



An
Bord
Pleanála

Inspector's Report ABP-307938-20

Development	Demolition, site infrastructure improvements and utility upgrade works
Location	Belvelly Port Facility, Marino Port, Cobh, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	19/6783
Applicant(s)	Belvelly Marino Development Company
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Gerry Moore Áine O'Callaghan
Observer(s)	Cllr Alan O'Connor Áine & David Drohan Cllr Marcia D'Alton
Date of Site Inspection	19 th January, 2021
Inspector	Kevin Moore

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1.0 Site Location and Description

- 1.1. The 37 hectare site is located at Marino Point on Great Island, approximately 5km north of Cobh and some 10km south-east of Cork City. The site is bounded to the north, south and west by Cork Harbour and to the east by the Cork-Cobh railway line and Regional Road No. R624. The main access to the site is located at its southern end. A second access, which is an emergency access, is located at the northern end of the site's road frontage. The village of Passage West is located approximately 600m on the opposite side of Cork Harbour.
- 1.2. The site is primarily brownfield, comprising the former Irish Fertiliser Industries (IFI) plant containing buildings and associated structures, internal roads and car parking areas, a jetty, an existing operational industrial plant (Marinochem), and a man-made lagoon at the north-east corner. Marinochem, located in the north-west area of the site, manufactures resin adhesives for the panel board (MDF and chipboard) and firelighter industries. It also supplies technical grade urea solution and formaldehyde and is the largest bulk storage facility for methanol in the State, supplying in bulk and liquid forms to various industries. Materials are imported to the facility over the existing jetty by pumping from tankers. Facilities are located at the jetty, with main pipes connecting the facility to the jetty via a viaduct. The Marinochem site is classified as an Upper Tier Seveso site due to the quantities of listed dangerous substances. It has a 1kmn consultation distance as a result which covers the whole of the Belvelly Port site.
- 1.3. There is a current planning application with Cork County Council for a proposed fertiliser plant on the site and in the immediate vicinity of the Marinochem plant (P.A. Ref. 20/6955).

2.0 Proposed Development

- 2.1. The proposed development would comprise demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals at the Belvelly Port facility.

Demolition works would comprise site clearance and demolition of all existing derelict superstructure, including the prill tower, concrete tanks, workshops, stores

and office buildings, substructures including foundations and floor slabs, and redundant services including pipe racks, sumps and sea water cooling pipe.

Site infrastructure improvements would consist of:

- i. Infilling of the lagoon located at the north-east of the site using a combination of imported material and suitable site-won demolition material;
- ii. Site levelling works and construction of a flood protection revetment along the northern and north-western perimeter of the site;
- iii. Upgrade of existing main site entrance and provision of a new emergency access along the north-eastern frontage of the site, a new internal road layout and site lighting along the new roads;
- iv. Development of a new railway connection along the eastern boundary and restoration of the former rail siding at the north-east of the site;
- v. Widening of the access road and bridge to the jetty; and
- vi. Tree planting along the northern and western boundary.

Utility upgrade works would consist of:

- i. Provision of a surface water drainage system which would include treatment and disposal via outfalls to Cork Harbour;
- ii. Provision of a foul effluent drainage system, on-site treatment via a wastewater treatment plant and discharge along the path of an existing outfall into Cork Harbour;
- iii. Provision of fire water infrastructure along the new internal roadways and on the jetty;
- iv. Provision of site services, including potable water supply, new electrical infrastructure including a 10kV on-site substation and ducting for extra-low voltage and low voltage connection points; and
- v. Diversion of natural gas, methanol and mains water pipelines.

- 2.2. The construction and demolition phases of the proposal are estimated to take place over an 18 month period, which includes 10 months demolition and 12 months installation works.
- 2.3. Details submitted with the application included an Environmental Impact Assessment Report, a Natura Impact Statement, a Drainage Infrastructure Report, a Flood Risk Assessment, a Site Lighting Report, a Stage 1 Road Safety Audit, and letters of consent from the Foreshore Unit of the Department of Housing, Planning and Local Government, CIE, and Cork County Council. The potential future uses of the port facility are identified in Table 1 of the applicant's Planning Statement. These include bulk / break bulk import, liquid bulk, bioenergy, enterprise / office, general industry / workshops, and tourism uses.
- 2.4. Unsolicited further information was submitted to the planning authority on 21st January 2020 addressing the concerns raised in third party submissions, notably from Marinochem Ltd. and Cllr Marcia D'Alton.

3.0 Planning Authority Decision

3.1. Decision

On 22nd July 2020, Cork County Council decided to grant permission for the proposed development subject to 43 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner noted the site's planning history, pre-planning consultation, the policy context, reports received, and third party submissions. It was acknowledged that EIA was required and that an EIAR, NIS and Flood Risk Assessment were submitted. It was observed that the application did not provide for any new operational activities or the intensification of use of any existing activities at the site. The assessment addressed planning policy and the principle of the

proposed development, EIA, appropriate assessment, and flooding. A request for further information was recommended relating to the Ecologist's request and public lighting.

The Senior Executive Planner noted and endorsed the Planner's report. Reference was made to a number of reports received. A request for further information was recommended which included the Area Planner's recommendation as well as the Traffic and Transportation Section's request, clarity on the route of the methanol pipe, and potential connectivity in the future of the proposed treatment plant to the public sewerage system for Belvelly and Carrigaloe.

3.2.2. Other Technical Reports

The Public Lighting Engineer requested that details be provided for public lighting on the public road that bounds the site.

The Environment Section, addressing the wastewater and surface water disposal aspects, considered that a method statement for the infilling of the existing lagoon was required, a groundwater monitoring programme was required to be agreed, and an online TOC monitor on the pumped outlet associated with the jetty should be provided. The proposed wastewater treatment proposal was noted and it was acknowledged that the submitted assimilative assessment demonstrated no adverse effects on the receiving waters. A grant of permission was recommended subject to a schedule of conditions.

The Area Engineer had no objection to the proposal subject to a schedule of conditions.

The Archaeologist noted the site contains a Recorded Archaeological Monument and referenced development plan provisions. She concurred with the mitigation recommendations set out in the EIAR and welcomed the proposals relating to Marino House and Orangery. There was no objection to the proposal subject to a schedule of conditions.

The Environment Section, addressing waste arisings from the proposed construction and demolition works, noted the provisions that were required in relation to demolition and excavation waste, asbestos, and the proposed reclamation of the lagoon on the site. There was no objection to a grant of permission subject to a schedule of conditions.

The Environment Section, addressing air and noise impacts, noted the applicant's conclusions on air quality impacts, dust monitoring and mitigation measures. There was no objection to the proposal subject to a schedule of conditions.

The Ecologist considered the information contained in the applicant's EIAR and NIS was not sufficient to assess the likely effects on key ecological receptors. Key concerns related to habitat loss, risks to water quality, and disturbance to bird species. A request for further information was recommended.

The Traffic and Transportation Section recommended further information be sought relating to the R624/L-2989 road junction, a pedestrian/cyclist route reservation, details on implementing the Road Safety Audit recommendations, and clarity on the use of the jetty during the works phase,

3.3. Prescribed Bodies

The Health and Safety Authority noted the application is covered by Regulation 24(2)(c) of S.I. 209 of 2015. It was submitted that, on the basis of the information supplied, the Authority did not advise against the granting of planning permission in the context of Major Accident Hazards.

Inland Fisheries Ireland requested that the proposed discharge of treated effluent is in keeping with the requirements of the Surface Waters Regulations 2009 and that the construction of the flood prevention revetment is carried out in a manner that cannot cause contamination of adjacent waters. It was also submitted that necessary mitigation measures be ensured to prevent any contaminated site runoff from entering adjacent waters during the construction phase.

Iarnród Éireann set out the requirements to be met by the proposed development in the interests of railway safety.

The Health Service Executive addressed many public health-related issues addressed in the application and EIAR. It was considered that, providing all

mitigation measures detailed in the EIAR are implemented in full, there is adequate protection of public and environmental health. The accompanying Emergency Management Consultation Report set out recommendations relating to site operations.

Geological Survey Ireland referred to the datasets it has available when undertaking EIA, planning and scoping exercises.

The Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht requested further details on impact on mudflats and lighting and requested the production of a Project Construction and Demolition Waste Management Plan. Further requirements relating to breeding shelduck, cormorants, peregrine falcon and Bee orchid were set out.

Gas Networks Ireland noted that there is a gas pipeline in the vicinity of the site and there is an above ground GNI installation in the vicinity and it was requested that conditions be attached with any grant of permission obliging the applicant to contact GNI in advance of any site works.

3.4. Third Party Observations

Third party submissions received were as follows:

Belvelly Carrigaloe and District Community Association had no fundamental objection to the works. Queries were raised in relation to future development, including the port operation and an industrial estate. Concerns were also raised about traffic impacts, noise pollution, air quality, and community gain.

Cobh Tidy Towns welcomed the proposed development. The need for improved access arrangements and mature tree and vegetation retention were also raised.

Passage West Marino Point Residents Association objected to the proposal on grounds relating to the industrial use of the site, impact on residential amenity,

construction works timing, noise pollution, adverse visual impact, air quality, light pollution, water quality, and impact on amenities.

Donnchadh Ó Laoghaire TD referred to concerns of residents and the appropriate use of the lands.

Aine O'Callaghan raised concerns relating to the fragmented nature of the development, noise and light pollution, traffic, increasing the footprint of the site, building restoration, and impact on views.

Cllr Marcia D'Alton addressed issues relating to the former uses on the site, tree retention, noise impacts, and community gain.

Marinochem Ltd. submitted that the proposed development could potentially conflict with its operations at the port site. The concerns related to diversion of a methanol pipeline, gas/electricity/water upgrades, access around the site, secondary access, access to the jetty, fire water, the site footprint, and a number of other miscellaneous matters.

Cllr Seamus McGrath conveyed a number of concerns raised by local residents including impact on amenity, noise, odours, dust, hours of operation, etc.

- 3.5. On 24th January 2020, a request for further information was sought in accordance with the Senior Executive Planner's recommendation. A response to this request was received from the applicant on 10th March 2020. Unsolicited information on lighting was submitted on 30th March 2020.
- 3.6. After the receipt of the further information, the reports to the planning authority were as follows:

The Public Lighting Engineer recommended a deferral of the decision pending the receipt of information requested which was not included in the further information response. Following the receipt of the unsolicited information the Engineer had no objection to the proposal subject to a schedule of conditions.

The Traffic and Transportation Engineer had no objection subject to conditions.

The Conservation Officer concurred with the earlier report of the County Archaeologist.

The Environment Section, reporting on air and noise, had no objection subject to a schedule of conditions.

The Ecologist noted the applicant's further information response. Appropriate assessment was addressed. It was recommended that clarification be sought relating to a method statement for proposed rock armouring, the provision of an alternative wetland in place of the lagoon proposed to be infilled, the deployment of Shelduck nest boxes, proposed locations for translocation of Bee orchid, and clarification if the proposed boardwalk and cycleway/pedestrian route through the site are to be considered as part of the proposal.

The Environment Section reporting on waste had no objection subject to a schedule of conditions.

The Executive Planner noted the applicant's response and the reports received. A request for clarification was recommended based on the Ecologist's report

The Senior Executive Planner concurred with the Planner's recommendation.

The Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht noted the further information response. A recommended condition was attached relating to surveying.

- 3.7. On 1st May 2020, a request for clarification was made in accordance with the Planner's recommendation. A response to this request was received on 4th June 2020.

The reports to the planning authority were as follows:

The Environment Section had no objection.

The Ecologist considered the responses to the clarification request to be acceptable. An appropriate assessment was undertaken and it was concluded that the project would not adversely affect the integrity of the Great Island Channel SAC or the Cork Harbour SPA. A schedule of conditions required to be implemented was attached.

The Executive Planner noted the Ecologist's report and recommended that permission be granted subject to a schedule of conditions.

The Senior Executive Planner concurred with the recommendation and noted that no contribution applied due to significant demolition and no net increase in floor area.

4.0 Planning History

I note the following planning history relating to the site from Table 3 of the applicant's 'Planning Statement' submitted with the planning application:

P.A. Ref. 74/1523

Permission was granted for an ammonia/urea production complex and associated facilities to Nitrigin Éireann Teoranta (changing to Irish Fertiliser Industries). The existing jetty was developed under this permission.

P.A. Ref. 76/3676

Permission was granted for an administration building.

P.A. 77/271

Permission was granted to IFI for retention of two ammonia storage tanks.

P.A. Ref. 95/1910

Permission was granted to Dynochem Ireland Ltd. for a resins manufacturing plant.

P.A. Ref. 97/1183

Permission was granted to Dynochem Ireland Ltd. for a methanol loading bay, powder store, lump grinding housing units, and compressor room.

P.A. Ref. 97/1656

Permission granted to Dynochem Ireland Ltd. for the retention of a packaging building and site layout amendments.

P.A. Ref. 99/2857

Permission was granted to Dynochem Ltd. for extensions to the packaging building and to raise the level of the roof of the boiler room.

P.A. Ref. 03/2992

Permission was granted to Dynochem Ireland Ltd. for the relocation of outfall from factory.

P.A. Ref. D/240/18

A Section 5 Declaration was issued to Belvelly Marino Development Company which determined that modification of the cargo unloading system and MP jetty from a

conveyor system to a crane and grab system and open storage of dry bulk cargo within the curtilage of an existing industrial building is exempted development.

5.0 Local Planning Policy Context

5.1. Cork County Development Plan 2014

Economy & Employment

Economic Role of Cork Harbour

The Plan notes the existence of the redundant industrial area at Marino Point occupying a key waterfront location and that the Marino Point site will play an important role in the redevelopment of the Cork City docklands by providing for the relocation and development of industrial uses and major port facilities. It is stated that the Council is committed to the relocation of port facilities to Marino Point, where this can be achieved in a manner that is compatible with environmental, landscape and nature conservation designations that pertain to the harbour area and is in compliance with Article 6 of the Habitats Directive.

Objectives include:

EE 6-1: Special Role of Cork Harbour

Implement sustainable measures which support and enhance the economic and employment generating potential of Cork Harbour in a manner that is compatible with other Harbour activities, as well as with the nature conservation values of the Cork Harbour Special Protection Area and the Great Island Channel Special Area of Conservation.

EE 6-2: Cork Harbour

- a)** Protect lands for port related developments at Ringaskiddy.
- b)** Support the upgrade of the N28 to accommodate the expansion of Ringaskiddy Port.
- c)** Protect lands for port related development at Marino Point.
- d)** Protect harbour side land for industrial and marine related developments dependant on access to deep water unless able to demonstrate a strong need or significant economic benefit for other such development of harbour side lands, relative to alternative sites inland.

All development will be carried out in a manner that is compatible with other Harbour activities, taking account of residential amenity, tourism and recreation as well as with the nature conservation values of the Cork Harbour Special Protection Area and the Great Island Channel Special Area of Conservation.

Transport & Mobility

Freight & Ports

It is stated that the main aims of the Plan are to:

- Secure the appropriate infrastructure for the effective movement of goods, especially to and from the region's ports;
- Safeguard the regions rail freight infrastructure so that it can be brought back in to use if appropriate conditions prevail; and
- Facilitate the planned development of port infrastructure to enhance the region's sustainability and general economic competitiveness.

On rail freight, it is stated that, in some cases, rail infrastructure has been provided to enable the operation of trains directly from the customer's production facility to a Port or rail connected site and that there is potential to develop this type of facility at Marino Point and that provision is made for this in the Midleton Electoral Area Local Area Plan.

Objectives include:

TM 5-1: Freight

- a)** Create an efficient freight network that operates in harmony with other transport users and the residents of the Cork area.
- b)** Protect the potential for rail freight facilities to the former IFI plant at Marino Point and North Esk in Glounthaune.
- c)** Support the development of a Framework for Sustainable Freight Distribution for the Greater Cork area and the wider County.
- d)** Encourage development that is heavily dependent on road freight to locate where goods vehicles can access the national road network without traversing urban areas.

e) Support the use of the existing rail system for the transport of appropriate materials where feasible.

On the Port of Cork, it is stated that disused facilities at Marino Point have immediate potential to handle bulk cargo's transported to or from the port by rail and that handling non-rail cargo's at this location will require the upgrading of the R624 linking the site to the N25.

The objective is as follows:

TM 5-2: Cork and Other Ports

a) ...

b) ...

c) Support Ringaskiddy as the preferred location for the relocation of the majority of port related activities having regard to the need for a significant improvement to the road network. Also recognising the key role that Marino Point can play in providing an alternative relocation option for some of the port related uses that could best be served by rail transport. Both locations should be considered taking account of residential amenity, tourism and recreation. The Council is committed to engage with the Port of Cork and other relevant stakeholders in achieving this objective. See also Objective EE 62: Cork Harbour

d) Local area plans should give priority to identifying appropriate and sustainable locations for port related activities.

e) Generally support the ports and harbours of the County and recognise their essential role in facilitating industrial development, defence, trade, marine leisure, recreation and other economic sectors, while respecting their environmental setting.

f) Improve port and harbour infrastructure in the County and to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long-term economic potential (including access) of the port or harbour.

5.2. Cobh Municipal District Local Area Plan

Other Locations

As well as addressing towns and villages, the Plan identifies a number of areas as 'Other Locations'. Marino Point is designated one such location. Noting former and

existing development at this site, it is stated that existing plant adjoins the existing rail route from Cobh to Cork, it has previously been served by a freight facility, that there is a deep-water jetty designed to serve the former fertiliser plant, and that the site is close to the main drainage wastewater treatment plant at Carrigrennan. It is also noted that the site is served by high capacity water, gas and electricity supplies and that the road network serving the site is generally poor, requiring significant improvements including the bridge at Belvelly. It is noted that the Port of Cork has identified Marino Point as a potential location for additional bulk/general cargo facilities and bulk liquids handling and storage facilities and that the site may also have a role to play in facilitating the relocation of some existing uses from the City Docklands. It is acknowledged that parts of Marino Point are at risk of flooding, notably the western and northern side of the peninsula and on other lands to the north-east, and that lands were reclaimed during IFI's occupation. It is stated that it is an objective that future development is avoided in areas indicated at being of risk of flooding.

The capacity of the regional road is seen as not being sufficient to cater for any traffic intensive use, port or otherwise and that extensive upgrading of the road, including Belvelly and Slatty Bridges, would need to be carried out to accommodate any large-scale development proposals. It is considered that the site has the potential for a rail connection or rail freight but that the scope for container freight may be limited.

It is stated that, having regard to its unique attributes, such as the deep water access, high capacity water main, rail sidings and specialised facilities, the redevelopment of the brownfield site is best suited at this time to port-related industrial development.

Marino House and the Orangery are acknowledged as Recoded Monuments requiring protection.

The Local Area Plan objective for the 46.2 hectare site is Objective X-01 which is as follows:

To facilitate the development of this site for port related industrial development. The following considerations will apply to any proposals for development:

- Development will be confined to the existing reclaimed area and to activities which use the existing industrial installations. Any new berthing/unloading facilities would be limited.
- A detailed Traffic Impact Assessment is required prior to any development to assess the impact on the existing road network.
- Improved road access between N25 and Cobh subject to full ecological assessment.
- Existing recorded monuments on site shall be protected.
- In permitting development, regard shall be had to mitigating potential adverse impacts, particularly for the adjacent residential settlement of Passage West.
- Marino Point is located immediately adjacent to the Great Island Channel SAC and Cork Harbour SPA. Development in this location will only be permitted where it is shown that it is compatible with the requirements of the Habitats and Birds Directive and with the protection of these sites.

Parts of this site are at risk of flooding. Any development proposals on this site will normally be accompanied by a flood risk assessment that complies with Chapter 5 of the Ministerial Guidelines 'The Planning System and Flood Risk Management' as described in objectives of this plan.

6.0 The Appeals

6.1. Grounds of Appeal from Gerry Moore

The grounds of appeal may be synthesised as follows:

- The project is premature and should await the upgrading of the R624.
- Demolition should proceed but the spoil should not be transported on the R624. Materials should be stored on site or removed by rail or water borne transport.
- State funding to the company should be considered.

- The site requires a defined management structure. Who will liaise with the local community?
- The exemptions from planning granted in 2018, which changed the means of loading and unloading vessels, and the reconfiguration of the jetty means that the company can trans-ship goods without any conditions.
- The scale of the project in shipping terms is so much greater than anything experienced in the past and an assessment of the impact of the numbers of vessels which the facility is capable of handling is required.
- The approach of the company has been to relocate existing enterprises from Cork to Marino Point. This will not result in additional employment. Further measures are required to achieve this.
- With regard to community gain, the area between Carrigaloe and the industrial area and zoned as Metropolitan Green Belt should be ceded to the Council as a community amenity and should provide a permanent separation between the industrial area and Carrigaloe village. An existing derelict house should also be demolished, the land ceded to the Council and be included in the amenity area. A financial provision should be made for Belvelly and used for strategic improvements in the area, such as improvement of the sewerage system.
- Belvelly and Carrigaloe villages require monitoring stations to cover noise, particulates and any other threats to health or measurable nuisances likely to arise at all stages of the development.

The appendices attached with the appeal included a traffic survey carried out by the residents of the Belvelly area and a critical review of the applicant's traffic assessment.

6.2. Grounds of Appeal from Áine O'Callaghan

The grounds of appeal may be synthesised as follows:

- Assurances were given previously that when the life span of the fertiliser factory was complete the site would be returned to farmland and a bond was lodged with the Council to facilitate this.

- The proposed development would be prejudicial to amenity on all sides adjacent to Belvelly channel.
- While the demolition and removal of derelict buildings are welcome, the future industrial use and chemical storage facilities are too obscure to reassure the appellant.
- There are concerns relating to noise and air pollutants with the importation of bulk materials to the dock. The planning conditions are not sufficient to address this or to curtail the loss of amenity and ensure the health and safety of local residents.
- The road network is clearly inadequate.
- The proposed rock armour is shown in an obscure way to be increasing the site's footprint. The lagoon is of ecological importance and filling it in is an attempt to increase the size of the site.
- The harbour waters are recovering and conditions need to improve further.

6.3. Applicant Response

The applicant's response to the appeals may be synthesised as follows:

Planning Strategy and Future Port Activities

- The application comprises permission for site clearance and demolition works. Any future development proposals relating to changes in operational activities at the site will be subject to their own planning application and assessment process by the planning authority.
- The Gouldings Fertiliser Ltd. proposal was considered in the application, is at pre-planning stage and comprises an application for an agricultural fertiliser facility and intensification of jetty use. The application will comprise the relocation of the existing facility from the south docklands in Cork City and additional use of the jetty to facilitate general dry cargo vessels at Belvelly Port. The EIAR considered and cumulatively assessed this proposal.
- Potential future uses have been identified in the Masterplan and are summarised in the EIAR. The list for possible options for uses are presented.

- Identifying the jetty as exempt from planning is incorrect as a proposed future application at the site would include seeking permission for intensification of jetty use. Belvelly Port falls within the Seventh Schedule definition under the Planning and Development Act of a harbour or port installation. The strategic location and importance of the facility is supported in national and local policy. The jetty is operational. It may continue to be used in accordance with the conditions imposed by the Section 5 declaration.
- The application achieves the aims of the bond condition (Condition 34) of Planning Permission 74/1523 as the site will be cleared, derelict buildings will be demolished, and infrastructure will be upgraded. The site will be returned to a useful condition, i.e. to 'such other uses as may be agreed with the planning authority' in accordance with the condition.
- Given that Marino Point is zoned for port-related uses and the Council has confirmed that the industrial use of the site has not been abandoned, the application is consistent with planning policy objectives for the site and the requirements of and reasons for Condition 34 of the original permission.

Traffic and Capacity of the R624

- The Systra traffic study referred to by the appellants did not form part of the current application and supported the Section 5 application. It focused on the capacity and safety impacts of the proposed unloading of logs and woodchip at Marino Point. The cumulative impacts of this activity on traffic in combination with the subject application was considered and additional information was submitted to the Council as further information.
- A comprehensive traffic and transportation assessment was undertaken as part of the EIAR. A separate Stage 1 Road Safety audit was also submitted. The TIA concluded that there would not be a potential significant impact posed and once the proposed works are completed there will be no associated operational traffic impact.
- Following the submission of the further information the Council's Traffic and Transport Engineer had no objection subject to a schedule of conditions. These were included in the decision to grant permission.

- The concerns regarding the condition of the R624 have been identified in a number of policy documents but the strategic importance of the road to the Port of Cork has also be identified. The Board is asked to note the objective of CMATS to protect the strategic function of this road to support potential increase in freight traffic to Marino Point.

Environmental Concerns

- Regarding requests for monitoring stations, there are no operational activities proposed and the development relates to demolition, site clearance and construction only.
- A comprehensive assessment of noise, vibration, air quality and other topics was provided in the EIAR and mitigation measures are proposed where appropriate. A Construction and Demolition Waste Management Plan was also prepared.
- Conditions were attached with the planning authority's decision to ensure environmental protection and to safeguard residential amenities, inclusive of a requirement for the preparation of a Construction/Demolition Dust and Noise Management Plan. The applicant is also required to submit a detailed Construction and Demolition Waste Management Plan, a Construction and Environmental Management Plan, and a Hazardous Waste Management Plan.
- Reuse of materials on the site will be in accordance with European Communities (Waste Directive) Regulations and this will result in a reduced requirement for HGVs to transport waste off site. Waste that cannot be reused will be segregated, stored and removed off site for recovery/recycling to an approved facility.
- The proposed rock armour will form part of the flood protection revetment at the northern and north-western perimeter of the site, will be a continuation of the existing rock armour, and will not involve intervention into the intertidal area Great Island Channel SAC.

6.4. Planning Authority Response

I have no record of any response to the appeals from the planning authority.

6.5. Observations

An observation submitted by Cllr Alan O'Connor raised concerns relating to the inadequacy of the assessment of cumulative effects and access, usage and ownership of the land adjoining the site, south of the site and between the site and Carrigaloe village.

An observation submitted by David and Aine Drohan raised concerns relating to traffic impact, shipping traffic, employment, management of the site, and community gain.

An observation submitted by Cllr Marcia D'Alton raised concerns relating to impact on Passage West, failure to meet with the requirements of Condition 34 of the planning permission granted to NET on the site, the impact of the Council's Section 5 Declaration relating to the jetty, and the adequacy of cumulative assessment with the Gouldings Fertiliser application to relocate to the site and other intended developments. Concerns were also raised relating to responsibility in the event of negative impact on amenity, noise and noise and dust monitoring, the need for community gain to be considered, marine, ground and surface water quality impacts, and project splitting.

7.0 Planning Assessment

7.1. Introduction

- 7.1.1. I note the wide range of issues raised in the third party appeals and in the submitted observations. This assessment will focus on the nature and extent of the proposed development, its policy context, the impact on settlements, the traffic impact, site drainage and flood risk, impact on biodiversity, and a range of other issues including jetty operations, state funding, shipping impact, and community gain.

7.2. The Nature and Extent of the Proposed Development

- 7.2.1. The proposed development would comprise demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals at the Belvelly Port facility. It would clear the site of redundant buildings and other structures, including obsolete infrastructure. The proposed development does not involve any changes or intensification to the operational uses on this site. Future development proposals would be subject to individual planning applications, environmental consents and compliance requirements. The Marinochem plant on this site would be outside the remit of the proposed development and it is proposed to remain operational during the proposed works. While no connections would be provided for storm and foul drainage, a watermains connection would be provided to this industrial facility.

7.3. Policy Context

7.3.1. European Policy

The Port of Cork is a Tier 1 national port. It is a Core Port within the North Sea-Mediterranean Trans European Network-Transport (TEN-T) Corridor.

I note that the Belvelly Port Facility forms part of the wider port facilities available within Cork Harbour. The development of this facility is guided by the policies and objectives for the Port of Cork.

7.3.2. National Ports Policy

The current National Ports Policy (NPP) was published in 2013. The NPP categorises the Irish ports sector into Ports of National Significance Tier 1, Ports of National Significance Tier 2, and Ports of Regional Significance. The Port of Cork is identified as a Tier 1 Port of National Significance. The continued commercial development of the Port of Cork is one of the strategic objectives of the NPP.

I note that the applicant in this current application is Belvelly Marino Development Company (BMDC), which is a Public Private Partnership (PPP) between Lanber Holdings and the Port of Cork Company. It is reasonable to determine that the

development of Belvelly Port Facility by the Port of Cork Company, forming part of the port facilities within Cork Harbour, would be consistent with the National Ports Policy.

7.3.3. National Planning Framework

Chapter 7 of the National Planning Framework (NPF) relates to the marine potential of the State. Section 7.3 refers to ports and therein it is recognised that ports and shipping services play an important role as enablers of economic growth, are critical infrastructure for international trade, and serve as logistics and distribution hubs. The NPF acknowledges that port infrastructure involves development often in proximity to areas of environmental importance. It is noted that national ports policy seeks to facilitate a competitive and effective market for maritime transport services and identifies a tiered approach to port significance, where Tier 1 and Tier 2 ports are required to lead the response in meeting future port capacity requirements. The NPF further notes that Ireland benefits from naturally occurring deep water at ports in the south and south-west which offer the potential for industrial development that depends on deep water berths. The following National Policy Objective applies:

National Policy Objective 40

Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, metropolitan area and city/county development plans, to ensure the effective growth and sustainable development of the city regions and regional and rural areas.

I again note that the Port of Cork is a Tier 1 national port and is a Core Port within the North Sea-Mediterranean Trans European Network-Transport (TEN-T) Corridor. The Belvelly Port Facility forms part of the wider port facilities available within Cork Harbour. The proposed development of this facility is guided by the policies and objectives for the Port of Cork. It is reasonable to determine that the proposed demolition works, site infrastructure improvements, and utility upgrade works to stabilise the existing site and in order to provide capacity for future industrial development would be in keeping with the NPF provisions to facilitate a competitive

and effective market for maritime transport services and to ensure the effective growth and sustainable development of the Tier 1 national port.

7.3.4. Regional Spatial and Economic Strategy for the Southern Region

I note the following Regional Planning Objectives in the RSES:

RPO 142 Ports

It is an objective to strengthen investment to deliver actions under National Ports Policy and investment in sustainable infrastructure projects that:

- a. Strengthen and develop the strategic international, national and regional roles of our Tier 1 Ports (Port of Cork and Shannon-Foynes Port) and Tier 2 Ports (Ports of Waterford and Rosslare Europort) and support the strategic role of our region's port and harbour assets under the National Maritime Planning Framework.*

RPO 143 Ports and Airports

The critical role of the Region's port and airport assets will be protected by ensuring that local land-use policies subject to required planning and environmental processes facilitate and do not undermine their functions, and their landside access capacity, subject to consideration of environmental concerns including water quality, flood risks, human health, natural and built heritage

RPO 144 Port Infrastructure

It is an objective to complement investment in port infrastructure by seeking the sustainable development of improved access infrastructure to ports from their regional catchments, including the promotion of rail access where practicable.

RPO 146 High Quality International Connectivity - Ports

It is an objective to achieve NSO: High Quality International Connectivity, the following port development actions are identified, subject to required appraisal, planning and environmental assessment processes and implementation of mitigation

measures outlined in applicable SEAs and AAs, while ensuring the protection of sensitive natural environments and the protection of natura sites, the protection of other harbour interests including recreation, tourism and residential amenity:

- Continued development and improvement of ports by the relevant responsible commercial State-Owned Enterprises consistent with sectoral priorities defined through National Ports Policy;*
- Continued support for capital infrastructure projects in the Port of Cork's Strategic Development Plan including redevelopment of existing port facilities in Ringaskiddy and preparing City Docks and Tivoli for future regeneration;...*

RPO 168 Investment in Regional and Local Roads

The following regional and local road and transport measures will be progressed to achieve NSO: Enhanced Regional Accessibility subject to the recommendations of the three MASPs, the preparation of associated Metropolitan Area Transport Strategies and the preparation of Local Transport Plans for key settlements and other urban centres where applicable

- Upgrade of the R624 Regional Road linking N25 to Marino Point and Cobh and designation to National Road Status.*

It is apparent that the Strategy is supportive of the role of the Port of Cork as an international gateway and is wholly consistent in its support of the reinforcement, further development and enhancement of the Port of Cork. This clearly includes the provision of infrastructure to serve the needs of Marino Point into the future. The proposed development, as preparation for the further development of industrial and marine-related uses at Marino Point, is compliant with the provisions of the RSES.

7.3.5. Cork Metropolitan Area Strategic Plan (MASP)

The Cork Metropolitan Strategic Plan is set out in Volume 2 of the RSES. Section 2.3 of this Plan refers to Cork Harbour and it acknowledges Marino Point as being one of

the strategic marine sector facilities in the harbour. The policy objective for the harbour includes the following:

Cork MASP Policy Objective 3 – Cork Harbour

a. To promote Cork Harbour as a unique and strategic asset in the Cork Metropolitan Area and the Region and seek investment in the sustainable development of projects that will strengthen the potential for Cork Harbour to be a first mover in Marine Spatial Planning, a significant driver for economic growth, balanced with the protection of the harbour's ecology and natural habitats (Cork Harbour SPA).

Section 4 identifies a number of “enablers” to achieve the goals of the National Planning Framework and the MASP. There is specific reference to port infrastructure, including the upgrade of the Cobh Road R624 to national road status to facilitate port relocation and regeneration of docklands.

Section 6 relates to integrated land use and transport. Cork MASP Policy Objective 9 – Strategic Road Network Improvements includes the following:

m. Upgrade of the R624 Regional Road Linking N25 to Marino Point and Cobh subject to required feasibility, planning and environmental assessment processes and support the designation of this route to National Road Status

Section 7.1 refers to city centre consolidation and regeneration, noting the redevelopment of the city docklands as a key component, while expressly acknowledging that the redevelopment is strongly linked to the relocation of port activities to facilities in Ringaskiddy, the construction of the M28, and to facilities at Marino Point.

Section 8 refers to employment and enterprise. Marino Point is confirmed as an existing strategic employment location for the Cork region, with reference to the opportunity to optimise the rail connection, deep water wharf facilities and utilities connections for port/marine industry related activity as an economic enabler for Cobh. Policy Objective 12 of the Plan refers to infrastructure for strategic employment locations and is as follows:

- a. *It is an objective to support the sustainable development of identified and future Strategic Employment Locations and to ensure the delivery of associated infrastructural requirements subject to the outcome of environmental assessments and the planning process.*
- b. *Seek investment and inter-agency coordination to the delivery of infrastructure packages to assist the sustainable growth, regeneration and integration of employment land use and sustainable transport planning for existing and future identified locations in the Cork Metropolitan Area ...*

Policy Objective 13 supports the status of the Port of Cork as a Tier 1 port and is as follows:

- a. *Support sustainable development and investment in the Port of Cork balanced with the protection of the natural environment and Cork Harbour SPA and promote its role as a Tier 1 International Port and driver for the metropolitan, regional and State economy. To support this role, the Cork MASP seeks the following subject to the outcome of required feasibility, assessment and environmental processes:*
 - *The sustainable development of port infrastructure and facilities under the port's strategic development plans balanced with the protection of Cork Harbour's natural environment. Improved quality of inter-regional transport connectivity and networks improving access to the Port of Cork particularly for freight movement and the quality of the TEN-T Corridor. The delivery of strategic transport network improvements under Cork MASP Objectives 6-9 including improved strategic road access to the Port of Cork Ringaskiddy, Cobh, Marino Point and Whitegate is supported as a critical component for unlocking the full potential of the Port of Cork and to enable regeneration of the Cork Docklands.*
 - *Investment in strategic transport corridors as referenced in CMATS and Cork MASP*
 - *The relocation of existing port activities from Cork City and investment in infrastructure to remediate sites and enable regeneration of the Cork City Docks and Tivoli.*

- *The appropriate location of SEVESO activities and relocation of these activities from the city docklands subject to required planning and environmental law processes.*
 - *The sustainable development and strengthening of cruise tourism.*
 - *Support the feasibility, in co-ordination with relevant stakeholders, to create a more integrated and streamlined approach between planning, environmental and foreshore consenting.*
 - *Co-ordinate with the relevant Government departments and stakeholders to align the RSES and MASP with opportunities for the region under Marine Spatial Planning.*
 - *Support investment in the sustainable renewal, development and key interventions that will drive forward the potential of key assets in the Cork Harbour area balanced with protection of the nature conservation values of Cork Harbour, including City Quays and Tivoli renewal, Marino Point, Cork Dockyard, Cobh, Ringaskiddy, Whitegate and Bantry.*
- b. *Undertake feasibility studies to determine the carrying capacity of ports in relation to potential for likely significant effects on associated European sites including SPA and SAC.*

It is apparent that Cork MASP supports the strategic role of Marino Point as an employment base and is fully supportive of its further development within Cork Harbour. The proposed development, seeking demolition works, site infrastructure improvements, and utility upgrade works to provide capacity for future industrial development and the enhancement of port-related uses, inclusive of transportation-related infrastructure works, is consistent with the provisions, policies, and objectives of the MASP.

7.3.6. Cork County Development Plan

The following is noted from the current Cork County Development Plan:

Economy & Employment

Economic Role of Cork Harbour

The Plan notes the existence of the redundant industrial area at Marino Point occupying a key waterfront location and that the Marino Point site will play an important role in the redevelopment of the Cork City docklands by providing for the relocation and development of industrial uses and major port facilities. It is stated that the Council is committed to the relocation of port facilities to Marino Point, where this can be achieved in a manner that is compatible with environmental, landscape and nature conservation designations that pertain to the harbour area, and is in compliance with Article 6 of the Habitats Directive.

Objectives include:

EE 6-1: Special Role of Cork Harbour

Implement sustainable measures which support and enhance the economic and employment generating potential of Cork Harbour in a manner that is compatible with other Harbour activities, as well as with the nature conservation values of the Cork Harbour Special Protection Area and the Great Island Channel Special Area of Conservation.

EE 6-2: Cork Harbour

- a) Protect lands for port related developments at Ringaskiddy.*
- b) Support the upgrade of the N28 to accommodate the expansion of Ringaskiddy Port.*
- c) Protect lands for port related development at Marino Point.*
- d) Protect harbour side land for industrial and marine related developments dependant on access to deep water unless able to demonstrate a strong need or significant economic benefit for other such development of harbour side lands, relative to alternative sites inland.*

All development will be carried out in a manner that is compatible with other Harbour activities, taking account of residential amenity, tourism and recreation as well as with the nature conservation values of the Cork Harbour Special Protection Area and the Great Island Channel Special Area of Conservation.

Transport & Mobility

Freight & Ports

It is stated that the main aims of the Plan are to:

- Secure the appropriate infrastructure for the effective movement of goods, especially to and from the region's ports;
- Safeguard the region's rail freight infrastructure so that it can be brought back in to use if appropriate conditions prevail; and
- Facilitate the planned development of port infrastructure to enhance the region's sustainability and general economic competitiveness.

On rail freight, it is stated that, in some cases, rail infrastructure has been provided to enable the operation of trains directly from the customer's production facility to a port or rail connected site and that there is potential to develop this type of facility at Marino Point and that provision is made for this in the Midleton Electoral Area Local Area Plan.

Objectives include:

TM 5-1: Freight

- a) Create an efficient freight network that operates in harmony with other transport users and the residents of the Cork area.*
- b) Protect the potential for rail freight facilities to the former IFI plant at Marino Point and North Esk in Glounthaune.*
- c) Support the development of a Framework for Sustainable Freight Distribution for the Greater Cork area and the wider County.*
- d) Encourage development that is heavily dependent on road freight to locate where goods vehicles can access the national road network without traversing urban areas.*
- e) Support the use of the existing rail system for the transport of appropriate materials where feasible.*

On the Port of Cork, it is stated that disused facilities at Marino Point have immediate potential to handle bulk cargo transported to or from the port by rail and that handling

non-rail cargo at this location will require the upgrading of the R624 linking the site to the N25.

The objective is as follows:

TM 5-2: Cork and Other Ports ...

c) Support Ringaskiddy as the preferred location for the relocation of the majority of port related activities having regard to the need for a significant improvement to the road network. Also recognising the key role that Marino Point can play in providing an alternative relocation option for some of the port related uses that could best be served by rail transport. Both locations should be considered taking account of residential amenity, tourism and recreation. The Council is committed to engage with the Port of Cork and other relevant stakeholders in achieving this objective. See also Objective EE 62: Cork Harbour

d) Local area plans should give priority to identifying appropriate and sustainable locations for port related activities.

e) Generally support the ports and harbours of the County and recognise their essential role in facilitating industrial development, defence, trade, marine leisure, recreation and other economic sectors, while respecting their environmental setting.

f) Improve port and harbour infrastructure in the County and to safeguard lands in the vicinity of ports and harbours against inappropriate uses that could compromise the long-term economic potential (including access) of the port or harbour.

The proposed demolition works, site infrastructure improvements, and utility upgrade works will facilitate the relocation of port facilities to Marino Point in accordance with the Development Plan provisions. The continued development at this location would ultimately support and enhance the economic and employment generating potential of Cork Harbour as espoused in the Plan and would be consistent with Objective EE 6-2. The proposed rail provisions would be wholly in keeping with the Plan's intent for rail freight serving port-related development. The development of rail infrastructure to serve Marino Point is clearly supported.

7.3.7. Cobh Municipal District Local Area Plan

As well as addressing towns and villages, this Local Area Plan identifies a number of areas as 'Other Locations'. Marino Point is designated one such location. Noting

former and existing development at this site, it is stated that existing plant adjoins the existing rail route from Cobh to Cork, it has previously been served by a freight facility, that there is a deep-water jetty designed to serve the former fertiliser plant, and that the site is close to the main drainage wastewater treatment plant at Carrigrennan. It is also noted that the site is served by high-capacity water, gas and electricity supplies and that the road network serving the site is generally poor, requiring significant improvements including the bridge at Belvelly. It is noted that the Port of Cork has identified Marino Point as a potential location for additional bulk/general cargo facilities and bulk liquids handling and storage facilities and that the site may also have a role to play in facilitating the relocation of some existing uses from the City Docklands. It is acknowledged that parts of Marino Point are at risk of flooding, notably the western and northern side of the peninsula and on other lands to the north-east, and that lands were reclaimed during IFI's occupation. It is stated that it is an objective that future development is avoided in areas indicated at being of risk of flooding.

The capacity of the regional road is seen as not being sufficient to cater for any traffic intensive use, port or otherwise and that extensive upgrading of the road, including Belvelly and Slatty Bridges, would need to be carried out to accommodate any large-scale development proposals. It is considered that the site has the potential for a rail connection or rail freight but that the scope for container freight may be limited.

It is stated that, having regard to its unique attributes, such as the deep-water access, high capacity water main, rail sidings and specialised facilities, the redevelopment of the brownfield site is best suited at this time to port-related industrial development.

Marino House and the Orangery are acknowledged as Recoded Monuments requiring protection.

The Local Area Plan objective for the 46.2 hectare site is Objective X-01, which is as follows:

To facilitate the development of this site for port related industrial development. The following considerations will apply to any proposals for development:

- *Development will be confined to the existing reclaimed area and to activities which use the existing industrial installations. Any new berthing/unloading facilities would be limited.*
- *A detailed Traffic Impact Assessment is required prior to any development to assess the impact on the existing road network.*
- *Improved road access between N25 and Cobh subject to full ecological assessment.*
- *Existing recorded monuments on site shall be protected.*
- *In permitting development, regard shall be had to mitigating potential adverse impacts, particularly for the adjacent residential settlement of Passage West.*
- *Marino Point is located immediately adjacent to the Great Island Channel SAC and Cork Harbour SPA. Development in this location will only be permitted where it is shown that it is compatible with the requirements of the Habitats and Birds Directive and with the protection of these sites.*

Parts of this site are at risk of flooding. Any development proposals on this site will normally be accompanied by a flood risk assessment that complies with Chapter 5 of the Ministerial Guidelines 'The Planning System and Flood Risk Management' as described in objectives of this plan.

It is evident from the above that the proposed demolition works, site infrastructure improvements, and utility upgrade works to provide capacity for future industrial development and the enhancement of port-related uses, inclusive of transportation-related infrastructure works, is consistent with the provisions, aims and objectives of the Local Area Plan.

7.3.8. Conclusion

Overall, it may reasonably be concluded that the proposed development, forming the essential site preparation phase to facilitate the further development of Belvelly Port Facility, is consistent and in keeping with national, regional and local policy provisions.

7.4. **Impact on Settlements**

7.4.1. I note the submissions referring to the likely impact of the development of Marino Point on the residents of Carrigaloe to the south of Marino Point, Belvelly to the north-east and Passage West on the opposite side of Lough Mahon. My considerations on this issue are as follows:

- Passage West lies on the opposite side of Cork Harbour from the site at a distance of some 600 metres.
- The site of the proposed development is separate from urban settlements and can generally be described as separate from residential development, which is distinctly sporadic in the immediate vicinity of this site.
- The site was formerly in use as an industrial site and it remains partly in use as an industrial site.
- The jetty remains in use associated with the Marinochem plant.
- There are extensive structures and infrastructure remaining on this site which are of an industrial nature and which reflect the industrial past uses of this site.
- This site is clearly earmarked in public policy documentation for industrial and port-related development.
- Cork Harbour is a marine environment in which there is existing extensive marine and port-related activities.
- The proposed development before the Board for consideration is for demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals. It is not for any specific industrial or port-related uses. These would follow on from the proposed development and would be subject to separate planning and environmental processes and assessments.
- The applicant has attempted in the application to outline the nature of the proposed uses potentially to be established on this site. The range of uses are indicative only and are clearly reflective of the activities that are expressly

promoted in planning policy documentation which supports the redevelopment and regeneration of industrial and port-related development at Marino Point.

- The works which form the development proposal are effectively site preparation works for future development. These works are short term in nature, lasting approximately 18 months.

7.4.2. Overall, it is ascertained that significant adverse impacts by the development the subject of this application have not been demonstrated by third parties and observers. It may reasonably be determined that the development the subject of this application, namely site preparation works, would have no significant adverse impacts on the inhabitants of Carrigaloe, Belvelly or Passage West. This is a site that is clearly earmarked in public policy for development which this proposed development ultimately seeks to facilitate.

7.5. **Traffic Impact**

7.5.1. I note the particular concerns raised by third parties and observers in relation to the impact on the substandard regional road serving this site. The R624 is clearly poor in width, structure and alignment and is not adequate to meet ongoing traffic needs of industrial or port-related activities without substantial upgrading. It is reasonable to determine that this is understood in public plans and that necessary works are required to enable Marino Point to achieve its objective as a regenerated Port of Cork facility.

7.5.2. The nature and extent of the proposed development is again acknowledged – demolition, site infrastructure improvements, and utility upgrade works. These site preparation works would be short term in nature and the associated traffic impact would, therefore, be short term on the adjoining public road network. This site has access onto the R624 within its 60 kph speed limit zone. Access to the site during the demolition and site infrastructure works is proposed to be via the existing main access on the R624. It is proposed to upgrade the existing junction layout as part of the proposed development. This would include an enhanced stop location and road markings. It is further proposed that a realigned horizontal alignment would be

provided to create a square 90 degrees tie-in at the existing emergency access junction at the northern end of the site's frontage and the works would include a relocated set-back gate. These works would provide for satisfactory access and egress for this site.

- 7.5.3. The application includes a traffic and transport assessment and the proposals provide for the importation and exportation of vehicle loads to avoid overlapping with peak traffic hours on the regional road as mitigation. It is essential also to understand that the proposed development seeks to reuse materials won on this site from the demolition phase, thus significantly reducing the volume of imported materials, which would have a direct impact by way of limiting the volume of heavy traffic that would otherwise be required to access the site from the public road network by importation of materials. The applicant's study has estimated that HGVs generated by the proposal would be at a rate of one truck every 7 minutes during off-peak hour and that significant traffic queuing is not anticipated on the public road. I further acknowledge the proposed Construction Traffic Management Plan to be prepared and agreed with the planning authority.
- 7.5.4. While it has been strenuously argued that the proposed development is premature pending the upgrading of the R624, it is my submission to the Board that the nature and extent of the works, the mitigation measures to be employed, and the short-term nature of these site preparation works would not have significant adverse impacts on the regional road and can be accommodated without causing traffic hazard, congestion or significant inconvenience for other road users. I accept that traffic generation from newly established industrial and port-related activities which would generate substantial volumes of traffic onto the R624 in an ongoing and regular manner would likely determine the need for upgrading of this road. This clearly is the understanding and intent of public planning policy and is a matter that requires addressing before the pursuit of any such industrial or port-related activities on this site.

7.6. **Site Drainage and Flood Risk**

7.6.1. The proposed development would include:

- Existing services to be made redundant, decommissioned and/or demolished.
- The development of a new foul effluent network.
- The provision of a new wastewater treatment plant.
- The development of two surface water networks – a trunk main for roads and common areas and a separate surface water network to convey treated flows from individual site boundaries.
- The development of a new water supply ring main.
- The upgrading of the surface water drainage system for the existing jetty to incorporate a retention system to deal with uncontrolled or accidental releases of contaminants from activities which may occur during loading and unloading. The treatment of surface water runoff from the jetty would be handled in a manner depending on port activities and the risk to receiving waters and it would be the responsibility of individual jetty users to ensure they dispose of any contaminated surface water runoff from the jetty after use.

7.6.2. It is clear from the above that it would be the responsibility of future individual site operators within the facility to treat runoff from their own sites before discharging into the second collection line. The future connections to the second collection line and the design of surface water treatment within each site would form part of any future development proposals and would be subject to separate planning and environmental assessment.

7.6.3. I acknowledge that it is proposed to discharge surface water directly into the harbour. There would be five surface water outfalls from the site and it is intended to reuse existing outfalls where practicable. I also note that it is proposed to provide an oversized storm pipe system with capacity to store runoff when the tide level is above the level of the outfall pipes and that this system is designed for a series of joint probabilities of coincident high tide and storm intensity events.

- 7.6.4. It is evident from the applicant's Drainage Infrastructure Report that the surface water design took into consideration tidal impact and climate change to minimise the risk of pluvial flooding at the site.
- 7.6.5. In considering the flood risk to this site, I first note that this is a brownfield site which was previously occupied by Irish Fertiliser Industries (IFI) and on which there is the established Marinochem plant. The applicant undertook a flood risk assessment and this followed the stages of assessment set out in *The Planning System and Flood Risk Management Guidelines for Planning Authorities*. I note that there are no rivers on or near this site and that the sole source of potential flooding arises from high tide levels in Cork Harbour. I further note that the OPW Local Area Report relating to flooding in the area in which the site is located and dating from September 2019 indicates that there were no local flood events recorded at or near the site. I note the applicant's findings in its assessment that the majority of the site is in Flood Zone C, according to the flood zone types in the Flood Risk Management Guidelines. This indicates that those areas within this flood zone are appropriate for all categories of development. I further acknowledge that the lagoon at the northern end of the site, part of the paved surface area to the west of the lagoon, and an area at the northern extremity are in Flood Zones A and B, being vulnerable to tidal flooding. To address the flood risk relating to the lagoon area and the adjoining paved area, it is proposed to increase the height of the existing revetment along the north and part of the north-west boundaries of the site to a height one metre above the predicted flood level for the mid-range future climate scenario. The Board will note that the proposed development would include the filling of the existing lagoon to a level to match the surrounding ground. It is not proposed to fill the section at the northern extremity and the applicant submits that this may need to be raised in the future depending on this area's future use. I note that future developments that would follow on from the proposed development would be required to be designed to account for flood risk as appropriate and this would be addressed in individual planning proposals.
- 7.6.6. In conclusion, I am satisfied that the proposed surface water provisions would provide appropriate infrastructure to facilitate the future orderly development of this site for industrial and port -related activities. Having regard to the brownfield nature of this site, the site being predominantly in Flood Zone C, the nature, extent and

findings of the flood risk assessment undertaken, and to the flood risk measures proposed, I consider that it is reasonable to determine that the management of flood risk at this location has been appropriately addressed in the application. In addition, I am satisfied to conclude that the proposed development poses no risk of flooding beyond the site.

7.7. Impact on Biodiversity

- 7.7.1. I note the particular ecological sensitivity of this site given its proximity to European sites and the flora and fauna of conservation value that inhabit the site. In acknowledging this, I must, however, emphasise that these lands form an industrial site on which there is existing industry and which is a site with a significant presence of former industrial structures. Some of these structures are now being utilised by bird and mammal species and some small areas of the site to the north are being colonised by a plant species of some conservation interest, namely Bee Orchid.
- 7.7.2. The applicant's surveys have identified the terrestrial habitats to the north-east of the site forming wetland areas adjoining Cork Harbour SPA and the Great Island Channel SAC. The wetland habitat would not be altered by the proposed development. It is noted that in the main the site has otherwise been significantly impacted by manmade activities. It is proposed to infill most of the existing lagoon at the northern end of the site. This is a manmade feature associated with previous industrial activity.
- 7.7.3. I accept that the most significant threat arising from the proposed works relates to impacts on water quality within the adjoining SPA and SAC. This issue is dealt with in detail in the appropriate assessment which forms part of my overall assessment.
- 7.7.4. I acknowledge the extensive range of mammals observed in surveys, with otter, bat and badger activity particularly noted on and in the immediate vicinity of the site. The works would take place wholly within this industrial site and, while likely causing some disturbance, the impact must reasonably be viewed as temporary and short term within an existing industrial complex. The applicant has provided a range of mitigation measures to reduce impacts during the construction works.

- 7.7.5. The sensitivity of this site is also noted for the potential impact on birds of conservation interest. I acknowledge the proximity of this site to the SPA, the nature of works proposed to be undertaken and the significant potential to cause disturbance and displacement. The appropriate assessment undertaken as part of my assessment addresses this issue in detail. The mitigation measures proposed as part of the development include biodiversity enhancement measures and timing of works. These measures would greatly aid in minimising disturbance and displacement. The mitigation measures would also address bird species of conservation value not designated as a Special Conservation Interest in the SPA, including Peregrine falcon.
- 7.7.6. I note the native perennial herbaceous plant Bee Orchid found on the site. A pre-construction survey would be conducted and mitigation would be employed to avoid disturbance. Translocation would otherwise occur in the event that disturbance cannot be avoided.
- 7.7.7. Overall, it may reasonably be determined that appropriate measures are being employed to address the potential effects of the construction works on flora and fauna of conservation interest within this industrial site.

7.8. **Amenity Impacts**

- 7.8.1. It is submitted that the proposed development would be prejudicial to amenity on all sides adjacent to Belvelly channel.
- 7.8.2. I submit that the site of the proposed development is an industrial site with an established Seveso site and a wide range of derelict structures and obsolete infrastructure. The proposal seeks to upgrade the site's infrastructure and to prepare for the redevelopment of the lands to allow for new industrial and port-related activities. This development is in accordance with public policy provisions. Distinct measures are proposed to be employed to minimise impact beyond the site and to limit the potential impacts on the amenity of the wider area. These measures include protection of the recorded monuments on the site with an intent to improve upon the cultural heritage of the site, retention of mature trees and enhanced planting along

the site's boundaries, significant surface water management measures, improved foul water provisions, etc. The development in the form of the site preparation works does not present as one which is prejudicial to the amenity of the area.

7.9. Shipping Impact

7.9.1. It is submitted that the scale of the project in shipping terms is so much greater than anything experienced in the past and an assessment of the impact of the numbers of vessels which the facility is capable of handling is required.

7.9.2. I once again note that the proposed development comprises demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals. This is the limited nature of the development for consideration by the Board. There is no way to determine or assess future unknown developments that would ultimately occupy this site following site preparation works. Therefore, one cannot reasonably determine the potential impacts arising from shipping and when industrial and port-related developments are fully operational at some time in the future on this site. Each proposed industrial and port-related development will be subject to planning and environmental processes and the utilisation of the jetty and, consequently, the shipping impact arising for Cork Harbour would be appropriately assessed then.

7.10. Quality of Harbour Waters

7.10.1. It is submitted that the harbour waters are recovering and conditions need to improve further.

7.10.2. This proposed development seeks to remove derelict and obsolete structures and infrastructure. It is intended to greatly improve the site's infrastructure, inclusive of the site's surface water and wastewater provisions. The proposed development itself would not result in deterioration of the marine environment and water quality of Cork Harbour when the mitigation measures are applied and, indeed, the infrastructure provisions clearly have the intent to provide for enhanced facilities to reduce adverse

water quality impacts. It is again noted that future developments on these lands would be subject to planning and other environmental assessment processes which would also give due consideration to likely emissions that could potentially affect water quality in the harbour.

7.11. Jetty Use

7.11.1. It is submitted that there are concerns relating to noise and air pollutants with the importation of bulk materials to the dock and that the planning conditions are not sufficient to address this or to curtail the loss of amenity and ensure the health and safety of local residents.

7.11.2. The nature and extent of the proposed development is again noted. The short-term nature of the proposed works over an 18 month period is also noted again. It is anticipated that there would not be a highly intensive use of the jetty in the delivery of materials and infrastructure and in the exporting of materials from this site in relation to the proposed development the subject of this application. The use to which the jetty is currently put in relation to the functioning of Marinochem is understood. The uses to which the jetty may be put as new developments proceed on this site cannot be pre-determined at this stage. Suffice to indicate that future development proposals would be subject to planning and other environmental applications and assessments and that the nature and extent of the use of the jetty for such new activities would be understood and assessed as part of these processes.

7.12. Exempted Development and Jetty Operations

7.12.1. It is submitted that the exemption from planning granted in 2018, which changed the means of loading and unloading vessels and the reconfiguration of the jetty, means that the Company can trans-ship goods without any conditions. The applicant has submitted in response that a proposed future application at the site would include seeking permission for intensification of jetty use.

7.12.2. I acknowledge that the jetty operations were subject to a declaration by Cork County Council. There has been no further request under Section 5 of the Planning and Development Act and the determination of the planning authority remains. Any future applications for development at this site would include assessment of the intensification of jetty use where relevant. An example of this is the recent application made to Cork County Council under P.A. Ref. 20/6955 relating to this site which is an application for an agricultural fertiliser facility and additional port operational use.

7.13. **The Proposed Revetment and the Existing Lagoon**

7.13.1. It is submitted that the rock armour proposal is shown in an obscure way to be increasing the site's footprint. Furthermore, it is submitted that the lagoon is of ecological importance and filling it in is an attempt to increase the size of the site.

7.13.2. I consider that the planning application drawings and supporting documentation clearly detail the proposed works associated with the development of the revetment in accordance with the requirements of the Planning and Development Regulations. The existing lagoon to be filled is manmade and clearly formed part of previous industrial activities on this site. The ecological significance of this lagoon has been thoroughly assessed by the planning authority's Ecologist and has been assessed in this report. Its infilling, with the exception of the retention of part of it as ecological mitigation, is accepted as an integral part of the site preparation works to facilitate this site's redevelopment in accordance with the planned development of these lands.

7.14. **Monitoring**

7.14.1. It is submitted that Belvelly and Carrigaloe villages require monitoring stations to cover noise, particulates and any other threats to health or measurable nuisances likely to arise at all stages of the development.

7.14.2. The nature and extent of the application is again acknowledged. This relates primarily to construction-type works. The applicant has a range of monitoring

proposals during the works processes. It is apparent that as new developments proceed on this site the monitoring requirements arising from the planning and other environmental assessment processes would define and establish monitoring requirements for activities arising. The requirement for monitoring stations in nearby village locations are not a necessity for this stage of the development of Marino Point having regard to the emissions predicted to occur at this site preparation stage.

7.15. Liaison

- 7.15.1. It is submitted that the site requires a defined management structure and it is asked who will liaise with the local community. The planning application includes provisions for liaison at the construction stage which forms this development (refer to Section 2.7.5 of EIAR and mitigation measures in Chapter 15). A designated contact person would be provided to deal with concerns raised and a complaints procedure would be established. The Construction Environmental Management Plan, providing commitment to such mitigation, would be expected to require such liaison. Thus, it is reasonable to determine that liaison is provided for this development. Regarding future development at this site, it is noted that the applicants include the Port of Cork, a commercial semi-state company, and that the development of this site would be subject to the provisions relating to this agency. The orderly, planned development of this, which is public policy, would be overseen and guided in accordance with the masterplan for these lands by the Port of Cork.

7.16. Community Gain

- 7.16.1. It is submitted that, with regard to community gain, the area between Carrigaloe and the industrial area and zoned as Metropolitan Green Belt should be ceded to the Council as a community amenity and should provide a permanent separation between the industrial area and Carrigaloe village. It is also submitted that an existing derelict house should also be demolished, the land ceded to the Council and be included in the amenity area, while a financial provision should be made for Belvelly and used for strategic improvements in the area, such as improvement of the sewerage system.

7.16.2. I submit to the Board that there are no provisions necessitating the application of a community gain option in the form sought by the appellant. I note the applicant's intent to develop the cultural heritage aspects of this site relating to Marino House, the environmental improvements resulting from the demolition and removal of derelict and obsolete structures and infrastructure and the replacement by improved on-site infrastructure, and the pursuit of attaining the public aims and objectives set out policy documentation relating to Marino Point. These measures are understood to culminate in a notable planning gain.

7.17. State Funding

7.17.1. It has been submitted that State funding to the company should be considered to assist with storage of demolition materials on the site or removal by rail or waterborne transport to avoid use of the R624 until upgrading is completed. Notwithstanding my considerations set out earlier on the traffic impacts, I submit to the Board that the matter of State funding is beyond the scope of this planning application and appeal process.

7.18. Relocation of Existing Enterprises

7.18.1. It is submitted that the approach of the applicant company has been to relocate existing enterprises from Cork to Marino Point and that this will not result in additional employment. Further measures are required to achieve this.

7.18.2. I note again that this site has been earmarked in public policy for relocation of port uses as well as being developed as a strategic employment location for the region. The site's development is being pursued by the Port of Cork and its function will ultimately be to accommodate new development as well as relocated facilities.

7.19. Requirements after the IFI Operation

- 7.19.1. It is submitted that assurances were given previously that when the life span of the IFI fertiliser factory was complete the site would be returned to farmland and a bond was lodged with the Council to facilitate this. In response the applicant has submitted that the application achieves the aims of the bond condition (Condition 34) of Planning Permission 74/1523 as the site would be cleared, derelict buildings would be demolished, and infrastructure would be upgraded. It is submitted that the site would be returned to a useful condition, i.e. to 'such other uses as may be agreed with the planning authority' in accordance with the condition.
- 7.19.2. I note the reason given for the condition referenced was to provide for the reinstatement of the land to a slightly and useful condition. I acknowledge once again the development intentions for Marino Point that is clearly set out in public policy provisions. The proposed development seeks to facilitate the implementation of these provisions and in doing so would reinstate the land to a useful condition which would allow for the lands to be developed in accordance with public plan provisions.

7.20. Future Development

- 7.20.1. It is submitted that, while the demolition and removal of derelict buildings are welcome, the future industrial use and chemical storage facilities are too obscure to reassure the appellant Áine O'Callaghan.
- 7.20.2. The proposed development constitutes site preparation works for future developments. The applicant has attempted in the application to outline in an indicative manner the nature of uses which are likely to occupy the site following site preparation works. The range of activities anticipated to likely occupy this site are consistent with the range of activities proffered by public plan provisions. There can be no other reasonable estimate of likely future development on these lands at this time.

7.21. Cumulative Assessment

- 7.21.1. The adequacy of cumulative assessment with the Gouldings Fertiliser application to relocate to the site and other intended developments is queried.
- 7.21.2. I note that the applicant's EIAR has had due regard to the cumulative impacts of the development in association with the proposed fertiliser plant for this site (Gouldings) and the existing Marinochem plant. The nature and extent of the proposed development is again noted and these construction works are estimated to overlap with the construction works for Gouldings for a period of four months. The traffic and other impacts have been adequately assessed. The nature and extent of other intended developments are unknown at this stage. Cumulative assessment with unknown developments is not feasible. Future developments would be subject to separate planning and environmental processes and assessments, which would likely include consideration of the utilisation of infrastructure being developed as part of the current application. Cumulative assessment would, thus, be appropriately addressed at individual development stages.

7.22. Project Splitting

- 7.22.1. It has been submitted that the proposed development would constitute project splitting. The proposed development comprises demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals. It is not for any specific industrial or port-related uses but rather would be a precursor to same. Proposals for such activities would follow and would be subject to separate planning and environmental processes and assessments. The applicant has attempted in the application to outline the nature of the proposed uses potentially to be established on this site. The applicant could not reasonably be definitive at this stage about the facilities that would ultimately occupy this site. It is reasonable to determine that the range of uses identified as likely to be of the types occupying the site are those being pursued in planning policy documentation for Marino Point. The proposal, comprising site preparation works to accommodate future industrial and port-related

development unknown at this time, could not reasonably be determined to constitute project splitting.

8.0 **Appropriate Assessment**

8.1. **Screening for Appropriate Assessment**

8.1.1. **Background**

The applicant has submitted a Screening for Appropriate Assessment as part of the application to the planning authority (Appendix 1 of Natura Impact Assessment). This Stage 1 AA Screening Report was prepared in line with current best practice guidance. It provides a description of the proposed development, identifies European Sites within a possible zone of influence of the development, identifies potential impacts, and assesses the significance of potential impacts. The conclusion of the applicant's AA Screening Report is as follows:

“It is concluded that the project is likely to have a significant effect, or significant effects cannot be ruled out at this stage, on the following Natura 2000 sites:

- *Cork Harbour SPA*
- *Great Island SAC*

Further assessment is required to determine whether the project is likely to adversely affect the integrity of these Natura 2000 sites, in view of their conservation objectives. An appropriate assessment of the project is required and a Natura Impact Statement (NIS) will be prepared to inform the appropriate assessment.”

Having reviewed the screening document and additional submissions to the planning authority, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

8.1.2. *Description of Development*

The applicant provides a description of the project and the characteristics of the project on pages 7-9 of the AA Screening Report. In summary, the development comprises demolition, site infrastructure and utility upgrade works. This would consist of demolition of above and below ground structures and foundations and associated services and infilling of a manmade lagoon to the north of the site. It is also proposed to construct a new rail connection by restoring existing rail sidings. Section 4.3.2 of the Screening gives a summary of the proposed works as follows:

- Site mobilisation;
- Site clearance and demolition of existing derelict super structures, sub structures, foundations, and over and under-ground services;
- Infilling of the lagoon located at the north east of the site using suitable site-won demolition material;
- Construction of a flood protection revetment along the northern and north western perimeter of the site;
- Construction of new internal access roads, improved site access and site lighting along new internal roads;
- Provision of a new rail connection on the site and restoration of the existing rail siding in the norther annexe;
- Provision of site services, including potable water supply, surface water drainage, foul collection and management, and new electrical infrastructure;
- Utility diversion works;
- Widening of the bridge and road access to the jetty;
- Tree planting along the northern and north western boundary; and
- Associated site works.

8.1.3. *European Sites*

The development site is located immediately adjacent to two European sites. The Great Island Channel SAC (Site Code: 001058) is immediately adjacent to the site on its northern shore. Cork Harbour SPA (Site Code: 004030) is immediately

adjacent to the site on its northern shore and to the land parcel in the north-east on its north-eastern shore. There are no other European sites within a 15km radius of the development site.

The qualifying features of conservation interest and conservation objectives for these sites are as follows:

Great Island Channel SAC

Qualifying Features

Mudflats and sandflats not covered by seawater at low tide

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

Conservation Objectives

To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC

To restore the favourable conservation condition of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) in Great Island Channel SAC

Cork Harbour SPA

Qualifying Features

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*)
Black-headed Gull (*Chroicocephalus ridibundus*)
Common Gull (*Larus canus*)
Lesser Black-backed Gull (*Larus fuscus*)
Common Tern (*Sterna hirundo*)
Wetland and Waterbirds

Conservation Objectives

To maintain the favourable conservation condition of the bird species and the wetland habitat.

8.1.4. *Identification of Likely Effects*

It is first acknowledged that the proposed development is not connected with or necessary for the conservation management of any Natura 2000 site. It is further acknowledged that the site may reasonably be determined to be in a sensitive ecological location due to its immediate proximity to the SAC and SPA. I note that all proposed works are intended to take place outside of the SAC and SPA and there would be no loss of habitat within these European sites.

The range of activities with potential effects on the adjoining European sites would include:

- Vegetation clearance
- Demolition works
- Construction of services, access roads and the new rail sidings
- Construction of surface water and foul drainage systems
- Infilling of the lagoon
- Widening of the bridge to the jetty
- Use of fuels, oils chemicals and concrete during the works
- Use of plant, equipment and machinery
- The presence of workers

The potential effects would include:

- Displacement and disturbance of waterbirds arising from the works and presence of workers
- Direct water quality impacts to coastal waters arising from the bridge widening works and surface drainage
- Indirect water quality impacts from contaminated sediment and demolition materials and accidental spillage of fuels, oils and chemicals

It is reasonable to determine that the proposed development has the potential to result in disturbance effects due to noise emissions from plant, equipment and machinery and from the presence of workers and that there is potential for displacement of birds due to this disturbance. It is also considered reasonable to determine that the nature and extent of the proposed works may potentially impact on the natural marine environment at this location arising from the effects on water quality through the release of pollutants which could negatively effect the species that use the waters as well as the seabed habitats.

Having regard to these considerations, it is reasonable to determine that the proposed development could have effects, direct and/or indirect, on the conservation objectives of the adjoining European sites.

8.1.5. *In-combination Effects*

The applicant has identified one known future development proposal at pre-planning stage relating to the site, namely a proposal for an agricultural fertiliser facility and the intensification of the jetty use. I note that this proposal is now an application before the planning authority – P.A. Ref. 20/6955. Reference is also made to a number of plans associated with Cork Harbour. Point and diffuse sources of pollution within the harbour, as well as land use and marine activities in the vicinity, are acknowledged also. It is accepted that there is potential for significant cumulative effects with the sources of pollution within the harbour.

8.1.6. *Mitigation Measures*

No measures designed or intended to avoid or reduce any harmful effects of the proposed alterations on a European site have been relied upon in this screening exercise.

8.1.7. *Screening Determination*

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would be likely to give rise to significant effects on Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030), in view of their Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed works associated with the proposed development,
- The proximity to adjoining European sites, and
- The known pathways between the site and the adjoining European sites.

8.2. **Appropriate Assessment**

8.2.1. **Background**

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. Following the screening process above, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030). The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects were not considered in the screening process.

8.2.2. **Natura Impact Statement**

The application included a document entitled *Natura Impact Statement: Belvelly Port Facility Demolition and Site Infrastructure Works* dating from November 2019. The NIS addresses methodologies employed, gives a description of the project, identifies the relevant Natura 2000 sites and assesses the potential significant effects thereon (inclusive of cumulative effects), details mitigation, and references residual impacts. Potential adverse effects of the proposed development on Great Island Channel SAC and Cork Harbour SPA were examined and assessed. The NIS had due regard to the array of studies, field surveys (habitat, bat, mammal, and wintering and breeding bird surveys) and consultations undertaken as part of the application. The NIS was prepared in line with current best practice and provides an assessment of all potential effects on the SAC and SPA arising from the proposed development. The significance of potential impacts that might arise was identified through the use of the key indicators of water quality, habitat loss, habitat alteration, disturbance and/or displacement of species, and habitat or species fragmentation.

The NIS concluded that, provided the recommended mitigation measures are implemented in full, it is not expected that the demolition and site infrastructure works at Marino Point will result in an adverse residual impact on the integrity of

Natura 2000 sites, in view of the sites' conservation objectives, namely Great Island Channel SAC and Cork Harbour SPA.

I note the submissions received from Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht and Inland Fisheries Ireland on this application, the considerations of the planning authority's Ecologist and Environment Sections, the further information and clarification received from the applicant, and the third party submissions.

Having reviewed the documents, submissions, reports and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Great Island Channel SAC and Cork Harbour SPA alone, or in combination with other plans and projects.

8.2.3. Appropriate Assessment

Introduction

This assessment considers all aspects of the proposal which could result in significant effects and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted Natura Impact Statement, the Environmental Impact Assessment Report, the further information submission in response to ecological matters, the clarification submission, the reports received by the planning authority and the Board, and third party submissions.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

Observations on Land Use

I note the following relating to this site:

- The soil on the site is classified as made ground. The northern end of Marino Point peninsula was reclaimed after 1938.
- This site is a brownfield site. Marino Point has a long-established industrial history. Irish Fertilisers Industries was established on this site in the 1970s to manufacture ammonia and urea, ceasing operation in 2002.
- The EPA has confirmed that the IPC Licence relating to the IFI development has ceased to have effect and it is satisfied that the remediation of the site has been completed to the required standard.
- This site contains an established industrial plant – Marinochem. This facility manufactures resins and the jetty is used for the loading and unloading of cargo. This plant is also the largest bulk storage facility for methanol in the State. This is a Seveso site.
- There is an established jetty which remains in use and which has been used for docking ships and loading/unloading of cargo since the late 1970s.
- Features remaining on this site from previous industrial uses include derelict structures and disused infrastructure, redundant car parking areas, a manmade lagoon, a retention pond, internal roadways, and site entrances.
- The site contains recorded monuments, including Marino House.
- The eastern boundary of the site is formed by the Cork-Cobh railway line and the R624 Regional Road (Cobh-Cork).
- The predominant habitat within the site is buildings and artificial surfaces.
- The manmade lagoon on this site does not form part of the Great Island Channel SAC and the habitat type is not listed as a qualifying interest of this SAC.

European Sites

The following sites are subject to appropriate assessment:

- Great Island Channel SAC (Site Code: 001058)
- Cork Harbour SPA (Site Code: 004030)

A description of these sites and their Conservation and Qualifying Interests / Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS. Details of these European sites' Conservation and Qualifying Interests / Special Conservation Interests are set out in the Screening undertaken earlier in this report.

Relevant Aspects of the Proposed Development

Section 4.5 of the applicant's NIS details the characteristics of the proposed works associated with the project and Section 4.7 identifies other plans, projects and activities relating to potential in-combination effects. As referenced in the Screening undertaken earlier, the main aspects of the proposed development that could adversely affect the conservation objectives of the European sites include:

- Vegetation clearance
- Demolition works
- Construction of a flood defence revetment along the northern shore of the main site and around a portion of the western perimeter of the site
- Construction of services, access roads and the new rail sidings
- Construction of surface water and foul drainage systems
- Infilling of the lagoon
- Widening of the bridge to the jetty
- Use of fuels, oils chemicals and concrete during the works
- Use of plant, equipment and machinery
- The presence of workers

The potential effects would include:

- Displacement and disturbance of waterbirds arising from the works and presence of workers
- Direct water quality impacts to coastal waters arising from the bridge widening works and surface drainage
- Indirect water quality impacts from contaminated sediment and demolition materials and accidental spillage of fuels, oils and chemicals

Great Island Channel SAC

Section 5.1.1 of the applicant's NIS provides a description of this European site and identifies the potentially significant impacts to its Qualifying Features. The site of the proposed development lies immediately south of this SAC. The following is accepted:

- The Qualifying Interest 'Mudflats and sandflats not covered by seawater at low tide' abuts the northern site boundary and, thus, the habitat is within the zone of influence of the project and there is the potential for significant effects to the habitat and associated species.
- The nearest part of the Qualifying Interest 'Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)' is at the Martello Tower to the north and there is the potential for indirect water quality effects to the receiving waterbody arising from emission of pollutants from the site. There is a possibility of negative ecological effects to occur.

It is considered that there is the potential for the receiving marine waters within the SAC to be altered as a result of the ingress of pollutants such as hydrocarbons, chemicals or sediments during the construction phase, reducing water quality and potentially having a negative effect on water quality, affecting the distribution or abundance of species. It is, therefore, accepted that mitigation would be required to control pollutant emissions to the marine environment. The applicant has developed a Construction Phase Surface Water Management Plan to safeguard existing water quality of Lough Mahon. Further to this, additional water quality monitoring and concrete washout control mitigation measures are proposed.

With regard to the operational phase, I note that the applicant undertook an assimilative capacity assessment and a mass balance calculation was completed. This determined that the discharge at operational stage would be below the limits for EQSs for BOD, PO₄ and DIN.

Habitat Loss

It is noted and accepted that there would be no loss of qualifying interest habitat within the SAC. I acknowledge that at the extreme north of the site where the

existing railway joins the rail sidings this area is within the SAC but is on an artificial surface, i.e. the footprint of the previous rail sidings. It is on land above the high water mark and the shoreline. It does not support any mudflats or salt marsh.

Habitat Alteration

It is accepted that there is potential for marine waters within this SAC to be altered due to ingress of pollutants impacting water quality.

Disturbance and/or Displacement of Species

Due to the nature of the qualifying interest of this SAC, disturbance/displacement does not arise.

Habitat or Species Fragmentation

I note that the habitat to be lost within the SAC would be an artificial surface.

Effect on Conservation Objectives

‘Mudflats and sand flats not covered by seawater at low tide’

Having regard to the Conservation Objectives for this habitat and to the ‘Attributes’ referenced, the following is noted:

- The proposed development would not result in any loss of this habitat and no construction works would take place within the SAC or below the high water mark.
- There is potential for pollutants to enter the marine environment and for receiving waters to be altered, indirectly affecting the distribution and abundance of the benthic community. The applicant has developed a Construction Phase Surface Water Management Plan to ensure there would be no deterioration of water quality. Mitigation measures would also include water quality monitoring, control of concrete washout, and on-site fuel management.

‘Atlantic Salt Meadows’

Having regard to the Conservation Objectives for this habitat and to the ‘Attributes’ referenced, the following is noted:

- There would be no loss of this habitat within the SAC arising from the proposed development and all works on the northern shores would take place above the high water mark.
- There would be no decline in or change to the distribution of this habitat as a result of the works.
- There would be no interference with the existing marine sediment dynamics as there would be no marine works within the SAC.
- There would be no interference with the existing creek and pan structure of the habitat as there would be no marine works within the SAC.
- There would be no interference with the natural tidal regime as there would be no marine works within the SAC.
- There would be no interference with the natural processes of erosion and succession within the SAC as there would be no marine works within the SAC.
- The proposed development would not affect the current grazing regime at the site.
- There would be no interference with the percentage of vegetation cover within the SAC as there would be no marine works within the SAC.
- There would be no interference with the range of subcommunities with typical species as per the SMP within the SAC as there would be no marine works within the SAC.
- There would be no spread of *Spartina anglica* as a result of the proposed development as there would be no marine works within the SAC.

Cork Harbour SPA

Section 5.1.2 of the applicant’s NIS provides a description of this European site and identifies the potentially significant impacts to its Special Conservation Interests. The

site of the proposed development lies immediately south of this SPA. The following is accepted:

- There is potential for significant impacts on the bird species forming the Special Conservation Interests of this SPA, with the exception of Pintail and Golden Plover. These species were not recorded during the extensive surveys that were undertaken.
- There is the potential for disturbance to, water quality effects on, and displacement of the bird species.

Habitat Loss

There would be no loss of habitat within the SPA and I note that all works would take place above the high water mark in the vicinity of the SPA.

Habitat Alteration

Due to the development being in close proximity to the SPA, there is potential for receiving marine waters to be altered as a result of the ingress of pollutants during the construction phase with the reduction of water quality, potentially having a negative effect on water quality and the habitat which the birds of special conservation interest depend on for foraging.

Disturbance and/or Displacement of Species

The proposed works would result in noise emissions and would generate groundborne vibration. It is acknowledged that the works would be short-term but that they would likely extend over two wintering periods. The established noise environment is noted at this location, including the existing industrial plant operations on the site.

The construction works would result in disturbance and displacement of birds roosting in the vicinity due to demolition works, plant and machinery and workers on the site would also reduce feeding activity, likely forcing birds to seek alternative feeding areas. The SPA is designated for one breeding bird, Common Tern. It is

noted that there is an established colony at the Martello Tower some 350m north of the site. I acknowledge the applicant's finding that, given that the predicted worst-case construction noise is similar to the ambient noise at the tower, it is likely that construction noise would be only slightly audible from the tower. I also note the existence of a floating pontoon some 500m north-east of the site. The applicant has estimated that it is likely that construction noise would be slightly audible from the pontoon and the noise would not be significantly higher than the ambient noise at the tower.

It is accepted that the noise arising from the functioning wastewater treatment plant, the pumping stations and the electrical substation at the operational stage would effectively be neutral in the context of established operations.

Habitat or Species Fragmentation

There would be no habitat loss within the SPA.

Effects on Conservation Objectives

The potential for pollutants entering the marine environment from the proposed development could negatively impact on water quality, which could result in habitat modification and affect the distribution and/or abundance of prey. This could impact on the distribution of foraging birds. It is again noted that the applicant has developed a Construction Phase Surface Water Management Plan to ensure water quality would not deteriorate and that there are other mitigation measures proposed to include water quality monitoring, control of concrete washout and on-site fuel management. At the operational stage, I acknowledge that the wastewater treatment plant would be obligated by licence to meet required standards and that surface water discharging from the site would be intercepted through an oil retention interceptor prior to discharge. It is not anticipated that the proposed development would have significant effects on water quality and thus on prey biomass.

I again note the potential for disturbance of roosting birds and foraging birds arising from the works.

The effects of the proposed development on the European site's conservation objectives for each of the Special Conservation Interests of the site are set out in Section 5.4.1.4 - 5.4.3 of the applicant's NIS. Having regard to the Conservation Objectives for this site and to the 'Attributes' referenced, the following is noted:

- It is not considered that the proposed development would affect the long-term population trend of the breeding population of Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shoveler, Oystercatcher, Dunlin, Bar-tailed godwit, Common Gull, and lesser black-backed gull. Mitigation measures are seen not to be required. Relatively low numbers and/or habituation to moderate levels of disturbance are acknowledged.
- It is not considered that the distribution of the following bird species would be significantly affected by the proposed development – Little Grebe, Great Crested Grebe, Grey Heron, Shoveler, Oystercatcher, Dunlin, Bar-tailed godwit, Common Gull, and Lesser black-backed gull. Relatively low numbers, alternative foraging sites, and relative tolerance to disturbance are acknowledged.
- There is potential for disturbance and displacement by visual stimuli to Cormorant on the old quay and jetty, and in the vicinity of the site to Shelduck, Wigeon, Teal, Red-breasted merganser, Grey plover, Lapwing, Black-tailed godwit, Curlew, Redshank, and Black-headed gull.
- Common Tern is the only Annex I species that is a Species of Conservation Interest for Cork Harbour. There is a significant colony at the Martello Tower north of the site. There would be no loss of habitat or direct disturbance at this site. The following is noted:
 - The proposed works would not commence during the breeding cycle of Common tern in order to avoid introducing any potential new disturbance during this period.
 - The proposal would not have a negative effect on the number or productivity at the breeding site at the mooring dolphin nearby.
 - Regarding works on the jetty, it is considered that the possible displacement of the breeding pair at this location would not result in a

significant decline to the breeding population or in the mean number of fledged young per pair.

- Mitigation is proposed to avoid indirect disturbance should works start or be introduced during the breeding season. Therefore, the proposal would not significantly affect the distribution of the colony at Marino Point.
 - Having regard to water quality controls proposed, it is not considered that the proposal would have a significant effect on water quality or on prey biomass. Further mitigation measures are proposed as a precaution.
 - Having regard to the established nature of the site and distance from bird colonies, it is not anticipated that there would be barriers to connectivity for Common tern.
- The wetland habitats within the SPA are of conservation interest for non-breeding migratory waterbirds and are an additional Special Conservation Interest. There would be no direct habitat loss arising from the proposal. Water quality control measures are proposed for the works.

8.2.4. Potentially Significant Cumulative Effects

The plans associated with the Cork Harbour area and the various development pressures on the harbour have been identified by the applicant. The applicant has prepared a Construction Phase Surface Water Management Plan, has undertaken an assimilative capacity study and a mass balancing calculation for the proposed wastewater treatment plant, and has had regard to one known future development proposal on this site (an agricultural fertiliser facility) which is expected to overlap with the proposed development, resulting in a slight increase in noise levels for a short period. Significant operational cumulative impacts are not anticipated. Overall, it may reasonably be determined that there would not be significant cumulative effects in terms of disturbance or displacement of the birds comprising the Special Conservation Interests of this SPA.

8.2.5. Mitigation

Section 6 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the proposed development. The measures include the

employment of a project ecologist, a range of works being done outside the bird breeding period, the construction of the flood defence revetment outside of the wintering period, and screening to minimise visual disturbance, as well as the range of water quality controls identified earlier. Other proposed measures include introduction of a wheel wash, drainage measures for the temporary construction compound, controlled measures for use of hydrocarbons, best practice storage provisions, and other water quality control measures relating to excavation works and temporary storage and stockpiling of demolition materials. Invasive species control measures are also proposed along with revegetation to reduce ingress of suspended solids to the drainage system. Finally, bird monitoring prior, during and following the proposed works would be undertaken.

The applicant's response to the planning authority's request for further information addressed the timing of proposed mitigation measures to avoid disturbance to a range of protected species (Table 5 of Response), provided details on the locations for proposed physical screens and on the deployment of nest boxes, and set out further details of on-site lighting.

The applicant's clarification submission to the planning authority included a method statement for the proposed flood defence works and associated rock armouring to address risk to the qualifying interests of the SAC, proposals for the retention of an area of the existing lagoon for reasons that include provision of nesting habitat for Shelduck, and provided details on the ecological enhancement of other areas of the site.

In my opinion, these constitute suitable, robust, comprehensive and necessary measures to avoid any adverse impacts on the integrity of Great Island Channel SAC and Cork Harbour SPA.

8.2.6. Residual Impacts

I concur with the applicant's findings that, if the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying features of Great Island Channel SAC or the species of conservation interest of Cork Harbour SPA.

Following my appropriate assessment of the proposed development and with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of Great Island Channel SAC and Cork Harbour SPA in view of the Conservation Objectives of these sites. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

8.2.7. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on Great Island Channel SAC and Cork Harbour SPA. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030), or any other European site, in view of the sites' Conservation Objectives.

This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of Great Island Channel SAC and Cork Harbour SPA.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Great Island Channel SAC and Cork Harbour SPA.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. This application falls under Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (i.e. the 2014 EIA Directive). I have examined the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal. I have considered whether the information contained in the EIAR and the supplementary information provided by the applicant to date in the application process adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with relevant legislative provisions.
- 9.1.2. A range of third party and prescribed body submissions have been received. The issues raised are addressed in detail in my planning assessment.
- 9.1.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality to allow consideration as to whether the information contained in the EIAR and any supplementary information provided by the applicant adequately identifies and describes the direct, indirect and cumulative effects of the proposed development and complies with article 94 of the Planning and Development Regulations 2000, as amended.

9.2. Alternatives

- 9.2.1. The applicant examined existing port locations and greenfield sites within Cork Harbour, the use of existing port facilities elsewhere, and a greenfield site off the coastline outside of the Cork Harbour area. A total of twelve options were considered. The applicant determined that Marino Point has significant development potential as a Port of Cork site due to it benefiting from rail connectivity, the existing

jetty, and the fact there was an established Seveso industry on the site. The applicant also examined alternative layout options and a 'Do Nothing' scenario.

- 9.2.2. I am satisfied that an extensive examination of alternatives was reviewed in this application and that the applicant's assessment and reasons for the selection of Marino Point for the development are well-founded. I further note that this location is clearly promoted for such intended uses in regional and local planning policy. This is a site with rail access, established industrial use, a history of port-related and industrial use, and with a functioning jetty. Its selection as a prime site for the uses proposed have been reasonably justified in my opinion.

9.3. **Population and Human Health**

- 9.3.1. The applicant examined population and settlement patterns, economic activities, land uses, human health, tourism and amenity resources.
- 9.3.2. My considerations are as follows:
- The site of the proposed development is located separate from established settlements in a lightly populated area. It is acknowledged that Passage West is located approximately 600m to the west across the harbour and Cobh is some 5km to the south.
 - The site is a brownfield site on which there is an established industrial plant (Marinochem) and on which there is a recent history of industrial use. I also note that a planning application has recently been made to Cork County Council for an agricultural fertiliser facility and additional port operational use (Gouldings – P.A. Ref. 20/6955) on this site in close proximity to the Marinochem plant.
 - Land uses in the vicinity comprise mainly of agriculture, with a golf course a short distance to the east of the site. There is no significant density of residential properties, with a small cluster of houses located south of the main entrance and on the opposite side of the regional road. Fota Wildlife Park is located some 500m north of the site.

- The site itself is of no notable amenity or tourism value. I acknowledge the recorded monuments which includes Marino House at the southern end of the site. The golf course and wildlife park in the general vicinity are again acknowledged. Cork Harbour is also noted as a significant tourism and amenity resource.
- I acknowledge the nature and extent of the proposed development, which consists of demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals. I further note the applicant's proposals to address matters with the potential to impact on the population of this area, including health and safety provisions, noise, air quality, water quality, and traffic controls and provisions at the construction works stage, and the short term, temporary nature of these works. Matters pertaining to human health are adequately addressed at this site preparation stage by the range of management plans proposed, provisions relating to remediation of the lands, and proposed mitigation measures relating to air quality and water.
- These works would facilitate the redevelopment of a brownfield site and would permit the support of industrial and port-related uses. This would be consistent with the established and recent historical land uses on this site. I accept that future uses would be subject to individual planning and environmental assessment processes.
- There would be no discernible operational impacts arising from the proposed development at this stage on the local population.
- The intent to undertake a feasibility study would be a key measure to ensure the conservation of Marino House and its setting into the future and this proposal is seen to be a positive amenity attribute.
- There is a wide range of proposals and mitigation measures in this application to address potential impacts by way of noise, vibration, dust, traffic, water quality impacts, etc. and the environmental impacts of these will be considered further in this assessment. It is reasonable to determine that discernible improvements

would be made in relation to water discharges, with improvements to the amenity of harbour waters.

- 9.3.3. Overall, I am satisfied to conclude that significant adverse impacts would not be likely to arise for the local population and those intended to undertake the proposed development.

9.4. **Biodiversity**

- 9.4.1. The applicant's EIAR described the ecology of the site and environs in relation to designated sites, habitats, flora, fauna and biological water quality, referenced guidance, field surveys and studies undertaken, and detailed mitigation measures. The further information response to the planning authority also provided additional information on habitats, flora and fauna.

- 9.4.2. My considerations are as follows:

- The existing site is a brownfield site that has been and is heavily impacted by industrial activities. The condition of this site has been greatly influenced by these activities.
- The proposed development would comprise substantial site clearance and demolition works which would change the existing site. However, the outcome of these works would not result in any significant impacts to terrestrial habitats.
- The proposed development would include the infilling of most of the existing lagoon at the northern end of the site. This is a manmade lagoon associated with previous industrial activities and the habitat type at this location is not a qualifying interest of the adjoining SAC.
- I note from the surveys undertaken the presence of otter, badger, harbour seals, bats and other mammal species, as well as buzzard, peregrine and a range of shore and water birds on and in the vicinity of the site. The presence of Bee orchid at the northern end of the site is also acknowledged.

- The works would result in disturbance to breeding, sheltering and foraging fauna by way of noise, vibration, worker and vehicular movements, etc., as well as potential displacement of mammal and bird species on and in the vicinity of the site. I acknowledge the short duration of the proposed works which would likely result in temporary disturbance and avoidance of the site during this period.
- The applicant's mitigation measures include the implementation of its Construction Surface Water Management Plan and this is seen to be an integral part of addressing potential adverse water quality impacts on adjoining marine waters. The control of oils, fuels, chemicals, sediment, etc. to avoid adverse effects on the aquatic habitats and reduction in available prey would seek to protect the aquatic environment for protected species, inclusive of otter. Other measures proposed include the engagement of a project ecologist, controlled timing of works, erection of screening, provision of peregrine nest boxes on high structures, control of invasive plant species, retention of woodland screening, additional planting, and retention of a part of the existing lagoon.
- The impacts on birds, and in particular on the Species of Conservation Interest in Cork Harbour SPA, are addressed in the appropriate assessment in this report. Suffice to indicate that it has been concluded that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Great Island Channel SAC and Cork Harbour SPA, or any other European site, in view of the sites' Conservation Objectives. The applicant has developed a schedule of mitigation measures to ensure significant adverse effects would not occur for bird species of conservation interest identified as SCIs of the SPA and other species inclusive of Peregrine falcon. It is accepted that the proposed development would have temporary impacts on bird species that would not be significant.

9.5. **Lands and Soils**

- 9.5.1. The geology of the site is noted, i.e. a combination of subsurface strata ranging from mudstones and shales to marine silts and construction materials. The predominant

underlying subsoil is till. Fault lines occurring on the site are noted, as are bedrock outcrops along the site's western edge.

9.5.2. My considerations are as follows:

- The proposed development would take place on a brownfield site consisting of made ground. This is a site where the existing and previous land uses are/were industrial in nature.
- It is acknowledged that the IFI site has been cleaned up to the satisfaction of the EPA and that the licence associated with this industrial plant has now ceased to have effect.
- The proposed development would include the clearance of the site. Materials at this stage and following the demolition works determined to be suitable for reuse will be crushed and graded for infilling, while unsuitable materials would be removed off site. These works would not have any significant impact on the soils and geology of this site.
- The applicant has prepared a Construction and Demolition Waste Management Plan, referencing the materials and quantities of materials to be reused and removed and guiding waste management during the works processes.
- The provision of infrastructure, internal access roads, the wastewater treatment plant, pumping stations and a substation would involve removal of existing surfaces and shallow excavation works. These works would not have any significant impact on the soils and geology of this site.
- The importation of materials for fill, regrading, surfacing, etc. and the importation of materials associated with infrastructure provision would not have any significant impact on the soils and geology of this site.
- The infilling of most of the existing lagoon to ground level would not have any significant impact on the soils and geology of this site.
- There would not be any significant impact on the soils and geology of this site arising from the management of waste materials during the proposed works.

- The proposed development would not have any significant impact on the soils and geology of this site at the operational phase.

9.6. **Water**

9.6.1. The applicant's EIAR describes the surface water and groundwater environment at this location, the existing and proposed foul and surface water drainage arrangements on the site, and the flood risk associated with the proposed development. The main concerns arising from the proposed works on the water environment are identified.

9.6.2. My considerations are as follows:

- The potential risk to surface water at the construction stage arises from accidental spillages, from siltation and by residual contamination within the site. The potential risk at the operational stage relates to foul effluent treatment and subsequent discharge and the discharge of storm waters. I note that all surface waters are proposed to be treated before discharge as part of the proposed development, thus minimising impacts on water quality in the adjoining marine environment. The proposed wastewater treatment plant would be subject to a discharge licence. I note the applicant's findings from the assimilative capacity and mass balance assessment. There would be no significant adverse impact on marine water quality from discharged treated foul effluent.
- There is the potential for adverse impacts on groundwater arising from excavation works which could potentially occur when excavations come into contact with groundwater. I accept that any changes in direction of flow or any reduction in the surface elevation of the groundwater would be temporary and would be reversible. Further to this, the applicant proposes a range of mitigation measures, including a Construction Environmental Management Plan, site investigations, monitoring of excavations to manage localised contamination, and controlled management of any dewatering. I accept that groundwater conditions are not likely to undergo any significant changes at the operation stage.

- The issue of flood risk has been addressed elsewhere in this assessment. Suffice to indicate that it has been determined that the management of flood risk at this location has been appropriately addressed in the application and that the proposed development poses no risk of flooding beyond the site.

9.7. **Air Quality and Climate**

9.7.1. The applicant's EIAR described existing air quality, weather conditions, and sources of atmospheric emissions, while identifying the sensitive receptors in the area. Dust emissions from the proposed development were identified and their impact assessed, with best practice mitigation measures proposed.

9.7.2. My considerations are as follows:

- The site is an existing and former industrial land area. The significant impact on air quality arising from the proposed development relates to dust emissions. The demolition, site infrastructure improvements, and utility upgrade works would be short term in nature and it is intended that best practice methodologies would be employed when undertaking the works. There would not be any significant adverse impact on air quality arising from the proposed development.
- There would be no known adverse air quality or climate impacts arising from the operation of the proposed development when the proposed wastewater treatment plant is functioning in accordance with design limits and when this component of the development is in compliance with licensing requirements.
- Having regard to the character, contained nature, and short timeframe of the proposed works, it is considered that there would be no known impacts on climate arising from the proposed development.

9.8. **Material Assets**

9.8.1. The material assets examined by the applicant included electricity, gas, rail, water supply, wastewater infrastructure, materials management, and other utilities such as communications.

9.8.2. My considerations are as follows:

- The existing site is served by a 110kV substation which is deemed excessive for requirements. A new substation is to be developed. No adverse impacts would arise for electricity supply.
- There is an existing gas compressor station on the site serving Marinochem and houses on Great Island. There would be no adverse impact on this station. A new gas pipeline would be installed to serve Marinochem and the existing gas connection would be discontinued. No adverse impacts on gas infrastructure are anticipated.
- The development would provide for a new rail connection to the Cobh to Cork line which is a sustainable transportation proposal for this industrial site.
- The site is served by a public water supply which is capable of meeting with estimated future demand. The supply would serve construction requirements. A new supply network would be provided within the site as part of the infrastructure works and this will enable ongoing metering of individual operations at the site. Firefighting hydrants would also be provided. There would be no adverse impacts on water supply.
- The two existing septic tanks on the site would be removed as part of the proposed development and a new treatment plant providing secondary and tertiary treatment would be developed which would be subject to a discharge licence. The plant would allow for expansion to accommodate increased future loading. Wastewater infrastructure would be improved as a result of the proposed development.
- There is an established methanol pipe network running from the existing jetty and serving Marinochem. This pipe network would be diverted and would continue in use without any adverse impact.

- The proposed development provides for the reuse of materials for infilling and regrading. The importation of additional materials would be appropriately sourced. The applicant's Asbestos Demolition and Refurbishment Survey is noted, along with the proposals for handling and managing materials by specialist licensed contractor.
- During the construction period it is intended that utility services would remain uninterrupted, subject to agreement with service providers.
- It is reasonably concluded that the proposed development would result in an improvement to the utility infrastructure on this site.

9.9. **Cultural Heritage**

9.9.1. The applicant's EIAR examined the potential impacts of the proposed development on recorded archaeology and the cultural heritage of the site.

9.9.2. My considerations are as follows:

- The northern part of the site comprises reclaimed lands.
- There are three recorded monuments listed in the Record of Monuments and Places at the southern end of the site – Marino House, the Orangery, and a designed landscape feature. The landscape feature was removed in the 1970s. There is also a number of demesne features remaining that are associated with Marino House – a walled garden, a gateway, a retaining wall and steps, a boathouse, a quay, and the existing railway line.
- The proposed development would not impact on the recorded monuments or the existing features associated with the demesne.
- I note that it is intended to develop a management plan for the house and associated structures. This is seen to be a positive impact for the cultural heritage of this site.
- Archaeological monitoring of previously undisturbed ground would take place where there would be excavation associated with the proposed wastewater treatment plant.

- There would be no other significant impacts arising for the remainder of this site having regard to the established industrial nature of these lands.

9.10. **Landscape and Visual**

9.10.1. The applicant has assessed the landscape and visual impact of the proposed works on this site.

9.10.2. My considerations are as follows:

- The site of the proposed development is in an area classified as a 'High Value Landscape' in Cork County Development Plan and the adjoining R624 is a designated scenic route. This site is an existing and former industrial landholding adjoining the shoreline of Cork Harbour with extensive structures and infrastructure associated with industrial uses.
- The proposed development would consist of demolition, site infrastructure and utility upgrade works. This would result in the removal of many derelict and unsightly structures. This would result in a positive landscape and visual impact.
- Existing mature trees along the west and south sides of the site would be retained and native planting is proposed along the north-western site boundary. This would enhance the screening of the site.

9.11. **Noise and Vibration**

9.11.1. The applicant's EIAR considered the proposed development with due regard to sensitive receptors in the vicinity and examined existing noise sources and noise and vibration sources derived from the proposed development.

9.11.2. My considerations are as follows:

- The site is an established industrial site. It is separate from established residential properties in the wider area.

- The proposed development comprises the removal of redundant structures and infrastructure and the undertaking of preparatory works to facilitate new industrial and port-related development. I acknowledge that there would be some concrete and rock breaking by chemical splitting and hydraulic blasting. Crushing and screening of materials would also occur and the prill tower would be removed by way of a controlled demolition explosion. The overall works would be temporary and short term.
- Impacts on European sites are addressed in the appropriate assessment in this report.
- Best practice methodologies are to be employed to achieve noise and vibration compliance requirements and to minimise off-site impacts. A site liaison officer would be employed as part of the measures envisaged to engage with the local authority and residents of the area.
- The proposed works would be over a short period of 18 months and there would be no significant impact on nearest sensitive receptors by way of noise or ground-borne vibration arising from these works.
- There would be no notable noise and vibration impacts at the operational stage.
- Any cumulative impacts with the construction of the proposed fertiliser facility on this site would be temporary and short term, would not likely result in any significant increase for nearest sensitive receptors, and are estimated to not exceed limits set for the proposed development.

9.12. **Traffic and Transportation**

9.12.1. The applicant undertook a traffic and transportation study relating to the proposed development, examining existing traffic, the transport network and the impact of the proposed development on this network. The study also assessed the cumulative construction impact of the proposed fertiliser facility for this site coinciding for a short period with the proposed construction works.

9.12.2. My considerations are as follows:

- The existing regional road serving this site is seriously deficient in width, structure and alignment. It evidently requires substantial upgrading prior to any significant development and further intensification of industrial and port-related uses at this site. This road has a speed limit of 60kph applying in the vicinity of the site.
- The proposed development, incorporating demolition, seeks to reuse materials derived from this site in the filling and regrading of the site, thus minimising the volume of imported materials and, consequently, the volume of heavy traffic that would otherwise be required to access the site from the public road network by importation of materials. It is acknowledged that the nature of the development requires importation of some aggregate and ultimately the new infrastructure intended to be installed.
- It is estimated that HGVs generated by the proposal would be at a rate of up to one truck every 7 minutes during off-peak hours. Significant traffic queuing is not anticipated on the public road. Acknowledging the width constraints with Belvelly Bridge to the north, it is reasonable to estimate some degree of informal stopping and yielding by HGV and other traffic at this location.
- I note that the cumulative impact with the proposed fertiliser facility construction is estimated to add 18 truck movements per day to and from the site. I acknowledge the anticipated short four month period of overlap.
- As mitigation, hours for importation and exportation of vehicle loads are proposed to avoid overlapping with peak traffic hours on the regional road. Also as part of the mitigation measures, a Construction Traffic Management Plan would be prepared and would be agreed with the planning authority. The main entrance to the site would also undergo improvements.
- Overall, it is reasonable to determine that the proposed demolition, infrastructure and utility upgrade works would not have any significant traffic or transport impact on the public road network during its short duration.

9.13. **Cumulative Impacts**

- 9.13.1. The short duration of the proposed works is again acknowledged. The very limited overlap with the construction of a fertiliser plant on this site is found to have no likely significant cumulative impacts. There are no other plans or projects which could reasonably be determined to constitute development that would derive significant cumulative environmental impacts with the proposed development. This includes the many plans, wastewater treatment plants and licensed activities related to and in the vicinity of Cork Harbour.

9.14. **Interaction of Impacts**

- 9.14.1. Invariably, environmental impacts would be inter-related in some manner. However, it has been determined that there would be no significant adverse impacts arising from each of the environmental factors individually assessed and, as a result, there would be no significant impacts anticipated with the interaction of the impacts projected to arise.

9.15. **Major Accidents**

- 9.15.1. I acknowledge the existing industrial nature of this site, its location adjoining Cork Harbour, and the site containing a Seveso site, namely Marinochem. It is reasonable to conclude that, given the understanding of the nature and extent of the proposed development being site preparatory works and the limited and controlled nature of these works in relation to the servicing of Marinochem, the vulnerability of this site arising from the proposed works to major accident risks would be low. The principal risks of accidents have been adequately identified in Table 4 of the EIAR and the mitigation measures have been identified. I accept the main risks at the site preparation stage relate to structural collapse, asbestos exposure, flood risk, proximity to the Seveso site, fire risk and traffic accident risk and they would primarily apply to those working on the site at this stage of the development of these lands. The various plans relating to health and safety, managing construction waste and

traffic, the flood risk provisions, and the construction management proposals would adequately address concerns for workers relating to major accident risk.

9.16. **Reasoned Conclusion**

9.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

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

and the consequent improvements to emissions, in particular surface waters discharging to the marine environment.

9.16.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018), 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017), and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). It is noted that Article 3 (2) of Directive 2014/52/EU requires that:

'The effects referred to in paragraph 1 on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned'.

9.16.3. The submitted EIAR did not include a specific chapter on the issue of major accidents or natural disasters. However, reference was made in relevant chapters to the potential for major accidents where applicable. Specifically, I would refer the Board to the chapters on Population and Human Health, Land and Soil, Water, Air Quality and Climate, and Traffic and Transport. I also note that the submitted Construction Environmental Management Plan provides an environmental management framework to be adhered to during the works. The nature of the development proposed does not in itself give rise to significant risks in relation to major accidents. I have acknowledged that the site contains a Seveso site and that it lies within a consultation distance appropriate to that site. The site is not located in proximity to any major public transport terminus or any settlement. Having regard to this, I consider that the document presented to the Board adequately addresses this issue.

9.16.4. In conclusion, the likely significant environmental impacts arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. I am satisfied that there would be no residual impacts and, therefore, the proposed development would not have any unacceptable direct or indirect impacts on the environment.

10.0 Conclusion

The following conclusions are drawn from the assessment above:

- The proposed development would comprise demolition, site infrastructure improvements, and utility upgrade works to stabilise the existing site and to provide capacity for future industrial development proposals at the Belvelly Port facility. The proposed development would not involve any changes or intensification to the operational uses on this site. Future development proposals would be subject to individual planning applications, environmental consents and compliance requirements.
- The proposed development, forming the essential site preparation phase to facilitate the further development of Belvelly Port Facility, would be consistent with national, regional and local policy provisions.
- The proposed demolition, site infrastructure improvements, and utility upgrade works would have no significant adverse impacts on the inhabitants of Carrigaloe, Belvelly or Passage West.
- Regional Road R624 is poor in width, structure and alignment and is not adequate to meet ongoing traffic needs of large industrial or port-related activities without substantial upgrading. Notwithstanding this, the nature and extent of the site preparation works, the mitigation measures to be employed, and the short-term nature of these site preparation works would not have significant adverse impacts on the regional road and can be accommodated without causing traffic hazard, congestion or significant inconvenience for other road users.
- The proposed surface water provisions would provide appropriate infrastructure to facilitate the future orderly development of this site for industrial and port-related activities.
- The management of flood risk at this location has been appropriately addressed in the application.
- Appropriate measures are being employed to address the potential adverse effects of the construction works on flora and fauna of conservation interest within this industrial site.

- The development forming site preparation works would not be prejudicial to the amenity of the area.
- Each future proposed industrial and port-related development would be subject to planning and environmental processes and the utilisation of the jetty, and consequently the shipping impact arising for Cork Harbour, would be appropriately assessed as applications are made.
- The proposed infrastructure provisions clearly have the intent to provide for enhanced facilities to reduce potential adverse water quality impacts
- The uses to which the jetty may be put as new developments proceed on this site cannot be pre-determined at this stage. Future development proposals would be subject to planning and other environmental applications and assessments and the nature and extent of the use of the jetty for such new activities would be understood and assessed as part of these processes.
- Any future applications for development at this site would include assessment of the intensification of jetty use where relevant.
- The existing lagoon proposed to be filled is manmade and formed part of previous industrial activities on this site. The ecological significance of this lagoon has been thoroughly assessed.
- The requirement for monitoring stations in nearby village locations would not be a necessity at this stage of the development of Marino Point, having regard to the emissions predicted to occur at this site preparation stage.
- The planning application includes provisions for liaison at the construction stage.
- There are no provisions which would necessitate the application of a community gain option in the form sought by the appellants.
- The matter of State funding to assist with the development is beyond the scope of this planning application and appeal process.
- This site has been earmarked in public policy for relocation of port uses as well as being developed as a strategic employment location for the region.

- Regarding Condition 34 of Planning Permission 74/1523, the development intentions for Marino Point set out in public policy provisions is acknowledged, with the proposal facilitating the implementation of these provisions and, in doing so, reinstating the land to a useful condition.
- The applicant has indicatively referenced the nature of uses which are likely to occupy the site following site preparation works. These are consistent with the range of activities proffered by public plan provisions. There can be no other reasonable estimate of likely future development on these lands at this time.
- The EIAR has had due regard to the cumulative impacts of the development in association with the proposed fertiliser plant for this site and the existing Marinochem plant. The nature and extent of other intended developments at the site are unknown at this stage.
- The proposal, comprising site preparation works to accommodate future industrial and port-related development unknown at this time, could not reasonably be determined to constitute project splitting.
- Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of Great Island Channel SAC (Site Code: 001058) and Cork Harbour SPA (Site Code: 004030), or any other European site, in view of the sites' Conservation Objectives.
- The likely significant environmental impacts arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. There would be no residual impacts and, therefore, the proposed development would not have any unacceptable direct or indirect impacts on the environment.

11.0 Recommendation

I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

Reasons and Considerations

Having regard to:

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

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

Appropriate Assessment

The Board agreed with the screening assessment, appropriate assessment and conclusion contained in the Inspector's report that the Great Island Channel Special Area of Conservation (Site Code: 001058) and Cork Harbour Special Protection Area (Site Code: 004030) are the European sites for which there is a likelihood of significant effects.

The Board considered the submitted Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed

development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the appropriate assessment, the Board adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

Environmental Impact Assessment

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

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

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

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

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

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

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

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as they pertain to the development as set out in Chapter 15 of the EIAR which provides a Schedule of Environmental Commitments and subject to compliance with the conditions set out herein, the effects of the development on the environment by itself and in combination with other plans and

projects in the vicinity would be acceptable. In doing so the Board adopted the report and conclusions of the inspector.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 10th March 2020 and the 4th June 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the development, including those set out in Chapter 15 of Volume 2 of the Environmental Impact Assessment Report submitted with this application, shall be implemented in full.

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

3. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority and in accordance with the requirements of the document entitled "Wastewater Treatment Manuals – Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" – Environmental Protection Agency, 1999. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(b) Within three months of the first operation of the treatment plant, the developer shall submit a report to the planning authority from a suitably qualified person with professional indemnity insurance certifying that the effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health

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

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

5. Prior to the commencement of development, the developer shall prepare a Noise and Vibration Management Plan, which shall be submitted to and agreed in writing with the planning authority, to cover on-site construction activity related to demolition of existing structures, removal of obsolete infrastructure, and provision of new infrastructure and upgraded utilities. The submitted plan shall include details of noise monitoring locations and how noise emissions arising from these construction activities shall meet noise criteria specified in Chapter 12 of Volume 2 of the EIAR.

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

6. Prior to the commencement of development, the developer shall prepare a Dust Management Plan, which shall be submitted to and agreed in writing with the

planning authority, to cover on-site construction activity related to demolition of existing structures, removal of obsolete infrastructure, and provision of new infrastructure and upgraded utilities. The submitted plan shall include details of dust monitoring locations.

Reason: To control dust emissions arising from the development and in the interest of the amenity of the area.

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

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

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

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

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

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

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

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

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

11. A suitably qualified ecologist shall be retained by the developer to oversee the construction of the proposed project and implementation of mitigation measures relating to ecology. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on file as part of the record.

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

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

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

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

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

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

Reason: In the interest of protecting the landscape and biodiversity.

Kevin Moore
Senior Planning Inspector

27th January 2021