



An
Bord
Pleanála

Inspector's Report ABP-320667-24

Development	Retention of fire door and alteration of operational hours.
Location	Building Unit 1 (Unit 1A and Unit 1B), Harbour Gate Business Park, Courtstown, Little Island, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	244477
Applicant(s)	Crane Worldwide Logistics Ireland.
Type of Application	Retention and Alteration.
Planning Authority Decision	Grant permission
Type of Appeal	First Party
Appellant(s)	Crane Worldwide Logistics Ireland.
Observer(s)	Donal & Siobhan Collins.
Date of Site Inspection	13 th December 2024.
Inspector	Oluwatosin Kehinde

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	3
3.1. Decision	3
3.2. Planning Authority Reports	3
3.3. Prescribed Bodies	6
3.4. Third Party Observations	6
4.0 Planning History	6
5.0 Policy Context	7
5.1. Development Plan	7
5.2. Natural Heritage Designations	8
5.3. EIA Screening	8
6.0 The Appeal	8
6.1. Grounds of Appeal	8
6.2. Planning Authority Response	9
6.3. Observations	9
7.0 Assessment	9
8.0 AA Screening	14
9.0 Recommendation	14
10.0 Reasons and Considerations	15
Appendix 1 – Form 1: EIA Pre-Screening	

1.0 Site Location and Description

- 1.1. Harbour Point Business Park is located within Little Island approximately 9km from Cork City. The site is located at the southern end of Harbour Point Business Park. The site is bounded to the north-west by a golf course and to the south west by Carrigrenan Waste Water Treatment Plant. West of the site is a cluster of residential properties and to the east, the site is bounded by Lough Mahon part of Cork Harbour. Access to the site is off Harbour Point Business Park Road and there are four existing warehouse/light industrial structures on site.
- 1.2. The development relates to Building Unit 1 centrally located on the site and it is the amalgamation of the Unit 1A and Unit 1B.

2.0 Proposed Development

- 2.1. Retention of fire Door and alteration to operational hours.
- 2.2. To remove in its entirety the operational hours restriction as permitted by condition no. 3 of 19/5276 (0700 hours to 2200 hours Monday to Friday and 0800 hours to 1800 hours Saturdays) to facilitate Building Unit no. 1 to operate 24 hours a day, inclusive of Saturdays, Sundays and Public holidays. Allowing for the internal movement of goods/materials, personnel and ancillary operational equipment in building Unit no. 1 only

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority (PA) issued a grant of permission subject to twelve conditions

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The Planning Officer's (PO) report dated the 14th of May 2024 considered the principle of the development on the site and concluded that the

documentation submitted did not provide the adequate information to assess the application in terms of noise. The PO subsequently sought for Additional Information.

- The second report of the PO dated 31st of July 2024 assessed the response submitted by the applicant and was satisfied that the issues regarding noise had been addressed. The PO subsequently recommended that planning permission be granted.
- The PO concluded that having regard to the nature, scale and location of the proposed development there was no real likelihood of significant effects on the environment arising from the proposed development.
- The PO also carried out an AA screening exercise and concluded that having regard to the scale and nature of the proposal and the lack of any physical or hydrological connection between the development site and any European Site, there was no requirement for Appropriate Assessment.

3.2.2. Other Technical Reports

- Environment Section – Report Dated 30th of July 2024 stated no objections subject to conditions
- Ecology Section – Report dated 10th of July 2024 stated no objections subject to conditions.
- Area Engineer – Report dated 17th of April 2024 stated no objection subject to conditions.

3.2.3. Conditions

- Condition 2 – This grant of permission removing condition no. 3 of the permission granted under planning reference 19/5276 shall expire three years from the date of issue of this grant of permission, and the hours of operation hereby permitted shall revert to the hours of operation permitted under 19/5276 (unless its continuation is authorised by a prior grant of permission).
- Condition 4 – The earth berm shall be increased in height to 3m. Prior to the commencement of the amended operational hours the developer shall submit drawings of the berm, including site layout, cross sections and detailed

landscaping proposals for the written agreement of the Planning Authority. The 3m berm shall be constructed prior to the commencement of the amended operational hours and all planting and landscaping shall be implemented and completed no later than the first planting season after completion of the berm.

- Condition 5 – Prior to the commencement of the revised operational hours at Units 1A and 1B, a revised landscaping plan shall be submitted for the written agreement of the Planning Authority. The plan shall be based on the landscaping proposal received by the Planning Authority on 05/07/2024 and shall include semi-mature tree planting.

This plan shall be implemented in full under the supervision of an appropriately qualified and experienced tree specialist within the first year following the granting of permission. Any trees that die or are removed shall be replaced in the first planting season thereafter.

- Condition 6 – Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, security in the amount of €5000 to guarantee the satisfactory completion of tree planting and all other landscaping proposals for the site as required by Condition No. 5. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction
- Condition 7 – A noise monitoring programme shall be implemented to monitor the impact of noise emissions arising from the proposed development. The scope and methodology of this programme shall be submitted to and agreed in writing with the planning authority prior to the temporary suspension of condition 3 of the governing permission. Monitoring points shall be located so as to ensure that monitoring is reflective of the noise emanating from the proposed development. The results of the survey shall be submitted to the planning authority within 1 month of completion of the survey. The developer shall carry out any amendments to the programme or additional noise

mitigation measures as may be required by the planning authority following a review of each or all noise survey results.

3.3. Prescribed Bodies

Transport Infrastructure Ireland (TII) – Report dated 8th of April 2024 stated no observations to make on the development.

3.4. Third Party Observations

The PA received two third party submissions and the issues raised are summarised below:

- The nighttime hours will impact on the health and wellbeing of local residents
- There is noise associated with the development and the proposed alteration to operational hours will add to the noise
- The development conflicts with the objective in the Development Plan and the development will adversely affect the lands zoned for residential development close to the site.

4.0 Planning History

PA Plan Reg. 19/5276 – Permission granted for four buildings comprising of five number strategic logistical, storage and distribution warehousing/light industrial units.

This grant is the parent permission for the development that is the subject of appeal and I refer the Board to note Conditions 3 and 26 with states the following;

Condition 3 – Operational hours of the warehouse facility shall be restricted to 0700 hours to 2200 hours Monday to Friday inclusive, between 08:00 hours to 1800 hours Saturdays and not at all on Sundays and Public Holidays.

Condition 26 – The developer of the site shall ensure that noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed 55 dBA (30 minute Leq) between 08.00 hours and 20.00 hours, Monday to Friday inclusive and shall not exceed 45 dBA (15 minute Leq) at any other time. Measurements shall be carried out in accordance with ISO Recommendations R

1996, “Assessment of Noise with Respect to Community Response” as amended by ISO Recommendations R 1996/1, 2 and 3, “Description and Measurement of Environmental Noise”, as appropriate. “If noise contains a discrete, continuous tone (whine, hiss, screech, hum etc.), or if there are distinctive impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of + 5dBA will be applied to the measured noise level and this increased level shall be used in checking compliance with the specified levels.

5.0 Policy Context

5.1. Development Plan

The Cork County Development Plan 2022 – 2028 is the pertinent statutory Plan. The site is zoned LI-B-03 – Business and General Employment with the following specific development objectives:

“Business and general employment use. This site contains habitats of ecological value including an area of scrub. New development should be planned to provide for the retention and protection of these habitats in so far as possible. Habitats of high natural value on boundaries should be retained and, where possible, habitats of high natural value within the site should be integrated into areas to be retained as open space.”

The purpose of the zoning as set out in Section 18.3.39 of the plan is to “facilitate opportunities for a wide range of compatible business and general employment uses”.

It is the County Development Plan Objective to “Promote the development of New Business and General Employment Areas as the primary locations for the development of employment uses such as light industry, wholesale and non-retail trading uses, car showrooms and small/medium scale manufacturing/repairs/warehousing/distribution/logistics”

5.2. Natural Heritage Designations

Great Island Channel Special area of Conservation (Site Code – 001058) is approximately 5m east of site. Cork Harbour Special Protection Area (Site Code – 004030) is approximately 9m east of the site.

Great Island Channel pNHA (Site Code – 001058) is approximately 12m east of the site.

5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination. Refer to Form 1 in Appendix 1 of report

6.0 The Appeal

6.1. Grounds of Appeal

The grounds of appeal relate to planning conditions attached to the grant of permission and include the following

- The first party appeal submits that the movement of goods and personnel will exclusively be carried out internally there would be no significant impact on noise.
- It is submitted that the expected noise emissions are within the noise criteria for both daytime and nighttime. That the earth berm is also a noise mitigation measure. It is stated that additional noise measures are not required.
- The appeal submits that the increase of the earth berm by another 3 meters will require the filling of third party lands outside the development boundary. That a base width of 6 meters will be required and encroach on third party lands and the appeal considers this to be ultra vires.

- The appeal submits a landscaping statement and plan. The applicant states that their proposal present adequate noise mitigation and no additional measures will be required.
- The applicant concludes that the development would not injure the amenities of the area or properties in the vicinity.

6.2. **Planning Authority Response**

- The Planning Authority (PA) advises that Condition 4 was added in error and the PA is amending the planning permission in order to correct the error in accordance with Section 146A of the Planning and Development Act 2000 (as amended)

6.3. **Observations**

One observation was received and the issues are summarised as follows:

- It is stated that the operating hours granted by the PA is excessive and there are concerns of operation hours and noise.
- It is submitted that trucks and forklifts operating at the proposed times are detrimental to the environment.
- The scale of the warehouse is stated and submits that plans to operate 24/7 365 days close to residential properties should not be granted.
- The construction of the berm with trees will only provide minimal noise reduction and sound barrier of 2.4m high be added with the trees. It is submitted that consideration be given to the road surface where the trucks operate externally.

7.0 **Assessment**

- 7.1. Having regard to the nature and scale of the proposed development, which is for the retention of a fire door and the alteration to operational hours, it is considered that the determination of this application by the Board, as if it had been made to it in the first instance would not be warranted. Therefore, the Board should determine the

matters raised in the appeal only, in accordance with Section 139 of the Planning and Development Act 2000, as amended.

7.2. This is a first-party appeal against Condition No's 2, 4, 5, 6 and 7 attached to the Planning Authority's decision to grant permission. Having examined the application details and all other documentation on file, I consider that the main issues of the conditions being appealed relate mainly to noise and visual impact.

7.3. Condition 2 states the following

This grant of permission removing condition no.3 of the permission granted under planning reference 19/5276 shall expire three years from the date of issue of this grant of permission, and the hours of operation hereby permitted shall revert to the hours of operation permitted under 19/5276 (unless its continuation is authorised by a prior grant of permission).

7.3.1. The Planning Authority's reasoning for attaching this condition is mainly to monitor the impact of activities on nearby amenity. The parent permission was granted under PA Plan Reg 19/5276 for strategic logistical, storage and distribution warehousing/light industrial units in which the hours of operation is conditioned as follows; 0700 to 2200 hours Monday to Friday and from 0800 to 1800 hours on Saturday. The development is not permitted to operate on Sundays and Public Holidays.

7.3.2. The applicant seeks a 24-hour operational activity to Unit 1 building only. The County Development Plan acknowledges that there is 24/7 activity in Little Island and I note that the site is located in a strategic employment location as set out in the County Development Plan. It is also the vision under Section 8.7.13 of the plan to "promote high-quality workplace environment for the existing and future workforce population along with an expansion of the residential offering and supporting facilities". I therefore consider it reasonable to examine a 24/7 activity on the site while ensuring no adverse impact on the amenity of the area.

7.3.3. There are residential dwellings located west of the site and concerns are submitted regarding noise from the development. The western boundary of the site is approximately 75m away from the closest property and the County Development Plan Objective EC: 8-3 requires that all developments must ensure protection of residential amenity. I have reviewed the noise impact assessment report submitted

by the applicant in the context of the operational activities proposed for Unit 1. The report showed that the predicted cumulative noise levels of the proposed development from noise sensitive locations are given to be a maximum of 37db daytime and maximum of 36db at nighttime. I note that the PA did not have any concerns with the predicted noise levels. I am satisfied that the predicted levels for the development are consistent with the noise threshold permitted by the PA. I refer the Board to condition twenty-six of the original permission that requires the developer to “*ensure noise levels emanating from the proposed development when measured at noise sensitive locations shall not exceed 55 dBA (30 minute Leq) between 08.00 hours and 20.00 hours, Monday to Friday inclusive and shall not exceed 45 dBA (15 minute Leq) at any other time*”.

- 7.3.4. Also of note is the landscaping scheme permitted with the parent permission which provides for an earth berm and planting on the western boundary that will also help minimise the impact of noise from the development. I therefore consider that the proposed development will not impact on the residential amenity of the area.
- 7.3.5. It is submitted in the observation that the trucks and forklifts operating at the proposed times will be detrimental to the environment. Based on the noise assessment submitted, the maximum predicted noise from trucks/ forklifts is stated as 11dB. I note that the applicant in their submission stated that all movements of goods and personnel relating to Unit 1 would be carried out internally and that pallets will be moved around using electric/pallet trucks. Therefore, I am of the opinion that trucks and/or forklifts operating at the proposed times will not impact on the environment. The PA carried out an environmental assessment screening for the proposed development and I note that the PA did not have any concerns in this regard.
- 7.3.6. Having regard to the strategic location of the site and the policy of Cork County Development Plan “to reaffirm Little Island’s function as a strategic centre of employment while protecting the amenity enjoyed by existing and future residential communities” I am satisfied that the 24/7 operation of Unit 1 building will not impact on the residential amenities of the area. I therefore recommend that the Board omit this condition from the development.
- 7.4. Condition 4 states the following

The earth berm shall be increased in height to 3m. Prior to the commencement of the amended operational hours the developer shall submit drawings of the berm, including site layout, cross sections and detailed landscaping proposals for the written agreement of the Planning Authority. The 3m berm shall be constructed prior to the commencement of the amended operational hours and all planting and landscaping shall be implemented and completed no later than the first planning season after completion of the berm.

- 7.4.1. The Planning Authority's reasoning for attaching this condition is in the interest of amenity. I note the PA report dated 19th September 2024 advising An Bord Pleanála that condition 4 was added to the permission in error. Notwithstanding the error, the condition is the subject of appeal to be determined by the Board. On the western boundary of the site where the berm sits, there is a difference in ground levels that expresses a different berm height. Inside of the site the berm is approximately 10m in height and on the outside of the boundary is approximately 2m high. I am of the opinion that, to increase the height to 3m on the outside, works will need to be carried out on third party lands. I therefore satisfied that there is no requirement for this condition. I therefore recommend that the Board omit this condition from the development.

- 7.5. Condition 5 states the following

Prior to the commencement of the revised operational hours at Units 1A and 1B, a revised landscaping plan shall be submitted for the written agreement of the Planning Authority. The plan shall be based on the landscaping proposal received by the Planning Authority on 05/07/2024 and shall include semi mature tree planting

The plan shall be implemented in full under the supervision of an appropriately qualified and experienced tree specialist within the first year following the granting of permission, any trees that die or are removed shall be replaced in the first planting season thereafter.

- 7.5.1. The Planning Authority's reason for attaching this condition is in the interest of visual amenity. The purpose of the landscaping scheme is to provide visual screening that will mitigate against any visual impact of the development from the adjoining residential area. The applicant has submitted a landscaping plan to provide a secondary screening at the western boundary of the site and the PA is seeking

agreement to ensure that the scheme will be implemented to its satisfaction. Upon site visit, I am of the view that there is need for additional landscaping required at this side to maintain and improve the visual amenity of the development. I also consider that the additional landscaping will protect the visual amenities of the adjoining residential area. Accordingly, I agree with the PA and recommend that the Board retain this condition as is with amendments.

7.6. Condition 6 states the following

Before any development commences, or, at the discretion of the Planning Authority, within such further period or periods of time as it may nominate in writing, the developer shall provide, to the satisfaction of the Planning Authority, a security amount of €5000 to guarantee the satisfactory completion of tree planting and all other landscaping proposals for the site as required by condition No. 5. The sum lodged pursuant to this condition shall be refunded only when it is certified by the Planning Authority that the planting and landscaping have been completed to its satisfaction.

- 7.6.1. The Planning Authority's reason for attaching this condition is to ensure the satisfactory completion of the development. Section 48 of the Planning and Development Act (as amended) requires the PA to draw up a development contribution scheme. I have reviewed the 2024 Cork County Council Development Contribution Scheme and there are no provisions for contribution/deposit in relation to landscaping schemes. The PA has not provided the basis for requiring a security amount for the completion of landscaping on site. I note the Planning Officer's (PO) report stating that "the ecology unit is satisfied with the provision of native species at this location and recommends that semi mature species be planted along the berm". I am of the opinion that condition 5 above covers the requirements being expressed by the PA and I consider that a financial security deposit is not justified in this instance. I therefore recommend that the Board omit this condition from the development.

7.7. Condition 7 states the following

A noise monitoring programme shall be implemented to monitor the impact of noise emissions arising from the proposed development. The scope and methodology of this programme shall be submitted to and agreed in writing with the planning

authority prior to the temporary suspension of condition 3 of the governing permission. Monitoring points shall be located so as to ensure that monitoring is reflective of the noise emanating from the proposed development. The results of the survey shall be submitted to the planning authority within 1 month of completion of the survey. The developer shall carry out any amendments to the programme or additional noise mitigation measures as may be required by the planning authority following a review of each or all noise survey results.

- 7.7.1. The Planning Authority's reason for attaching this condition is to safeguard residential amenity. As stated earlier, the predicted noise levels of the proposed development from noise sensitive locations are within the threshold permitted by the PA and I consider that it is reasonable for the developer to provide a monitoring programme for the development. I agree that a criterion for the noise monitoring programme should be discussed and agreed with the PA in accordance with the relevant standards. The PA considered the original development on the site and determined it to be acceptable subject to conditions. I note Condition 26 of grant relating to acceptable noise levels within the development. The proposed development is an alteration to an already permitted development and I consider that continuous monitoring surveys should be carried out to ensure that the acceptable level of noise is maintained at the site. I therefore recommend that the Board retain this condition as is with amendments.

8.0 AA Screening

I have considered the development in light of the requirements S177U of the Planning and Development Act 2000 as amended.

The subject site is located within the Harbour Point Business Park and approximately 5m from Great Island Channel Special area of Conservation and 9m away from Cork Harbour Special Protection Area.

The proposed development comprises of the retention of a fire door and alteration to operational hours of Building Unit 1

Having considered the nature, scale and location of the project, I am satisfied that it can be eliminated from further assessment because there is no conceivable risk to any European Site.

I conclude that on the basis of objective information, that the proposed development would not have a likely significant effect on any European Site either alone or in combination with other plans or projects.

Likely significant effects are excluded and therefore Appropriate Assessment (stage 2) (under Section 177V of the Planning and Development Act 2000) is not required.

9.0 Recommendation

9.1. I recommend that,

- Condition No. 2 is Removed,
- Condition No. 4 is Removed,
- Condition No. 5 is Retained and Amended,
- Condition No. 6 is Removed and,
- Condition No. 7 is Retained and Amended.

10.0 Reasons and Considerations

10.1. Having regard to the reasons and considerations set out below, the Board directs the said Council under subsection (1) of Section 139 of the Planning and Development Act, 2000, as amended:

10.2. To **Remove** Condition No. 2 for the reasons and consideration set out hereunder

Reasons and Considerations (1)

Having regard to the nature, scale and strategic employment location of the site, within the business and general employment zone, it is considered the development would accord with the Cork County Development Plan 2022-2028. The predicted noise levels from the development are below the permitted acceptable levels of noise of 55dBA daytime and 45dBA nighttime. Accordingly, development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.3. To **Remove** Condition No. 4 for the reasons and considerations set out hereunder

Reasons and Considerations (2)

Having regard to the topography of the site along the western boundary, which involves a ground level change between the inside of the site and the lands immediately adjoining. Increasing the height as specified by the condition would require works to be carried out on lands outside the ownership of the applicant. And as such, these works would be out of scope of the application.

10.4. To **Retain and Amend** Condition No. 5 as follows for the reasons and considerations set out hereunder

A revised landscaping plan shall be submitted for the written agreement of the Planning Authority. The plan shall be based on the landscaping proposal received by An Bord Pleanála and shall include semi mature tree planting.

The landscaping shall be implemented in full under the supervision of an appropriately qualified and experienced landscape architect within the first year following the granting of permission, any trees that die or are removed shall be replaced in the first planting season thereafter.

Reason: in the interest of visual amenity

Reasons and Considerations (3)

Having regard to the location of the site in close proximity to a residential area and the objective of the Cork County Development Plan 2022-2028 to protect residential amenity in this area, it is considered that the landscaping plan would improve the visual amenity of the development and also protect the visual amenities of the adjoining residential area. Condition 5 is therefore in accordance with the proper planning and sustainable development of the area.

10.5. To **Remove** Condition No. 6 for the reasons and considerations set out hereunder

Reasons and Considerations (4)

Having regard to Section 48 of the Planning and Development Act (as amended) It is considered that the requirement for a security amount for the completion of landscaping works would be contrary to the 2024 Cork County Council Development Contribution Scheme.

10.6. To **Retain and Amend** Condition No. 7 as follows for the reasons and considerations set out hereunder

A noise monitoring programme shall be implemented by the applicant/developer. The scope and methodology of this programme shall be submitted to and agreed in writing with the planning authority prior to any operational nighttime activity in Unit 1. Continuous noise monitoring shall be carried out over a weekly period in the vicinity of the nearest noise sensitive receptor on an annual basis. The noise monitoring shall be undertaken by a suitable qualified person and conducted in accordance with ISO 1996: Description and Measurement of Environmental Noise, Parts 1 -3. The results of the survey shall be submitted to the Planning Authority within 1 month of completion of the survey. The applicant/developer shall carry out additional noise mitigation measures as may be required by the planning authority following a review of each noise survey results.

Reason: to safeguard residential amenity.

Reasons and Considerations (5)

Having regard to the location of the site in close proximity to a residential area and the objective of the Cork County Development Plan 2022-2028 to protect residential amenity in this area, it is considered that the continuous monitoring of noise levels in the vicinity of the site will afford the PA the opportunity to review the development in line with the permitted acceptable noise levels and safeguard the residential amenity of the residential area.

Oluwatosin Kehinde
Senior Planning Inspector

31st January 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	320667-24		
Proposed Development Summary	Retention of fire door and alterations to operational hours		
Development Address	Building Unit 1 (Unit 1A and Unit 1B), Harbour Gate Business Park, Courtstown, Little Island, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	
		No	X
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			EIA Mandatory EIAR required
No			Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			

Yes			Preliminary examination required (Form 2)
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5. Has Schedule 7A information been submitted?			
No		Pre-screening determination conclusion remains as above (Q1 to Q4)	
Yes		Screening Determination required	

Inspector: Oluwatosin Kehinde Date: 31st January 2025