



An  
Bord  
Pleanála

## Inspector's Report ABP-310241-21

### Development

Change of use of premises to bus depot, extension to rear elevation and provision of roller shutters to front elevation.

Demolition of existing out-buildings and construction of new two-storey office building.

Closure of existing primary vehicular entrance and widening of existing secondary entrance for use as primary entrance, new site boundary walls and fencing, additional hard landscaping and site level alterations for bus parking, provision of bus-wash and fuel pump station, and off-street parking.

### Location

Courtstown, Little Island, Co. Cork.

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

20/04390

### Applicant(s)

Kearney's of Cork

### Type of Application

Permission

**Planning Authority Decision**

Grant, subject to 33 conditions

**Type of Appeal**

Third Party -v- Decision

**Appellant(s)**

Simon & Sarah Kelleher and Others

**Observer(s)**

Patricia Foley

**Date of Site Inspection**

15<sup>th</sup> July 2021

**Inspector**

Hugh D. Morrison

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## 2.0 Site Location and Description

- 2.1. The site is located 2km to the south-east of Junction 2 of the N25 and in a central position on the eastern coastline of Little Island. The River Lee estuary, which is traversed by the Cork/Cobh commuter railway line, runs between this coastline and Fota Island further to the east. The site lies within an area of predominantly commercial development, e.g., warehousing and logistics/transport depots, which is intermingled with dwelling houses that are sited along the Courtstown Road, a local primary road (L-2985), to the site. This road forms a cul-de-sac, and the site is accessed off it.
- 2.2. The site itself is of regular shape and it extends over an area of 1.8 hectares. This site accommodates a modern warehouse (1051 sqm), which is sited in its most southerly quadrant. It also accommodates a row of outbuildings (351 sqm), which front onto the end of the cul-de-sac. The existing gated access to the site is sited in the western corner and it serves yards in the western and southern quadrants of the site. To the rear of the modern warehouse and adjoining yard to the north-west, there is a landscaped bund, beyond which the northern and eastern quadrants lie. These quadrants are undeveloped at present. They form an open green field.
- 2.3. The south-western half of the site is enclosed by means of walls with green palisade fencing above. Along the south-western boundary of the site lies a pair of two-storey semi-detached dwelling houses. The curtilages of these dwelling houses take a “notch” out of the western quadrant of the site. An existing on-site WWTP lies in a position towards the southern corner of the site.

## 3.0 Proposed Development

- 3.1. The proposal would entail a change of use of the warehouse on the site to a bus depot. This change of use would be facilitated by alterations to the front elevation of the warehouse, whereby 5 vehicular size roller shutter doors would be inserted to permit ease of access/egress for routine maintenance and parking. It would be facilitated, too, by the construction of a lean-to rear extension (294 sqm) with vehicular size roller shutter doors at either end, within which bus cleaning and valeting would be undertaken.

- 3.2. Elsewhere on the site, the outbuildings along the southern portion of the south-western boundary to the site would be demolished and a new two-storey office (189 sqm) building would be constructed over part of their footprint. The applicant's Design Report states that for structural, fabric, and flood protection reasons, these outbuildings would not be suitable for conversion to ancillary office use to serve the bus depot. Likewise, the existing office space with the warehouse would be unsuitable for reuse. Consequently, the needed office and reception space would be provided in the proposed two-storey building. The front and rear elevations of this building would be finished in render and its side elevations would be finished in reclaimed stone. The building would have a curved metallic roof with standing seams and its floor level would be designed to mitigate the risk of flooding.
- 3.3. The existing primary vehicular entrance to the site, which is sited in its western corner, would be closed and the existing secondary entrance would be widened for reuse as the primary entrance to the site. This entrance is sited in the gap between the northern end of the existing outbuildings and the pair of two-storey semi-detached dwelling houses that lie further to the north. It would be extended southwards in conjunction with the siting of the new office building and a pair of gates would be installed within it.
- 3.4. The switch in primary entrances would mean that access/egress would be initially to the lower yard that lies in front (to the south-west) of the warehouse. This stone-surfaced yard would be tarmacked. The existing upper yard to the north-west of the warehouse would be laid out to provide a bus wash facility and fuel pump station. This yard would be extended to the north-west to provide a tarmacked bus parking (12 spaces) and associated manoeuvring area. It would be accompanied to the north-east by an extension to the existing landscaped mound, which would screen the south-western half of the site from the undeveloped north-eastern half.
- 3.5. The applicant presently operates from another site on Little Island, which it has outgrown. It states that estimated traffic movements would be 12 cars daily and 15 buses during the winter and 30 during the summer. On-site hours of operation would be 07.00 – 18.00, Mondays to Fridays, and 07.00 – 13.00 on Saturdays.

## 4.0 Planning Authority Decision

### 4.1. Decision

Following receipt of further information, permission was granted subject to 33 conditions. The third and fourth of these conditions are cited by the appellants and so they are reproduced below for ease of reference.

*3. A minimum width 2.0 metres-wide kerbed footpath shall be provided along the L-2985-0 at the site. A finalised detailed design layout including tie-in details shall be agreed with Cork County Council. The agreed layout shall be subject to a Stage 1/2 Road Safety Audit by an independent Road Safety Audit Team comprised of TII approved auditors and submitted to CCC for approval. Recommendations arising from the Audit shall be implemented, as appropriate, at the sole expense of the applicant. These measures shall be detailed and agreed in advance of commencing construction.*

*Six months following commencing operation, a Stage 4 Road safety Audit shall be completed by an independent Road Safety Audit Team comprised of TII approved auditors and submitted to CCC for approval. Recommendations arising from the Audit shall be agreed with CCC, and implemented, as appropriate, at the sole expense of the applicant.*

*Reason: In the interest of road safety.*

*4. The operating times of the development shall be 07:00 to 18:00 Monday to Friday and 07:00 to 13:00 on Saturday. No operations (including maintenance of vehicles) shall take place outside of these hours except for the occasional parking of buses returning from long distance trips. Prior to commencement of operations on site, the applicant shall submit to the planning authority details of the numbers of vehicles involved in any out of hours parking, the frequency of such parking and the operating hours of such parking. As part of this submission the applicant will need to demonstrate that all possible measures are taken to minimise disruption to the neighbouring properties. These details shall be agreed prior to commencement of the operation of the development and thereafter the development shall operate in accordance with any agreed details.*

*Reason: in the interest of residential amenity.*

## 4.2. Planning Authority Reports

### 4.2.1. Planning Reports

Further information was sought with respect to the following:

- Visual impact assessment (VIA).
- Site-specific flood risk assessment (FRA).
- Elevation of the proposed entrance.
- Methodology for extended screening and landscaping details.
- Operating hours of each strand of the proposed use.
- In relation to traffic:
  - Construction phase traffic impact assessment (TIA),
  - Reservation of pedestrian/cyclist route between the shoreline and the site,
  - Comprehensive access assessment of the L-2985, in the light of its width and envisaged usage, and
  - Mitigation measures for the construction and operational phases.
- Proposed entrance to have 3m x 90m sightlines.
- In relation to water:
  - Feasibility of connecting to adjacent public sewer rather than operating under a discharge licence,
  - Alternatively, if on-site WWTP to continue in use, then confirmation that it would not be adversely affected by waste water fraction from the proposed bus wash, and
  - Green SUDS measure to be installed in storm water management system.
- In relation to ecology:
  - Natura Impact Assessment (NIA),
  - Outline construction and environmental management plan (CEMP),
  - Retention of trees/hedgerows along the north-western and north-eastern boundaries of the site.

#### 4.2.2. Other Technical Reports

Cork County Council:

- Environment: Following receipt of further information, no objection, subject to conditions.
- Area Engineer: Following receipt of further information, no objection, subject to conditions.
- Waste Enforcement: Following receipt of further information, no objection, subject to conditions.
- Ecology: Following receipt of further information, no objection, subject to conditions.
- Traffic & Transport: Following receipt of further information, no objection, subject to conditions.

### 5.0 Planning History

- 99/260: Construction of warehouse, ESB sub-station, treatment tank, and entrance road + renovations to existing industrial building: Permitted at appeal.
- 99/267: Conversion of 1 dwelling to 2 dwellings: Permitted.
- 01/1222: 3 light industrial units with office floors: Refused.
- 05/698: Demolition of storage and administration building and construction of two-storey building consisting of 8 business and commercial units: Refused.
- 06/12134: Construction of warehouse: Permitted.
- 08/5074: Demolition of stone warehouse and construction of single storey building comprising 2 warehouse units and widening of existing entrance to allow for vehicular access: Permitted.
- 08/10129: Demolition of stone warehouse and construction of single storey building comprising 1 warehouse unit and new vehicular entrance: Permitted.
- 12/4251: Completion of warehouse permitted under 06/12134: Permitted.



## 6.0 Policy and Context

### 6.1. Development Plan

Under the Cobh Municipal District Local Area Plan 2017 (LAP), the site is shown as lying within the development boundary around Little Island, which is one of the key employment locations in Metropolitan Cork. The site itself lies in an area that is zoned open space, which, under Objective LI-O-01, states “This area makes a significant contribution to the setting of Little Island. It also functions as an important buffer for the adjoining strategic industrial area and is known to be an important feeding habitat for a number of species of bird for which the adjacent SPA is designated. There is a general presumption against development on these lands.”

Objective ZU 2-5 of the Cork County Development Plan 2014 – 2020 (CDP) addresses non-conforming uses as follows: “Generally, permit reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses within the existing curtilage of the development subject to normal planning considerations.”

To the north-west of the site lies a castle site, which is a Recorded Archaeological Monument (CO 077-025). The National Monuments Service provides the following description: “On top of a natural knoll, in commanding position at east end of Little Island. Marked “site of” on 1842 OS 6-inch map: No visible surface trace. Barry Castle, the name “court” may indicate a 17<sup>th</sup> century date of construction.”

### 6.2. National Policy

The Planning System and Flood Risk Management Guidelines

### 6.3. Natural Heritage Designations

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

## 6.4. EIA Preliminary Examination

Under Item 10(a) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, where industrial estate development projects would occur on sites that would exceed 15 hectares in area, the need for a mandatory EIA arises. The proposal is essentially for the change of use of a warehouse to a bus depot within which routine maintenance of vehicles would occur on a site with an area of 1.8 hectares. Accordingly, it does not attract the need for a mandatory EIA. Furthermore, as this proposal would fall well-below the relevant threshold, I conclude that, based on its nature, size, and location, there is no real likelihood of significant effects upon the environment and so the preparation of an EIAR is not required.

## 7.0 The Appeal

### 7.1. Grounds of Appeal

The appellants, who reside at No. 3 Lower Courtstown, begin by listing the 6 local residents in addition to themselves who are signatories to their grounds of appeal. They also state that they are supportive of the planned social and economic development of Little Island in a safe and sustainable manner. The proposal would be deficient in these respects and so they cite the following grounds of appeal:

- Road safety

The local road to the site is narrow, it is unaccompanied by a public footpath or streetlighting and, due to the encroachment of a hedgerow, the passage of wider vehicles leads to the encroachment of traffic onto private properties.

At present the use of the local road is tenable, as it is lightly trafficked. Under the proposal this would change with the introduction of not only more vehicles, but larger ones, i.e. buses.

While growth in the applicant's business is prompting its relocation from elsewhere on Little Island, access to the site is unsuitable and the application includes a lack of information on the numbers of vehicle movements that

would arise. In this respect, information on vehicle movements during the operational phase is particularly scant.

The advice of Traffic and Transport is critiqued insofar as it recognises the 70m section of the local road adjoining residential properties that would continue to be without a public footpath under the proposal, i.e. while a public footpath would be provided opposite the frontage to the site, this proposed public footpath would not tie into the existing one, which would be 70m away. The resulting “bottleneck” would not be amenable to improvement under RSAs (cf. Condition No. 2).

- Road design

The reality of existing road usage is illustrated by the fact that visitor parking on the local road is sufficient to block the passage of the bin truck.

Other developments within the vicinity of the site were required to improve the relevant portion of the public road network. With respect to the above cited 70m section, any widening would entail third party lands. Nevertheless, these should be secured either by the applicant or the Planning Authority, so that widening can occur prior to the commencement of the proposed use.

While the local road would be improved opposite the site, in the absence of the above cited widening, it would be inherently hazardous as approaching traffic would pass from an already improved section of road to an unimproved section to finally reach an improved section.

The passage of increased numbers of vehicles through the unimproved section would lead to a much higher incidence of vehicles encroaching on private properties than occurs at present and an associated increased risk to pedestrians competing for the limited available road space.

- Road widening requirement

In the light of the above discussion, it is imperative that the needed additional road widening occurs prior to the commencement of the proposed use.

- Operational activities

The applicant has omitted to outline the extent of “after hours” vehicle movements that would occur. This omission is significant as these movements

and any associated on-site activities would have the greatest potential to impact upon the amenities of local residents.

Information on the maximum numbers of vehicles that would be in attendance on the site should have been given, as such numbers have a bearing on residential amenity, too.

Condition No. 4 is too open ended to be capable of being monitored/enforced.

- Noise impacts

Noise mitigation measures are of crucial importance if the amenity and health of local residents is to be safeguarded.

## 7.2. Applicant Response

- Road safety

The short section of 4.8m wide roadway to the north of the site is acknowledged. The encroachment of a hedgerow would be addressed by the applicant, who has the consent of the landowner to cut back this hedgerow and maintain it in a cut back state. The same landowner is, regrettably, not interested in selling any land.

Historically, traffic generated by the warehouse on the site did not cause problems on the local road. This warehouse was permitted in 1999 and other developments on the site were subsequently permitted. Prior to the warehouse, between 1980 and 2000, the site was used by Long and Hibernian Salt Companies for the commercial storage and transportation of salt. This use generated 20 – 25 articulated truck movements daily without any problems on the local road.

Attention is drawn to the Planning Authority's conditions 2 and 4, which require the submission of a detailed construction traffic management plan and the completion of a Stage 4 RSA of the road widening proposed for the site's frontage with the local road.

- Road design

At the pre-application stage, the applicant consulted local residents who expressed their concerns over the use of the existing entrance to the site opposite their dwelling houses. By way of response, the applicant agreed to close this entrance and landscape it and to establish the proposed entrance further to the south.

Under the proposal, the road in front of the site would be widened and a public footpath formed.

Following discussions with the residents of No. 2 Courtstown Road, the applicant undertakes to have a telegraph pole re-sited from outside their property, thereby removing a potential traffic hazard.

- Operational activities

Day-to-day operations entail buses with dedicated drivers, many of whom park their buses at their residences overnight. During the summer, these buses would be parked long-term on the site. Other buses are dedicated to certain hotels and would only visit the site periodically.

Inevitably some buses would operate outside normal hours. While the applicant cannot be precise about numbers, they would be very small.

To avoid buses idling near the entrance, the applicant would operate a dial-in gate opening system, thereby reducing noise that could affect local residents.

- Noise impacts

Noise mitigation measures would include the re-siting of the entrance to the site, the closing up and planting of the existing entrance, and a dial-in gate opening system.

Attention is drawn to the presence of 3 international freight transport and logistics businesses to the west of the local residents' dwelling houses, some of which operate on a 24/7 basis using HGVs. Within this context, the noise generated by the proposed use would be minimal.

### 7.3. **Planning Authority Response**

None

### 7.4. **Observations**

Patricia Foley of 4 Lower Courtstown, Little Island, Co. Cork

- The observer outlines her medical condition, which entails restricted mobility. To date she has been able to use the local road for recreation and to park her car outside her dwelling house on this road. Due to traffic generated by the proposal, she would not be able to do either of these things.
- The observer also expresses the concern that the said traffic would disturb the rest during the day that her medical condition requires. In this respect, the authorised use of the site for warehousing is very different from the bus depot now proposed.

### 7.5. **Further Responses**

None

## 8.0 **Assessment**

8.1. I have assessed the proposal in the light of national planning guidelines, the Cork County Development Plan 2014 – 2020 (CDP), the Cobh Municipal District Local Area Plan 2017 (LAP), relevant planning history, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that the current application/appeal should be assessed under the following headings:

- (i) Land use, planning history, and zoning,
- (ii) Archaeology,
- (iii) Visual amenity,
- (iv) Traffic, access, and parking,
- (v) Residential amenity,
- (vi) Water, and

(vii) Appropriate Assessment.

**(i) Land use, planning history, and zoning**

- 8.2. The applicant proposes the change of use of the warehouse on the site to a transport depot. By extension the existing yards, which are ancillary to this warehouse, would undergo the same change of use.
- 8.3. The planning history of the site indicates that the warehouse was permitted under application 08/10129. The application site for this warehouse comprised effectively the southern and western quadrants of the current application site, i.e. not the north and eastern quadrants, which comprise an open green field. The proposed works to facilitate the change of use would occur in the former quadrants rather than the latter ones and so I consider that for the avoidance of doubt any permission should make explicit that the new use pertains to these quadrants only.
- 8.4. Under the LAP, the site is shown as lying within the development boundary around Little Island, which is one of the key employment locations in Metropolitan Cork. The site itself lies in an area that is zoned open space, which, under Objective LI-O-01, states that “This area makes a significant contribution to the setting of Little Island. It also functions as an important buffer for the adjoining strategic industrial area and is known to be an important feeding habitat for a number of species of bird for which the adjacent SPA is designated. There is a general presumption against development on these lands.”
- 8.5. The proposed bus depot would be a non-conforming use within the open space zone. Objective ZU 2-5 of the CDP is relevant in this respect. It states that the Planning Authority will “Generally, permit reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses within the existing curtilage of the development subject to normal planning considerations.”
- 8.6. The senior executive planner’s report dated 5<sup>th</sup> June 2020 discusses the non-conforming nature of the proposed use. In doing so, he notes that the existing warehousing use is a non-conforming one, too, and that the planning history of the site indicates that permission has previously been granted to 08/10129 against the backdrop of a similar zoning objective. With respect to the proposed non-conforming use, compliance with Objective LI-O-01 is key for him.

- 8.7. I recognise that the proposed bus depot would entail a material change of use of the warehouse. I recognise, too, that Objective ZU 2-5 addresses a situation wherein an existing non-conforming use would be developed rather than a new one introduced. It is silent on the substitution of one non-conforming use for another one. In these circumstances, I consider that the approach of the senior executive planner commends itself.
- 8.8. Objective LI-O-01 describes the attributes of lands that are normally zoned open space. These attributes are evident in the northern and eastern quadrants of the site, which, unlike the southern and western quadrants, have not been developed. Under the proposal, this distinction would remain, and so the Objective would be upheld.
- 8.9. Returning to Objective ZU 2-5, it presents a checklist of considerations with respect to non-conforming uses. Thus, in proposals where “reasonable intensification of, extensions to and improvement of premises accommodating non-conforming uses within the existing curtilage of the development,” would occur, permission is normally granted.
- The site is presently vacant and unused. Details of the former warehouse use are lacking and so the baseline for considering any intensification is lacking. Suffice to say that in the absence of any restrictive conditions a warehouse use could, depending on the nature of the business, generate a range of activities from low key/low frequency to high key/high frequency. Undoubtedly, some activities comprised in the proposed bus depot would represent departures from the previous use, e.g. bus washing, cleaning, valeting, refuelling, and routine maintenance. Other activities, e.g. commercial vehicular movements to and from the site and on-site parking would overlap.
  - The proposed extension (294 sqm) to the warehouse (1051 sqm) would be to the rear and in a position adjacent to the existing landscaped mound. This extension would be of lean-to form and it would be slightly lower in height than the existing warehouse. It would represent a c. 28% increase in floorspace and so it would clearly be ancillary in scale.
  - The single storey outbuildings (351 sqm) along the south-western boundary of the site would be demolished and replaced with a two-storey office building (189 sqm). These outbuildings are formed of rubble stone walls under roofs



that are clad in corrugated sheeting. They would be replaced by a modern building that would incorporate reclaimed stone in the finish to its side elevations. Insofar as the outbuildings have unattractive roofs and are in a state of some disrepair, the proposed building would represent an improvement to the site.

In the light of these considerations, I consider that the proposal would be appropriate.

- 8.10. I conclude that the proposal would be acceptable from a land use perspective, provided any permission makes clear that the change of use pertains to the developed portion of the site only.

### **(ii) Archaeology**

- 8.11. To the north-west of the site lies a castle site, which is a Recorded Archaeological Monument (CO 077-025). The National Monuments Service provides the following description: "On top of a natural knoll, in commanding position at east end of Little Island. Marked "site of" on 1842 OS 6-inch map: No visible surface trace. Barry Castle, the name "court" may indicate a 17<sup>th</sup> century date of construction."
- 8.12. Objective LI-O-01 of the LAP draws attention to CO 077-025 and to its attendant Zone of Archaeological Potential. This Objective states that "Any development at the south-western quadrant of the site will require a detailed Archaeological Assessment to clarify there is no subsurface archaeology within the development site before development can be considered in this area including geophysical survey and licensed archaeological testing."
- 8.13. The site would lie within the south western quadrant and, under the proposal, it would be partially regraded in conjunction with the extension of the upper yard. While the case planner reports that the County Archaeologist did not request any conditions with respect to geophysical survey and licensed archaeological testing, I consider that an archaeological monitoring condition of the regarding in the western portion of the site would be appropriate.
- 8.14. I conclude that the proposed regrading works on the site should be the subject of archaeological monitoring.

### **(iii) Visual amenity**

- 8.15. Under further information, the Planning Authority requested that the applicant submit a visual impact assessment (VIA) and sections of the proposal.
- 8.16. The applicant responded to this request by drawing attention to existing landscaping of the site's north-western and north-eastern boundaries, in particular, and to the proposed extension of the landscaped mound on the latter boundary. It also draws attention to proposed planting on the south-western boundary in place of the existing access to the site, which would be closed, and to the south of the proposed office building. Existing and proposed landscaping would provide considerable screening.
- 8.17. The applicant addresses longer range views of the proposal from across the estuary. These views would encompass the context of the site, which comprises modern commercial buildings to the south-west. The south-eastern boundary of the site, which would be most visible from vantage points to the south-east across the estuary, comprises a part retaining/part boundary wall with railings over. On the inside of this wall a 3m-wide corridor would be reserved for a future pedestrian/cyclist route around the coastline of Little Island. The applicant states that, given this reservation, the opportunity to provide planting along this boundary is forfeited. In any event, the longer-range nature of the views from the south-east is such that planting would not be needed.
- 8.18. During my site visit, I observed that, while views on the public road network, e.g. R624, to the east of the estuary would be at least 1.6km away, views from the commuter railway line between Cork and Cobh would be as close as 0.6km away. The proposal would therefore be visible from this line and so the need to soften views of the yard with the planting of trees, e.g. to the rear of the aforementioned corridor, would have a role to play in partially screening the extended yard to the north-west.
- 8.19. I conclude that, subject to some tree planting within the vicinity of the south-eastern boundary of the site, the proposal would be compatible with the visual amenities of the area.

### **(iv) Traffic, access, and parking**

- 8.20. At present the site is vacant and so it is not a source of traffic generation. The applicant states that, under its historic use for the commercial storage and

transportation of salt between 1980 – 2020, it generated 20 – 25 articulated truck movements daily. Likewise, under its authorised use for warehousing it has the potential to generate traffic movements by commercial vehicles.

- 8.21. Under the proposal, traffic movements would be generated during its construction and operational phases. The applicant's Construction Management Traffic Plan predicts that, during the former phase, 1 or 2 deliveries (10m maximum length) would occur daily, and 8 construction workers' vehicles would be in attendance daily. It also predicts that, during the latter phase, 5 – 6 buses and 5 – 6 cars would move in and out of the site at peak times, i.e. 08.00 – 09.00 and 17.00 – 18.00.
- 8.22. The completed application forms state that 12 employees with an anticipated 12 cars would work at the proposed bus depot. They also state that, during the winter, 15 bus movements would occur daily and, during the summer, 30 bus movements would occur daily. Although the applicant has not made explicit whether these are one-way or two-way movements, the 12 cars would presumably belong to the 12 employees and so their use would entail daily round trips to the site. By the same token, the 15 and 30 buses cited above would represent 15 and 30 round trips daily with a concentration of these trips within peak times, i.e. as much as 40%.
- 8.23. Under the proposal, the applicant would effectively re-site the access to the site from its western corner to a position between the pair of two-storey semi-detached dwelling houses and the proposed two-storey office building. It states that this re-siting is in response to the concerns of local residents that the continued use of the existing access would be potentially unneighbourly. The proposed access would connect with the lower yard, in the first instance, and through it to the upper yard, which would be extended to provide 12 bus parking spaces. Eighteen car parking spaces would be provided, too, in front of and to the rear of the proposed office building.
- 8.24. The proposed access would entail the widening of the local road in front of the site from 4.8m to 7m and the provision on its far side of a 1.8m wide public footpath. This widening would entail the demolition of boundary walls to the drive-in areas in front of the pair of semi-detached dwelling houses and the consolidation of these areas. (These dwelling houses lie within the blue edge of the submitted application). The proposed access would be accompanied by northern and southern sightlines with

dimensions of 3m x 90m and 3m x 46.4m (the distance to the end of the cul-de-sac/start of the shoreline).

- 8.25. The appellants and the observer reside at Nos. 3 & 4 Courtstown Road (L-2985). These properties are on the western side of this Road along a 70m stretch of it which has an unlit 4.8m wide carriageway and no public footpaths. This stretch is inserted between a wider stretch of Courtstown Road to the north, which is lit and accompanied by a public footpath and grass verge, and the stretch to the south, along which the site frontage extends, and which would be widened under the proposal. The appellants and the observer testify to existing difficulties with this pinch point, e.g. in the presence of on-street parking, the refuse truck is unable to pass. They express concern that, in the absence of improvement to this pinch point, the local road would become inherently hazardous in passing through it from and to wider stretches of Courtstown Road. They also express concern that the RSAs required under the Planning Authority's Condition No. 3 would be unable to overcome such hazard. Essentially, the pinch point needs to be widened prior to the proposal proceeding.
- 8.26. The applicant has responded to the appellants by acknowledging the stretch of Courtstown Road which is of concern to them. It explains that, while it approached the landowner with a view to purchasing a strip of land on the eastern side of this stretch for the purpose of road widening, he/she was unwilling to sell. It did however gain the landowner's consent to ensuring that the hedgerow on the eastern side of the Road is maintained so that it does not encroach onto/over the carriageway.
- 8.27. During my mid-day site visit, I observed that Courtstown Road was lightly trafficked, and it was the subject of some on-street parking in front of the site. (Along the pinch point stretch only one of the six residential properties does not have a drive-in). I also observed that along the length of the Road in question, it is subject to a continuous white centre line, and along the pinch point stretch hedgerow encroachment has occurred. Consequently, traffic approaching from the north tends to over-ride the centre line at present.
- 8.28. The Planning Authority's Traffic and Transport Section addressed the pinch point. It acknowledged that "In order to connect the proposed pedestrian facility to the existing pedestrian facilities to the north, third party lands would be required. In the

context of the existing permitted use and predicted operational characteristics of the proposed development, this is considered to be acceptable, subject to the RSA process and requirements recommended.”

- 8.29. Objective LI-GO-07 of the LAP states that “All development shall contribute to improved pedestrian and cyclist connectivity and shall include proposals for the provision of improved pedestrian/cycle access route, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists as appropriate.” I note that the applicant in reserving a corridor for a future pedestrian/cyclist route along the south-eastern boundary of the site has responded to this Objective. I note, too, that the applicant in proposing a public footpath opposite the site frontage onto L-2985 has further responded to it. The utility of this footpath would be limited insofar as it would not be continuous with the existing public footpath further to the north. The opportunity to link these two footpaths would hinge on widening the pinch point stretch of Courtstown Road.
- 8.30. I have considered the possibility of reducing the pinch point stretch to a single lane carriageway in order to facilitate the inclusion of a link public footpath on its western side. However, the vertical and horizontal alignments of this stretch are such that a clear line of sight over it would not be available and so I am not confident that such a road format would be capable of being operated safely.
- 8.31. All parties are agreed that it would be desirable to widen the pinch point stretch. The applicant is not however in a position to do so. Accordingly, the question upon which this matter turns is whether such widening is not only desirable but essential for the proposal to proceed. As flagged by the Planning Authority’s Traffic and Transport Section, weight needs to be given to the traffic movements that could arise under the authorised warehouse use of the site. While I consider that such movements may not be as many as under the proposal, certainty in this respect is not assured. I, therefore, take the view that, subject to the inclusion of the pinch point stretch in the RSA process, objection is not warranted to the proposal on traffic management/road safety grounds. While I recognise that this process would be no substitute for the widening of the pinch point stretch, I recognise, too, that it would be capable of mitigating the traffic management/road safety issues posed by this stretch to an acceptable degree, e.g. by the introduction of street lighting and signage.

8.32. I conclude that the proposal would generate traffic movements to and from the site, which would be capable of being handled satisfactorily within its immediate vicinity and on this site itself. I conclude, too, that, while the approach to the site along the L-2985 passes through a pinch point stretch that should ideally be widened, the use of this unwidened stretch would be acceptable on the basis of road safety measures that could be anticipated as arising from an RSA process.

**(v) Residential amenity**

8.33. The submitted plans show the pair of semi-detached dwelling houses adjacent to the site as lying within a blue edge that denotes that they would lie within the applicant's control. Their future occupancy would include those who are employed by the applicant. Clearly the position of these dwelling houses in the immediate vicinity of the site and beside its entrance would mean that their amenity would be affected by the proposed bus depot. The link with the applicant thus flagged is therefore of importance.

8.34. Elsewhere, on the approach to the site from the north along Courtstown Road there is a row of six dwelling houses. The appellants and the observer who reside in this row have expressed concern that the proposal would adversely affect their residential amenities. The importance of noise mitigation is raised in this respect. Related to this is a critique of the Planning Authority's condition No. 4, which seeks to address out of hours bus movements. Essentially, control over such movements would not be possible to monitor/enforce.

8.35. The applicant has responded to concerns about noise by drawing attention to the proposed re-siting of the site entrance to a position further away from the row of dwelling houses, to avert a scenario wherein idling buses waiting to enter the site would be a cause of noise nuisance. It also draws attention to a dial-in facility that would allow drivers to activate the proposed gates to the site in advance of their arrival, thereby averting the replication of this scenario at the re-sited entrance.

8.36. On-site noise generating activities, apart from vehicle movements, would largely occur within the converted and extended warehouse, e.g. routine maintenance and cleaning and valeting. The exception in this respect would be the bus wash facility. The applicant has submitted a brochure of the gantry facility that it proposes to install. This facility would wash, but not dry, buses. As excessive noise tends to be

generated by drying facilities, it would *prima facie* be capable of being operated without the creation of a noise nuisance to local residents.

- 8.37. Turning to hours of operation, the applicant has set out that the site would be open between 07.00 and 18.00 on Mondays to Fridays and between 07.00 and 13.00 on Saturdays. Within these hours, any cleaning or maintaining of buses would occur after 08.00 and office hours would be 09.00 to 17.00. The applicant has also set out that “It should be noted that there may be periodic parking of buses after 18.00 where for instance a bus maybe on a long-distance coach trip returns late. It should be noted that this movement will not be typical or standard but may occur occasionally.”
- 8.38. The Planning Authority seeks to address these atypical situations by means of Condition No. 4, which requires that the applicant submits “details of the numbers of vehicles involved in any out of hours parking, the frequency of such parking and the operating hours of such parking.”
- 8.39. The applicant has commented on the difficulty of being precise about the details delineated by Condition No. 4. It reiterates though that the number would be small. The applicant also draws attention to the wider context of Courtstown Road, wherein transport and logistics businesses to the west of the row of dwelling houses operate on a 24/7 basis using HGVs.
- 8.40. During my mid-day site visit, I observed that Courtstown Road is lightly trafficked, and that HGVs do manoeuvre around premises to the west of the row of dwelling houses with attendant noise profiles that affect local residents. Within this context, the incidence of buses returning late to the site may not add appreciably to existing ambient noise levels, which include the HGVs cited.
- 8.41. I agree with the appellants that Condition No. 4 would be difficult to monitor/enforce. In the light of my foregoing comments about baseline conditions, while I do not consider that Condition No. 4 is necessary beyond the statement of opening hours of the site, I consider that other anticipated measures for Courtstown Road would be of benefit to the residential amenities of the area, e.g. the introduction of street lighting.
- 8.42. I conclude that the proposal would be compatible with the residential amenities of the area.

**(vi) Water**

- 8.43. The site is served by an existing connection to the public water mains.
- 8.44. The site is served by an on-site waste water treatment plant (WWTP). The applicant has submitted a report on this WWTP, which addresses the feasibility of switching from reliance upon this Plant to connecting to the public sewerage system. This report notes that the nearest points of connection to the public sewer are either 200m to the north via Courtstown Road or through private property to the west to the industrial estate beyond. It, therefore, advises that such connections should only be pursued if the existing WWTP would not be satisfactory.
- 8.45. The applicant's report assesses the WWTP. It states that this Plant would not serve the proposed bus wash, which would be the subject of a stand-alone, self-contained, water reclamation unit. This report calculates that it would, under the proposal, operate at 68.33% of its capacity.
- 8.46. The applicant's report observes that the WWTP lies in the southern corner of the site, which is subject to an identified flood risk. It recognises that, ordinarily, such siting should be avoided. However, to re-site elsewhere within the site would have "a major ecological impact". Instead, the report recommends that "the existing covers are removed, the neck extended with water-tight construction in accordance with the manufacturer's details to an agreed level above the anticipated flood waters to the area." The report also recommends the pipework to the WWTP be inspect by CCTV and cleaned and the WWTP be de-sludged. Thereafter, this Plant should be regularly maintained.
- 8.47. In the light of the foregoing considerations, the applicant's report concludes that the WWTP would be capable of being operated satisfactorily and so the need to pursue the feasibility of connection to the public sewerage system can be set aside.
- 8.48. Under the proposal, the area of hard/sealed surfacing on the site would increase considerably. The applicant would install a new surface water drainage system to service this area. This system would incorporate a grit trap, a three-chamber hydrocarbon interceptor, and an inspection chamber. It would discharge to the adjacent foreshore via an existing outlet pipe, to which a non-return valve would be fitted.



- 8.49. Under the OPW's flood maps, the southern corner of the site, which is also the lowest lying portion of this site, is the subject of identified coastal flood risks of high (AEP 10%), medium (AEP 0.5%), and low (AEP 0.1%) magnitudes. Under the Planning System and Flood Risk Management Guidelines, this corner of the site would lie, variously, in Flood Zones A, B, and C. Likewise, under these Guidelines, the existing and proposed uses of the developed portion of the site would lie within the less vulnerable development category.
- 8.50. Under the proposal, the use of the existing warehouse would change to a transport depot. This warehouse would be extended and the outbuildings on the site would be demolished and replaced with a small office building. Elsewhere, on the site, access would be rearranged, and an existing yard would be extended. Under the Guidelines, this proposal would constitute "minor development" and so the provisions of Section 5.28 are of relevance, i.e. while the Justification Test is not applicable, "a commensurate assessment of the risks of flooding should accompany such applications to demonstrate that they would not have adverse impacts or impede access to a watercourse, floodplain or flood protection and management facilities. These proposals should follow best practice in the management of health and safety for users and residents of the proposal."
- 8.51. The applicant has submitted a Site-Specific Flood Risk Assessment (FRA) of the proposal. This FRA identifies a source/pathway/receptor route from the River Lee estuary to the southern corner of the site by means of the overtopping of the south-eastern boundary wall (4.549m AOD) or its breach or by means of the local road and the site entrance (manhole cover adjacent to which is 3.242m AOD). It also estimates that maximum flood levels would be, variously 2.6m AOD under a high risk flood scenario, 2.89m AOD under a medium risk one, and 3.04m AOD under a low risk one. These levels are mapped onto the southern corner of the site in Figure 14 of the FRA.
- 8.52. The existing warehouse and its proposed extension and the proposed office building would each have finished floor levels that would be above the low risk scenario, i.e. 3.636m AOD and 3.25m AOD, respectively. Consequently, the southern corner of the site that would potentially be affected by, e.g. a breach in the south-eastern boundary wall, would comprise part of a parking/manoeuvring area and the site's WWTP and surface water outfall pipe. The FRA recommends a series of flood

resistance measures with respect to the WWTP and surface water drainage system and flood resilience measures with respect to the proposed office building. These should be fully implemented.

- 8.53. I note from the submitted landscape and screening plan that the portion of the site's boundaries that would be required to be enclosed following the demolition of the outbuildings would be in the southern corner of the site. This plan specifies palisade fencing in this respect. From a flood risk mitigation perspective, such fencing would fail to replicate the protection afforded by the existing outbuildings. Instead, the existing combination of wall and fencing that exists along the south-eastern boundary should be specified for these portions of the site's boundaries, too.
- 8.54. I conclude that the water issues raised by the proposal would be capable of being satisfactorily mitigated by proposed flood resistance measures to the site's WWTP and surface water outfall pipe. I conclude, too, that the mitigation afforded by the presence of the existing outbuildings in the southern corner of the site should be replicated by the specification of a wall and fencing along the portions of the site's boundaries that would be vacated by the demolition of these outbuildings.

**(vii) Appropriate Assessment**

- 8.55. The south-eastern boundary of the site abuts the foreshore of the River Lee estuary, which lies within two European sites, i.e. Cork Harbour SPA (004030) and Great Island Channel SAC (001058). Hydrological links between this site and the foreshore exist, insofar as surface water and WWTP outfalls convey water from the site into the European sites. These links would be retained under the proposal. Likewise, during the construction phase, surface water run-off could be conveyed from the site into the European sites. Beyond hydrological links, the proximity of the site to the European sites would mean that other effects, such as noise and disturbance, during both the construction and operational phases of the proposal, would potentially affect these sites.
- 8.56. In the light of the foregoing, I will initially undertake a Stage 1 Screening of the proposal. In doing so, I will draw upon the NPWS's website, information contained in the applicant's NIS, the advice of the Planning Authority's Ecologist, and my own site visit.

- 8.57. Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, “Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?”
- 8.58. The project is for a change of use of the developed south-western half of the site from warehousing to a bus depot. This change of use would be facilitated by the extension of an existing warehouse, the demolition of outbuildings and their replacement with an office building, the rearrangement of access to the site, and the extension of the upper yard, along with a corresponding extension of a landscaped mound.
- 8.59. As outlined above, there are existing hydrological links between the site and the European sites, Cork Harbour SPA and Great Island Channel SAC, which would be retained, and the proximity of this site to these European sites is such that other effects may arise. No other European sites would be affected by the proposal and so only the Qualifying Interests and Conservation Objectives of Cork Harbour SPA and Great Island Channel SAC are set out below.
- 8.60. The Qualifying Interests of Cork Harbour SPA (004030) are as follows:
- Little Grebe (*Tachybaptus ruficollis*) [A004]
  - Great Crested Grebe (*Podiceps cristatus*) [A005]
  - Cormorant (*Phalacrocorax carbo*) [A017]
  - Grey Heron (*Ardea cinerea*) [A028]
  - Shelduck (*Tadorna tadorna*) [A048]
  - Wigeon (*Anas penelope*) [A050]
  - Teal (*Anas crecca*) [A052]
  - Pintail (*Anas acuta*) [A054]
  - Shoveler (*Anas clypeata*) [A056]
  - Red-breasted Merganser (*Mergus serrator*) [A069]
  - Oystercatcher (*Haematopus ostralegus*) [A130]
  - Golden Plover (*Pluvialis apricaria*) [A140]
  - Grey Plover (*Pluvialis squatarola*) [A141]
  - Lapwing (*Vanellus vanellus*) [A142]
  - Dunlin (*Calidris alpina*) [A149]

Black-tailed Godwit (*Limosa limosa*) [A156]  
Bar-tailed Godwit (*Limosa lapponica*) [A157]  
Curlew (*Numenius arquata*) [A160]  
Redshank (*Tringa totanus*) [A162]  
Black-headed Gull (*Chroicocephalus ridibundus*) [A179]  
Common Gull (*Larus canus*) [A182]  
Lesser Black-backed Gull (*Larus fuscus*) [A183]  
Common Tern (*Sterna hirundo*) [A193]  
Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

8.61. The Qualifying Interests of Great Island Channel SAC (001058) are as follows:

Mudflats and sandflats not covered by seawater at low tide [1140]  
Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

The Conservation Objectives for of these Qualifying Interests is to maintain the former and restore the latter to their favourable conservation condition.

8.62. The Conservation Objectives for the above cited SPA and SAC would be potentially affected by a deterioration in water quality, for example, the food chain and habitats for the birds identified as Qualifying Interests could be harmed. Such deterioration could arise from pollutants in the surface and foul water discharges from the site entering the European sites, during both the construction and operational phases of the proposal.

8.63. The planning register indicates that at a short remove to the south of the site extant permission (19/5276) exists for five warehouse/light industrial units in Harbour Point Business Park. Under this permission, surface water would be discharged into the European sites, too, and so possible in-combination effects could arise.

8.64. I, therefore, consider that there is a possibility of significant effects occurring in the absence of mitigation both from the proposal itself and in-combination with the proposed provision of five warehouse/light industrial units to the south of the site. Consequently, the proposal could undermine the Conservation Objectives of the aforementioned European sites and so Stage 2 Appropriate Assessment is required.

- 8.65. Under Stage 2 Appropriate Assessment the question to be addressed is “Will the project adversely affect the integrity of the European sites either individually or in combination with other plans and projects in view of the sites’ Conservation Objectives?”
- 8.66. Under Stage 1 Screening, I have already described the project, identified the European sites in question, along with their Qualifying Interests and Conservation Objectives, and identified any in-combination effects.
- 8.67. Turning to the impacts of the proposal, which could affect the relevant Conservation Objectives, these are as follows:
- Potential surface water run-off, during the construction and operational phases of the proposal, into the European sites,
  - Potential surface waste-water discharge, during the construction and operational phases of the proposal, into the European sites, and
  - Potential noise and disturbance, during the construction and operational phases of the proposal, leading to the displacement of Qualifying Interests in the Cork Harbour SPA.
- 8.68. The Planning Authority’s Ecologist states that, essentially, a deterioration in water quality “could have the potential to impact negatively on the quality of estuarine habitats and associated marine communities, and thereby on avian species.”
- 8.69. The applicant’s NIS comments on avian species as follows: “Given the lower ecological value of the shingle shoreline adjacent to the study site and the absence of any important waterbird roost sites (or Tern breeding sites) on this stretch of coastline, combined with the generally low levels of waterbird activity in the area (in comparison to other areas of the SPA where large expanses of mudflat are present) the potential for significant disturbance/displacement impacts on qualifying avian species of Cork Harbour SPA are not considered to be of significance.” It also comments on noise and light spillage to the effect that birds are likely to have habituated to local noise levels that are influenced by existing commercial uses in the area surrounding the site and that, provided any artificial lighting does not spill over into the SPA, disturbance from this source would not be a factor.

- 8.70. Returning to the potential impact upon water quality, the applicant has set out a range of measures that would be undertaken, during the construction and operational phases of the proposal, to mitigate against this risk. These measures are delineated in the applicant's Construction and Environmental Management Plan and under the recommendations set out in the applicant's Report on the Existing Wastewater Disposal System. They would accord with current policies, regulations, and guidelines set out in a series of extant documents cited in the applicant's NIS.
- 8.71. The project identified under my Stage 1 Screening (permitted application 19/5276) as potentially having in-combination effects with the current proposal was determined by the Planning Authority under the same CDP and LAP as pertain to this proposal. I, therefore, consider it reasonable to assume that comparable mitigation measures would be incorporated within this project to address the risk it poses to water quality.
- 8.72. The proposal has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 8.73. Having carried out screening for Appropriate Assessment of the proposal, it was concluded that it would be likely to have a significant effect on the Cork Harbour SPA and Great Island Channel SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their Conservation Objectives.
- 8.74. Following an Appropriate Assessment, it has been determined that the proposal, individually or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 004030 and 001058, or any other European sites, in view of the sites' Conservation Objectives.
- 8.75. 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. In this respect, the following factors are of relevance:
- The habitat and pattern of bird life evident on the shoreline adjacent to the site.
  - Existing noise levels in the surrounding area of the site and the avoidance of artificial light spillage into the Cork Harbour SPA.

- The proposed mitigation measures set out in the applicant's Construction and Environmental Management Plan and Report on the Existing Wastewater Disposal System.
- The likelihood that comparable water quality protection measures have been incorporated in the other identified project within the surrounding area of the site.

## 9.0 Recommendation

That permission be granted.

## 10.0 Reasons and Considerations

Having regard to the Planning System and Flood Risk Management Guidelines, the Cork County Development Plan 2014 – 2020, and the Cobh Municipal District Local Area Plan 2017, it is considered that, subject to conditions, the proposal for a change of use of the existing warehouse on the site to a bus depot and associated developments in the south-western half of this site to facilitate this use would accord with relevant Development Plan Objectives for the zoning of the site and non-conforming uses pursued thereon. The proposal would be compatible with the visual and residential amenities of the area. Traffic generation would, subject to improvements to the local road which serves the site, be capable of being accommodated thereon, and revised access arrangements for the site and on-site parking and manoeuvring facilities would be satisfactory. Subject to improvements to the existing surface water and waste-water facilities on the site, any risk of malfunction or pollution of the adjacent foreshore would be mitigated. These improvements would also resolve any Appropriate Assessment issues. While the southern corner of the site is the subject of an identified coastal flooding risk, mitigation measures incorporated within the proposal would allay this risk. The proposal would thus accord with the proper planning and sustainable development of the area.

## 11.0 Conditions

1.	<p>The 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 8<sup>th</sup> day of February 2021 and by the further particulars received by An Bord Pleanála on the 14<sup>th</sup> day of June 2021, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The change of use to a bus depot shall only extend over that portion of the site which lies to the south-west of the landscaped mound that dissects the overall site.</p> <p><b>Reason:</b> For the avoidance of doubt and in order to comply with Objective LI-O-01 of the Cobh Municipal District Local Area Plan 2017.</p>
3.	<p>Prior to the commencement of development, the landscaping scheme shown on drg no. 19/6005/PL-13, which was submitted to the Planning Authority on the 8<sup>th</sup> day of February 2021, shall be resubmitted to the Planning Authority with the following amendments:</p> <ul style="list-style-type: none"><li>(a) Specify a wall and fence instead of the proposed palisade fencing denoted as Item 8 in the southern corner of the site, and</li><li>(b) Specify a row of tree planting on the north-western side of the proposed pedestrian/cyclist corridor where it abuts the hardstanding.</li><li>(c) Specify a schedule listing tree species and numbers to be planted.</li></ul> <p>The landscaping scheme shall be agreed in writing with the Planning Authority and, thereafter, it shall be carried out within the first planting season following substantial completion of external construction works.</p>



	<p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of visual amenity and in order to mitigate the flood risk attendant upon the southern corner of the site.</p>
4.	<p>(a) The pedestrian/cyclist corridor shown drg no. 19/6005/PL-13, which was submitted to the Planning Authority on the 8<sup>th</sup> day of February 2021, shall be reserved for the future provision of a pedestrian/cyclist route.</p> <p>(b) The bus depot shall be served by a minimum of 6 covered bicycle stands.</p> <p><b>Reason:</b> In order to promote sustainable modes of transport and public health and well-being.</p>
5.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>(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, and</p> <p>(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <p>(i) the nature and location of archaeological material on the site, and</p> <p>(ii) the impact of the proposed development on such archaeological material.</p>

	<p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
6.	<p>Prior to the commencement of development, a comprehensive scheme for the widening of the L-2985 in front of the site and the provision within it of a public footpath and streetlighting shall be submitted to and agreed in writing with the Planning Authority. This scheme shall be the subject of a Stage 1/2 Road Safety Audit, the recommendations of which shall be incorporated within it. It shall also be accompanied by a timetable for implementation, which shall specify when Stage 3 and 4 Road Safety Audits would take place. All works comprised in the agreed scheme shall be undertaken by the developer and its own expense.</p> <p><b>Reason:</b> In the interest of road safety.</p>
7.	<p>Prior to the commencement of development, a Road Safety Audit of the 70m section of the existing L-2985 to the north of the site frontage shall be undertaken by the developer and submitted to the Planning Authority. Any recommendations arising, on how to improve the safety of this section of the L-2985 within its existing footprint, shall be agreed in writing with the Planning Authority, along with a timetable for their implementation at the developer's expense.</p> <p><b>Reason:</b> In the interest of road safety.</p>
8.	<p>All the measures set out in the Construction and Environmental Management Plan, submitted to the Planning Authority on the 8<sup>th</sup> day of February 2021, for the construction phase of the development shall be fully</p>

	<p>undertaken throughout this phase. Any departures from these measures shall be agreed before hand in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard amenity and the environment.</p>
9.	<p>Prior to the commencement of use of the bus depot, all the measures set out in the Construction and Environmental Management Plan for the operational phase of the development, all the flood resistance and flood resilience measures set out in the Specific Site Flood Risk Assessment, and all the recommendations set out in the Report on Existing Wastewater Disposal System shall be fully implemented. Any departures from these measures and recommendations shall be agreed before hand in writing with the Planning Authority.</p> <p><b>Reason:</b> In order to safeguard public health and mitigate flood risk.</p>
10.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours 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 from the planning authority.</p>

	<p><b>Reason:</b> In order to safeguard the [residential] amenities of property in the vicinity.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> <li>(a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;</li> <li>(b) Location of areas for construction site offices and staff facilities;</li> <li>(c) Details of site security fencing and hoardings;</li> <li>(d) Details of on-site car parking facilities for site workers during the course of construction;</li> <li>(e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;</li> <li>(f) Measures to obviate queuing of construction traffic on the adjoining road network;</li> <li>(g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;</li> <li>(h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;</li> <li>(i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;</li> <li>(k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</li> </ul>

	<p>(l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p><b>Reason:</b> In the interest of amenities, public health and safety.</p>
13.	<p>(a) The bus depot shall operate between the hours of 07:00 and 18:00 on weekdays and between the hours of 07:00 and 13:00 on Saturdays. (It shall not operate on Sundays). Within these hours, bus maintenance activities shall not begin before 08:00.</p> <p>(b) The site entrance gates shall operate in conjunction with bus driver dial-up technology.</p> <p><b>Reason:</b> In order to safeguard the residential amenities of the area.</p>
14.	<p>The extension to the former warehouse shall be clad in green sheeting to match that which clads this warehouse.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
15.	<p>Prior to the commencement of use of the bus depot, the revised access arrangements for the site shown on drg. No. 19/6005/PL-10 revision A shall be fully implemented.</p> <p><b>Reason:</b> In the interest of ease of access/egress and residential amenity.</p>
16.	<p>The bus wash facility shall only operate in conjunction with a self-contained water reclamation system.</p> <p><b>Reason:</b> In order to avoid pollution.</p>
17.	<p>Prior to the commencement of use of the bus depot, a maintenance contract for the on-site waste water treatment plant shall be entered into and paid in advance for a minimum period of 3 year. Thereafter, it shall be</p>

	<p>kept in place at all times. A signed and dated copy of the contract shall be submitted to and agreed in writing with the Planning Authority.</p> <p><b>Reason:</b> In the interest of public health.</p>
18.	<p>The developer shall pay to the planning authority a financial contribution of €7866 (seven thousand, eight hundred and sixty-six euro) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>

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Hugh D. Morrison  
Planning Inspector

26<sup>th</sup> August 2021