regrading works. Condition 3 of the Notification of decision to grant planning permission required finished floor levels to

be as shown on additional information drawings submitted on 13th January 2017 – which is generally of the order of 14.5m OD.

- 7.2.3. Buildings are clustered at the centre of the site, surrounded by a broad band of landscaping (up to 30m in width in some places). External finishes comprise a palette of composite metal cladding panels, aluminium louvres, powder-coated aluminium windows and doors, steel doors, roller shutter doors and pressed metal parapet capping. Condition 15 required the design and finish to be in accordance with the details submitted on 23rd September 2016. Condition 24 required that final details of external finishes be submitted for written agreement of the planning authority. This would appear to be reasonable.
- 7.2.4. The design of the proposed linked buildings is, by and large, acceptable. I would have one reservation in relation to the height of a section of the proposed warehouse building. It is indicated as being 37m high, where the average height of other elements of the scheme is 12m (with additional plant room housing on roofs). This high section of the warehouse has a floorplate of 43.5m x 20.5m, and is, therefore, a substantial structure which will be widely visible. The site levels are to be regraded; with the area for the high warehouse being in cut – varying from 4-6m. This will somewhat lessen the visual impact of this element of the scheme, as will boundary landscape planting, when it matures. There is no rationale given as to why this element of the warehouse needs to be so tall – it forms just one part of a much larger floor-plate warehouse building which is generally of the order of 10m high, with an internal roof height of 8m, all of which does not seem to be utilised, other than at ground level. With a finished floor level of 14.6m and a height of 37.0m, the tall element of the warehouse will be approximately 51.6m OD – almost the same height as the hill at Barnahely to the northwest (53m OD). I would note that the new Janssen Biologics plant has been constructed on the summit of this hill, and is by far the most dominant element in the local landscape. The wind turbine at the Glaxo Smith Kline plant to the southeast is another nearby dominant feature on the skyline. The height of the warehouse element does not form a substantial part of the appeal or the assessment of the planning authority. Having regard to the pattern of development in the vicinity, this element of the development could be regarded as acceptable.

7.3. Water

7.3.1. Water Supply

It is proposed to obtain a drinking water supply from the public mains – a 300/225mm diameter pipes within the R613 to the north of the site. A report on the file from Irish Water (26th October 2016), indicates no objection to the proposed connection. Drawings submitted indicate that the exact connection point is to be agreed with Irish Water.

7.3.2. Foul & Process Waste

The proposed development will employ a water-based manufacturing process – using chemical and biological processes for the production of bio-pharmaceuticals. The facility is to be connected to the Irish Water public foul sewer via a pumped rising main. There is a public foul sewer located in the R613 road to the north of the site, but it is proposed to construct a new sewer running west along the R613 to connect to a pumping station at Coolmore crossroads. 24-hour storage will be provided at the pumping station, to cater for breakdowns. Process waste will flow to an on-site wastewater treatment unit (two tanks of 300m³ capacity each) for pH and temperature correction prior to discharge off the site via the pumped rising main. Waste will be discharged at a constant rate over the 24-hour period. Different figures are used at different places within the documentation submitted with the application in relation to the number of persons on site 370/520/560 and the waste generated per person 45-60 litres per day. Irish Water was satisfied that permission could be granted. The waste will discharge to the new WWTP at Shanbally, and will be subject to IED licensing.

7.3.3. Surface Water

The site will have four separate surface water catchments. Hydrocarbon interceptors will be installed, as well as one monitoring tank for Total Organic Compounds (TOC) within the car-park area. This TOC monitoring will have an automated divert system to the firewater retention pond in the event that certain parameters are breached. Hydrocarbon interceptors upstream of this tank will also capture silt. The car-parking area itself will not have TOC monitoring, although it will have a separate hydrocarbon interceptor to the northeast of the car-park, prior to direct discharge to the IDA surface water sewer to the east of the site. The surface water from the remaining

three catchments will ultimately discharge to the 1,050mm diameter, IDA-owned, sewer which discharges via a head wall/tidal flap control mechanism into Lough Beg estuary. Earlier documents indicated the diameter of this pipe as 750mm (with a spare capacity of 700 l/s). Estimated surface water discharge from the site was 570 l/s. The 375mm filter drain network, to be constructed as part of the site levelling permission, will discharge to the IDA surface water sewer flowing to Lough Beg estuary. Originally, no storm water attenuation was proposed for this site. However, following representations from the Moog Electronics site, where flooding in 2009 and 2015/2016 winter period was claimed to have been caused by run-off from IDA lands to the east, a decision was made to provide for on-site attenuation for the proposed bio-pharmaceutical development. A Surface Water Report was submitted by way of additional information on 13th January 2017. This indicates that there is 400m³ capacity storm water attenuation within the firewater retention pond (total 3,150m³ capacity). This will be used in the event that storm water leaving the site exceeds the 700 l/s available capacity in the IDA sewer. The discharge flap on the IDA surface water sewer at Lough Beg estuary has been repaired [confirmed by this Inspector on site visit of 28th June 2017]. This damaged flap may have been the cause of flooding at the Moog plant due to tidal surcharging in the pipe. Surface water discharge will be subject to IED licensing.

7.3.4. Flooding

The application is accompanied by a Flood Risk Assessment Report. There are no watercourses either on or in the vicinity of the site which could contribute to flooding. OPW mapping indicates no recorded flooding events at the site. Tidal flooding from Lough Beg affects lands to the east of the site, but not the site itself. The finished floor level of buildings on site is 14.5m OD. There is no possibility of tidal flooding of the site. There is no history of groundwater flooding at this site. Intense rainfall events (particularly when associated with high tides) can result in pluvial and tidal flooding. A 375mm diameter filter drain is to be constructed around the perimeter of the site as part of the regrading works – permission ref. 16/5658. This will intercept overland flows from higher ground to the west, and will ultimately discharge to the 1,050mm IDA surface water sewer. I would be satisfied that there will be no danger of flooding at this site, or downstream, arising from proposals for attenuation (400m³) within the fire water retention pond.

7.3.5. Fire Water

The application is accompanied by a Fire Water Risk Assessment. The fire watermain network will be connected to an above ground firewater storage tank – located to the south of the Central Utilities Building. This 1,000m³ capacity water tank will be connected to the public mains within the R613. Arising from the scale and nature of the development, proposals are put forward to capture/retain any water which would be used to extinguish a fire on the site, on the grounds of potential contamination by chemicals/hydrocarbons/pathogens, and cause harm to aquatic organisms and the aquatic environment. A fire water retention pond is to be constructed immediately to the south of the R613. This pond will have a capacity of at least 3,066m³ – elsewhere indicated as 3,150m³. There will be a facility to pump the contents of this pond to the Irish Water foul sewer, if testing establishes that the fire waters are contaminated. The system will be designed to react to a Level 2 fire alarm. The system will be configured such that in the event of a fire in a particular area of the site, the related storm water catchment network in the area will be automatically diverted at the storm water diverted at the storm water divert chamber into the firewater retention pond. A remote manual activation of the divert system will also be put in place. Any rainwater inflow or excess surface water discharge will be pumped via a sump within the pond to the surface water outfall, to ensure that the capacity of this feature is not diminished by rainwater build-up.

7.3.6. Conclusion

The arrangements for water supply, disposal of surface water and foul waste, provision of fire water and a firewater retention pond, in relation to flooding are acceptable.

7.4. **Access & Traffic**

7.4.1. Site Access

The principal access to the site is from the R613. Sight distance is good in either direction. Public lighting is in place. The Council required a public lighting standard immediately opposite the proposed site entrance on safety grounds – included by way of condition no. 28 attached to the Notification of decision to grant planning permission. There is no proposal for a controlled pedestrian crossing at the site

entrance – where the only public footpath is on the site side of the R613. Condition 21 of the Notification of decision to grant planning permission required a dished uncontrolled crossing point on the R613 at the site entrance – although it is not quite clear why such would be needed (perhaps if a bus service was introduced on the road).

7.4.2. Construction Access

It is proposed to use the L2496 Currabinny road for construction traffic (via an existing recessed IDA entrance off that road). The road is broad, and there is good sight visibility. The IDA access is approximately 0.5km from the junction of the L2496 with the R613. The construction period will be limited to approximately 18 months. The use of this road as a construction access will not result in any significant degree of disamentiy for residents or other road users. The road serves a significant area of agricultural land, one-off houses, Currabinny Woods recreational area, and, notably, the Glaxo Smith Kline pharmaceutical plant on the southern shore of Lough Beg. The application and the permission are based on construction access from this road. The appellant has argued that the road is not suitable for construction traffic. I would not agree with this contention. The applicant has indicated willingness, by way of the first party response to the grounds of appeal, to use the R613 as the construction access. However, all of the information and data on which the EIS is based, relates to construction traffic from the Currabinny road. I would be satisfied that some construction traffic could use the R613, as it will likely be passing this entrance in any event, en route to the junction with the N28 to the northeast. Final arrangements in relation to construction access could be left for agreement between the applicant and the planning authority, as the use of the R613 access would not result in any significant disamentiy for local residents or road users. The Notification of decision to grant planning permission required that the Currabinny road access be thereafter used, only as an emergency access to the site. This would seem reasonable, once the principal access from the R613 is in place.

7.4.3. Construction Traffic

A Construction Traffic Management Plan was submitted by way of additional information on 13th January 2017. For the construction phase, core hours of 0700-1900 are assumed over the eighteen-month period – Monday to Friday and 0700-

1600 on Saturdays. The N28, R613 and L2496 is the considered route for construction traffic. Construction is expected to generate between 300 and 400 jobs, with peak personnel of up to 575. Car-parking will be provided on site within the southwestern portion, where the site compound is to be located. The extended core hours will spread arrival and departure times outside normal peak times. Deliveries of materials to the site will take place throughout the working day – particularly for concrete. Works in relation to re-grading the site will be carried out before construction commences, so there will be no cumulative impact. There will be a small increase in traffic delay at the junction of the R613 and the N28: the delay will not be significant. A wheel-wash will be provided on the site. Road sweeping will be undertaken as necessary. Condition 37 of the Notification of decision to grant planning permission requires the written agreement of the Planning Authority to a Construction Traffic Management Plan – the first part of which required that all trips be outside of peak hours, which are defined as 0700-0930 and 1630-1900. This amounts to five hours out of a likely twelve-hour working day. Such a restriction would appear draconian, notwithstanding peak hour traffic jams on the N28. The reason given for attaching the condition is “In the interest of the proper planning and sustainable development of the area”. The Development Management Guidelines for Planning Authorities, issued by the Department of the Environment, Heritage and Local Government in June 2007, clearly state at section 7.1- *“Moreover, adequate reasons should be given by planning authorities to justify conditions; it is not, for example, in the majority of cases, acceptable to give as a reason “in the interests of the proper planning and sustainable development of the area” since this affords the applicant no indication of the particular object of the condition”*. I note that the developer has not objected to or appealed this condition. It would be possible to require the applicant to liaise with the planning authority in relation to reduction in peak hour construction traffic to the site, to the maximum extent possible.

7.4.4. Road Safety

The additional information submission of 13th January 2017, included a Stage 1 Road Safety Audit, describing the R613 in the vicinity of the proposed site entrance and identifying possible safety issues with the scheme. It is not proposed to put in a right-turning lane at the entrance on the R613. There are no other dedicated right-turning lanes on junctions on the R613 in the vicinity of the site. The R613 was

lightly trafficked on the date of site inspection by this Inspector. Improved public lighting is to be put in place at the new site entrance.

7.4.5. Mobility Management

The original application was accompanied by an Initial Mobility Management Plan. There is no public transport on the R613 – the closest being the Bus Éireann route from Cork to Ringaskiddy along the N28 to the north. The 2011 Census indicates that 88.6% of County Cork workers travel to work in a private car/van. It is stated that there will be 526 operational staff, whereas elsewhere in the EIS a workforce of 560 and 370 is indicated. For the sake of consideration of worst case scenario, the higher figure should be adopted. Shift working is proposed with 328 staff to begin and finish working outside of the AM and PM peak hours. When taken in conjunction with flexi-time for staff, it is estimated that in excess of 80% of staff will begin and finish working outside of peak hours. The development will not attract a significant number of visitors – estimated at 100, spread over the working day. Deliveries are estimated at 10-15 per day. A full Mobility Management Plan is to be drawn up once the facility is fully operational, to encourage modal shift, with targets set for increase/reduction in the various options for travel to work. This was required by way of condition 35 of the Notification of decision to grant planning permission.

7.4.6. Parking

The initial application indicated a total of 404 surface parking spaces. The additional information submission of 13th January 2017, reduced this number to 306, with 30 spaces for motorcycles, and an indication of 80 bicycle parking spaces (with facility for an additional 80 if required). This was acceptable to Cork County Council.

7.4.7. Conclusion

I would be satisfied that the proposed development, both at construction and operational stages is acceptable in terms of impact on roads and traffic in the area. The development will result in some increase in delay on roads in the area, particularly at peak times. However, having regard to the zoning of the site, the pattern of development in the vicinity, the existing and planned improvements to the road network in the area, and proposals set down in the EIS to manage traffic flow to and from this site, the proposal is appropriate.

7.5. Landscaping & Visual Impact

The application is accompanied by a Landscape Design Statement and a Specification of 'Softworks'. Provision is made for screening belts of between 10 and 30m depth on all boundaries of the site. Mature landscaping will eventually screen almost all of the development from view from public roads – with the exception of the high warehouse element – 37m tall. Condition 2 of the Notification of decision to grant planning permission required a bond of €50,000 for completion of landscaping. The appellant has claimed that landscaping will be insufficient to screen the development. The appellant's house is a dormer bungalow on the southern side of the L2496 county road – to the south of the site. The house is located some 270m from the southern boundary of the appeal site – where a wildflower meadow is proposed. The closest buildings on site are 400m from the house. Houses on the north side of the L2496 are located closer to the proposed development, and there is one two-storey house located between the appellant's house and the closest buildings on the appeal site. The buildings will be in cut – up to 6m at this location. Provision is made for two belts of screen planting between the appellant's house and some of the buildings on site (each up to 10m in width), and for one single belt of screen planting (up to 15m in width) between the appellant's house and the remainder of buildings at the southern end of the site. Admittedly, it will not be possible to screen the 37m high warehouse element entirely. However, it is open to the appellant to undertake screen planting within his own property to screen out views of unwanted development. The roadside boundary of the appellant's house is entirely open to the road at present – a 1.0m high wall forming the boundary. There are no listed view & prospects in the area. The applicant points out that intervening land is in the ownership of the IDA, and is zoned for industrial use. I would be satisfied that the landscaping proposed around this facility is appropriate, and the development will not result in any significant degree of visual disamentiy, regard being had to the pattern of development in the vicinity.

7.6. Other issues

7.6.1. Financial Contributions & Bonds

Condition 39 of the Notification of decision to grant planning permission required payment of a development contribution of €651,298.56 – on the basis of 39,908m² of development, at the rate of €16.32 per m². A requirement to pay a development contribution should be attached to any grant of planning permission issuing from the Board. Internal reports indicated that the Area Engineer had requested a condition be attached to any Notification of decision to grant planning permission requiring payment of a Special Development Contribution of €60,000 towards road damage which might be incurred, arising from the considerable amount of construction material to be drawn to the site and the amount of waste material to be hauled from the site. The Traffic & Transportation section further recommended a Special Development Contribution of €418,800 towards the cost of upgrading the R613 and the Shannonpark Roundabout on the N28. The Senior Planner did not consider such to be appropriate having regard to the nature of road access to the site, and recommended a reduction in the amount. In the event, no such Special Development Contribution condition was attached to the Notification of decision to grant planning permission, on the advice of the Substitute Divisional Manager (Report of 8th March 2017), on the grounds that the M28 is the recognised strategic access to industrial development in the Ringaskiddy area. I note that an application to upgrade this road is currently with the Board. Condition 2 required a bond of €50,000 for completion of the extensive landscaping around this site. This would appear reasonable, and a similarly worded condition should be attached to any grant of planning permission issuing from the Board.

7.6.2. Devaluation of Property

It is the contention of the appellant that the proposed development will devalue property in the vicinity. No evidence or information has been submitted to substantiate this claim. The site has been zoned for industrial use since the mid-1990's. Having regard to the nature of the proposed development and the mitigation measures outlined in the documentation submitted with the application, and also to the pattern of development in the vicinity, I would be satisfied that the proposed development will not result in any significant devaluation of property in the vicinity.

7.6.3. Signage

The development is in the nature of a speculative investment, with no tenants identified for the four bio-pharmaceutical units. Consequently, there is no signage proposal with the application. In the event of a grant of planning permission issuing from the Board, a condition should be attached requiring submission of a separate planning application for any signage which would constitute anything other than exempted development. This is particularly important in relation to the high warehouse element of the development, which will be visible from a wide area.

7.6.4. Security and Fencing

The principal entrance to the site from the R613 is to be provided with 1.5m high stone walls and a security hut. Documentation submitted with the appeal indicated that 24-hour security will be provided at the facility. The secondary entrance to the site, via the Currabinny road, is for emergency use only. The entire site is to be surrounded by 2.4m high 'paladin' security fencing. It is desirable that the colour of any such fencing be dark green. Landscaping will, eventually, almost entirely screen such fencing from view. The proposals outlined are acceptable.

7.6.5. Lighting

Details of lighting columns proposed are included with the application. There is public lighting on the R613 to the north of this site. This is not a rural area. The first party response to the grounds of appeal included detailed information in relation to energy-saving lighting which would be installed throughout the site. The appellant has contended that the development will result in light pollution. The response of Cork County Council, received by the Board on 15th June 2017, related to lighting within the scheme – utilising standard street-lighting with LED luminaires, with no spotlighting. The standard is stated to be at the upper end of the scale of motorway design at an average of 20 Lux, dimmed to 10 Lux later in the night or at times of little activity. Lighting is to be baffled to avoid light pollution into the night sky. Having regard to the lighting proposals, location of the site, the proximity of other large-scale industrial-type developments, the pattern of development in the vicinity, the existence of public lighting on the R613, and the landscaping proposals for the site boundaries, I would be satisfied that the proposed development will not result in any significant degree of light pollution in this area.

7.6.6. Asbestos Waste

The documentation submitted with the application indicates that an asbestos deposit on this site was remediated by the IDA in 2008. Planning permission exists for regrading this site – ref. 16/5658. This permission can be put into effect. The appellant is concerned that excavation for foundations may disturb asbestos waste, as no details of the remediation have been submitted. The first party response to the grounds of appeal indicates that the affected area, lies approximately 4m below the level of the proposed development on that part of the site. The area which was remediated will not be excavated. This constitutes best practice in ensuring there will be no risk of contamination for workers or nearby residents. I would be satisfied that the proposed development will not result in any deleterious health impacts for residents in the wider area.

7.6.7. Cleaning of Roads During Construction Phase

Such activity would be normal during the construction phase of a large-scale development. In this instance the construction phase is estimated to last 18 months. The Currabinny road in the vicinity of the construction site entrance is a wide thoroughfare. There will be no significant obstruction of road users arising from road cleaning during the construction phase.

7.6.8. Industrial Emissions Directive Licensing

This facility will be subject to an IED licence for emissions – issued by the Environmental Protection Agency. I have elsewhere in this report commented on emissions such as wastewater, potentially contaminated fire water and noise. As emissions will be covered by licensing, it would not be appropriate to attach any conditions relating to emissions in any grant of planning permission which might issue from the Board.

7.6.9. Walking Routes

The Slí na Sláinte walking route along the R613 will not be impacted traffic volumes generated by this development.

7.6.10. Conditions Requiring Further Agreement of the Planning Authority

The appellant contends that condition 10 excludes third parties from matters to be agreed with the planning authority at a later date. This condition relates to

construction phase matters such as wheel-wash, materials compound, security fencing, piling, access for construction traffic, car-parking, security lighting and delivery times. The Construction Environmental Management Plan deals with some of these issues, but clearly some of the issues will only be decided upon when contractors are appointed. I do not see that the concerns of third parties have been circumvented by the attachment of such a condition, as the principal details of the proposed development have been clearly outlined in the documentation submitted. The principal mitigation measures are set down in chapter 14, and the matters for written agreement do not constitute significant elements of the proposed development. Hours of construction and noise limits will be contained within any Construction Environmental Management Plan, and the first party response to the grounds of appeal indicates that noise limits set out at Chapter 9 of the EIS will be adhered to. Details of the construction compound were submitted as additional information on 13th January 2017. The Construction Traffic Management Plan contained details of working hours – 0700-1900 Monday to Friday and 0700-1600 on Saturday. These working hours are reasonable, regard being had to the separation distance from the nearest houses.

7.6.11. Waste Management

Waste will be generated during the construction phase. This issue will be addressed in the Construction Environmental Management Plan with regard to storage on-site and disposal off-site.

7.6.12. Noise Nuisance

The appellant argues that noise from the development will lead to nuisance – particularly from the three cooling towers. The applicant has identified the appellant's house as proximate to NSL 2 – a point where noise monitoring was undertaken to establish baseline levels as part of the preparation of the EIS. I note that the appellant has not indicated the location of his house on any submission to the Board. NSL 2 is located on the northern boundary of the appellant's property – the house being located some 270m from the southern boundary of the appeal site. The closest buildings on site are located some 400m from the house, and the aforementioned cooling towers are located approximately 390m from the appellant's house. The first party response to the grounds of appeal is accompanied by an

updated noise impact assessment – particularly in relation to noise from cooling towers. Cooling towers can be operated in a ‘noise-reduced mode’ which would result in a measurement of 25dBA at the appellant’s house or 44dBA in normal mode. An 11m high noise barrier will be erected close to the three cooling towers (10m high) to block the propagation of sound [drawing included]. This will result in noise being almost inaudible at the nearest dwellings. The bulk of the high warehouse building will also act as a barrier to noise from loading bays at the warehouse building. Noise from alarms and reversing vehicles is part and parcel of the working of any commercial premises. The lands are zoned for industrial use. The area can no longer be considered a quiet rural area. The applicant has outlined measures to control noise/alarms on site as much as possible. The appellant refers also to noise from reversing alarms on trucks and construction vehicles, and indeed such were audible at the appellant’s house on the date of site inspection by this Inspector – issuing not from the appeal site, but from some other source beyond. Such noise, depending on weather conditions, is a commonplace, and a safety requirement beyond the control of the applicant. I would be satisfied that the development will not result in any significant degree of noise nuisance at the appellant’s residence.

7.6.13. IDA Wayleaves

The appellant questions the use of IDA wayleaves through the appeal site. The application is for bio-pharmaceutical plants on the site. The proposals which the IDA may or may not have for the remainder of the land bank in this area are not relevant considerations. The IDA constructed a new entrance off Currabinny road for a development of industrial units/business park – which, in the event, never came to pass. There is no certainty as to what might or might not be developed in this area.

8.0 **Environmental Impact Assessment**

The EIS submitted is in three volumes. Volume 1 is the main document, and contains appendices; Volume 2 is a Non-Technical Summary; Volume 3 contains a Traffic & Transport appendix. The EIS is prepared using the Grouped Format Structure of- Landscape & Visual: Traffic & Transport: Soils & Geology: Ecology: Noise & Vibration: Air Quality: Cultural Heritage: Human Environment. Chapter 3

deals with the Consideration of Alternatives, whilst Chapter 14 brings together all of the principal mitigation measures to be undertaken during both the construction and operational phases.

8.1. Consideration of Alternatives

Chapter 3 of the EIS addresses the issue of alternatives considered. A location within the EU was sought by this US-based company. Ireland is considered a key location for the healthcare industry, with 13 of the top 15 companies having substantial operational bases within the country. The applicant company already employs 2,200 people across 19 businesses throughout the country. Ireland was selected as the preferred European location. The availability of a skilled workforce and availability of necessary infrastructure resulted in Cork being selected.

Ringaskiddy was chosen because of existing clustering of pharmaceutical and bio-pharmaceutical industries in the area. The proximity of a deep-water port and airport were also factors in the choice of site. Much of the land in Ringaskiddy is in the ownership of private industrial firms. Remaining industrially zoned land is generally in the ownership of the IDA – which has six strategic land banks covering 170ha in the area. Preference was to avoid immediate proximity to sensitive residential and ecological receptors. The site chosen is within the largest land bank of the IDA. The site is serviced with all infrastructure – roads, gas, electricity, water and sewers. The zoning of the site is appropriate for a development of the nature proposed.

Alternative layouts were considered – the favoured option being two sides of a square rather than a linear format for the four bio-pharmaceutical units (as it utilised a smaller footprint). Alternative processes were not considered, as the manufacture of medicines from bio-pharmaceutical processes is an emerging trend.

8.2. Landscape & Visual

- 8.2.1. Chapter 4 of the EIS deals with these linked issues. Field visits were undertaken in May & June 2016. Photomontages have been produced for 17 vantage points within the 5km radius study area. A Zone of Theoretical Visibility map was not produced,

as it was felt that this tool would be of little use in this undulating landscape with significant buildings and hedgerows interrupting views. Ringaskiddy village was identified as the principal settlement in the area. The underlying appearance of the area is rural, interspersed with industrial complexes and settlements. Roads, overhead high tension cables and individual wind turbines are prominent in the landscape. The closest houses are located some 200m to the south of the site boundary and some 320m from the closest buildings on the site. The County Development Plan identifies the landscape character as “City Harbour & Estuary” – LCA 19. The landscape value and sensitivity is rated as ‘Very High’. It is noted that the site is zoned for industrial use. There are no Scenic Views in the immediate vicinity of the site – the closest being the S54 which comprises the N28 between Shanbally and Ringaskiddy to the north of the site. This route is largely screened from the appeal site by a low hill at Barnahely. Principal views will be within 500m of the site boundary. The development will not immediately transform the agricultural nature of the wider landscape, although it will contribute to such change at a local level. Matured landscaping at the site boundaries will serve to soften the impact, as is the case with other large industrial developments within the surrounding area. It is acknowledged that the tall warehouse structure will be particularly visible – particularly within 500m of the site boundary and will be visible from houses to the south. It is pointed out that other industrial buildings in the area have components of a similar height. Within wider views more than 500m from the site, the buildings will visually integrate with other similar-style industrial buildings.

- 8.2.2. The new Janssen Biologics pharmaceutical plant on the summit of the hill at Barnahely is the most dominant structure in the area, and is considerably higher than the tall warehouse element of the proposed development. Whilst the visual impact of the tallest element of the warehouse will be significant for residents and visitors within 500m of the site, I would be satisfied that its location within the site, together with proposals for landscaping on the site boundaries, when regard is had to the pattern of development in the vicinity, will not result in a significant impact on the wider landscape of the City Harbour and Estuary.

8.3. Traffic & Transport

- 8.3.1. Chapter 5 of the EIS deals with the issues of traffic and transport. Volume 3 of the EIS provides additional information in relation to junction capacity. Additional traffic surveys were carried out on 29th & 30th November 2016, for the N28 and R613/R612. Transport Infrastructure Ireland estimates a 16.5% growth in traffic between 2016 and 2023. The model submitted as part of the EIS estimates slightly higher traffic growths of 17.2% AM peak and 17.9% PM peak. Modelled traffic flows indicate that approximately 85% of staff would approach on the R613 from the direction of Ringaskiddy (and the N28), whilst 15% would approach from the direction of Carrigaline along the R613. Critical junctions on the N28 are at, or are approaching, capacity at peak times. The proposed development will result in increased queuing at these critical junctions at peak times. However, the increase will be limited to on average 1 car, or in the worst case 4 cars. Such increases are not significant in terms of traffic impact. It is noted that TII and Cork County Council have plans for upgrading the N28 to M28 status, and a strategic infrastructure application for such is currently with the Board. Such an upgrade, if permitted, would significantly improve the capacity of the N28 junctions. It is envisaged that the new M28 will be in place by 2023. There will be a grade-separated interchange with the R613 at Barnahely/Ringaskiddy. An upgraded, signalised junction for the N28 and R613 is proposed as an interim measure before upgrade works begin on the M28.
- 8.3.2. I have elsewhere in this report commented upon construction phase and operational phase access and traffic volumes. I would be satisfied that the arrangements made are appropriate for a site which is zoned for development and accessed from an upgraded road network. Recent permissions granted in the Ringaskiddy area, and in particular the grant of planning permission issued by the Board for the redevelopment of the port at Ringaskiddy, have all been based on travel demand management in advance of upgrading works on the N28. Permissions were granted on the basis of tailored measures which are specific to each site – measures intended to keep traffic movements to a minimum during peak periods. The application documentation, together with further information submissions, contains undertakings in relation to construction and operational phase traffic management. The Mobility Management Plan is the method used to control traffic movements. Condition 8 of the Notification of decision to grant planning permission required

submission of a Mobility Management Plan for the written agreement of the planning authority, and this condition is duplicated, although with different wording, at no. 35. Condition 10 related to management of construction traffic, on the grounds that it could impact on peak traffic, notwithstanding the limited length of the construction phase. Condition 34 required the applicant to agree shift work start times, in the interests of controlling peak travel. Condition 37 required the submission of a construction traffic management plan for written agreement. The requirements of this condition are particularly onerous – requiring that all construction trips whether by car, van or HGV be outside of the hours of 0700-0930 and 16.30-19.00 – a total of five hours out of a core working hour day of 12 hours – 0700-1900. I note that the applicant has not appealed this or any other condition attached to the Notification of decision to grant planning permission. Other than condition 37, these are entirely reasonable mitigation measures, and similarly-worded conditions should be attached to any grant of permission issuing from the Board.

8.4. Soils & Geology

- 8.4.1. Chapter 6 of the EIS deals with these connected issues. To an extent, this issue has been dealt with in the grant of permission for re-grading of this site, ref. 16/5658 – to a level of approximately 13.6m OD over most of the site. Considerable testing involving boreholes, trial pits, drilling, cone penetration tests and sampling was undertaken on this site in 2006. The bedrock comprises unbedded lime-mudstone, which is susceptible to karst weathering. The strength of the bedrock varies considerably across the site. Depth to bedrock varies from 10.2m to unknown (below 28m drilling was halted). The principal impact on bedrock is collapsing karstified rock, which could spread outside the site boundary. A suitably-qualified geotechnical engineer will be employed to undertake detailed geotechnical investigations and detailed design solutions. Soil cover includes a mixture of Acid Brown Earths/Brown Podzolics with a small area of Renzinas/Lithosols and Grey Brown Podzolics/Brown Earths Basic. Soils and subsoils are neither rare nor unusual. Contaminated material (soils, cobbles, boulders, plastic, metal wire, timber and brick) was encountered in one trial hole in the west of the site. Some of this material may be reused on site, depending on the results of testing. Any that cannot

be used will be exported off-site to a licensed disposal facility. There are no geological heritage features identified in the vicinity of the site.

- 8.4.2. Approximately 3 acres at the eastern boundary of the site was used for deposition of asbestos waste in the past. In 2008, the site was remediated by the IDA, and the asbestos waste was removed. This is the lowest lying area of the site, and the deposit of asbestos was 4m below ground level. There is no proposal to excavate in this area. This constitutes best practice in ensuring there will be no risk of contamination for workers or nearby residents. Trial Pit TP14 is located at the western end of the site, and it was in this trial hole that evidence of C&D waste was encountered. I would be satisfied that the proposed development will not result in any significant impact on the health of workers or residents.

8.5. Hydrology & Hydrogeology

- 8.5.1. Chapter 7 deals with these associated issues – augmented by a Surface Water Report received by way of additional information on 13th January 2017. Site testing was undertaken in 2006. Under the Water Framework Directive, Cork Harbour is indicated as being of ‘Moderate’ status – ‘At risk of not achieving good status’. There are no surface watercourses on the site, with rainwater flowing off the site or percolating to ground. The bedrock aquifer is the Ringaskiddy Groundwater Body. This is a Locally Important Karstified Bedrock Aquifer. The vulnerability is indicated as ‘High’ and also with rock at or near the surface – ‘Extreme’. Water encountered in drilling on site indicated levels of between 3.1m and 11.7m below ground. Six monitoring wells were established in 2006. Chromium levels were marginally above recommended Interim Groundwater Values in two of the wells, Orthophosphate was detected above recommended IGV levels in four of the wells. Low levels of Poly-Aromatic Hydrocarbons were detected in one well, and coliforms were detected in all six wells. There is no proposal to extract groundwater. The loss of recharge (though creation of impervious surfaces) over a portion of this site will not be significant. Drilling for foundations will not impact on groundwater levels or significantly impact on groundwater quality.
- 8.5.2. As referred to elsewhere in this report, planning permission already exists for the regrading of this site to an approximate level of 13.6m over most of it. This will involve a substantial degree of cut and fill. Accidental spillages of hydrocarbons or

liquid concrete during the construction phase would constitute a threat to groundwater. The Construction Environmental Management Plan outlines mitigation measures against such an event. Also included are proposals for the bunding of chemical/hazardous material storage areas within buildings or areas where pollutants could, in the event of an accident, discharge to groundwater or to the surface water sewer network. Details of firewater retention and storm water retention have been submitted – mitigation against downstream flooding/contamination in the IDA surface water sewer which serves this site (discharging to Lough Beg). A facility is provided for treating contaminated water through pumping back to the Process Effluent Storage Tank and onward discharge to the Irish Water public sewer in the R613. The surface water outfall is to be fitted with an hydrocarbon interceptor, with a divert system for Total Organic Compounds (TOC) and pH monitoring, and facility for pumping back to the Process Effluent Storage Tank for treatment. Discharges of process water to the foul sewer and surface water to Lough Beg will be controlled by EPA Industrial Emissions Licensing. There will be no discharge of treated foul waste to groundwater – all discharges being by way of pumped main to the Irish Water public foul sewer at Coolmore crossroads, which ultimately discharges to the new Shanbally Waste Water Treatment Plant.

- 8.5.3. The issue of flooding has been dealt with elsewhere within this report. The site is not within a zone subject to flooding.
- 8.5.4. A detailed list of mitigation measures for both the construction and operational phases is outlined in in section 14 of the EIS. I would be satisfied that if such mitigation measures are implemented, the proposed development will not have a significant impact on the hydrology and hydrogeology of the area.

8.6. **Ecology**

8.6.1. General Comment

Ecology is addressed in Chapter 8 of the EIS. A field survey was undertaken on 3rd June 2016. Additional information was submitted on 13th January 2017, particularly in relation to use of the site by winter birds. Potential impact on European sites is dealt with under the Appropriate Assessment section of this report.

8.6.2. Proposed Natural Heritage Areas

There is one pNHA located in proximity to the appeal site – Lough Beg (Site code 001066). This is a non-statutory designation, proposed in 1995. The pNHA includes all of that section of the Cork Harbour SPA contained within Lough Beg, as well as an additional portion of land at the northern end which extends to the east of the Moog electronics plant. This pNHA is located approximately 180m to the east of the appeal site [although the EIS submitted indicates that the separation distance is almost twice that]. As mentioned above – the Moog plant is located between the appeal site and the pNHA. The IDA 1050mm diameter surface water outfall pipe traverses a portion of this pNHA to discharge into Lough Beg. This northern portion of the pNHA is indicated as being partially subject to inundation at high tides. The proposed development does not include any alterations to the outfall pipe – the outfall flap within the SPA having been recently repaired by the IDA. The proposed development will not have any impact on nature conservation within the pNHA.

8.6.3. The Site

The site originally comprised improved agricultural grassland, subdivided by hedgerows. The site is now fallow, and all hedgerows have been removed. The application was accompanied by a Tree Survey which indicated mostly ash, Monterey cypress, horse chestnut, elm and sycamore. There was no record of any trees of special note which would need to be conserved – other than one Monterey cypress (tag no. 408) to the west of the proposed new entrance. This tree and a clump around it have been preserved where all other trees have been removed. Habitats were not of high ecological value. There are no known bat roosts on the site – the closest being 3km distant. The hedgerows on this site were likely used by foraging bats. No evidence of use of the site by Badger or Otter were recorded during site survey work. Bird species recorded on site included Black-headed gull and Shelduck – both of which are species of Special Conservation Interest for the Cork Harbour SPA. It is not proposed to repeat the assessment in relation to bird species which is contained within the Appropriate Assessment section of this report. The site does not have an intrinsic value more significant than any of the alternative habitats readily available to these species in the immediate surrounds of the site, and any species that use the site are not expected to rely exclusively on the

resources available there. No records were made of any rare or vulnerable species of flora.

8.6.4. Likely Significant Impacts

Some species may be temporarily/permanently displaced during the construction and operational phases, due to habitat loss or disturbance. Most of the grassland habitat will be lost, but there will be replacement woodland habitat created on all site boundaries. Construction phase disturbance will be limited to approximately 18 months. Permission already exists for the regrading of this site, which will alter the habitats as they currently exist. The cumulative impact of the proposed development will not be significant, given that excavation will be on already disturbed ground. The impact on wintering bird species has been assessed as not significant in the appropriate assessment section of this report. Light spillage at night-time will be limited so as to reduce the impact on foraging bats.

8.7. **Noise & Vibration**

- 8.7.1. Chapter 9 of the EIS deals with these associated issues. A baseline noise survey was undertaken for day-time and night-time on 20th and 21st June 2016, for four points on the site boundaries (N1-N4) and at two noise-sensitive locations to the east and south (NSL 1 & NSL 2). The applicant indicates that NSL 2 to the south is the closest to the appellant's house (which is located some way further to the south on the opposite side of the L2496 county road). The principal sources of noise in the area are traffic on the R613 and L2496 roads, and a steady continuous background hum from neighbouring industrial plants and construction sites. As expected, the noisiest location is N1 (next to the R613). Day-time $dB_{L_{Aeq}}$ varied from 43.2 to 53.9. Evening $dB_{L_{Aeq}}$ varied from 43.5 to 52.8. Night-time $dB_{L_{Aeq}}$ varied from 39.2 to 42.3.
- 8.7.2. Construction noise will be of limited duration – 18 months approximately. Permission exists for the re-grading of the site. There will be no significant movement of soil or spoil within the site during the construction phase. The Construction Environmental Management Plan outlines measures to control emissions of noise from heavy machinery.

- 8.7.3. The principal noise arising during the operational phase will be from the three cooling towers. The first party response to the grounds of appeal outlined the measures to be employed to mitigate against noise from this element of the development. An 11m high noise barrier is to be used to screen emissions of fugitive noise from this element. It will be possible to run the cooling towers in 'noise-reduced' mode which would reduce sound levels to 25dBA at both NSL 1 and NSL 2. It has not been indicated how, when or why this might occur. Operation in normal mode (with all three towers operating simultaneously) would result in 44dBA at both NSL 1 & NSL 2 – which figure is without the benefit of a noise barrier. Most other plant is located inside buildings – the walls and roofs of which will provide attenuation. Outdoor diesel generators for each of the four bio-pharmaceutical plants and for the cooling towers are only to be used for emergency back-up, and so will not result in any significant noise nuisance beyond the boundaries of the site. Noise mitigation measures are outlined in chapter 14 of the EIS – both for construction and operational phases of the development. I note the presence of other similar-type pharmaceutical and industrial plants in the vicinity of the site. The operational phase of the development will be subject to IED licensing, which will include limitations on noise emissions. I would be satisfied that the proposed development will not result in any significant noise impact on the surrounding area.
- 8.7.4. There will be no significant vibration arising from construction on this site. No blasting is proposed. Permission already exists for re-grading the site. There will be no significant vibration resulting from the operational phase of this bio-pharmaceutical facility.

8.8. Air Quality

- 8.8.1. Chapter 10 of the EIS deals with this issue. There will be emissions to air from the 17m high boiler stacks located at the southern side of the Central Utilities Building. Two boilers (each generating 10MW of steam), with a third back-up unit, will be required at full operation of the site, and will be run on gas. A dispersion model was used to calculate the impact on air quality. This plant will be subject to IED licensing from the EPA in relation to emissions to the atmosphere, as is the case with a number of pharmaceutical plants in the vicinity. No air quality survey was undertaken at this site to establish baseline air quality – the EIS relying on recent

surveys carried out in the area by other organisations. The air quality in the area is extrapolated to be good, with low levels of Nitrogen oxides, Sulphur dioxide and dust (PM₁₀) present. Nitrogen oxide emissions will be within the EPA limit of 200 micrograms/m³ for small industrial boilers burning natural gas. Air dispersion modelling for nitrogen dioxide and nitrogen oxides, indicates likely dispersion at Figures 10.1-10.3 of the EIS – with concentrations on site boundaries being 25 micrograms/m³ and lower again beyond. Such concentrations are well below the EPA threshold. Sulphur dioxide will only be emitted if gas oil is the energy source in place of natural gas. The primary volatile organic compound to be used in the manufacturing process will be ethanol. Air handling units, with high-efficiency filtrations systems within each of the buildings will ensure that vapour emissions will be small – released to the atmosphere via vents in the roofs. Due to low level usage of volatile organic compounds, odours at site boundaries are expected to be low. Odour will be controlled by IED licence. Exhaust emissions from construction vehicles will be of limited duration. Exhaust emissions from cars during the operational phase will not be significant – regard being had to the area of the site and the nature of shift work proposed.

- 8.8.2. Mitigation measures are outlined at Chapter 14, and will include proposals for suppression of dust, cleaning of roads to prevent dust nuisance, management of aggregate stockpiles during construction, and maximum vehicle speeds during the construction phase. During the operational phase emissions to air will be controlled by IED licence. Mitigation measures include efficient operation of boilers, storage of volatile organic compounds to minimise fugitive emissions, and clean operational environments within the bio-pharmaceutical units. I would be satisfied that the proposed development will not have any significant impact on air quality in the area.

8.9. Cultural Heritage

- 8.9.1. Chapter 11 of the EIS deals with the issue of cultural heritage. Field visits were undertaken on 17th May and 27th June 2016. There are no Recorded Monuments either within or immediately adjoining the site. The closest such is a gate lodge (CO087-050002) some 150m to the northeast of the site, and beyond which again is a cluster of monuments located in or about Castle Warren. There are no Protected Structures either within or immediately abutting the appeal site. A portion of the

townland boundary between Barnahely and Raheens East is located within the southwestern portion of the site – defined by a hedgerow – since removed.

8.9.2. Planning permission has been granted for re-grading of this site. One of the conditions attached to the permission related to archaeological test trenching and geophysical survey of the site. Test trenching has been carried out on this site under licence in June/July 2016, as part of the above-mentioned planning application. Five areas of archaeological potential AA1-5 were identified within the site – containing a mediaeval kiln, slot trench, post-mediaeval field boundaries, burnt stone pit, possible mediaeval linear ditch, scattered pits and a possible hearth. The area has been altered by way of enclosure of fields for agriculture, laying of pipes and re-routing of the R613 road. Sites AA1-4 will be fully excavated and reported, and then will be built over. Site AA5 is located in the southwestern portion of the site and will remain *in situ* within a proposed wildflower meadow. The archaeologist for Cork County Council recommended a number of conditions be attached to any grant of planning permission. Condition 13 of the Notification of decision to grant planning permission required the creation of a buffer zone around AA5. Condition 14 required the preparation of an information leaflet in relation to the archaeology of the site, together with the erection of a plaque on the site (location to be agreed with the planning authority) in order to promote an understanding of the site’s archaeology. Condition 19 required the services of a suitably qualified archaeologist to be engaged to monitor all ground works. Condition 30 required full archaeological excavation at AA1-4 and within a buffer area surrounding each, together with similar excavation of any other sites or finds uncovered, with time for agreement on satisfactory arrangements for research, removal, recording or storage of any archaeological remains. The archaeological conditions attached to the Notification of decision to grant planning permission are very detailed, and similarly-worded conditions should be attached to any grant of permission which might issue from the Board in order to protect the already-identified archaeological heritage of this site.

8.9.3. The introduction of heavy vehicles onto this site will not have had any significant impact on archaeology – testing having been carried out under licence. The area will have been subjected to crossing by heavy vehicles associated with agriculture, pipe-laying and erection of overhead cables in the past. Mitigation measures outlined in the EIS include preservation by record of AA1-4, preservation *in situ* of AA5, and full

monitoring of the site for ground disturbance – which could all happen under the aegis of permission ref. 16/5658 – except for AA5 preservation *in situ*. No mitigation measures are necessary within the operational phase. I would be satisfied that the proposed development will not have a significant impact on the archaeological heritage (or the wider cultural heritage) of the area.

8.10. Human Environment

- 8.10.1. Chapter 12 of the EIS deals with impact on the human environment. Many of the foregoing sections of this environmental impact assessment will have potential impact on human beings – noise, air quality, landscape and visual, traffic, and cultural heritage. The site is located within the development boundary of the village of Ringaskiddy, and is zoned for industrial use. Shanbally village is located approximately 1.2km to the northwest. The proposed development will not have any significant impact on population, community services or local amenities, due to proximity to Cork City. The site is a private one, currently in agricultural use. The development will have a positive impact in terms of construction phase and operational phase employment, but this is likely to be spread, with employees being drawn from a much wider hinterland which will include Cork City. The location of this facility will be of benefit to the clustering of pharmaceutical industry which already exists in this part of County Cork. There will be no impact on Ringaskiddy National School – located approximately 600m to the east of the site – accessed from a different road network. Site construction work will bring some economic benefit to the immediate area for shops, cafes, accommodation and other services. There will be no significant impact on agriculture arising from the change of use of this site to industrial.
- 8.10.2. Health & Safety of workers is addressed in section 12.4.4.5 of the EIS. The site will not be a SEVESO site. Safety, Health and Welfare at Work is addressed in other codes outside the planning code. During construction, a safety management programme will be implemented. Areas of the site will be fenced-off for safety and appropriate signage erected. The site is already entirely fenced-off to prevent access during the undergrounding of electricity cables. Measures to ensure public safety with respect to construction traffic will be included in a Traffic Management

Plan. Relevant employees will receive necessary training. Personnel will be fully trained to deal with emergencies – particularly fire.

8.10.3. The cumulative impact of the development with other development in the area has been addressed in section 12.4 of the EIS – particularly in relation to the redevelopment of the Port of Cork at Ringaskiddy, proposed upgrading of the N28 to M28 status, Indaver Waste-to-Energy facility, the upgrading of the Shanbally WWTP, remediation of former steel works at Haulbowline Island, and development of Spike Island as a tourist facility. The construction phase(s) of any of these projects could overlap with the construction phase of the proposed development. Proposed mitigation measures for traffic attempt to lessen the impact at peak times on the local and national road network. Other mitigation measures attempt to lessen the impact in terms of noise, dust and other nuisance during the construction phase. However, construction stage impacts will be of limited duration – approximately 18 months, and would not constitute a significant negative impact on the environment.

8.11. Interaction of the Foregoing

The interaction of foregoing sections of the environmental impact statement is addressed in Chapter 13. Construction, operational and cumulative impacts are addressed in each chapter. Potential significant interactions exist between human beings and hydrology/hydrogeology, ecology and hydrogeology, human beings and noise, human beings and traffic, human beings and air quality, ecology and landscape. Mitigation measures are outlined in each of the chapters and summarised in chapter 14, to ensure that the impact on the environment is limited to the greatest extent possible.

8.12. Summary of Mitigation Measures

Details of the principal mitigation measures for both the construction and operational phases of the development are set down at chapter 14 of the EIS. These have been augmented and changed by way of additional information submission of 13th January – principally in relation to surface water handling and traffic. I would be satisfied that

if the mitigation measures outlined are implemented, the proposed development would not have a significant impact on the environment.

8.13. Conclusion

I would be satisfied that the EIS submitted, as supplemented by submissions from the applicant to Cork County Council and to the Board, comprehensively addresses the likely significant impacts of the proposed development on the environment. Necessary baseline surveys have been carried out, likely impacts identified and mitigation measures put forward. Having regard to the foregoing, and following a review of the available information, including the consideration of alternatives as set out in the submitted EIS, I would be satisfied that the applicant has complied with the requirements of the Regulations. The proposed development will not have any significant impact on the environment.

9.0 Appropriate Assessment

9.1. The site is located neither within nor immediately adjoining any European site. The closest such, is a portion of the Cork Harbour SPA (this SPA covers a number of separate and distinct areas of the wider Cork Harbour – in this instance the Lough Beg estuary) – located some 345m from the southeastern corner of the site. There are no surface watercourses linking the site with Lough Beg estuary. The SPA (Site code 004030) is designated for the following features of interest-

Little Grebe (*Tachybaptus ruficollis*).

Great Crested Grebe (*Podiceps cristatus*).

Cormorant (*Phalacrocorax carbo*).

Grey Heron (*Ardea cinerea*).

Shelduck (*Tadorna tadorna*).

Wigeon (*Anas penelope*).

Teal (*Anas crecca*).

Pintail (*Anas acuta*).

Shoveler (*Anas clypeata*).

Red-breasted Merganser (*Mergus serrator*).

Oystercatcher (*Haematopus ostralegus*).

Golden Plover (*Pluvialis apricaria*).

Grey Plover (*Pluvialis squatarola*).

Lapwing (*Vanellus vanellus*).

Dunlin (*Calidris alpina*).

Black-tailed Godwit (*Limosa limosa*).

Bar-tailed Godwit (*Limosa lapponica*).

Curlew (*Numenius arquata*).

Redshank (*Tringa totanus*).

Greenshank (*Tringa nebularia*).

Black-headed Gull (*Chroicocephalus ridibundus*).

Common Gull (*Larus canus*).

Lesser Black-backed Gull (*Larus fuscus*).

Common Tern (*Sterna hirundo*).

Wetlands.

- 9.2. The Conservation Objectives for this SPA (and these relate to the entire SPA, not just the Lough Beg portion) indicate that the long term population trends for all of the bird species is stable or increasing – with the exception of the Common Tern, where it is indicated that there is no significant decline. It is an objective to maintain the permanent area occupied by wetland habitat (2,587ha). The Standard Data Form indicates that there are no serious imminent threats to Waterbirds – acknowledging that intertidal waters receive polluted materials which do not appear to impact either on flora or fauna. Oil pollution from shipping is a general threat. It is not known if aquaculture has a significant impact on birds. Recreational activities can disturb roosting birds. Estuarine habitat has been lost in the recent past to land reclamation.

The proposed development will not create, contribute to or exacerbate any of the above-identified threats.

- 9.3. Condition 2 of permission ref. 16/5658 required the developer to undertake a study of the usage of the site by wetland wintering birds for feeding and roosting purposes, prior to commencement of any levelling works on the fields which comprised the site. Hedgerows have been cleared on the site, and it is not clear from documentation submitted with the current appeal whether this condition of permission ref. 16/5658 has been complied with.
- 9.4. The application was accompanied by a Screening Assessment – dated 22nd September 2016. A Stage 1 Appropriate Assessment Screening identified European sites within 15km of the site. An ecological survey of the site was undertaken on 3rd June 2016, which included inspection of the shore of nearby Lough Beg. Previous surveys indicated the primary feeding area for birds to be the intertidal mudflats, with secondary feeding areas located on adjacent agricultural lands some 200m to the southeast of the site. The high tide roosting area is indicated as being some 720m to the southeast of the site. Black-headed Gull and Shelduck have been recorded on the appeal site.
- 9.5. The application was referred to the Ecologist for Cork County Council. The Ecologist pointed out that a new WWTP for the lower harbour is under construction – to be completed by the end of 2016: I note that this new treatment plant at Shanbally was recently commissioned. Foul and process waste will be discharged to this plant. The outfall of the WWTP is located 2km from the closest part of the SPA, and it was concluded that this would not pose a significant risk of impact on estuarine habitats for which the Cork Harbour SPA is designated. The surface water outfall is to an IDA sewer which will include full retention hydrocarbon interceptor and a divert system with pH and TOC (Total Organic Compounds) meters. Discharge from this sewer will be subject to IED licensing by the EPA. Concern was expressed that some of the observations of use of the site by wintering birds did not accord with survey work carried out for other projects in the area – particularly for the M28. Additional information was sought from the applicant in relation to use of the site by wintering birds. Survey work commenced on 22nd November 2016, with five days of survey completed up to 1st December 2016. The survey included the site and nearby Lough Beg. Of the over-wintering species, only waders and gulls might

potentially use the appeal site for feeding, and only certain waders can forage in grass. Fox and mink are the principal predators. The small fields of the site are less suitable for roosting due to the cover that hedgerows provide for predators (although these hedgerows are now gone). Wintering wetland birds have habituated to the presence of large-scale industry in the Cork Harbour area over the past decades. It is proposed to continue survey work up to the end of the winter season. In addition, a review of bird surveys carried out for other development works in the vicinity was undertaken. The site is considered to be infrequently used by wetland bird species and of low value to species of conservation interest within the SPA for the following reasons which include- small field size, previous survey work which has identified more desirable feeding and roosting sites next to Lough Beg, and recent survey work, in November 2016, which indicated no usage of the site for feeding. The Ecologist for Cork County Council was satisfied with the level of detail provided in the further information submission which allowed for a conclusion that works were unlikely to cause disturbance or displacement to wetland birds, and the potential to have negative effects on the SPA could be screened out.

- 9.6. The principal mitigation measures relate to the control of surface water during the construction phase – given that the site naturally drains towards Lough Beg. Measures for the storage and management of hydrocarbons and chemicals on site during both the construction and operational phases will ensure that no contaminants will discharge to ground or beyond the boundaries of the site. A collection pond for storage of contaminated water in the event of a fire on site is indicated on drawings submitted. The Construction Environmental Management Plan will put in place measures to ensure that best practice is observed during the construction phase. Handling facilities for wastewater are to be put in place for the operational phase of this development – including for viruses.
- 9.7. The next closest European site is the Great Island Channel Special Conservation Area (Site code 001058) located some 6km to the north of the site as the crow flies, and some 11km by way of the waters of Cork Harbour (via the closest point of Lough Beg – even though the site is not connected to Lough Beg by any surface water feature). The qualifying features include Mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows. Arising from the separation distance, the nature of the conservation objectives and the fact that there is no

pathway (such as a watercourse) linking the appeal site and the SAC, this European site can be discounted.

9.8. Having regard to-

- the nature and scale of the proposed development,
- the pattern of development in the vicinity,
- the separation distance of the site from the Cork Harbour SPA,
- the absence of any direct surface water connection between the site and the SPA,
- the identification of primary wetland bird field feeding areas around Lough Beg at approximately 270-330m from the site,
- the evidence of survey work that the site is not used by any significant populations for feeding or roosting,
- proposals for handling surface water, process water and potentially contaminated fire water within the site and subsequent discharge off-site to Lough Beg, controlled by IED licence,
- the limited extent of the construction phase,
- the measures set down in the Preliminary Construction and Environmental Management Plan,

I would be satisfied that the proposed development will not have any significant impact on European sites.

9.9. It is reasonable to conclude, that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects (in particular the proposal to level the appeal site [permission ref. 16/5658]) would not be likely to have a significant effect on European site no. 004030, or any other European site, in view of the Site's Conservation Objectives, and a Stage 2 Appropriate Assessment is not, therefore, required.

10.0 Recommendation

I recommend that permission be granted for the reasons and considerations set out below, and subject to the attached conditions.

11.0 Reasons and Considerations

Having regard to-

- (a) the policies contained within the Cork County Development Plan 2014-2020 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, in particular the N28,
- (e) the separation distance between the site and the nearest residences,
- (f) the Environmental Impact Statement submitted with the application and the mitigation measures outlined therein,
- (g) the Appropriate Assessment Screening Report submitted with the application,
- (h) the detailed environmental, ecological and services reports submitted with the application,
- (i) the objections submitted to Cork County Council, internal reports of Cork County Council professional staff, the appeal to the Board and the subsequent responses thereto,

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 property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 13th day of January and the 6th day of March 2017, except as may otherwise be required in order to comply with the following conditions. Where such conditions require points of detail to be agreed with the planning authority, these matters shall be the subject of written agreement and shall be implemented in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

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

Reason: In the interest of visual amenity.

5. Mitigation measures outlined in the Environmental Impact Statement, shall be fully implemented during the construction and operational phases of the development, except as may otherwise be required by way of IED Licensing requirements or conditions.

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

6. No signage, other than signage which is exempted development, shall be erected so as to be visible from public roads, without a prior specific grant of planning permission. In particular, no signage shall be erected on the

high warehouse element of this development.

Reason: In the interest of visual amenity, where no signage proposals were submitted with the planning application.

7. Outdoor lighting within the site shall be baffled, so as to avoid light pollution into neighbouring properties or into the night sky.

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

8. Access to the site 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 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.

9. 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.

10. 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 1.5m 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.

11. 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 with the application documentation. 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 landscaping is not completed 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 in the interest of the visual amenities of the area.

12. 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. The Strategy shall be prepared and implemented by the management company for all units within the development. Details shall be submitted for the written agreement 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 – and in particular the N28.

13. 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.

14. Before the development, or any part of it, is commissioned, the applicant shall submit, for the written agreement of the planning authority, details of all shift work start/finish times so as to avoid peak traffic periods on the road network in the area.

Reason: To reduce traffic at peak times on an already congested road network (and in particular the N28), in the interest of proper planning and sustainable development.

15. Prior to commencement of development, the applicant shall submit, for the written agreement of the planning authority, a Construction Traffic Management Plan, which shall include, *inter alia*, proposals to reduce or limit, insofar as is possible, vehicular trips to and from the site during peak traffic times.

Reason: In the interest of orderly development and to reduce traffic at peak times on an already congested road network (and in particular the N28), in the interest of proper planning and sustainable development.

16. 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.

17. 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 EIS) 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 Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DoAHRR&GA) 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 applicant shall employ a suitably-qualified archaeologist to monitor the controlled removal of topsoil within a 30m 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.

18. A buffer zone shall be established from the outer extent of Archaeological Area AA5 (as identified in the EIS; Figure 11.7) in advance of any development, by a suitably-qualified 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.

19. The applicant shall engage the services of a suitably-qualified archaeologist to monitor, under licence from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs (DoAHRR&GA) 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 DAHRRGA with regard to any mitigation measures (e.g. 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 & 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.

20. 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 for the written agreement of 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.

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. The construction of the development shall be managed in accordance with a final Construction Environmental 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 including areas identified for the storage of construction waste,
- (b) location of area for construction site offices and staff facilities,
- (c) measures providing for access for construction vehicles to the site, including details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include, in particular, proposals to facilitate and manage the delivery of over-sized loads,
- (d) details of a wheel-wash for construction vehicles exiting the site, and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) 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,

(f) details of appropriate mitigation measures for construction-stage noise, dust and vibration, and monitoring of such levels,

(g) 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,

(h) appropriate provision for re-fuelling of vehicles,

(i) off-site disposal of construction waste and construction-stage details of how it is proposed to manage excavated soil/subsoil,

(j) 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

(k) details of the intended hours of construction.

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

23. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Michael Dillon,
Planning Inspector
14th July 2017