



An
Bord
Pleanála

Inspector's Report

ABP-321763-25

Development

Construction of a grain storage and distribution facility and all ancillary site works. Natura Impact Statement submitted with the application.

Location

Belvelly Port Facility, Marino Point, Marino, Cobh, Co. Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

244044

Applicant(s)

Comex McKinnon Limited

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Appellant(s)

Comex McKinnon Limited

Observer(s)

Eoin Bell

Date of Site Inspection

20th March 2025 – Access to the site was not possible on date of inspection.

Inspector

Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The site is located at Belvelly Port Facility, Marino Point, to the north west of Great Island in Cork Harbour. The Harbour hosts multiple port activities, strategic employment uses, marine research, energy generation, tourism, heritage and residential communities in an environment with sensitive ecosystems and natural, scenic amenities.
- 1.2. The site is located within the Marino Point facility of Cork Harbour, to the west of the R624 and is accessed via this route. The subject site is approx. 3.169ha in area and is currently the site of 3,394sqm of disused industrial buildings, located within the wider port site of Marino Point which is approx. 46 hectares in area. The majority of the appeal site is for the proposed grain storage and maize processing facility, while the existing jetty area which serves the site and other parts of the Port Facility, is approximately 240m x 20m, with a shore access viaduct. An internal access road links the site with the jetty, with a raised embankment and mature trees running directly south of the access road.
- 1.3. The site is located approximately 8.5km southeast of Cork City and 3.5km northwest of Cobh. Access to Great Island and the subject site is via Belvelly Bridge, which is the sole vehicular access to the island. The Cork/Cobh rail line is located to the east of the site, adjacent to the R624. The lands to the east of the rail line and the R624 is a Golf Club with agricultural lands beyond, further to the east.
- 1.4. Marinochem, which is a Seveso site, is located approximately 320m northwest of the subject site, within the Marino Point/Belvelly Port facility. Marinochem is an upper tier Seveso site due to the presence of quantities of listed dangerous substances including methanol.
- 1.5. Residential properties exist at Passage West 500m across the harbour from the jetty, Ballynoe 1.8km to the south and Belvelly, where properties are dotted along the east side of the R624 on the approach to Belvelly Bridge to the north. Marino House is a Recorded Monument (RMP No. CO075-13) and NIAH listed building located approximately 70m south southwest of the subject site, along with the Orangery

(RMP No. CO075-076) 100m directly south of the site, and landscape feature (RMP No. CO075-027) located within the subject site.

2.0 Proposed Development

2.1. The proposed development consists of a general grain storage and distribution facility that includes:

- Cleaned and raw product (maize) storage building of approx. 4,060sqm and c.24m in height. Storage capacity of 18,000 tonnes.
- General grain store building of approx. 3,739sqm and 23.2m in height. Storage capacity of 20,000 tonnes.
- 2no. weighbridges and ancillary weighbridge office building.
- ESB substation.
- Rooftop PV panels on storage buildings.
- Perimeter fencing.
- Use of the existing jetty to facilitate access to cargo vessels.
- Total Floor Area 12,754sqm proposed.

3.0 Planning Authority Decision

3.1. Decision

On the 19th December 2024, Cork County Council refused permission for the proposed development for the following 2no. reasons:

1. *Having regard to identified deficiencies in the R624 Regional Road, in terms of width, alignment and carrying capacity to cater for the traffic, particularly the HGV traffic generated by the proposed development, to An Bord Pleanála's recent adjudication on ABP ref: 312981-22 and in the absence of satisfactory proposals to upgrade the R624 it is considered that the proposed development would generate traffic which would adversely impact on the road network and contribute to traffic congestion in the area. It is therefore*

considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

2. *On the basis of the information submitted, lack of clarity in relation to the matters raised in the further information request, specifically in the absence of a final detailed Operational Environmental Management Plan to manage potential environmental emissions/impacts, it is not possible to determine that there will not be adverse effects on Natura 2000 European sites associated with the proposed development. Accordingly, to grant permission for the proposed development at this time would materially contravene development objectives BE 15-2 and BE 15-6 of the Cork County Development Plan (2022) for the protection of sites, habitats, species and biodiversity in general and would therefore be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority Planner had regard to the locational context of the site, national and local planning policy context, the referral responses received, and any submissions made on the application. Their assessment included the following:

- Noted the proposal will include an 18,000 tonne maize store (Cleaned and Raw Product store) and a 20,000 tonne animal feed store (General Grain Store).
- Maize/grain will be imported through the jetty every 2 weeks on average with average unloading times of 1.5-2 days. Grain offloaded by cranes onto trucks for transport to stores. Grain is cleaned/screened at the proposed facility and then distributed by truck.
- No physical works proposed to the existing jetty.
- Approximately 20no. additional cargo vessels per year associated with the proposed use which will operate Monday-Saturday, 07:00-19:00.
- Requirement for the proposal is due to increasing demand for import of grain and similar agricultural products and the suitability of the site for such a use.

- Identified that site is part of a brownfield regeneration site and Special Policy Area (X-01).
- The proposed development represents a port related activity which is consistent with the specified zoning objective for the site. The proposal is therefore acceptable in principle.
- Noted that site enabling works have been permitted under Reg. Ref. 19/6783 & ABP 307938-20, the development is facilitated on foot of this permitted development. No works have commenced on this permitted development and a timeline for such enabling works should be clarified by the applicant.
- Revised LVIA viewpoints required to include existing and proposed buildings and additional viewpoints from Passage west.
- Ecology Officer noted no issues with the proposal as outlined, which includes landscape planting inside the proposed security fence.
- Additional assessment of visual impact on Marino House required.
- Noted that designed landscape feature (CO075-013) may be now gone as Irish Fertilizer building was built in its place. However, given the recorded monuments to the south an Archaeological Impact Assessment (AIA) is required by the Planning Authority.
- Construction stage (7no. HGV's per day plus 20no. construction staff) and Operational stage (24no. HGV movements per day with no more than 4no. per hour, plus 2-3 employees via private car) is noted. To minimise impacts on road network, construction/operational traffic will be limited to off-peak.
- Up to date traffic data required, HGV traffic off-peak should be analysed, key junctions require analysis (Cobh Cross and Lakeview Roundabout), traffic management system details required to illustrate how traffic generated by the site will be limited to off peak times and Autotrack analysis required to show adequate turning area within the site and accessing the jetty.
- Natura Impact Statement (NIS) Ecological Impact Assessment (EclA) and Construction Environmental Management Plan (CEMP) has been submitted in support of the application and are noted. The Planning Authority Ecologist

recommended that further information be sought in the form of a detailed Operational Environmental Management Plan (including details of proposals to manage/prevent spillages into the SPA), a revised CEMP to include mitigation measures referenced in the Ecological Impact Assessment and lighting proposal details to mitigate against impact on sensitive habitats in the wider environment.

- Environmental Officer raised concerns about the dusty nature of the proposal, despite the details submitted by the applicant stating the operation will be fully enclosed from ships to storage facilities with dust extraction systems at the storage facility. Further details required in an Environmental Management Plan to include mitigation measures, lighting controls and assessment of fire risk. This should cover the overall Marino Point lands.
- Irish Rail requested a glint and glare assessment of the proposed PV Panels.
- No issues raised with the proposed means of surface water disposal to the harbour via a hydrocarbon interceptor. No issues with proposed foul effluent disposal to on-site treatment plant that has illustrated sufficient capacity. Timeline for connections to permitted (Reg. Ref. 19/6873 & ABP 307938- 20) enabling infrastructure required.
- Accepted that an EIA is not required with respect to the subject proposal.
- The Planning authority did not have sufficient information to make a decision on the subject application and therefore sought Further Information in relation to a number of items.

Further Information Response

The applicant submitted a further information response in October 2024, which included the following:

- Letter from Port of Cork/Belvelly Marino Development Company that infrastructure works permitted under Reg. Ref. 19/6873 & ABP 307938- 20 will be delivered by June 2026. This includes surface water retention tank and controlled flow storm water.
- Revised LVIA illustrating cumulative effects of demolition and enabling works and including additional viewpoints from Passage West and to front of

Marino House. Applicant confirms the proposal will have a 'neutral' or 'positive' impact.

- AIA submitted that states the proposed development will not have a significant impact on the setting of heritage features due to the lower height of the proposed buildings versus existing structures, the extensive planting to the north of the house and materials proposed which will blend with the area.
- An Operational Environmental Management Plan (OEMP) and Fire Risk Assessment. Noise, dust, odour, lighting control and vermin control measures are set out and the proposed activity is submitted as a low risk of fire.
- Confirmation of surface water drainage systems to attenuation tank, including from the jetty area, which is part of the enabling works permitted under Reg. Ref. 19/6873 & ABP 307938- 20.
- Confirmation that no hazardous materials will be imported to the proposed facility.
- Details of proposed unloading and transport procedures to minimise dust and spillage of product.
- A Glint and Glare Assessment that confirms there is no potential reflectance along the adjacent rail route.
- Revised traffic count information that confirms 2018 traffic count information is valid and the TTA submitted was robust. All traffic associated with the proposal will be off-peak and details of auto tracking provided.
- Details provided of transportation methods of maize, grain and agricultural feed from shipping vessels to the storage facility.
- A lighting layout plan.

Planning Authority Response

- 3.2.2. Although the impact of the subject proposal can be visually absorbed at this location; the AIA shows no discernible impacts on heritage assets; and the Glint and Glare assessment indicates no glint and glare possible at identified receptor points; the Local Authority was not satisfied that the substantive issues raised in the RFI had

been addressed by the applicant and recommended a REFUSAL of permission for the reasons outlined in Section 3.0 of this report.

3.2.3. The Planning Authority were not satisfied that adequate enabling infrastructure on site would be provided, were not satisfied adequate details are provided in relation to the specific type/granularity of product that requires appropriate details of environmental management and therefore cannot rule out impacts on Natura 2000 sites, based on the decision on the Gouldings Chemicals application (Ref. 20/6955 and ABP Ref. PL04.312981), considered the proposed development was premature pending significant road upgrades to address deficiencies in the local road network particularly along the R624 and at Belvelly Bridge and therefore recommended REFUSAL of permission.

3.2.4. Other Technical Reports

- Area Engineers Report – No objections to the proposal subject to conditions.
- Archaeologist Report – Requested an Archaeological Impact Assessment by way of further information to take account of nearby monuments and archaeological features. The applicant provided this information at FI stage, and the County Archaeologist was satisfied with the details provided.
- Conservation Officer – Sought further information with regard to visual impact on NIAH site and house and required additional photomontages in this regard. No objection to the proposal based on the information and photographs provided at FI stage.
- Environment Report – Requested an Environmental Management Plan for the operational phase of the project to include management of noise, odour, dust, lighting, fire risk, vermin and accidental spillages. Details on surface water management and control of material unloading also requested. Submitted OEMP details insufficient. Refusal of permission recommended as FI response period did not allow sufficient time to request a further response from the applicant.
- Ecology Report – Considered there to be insufficient information to complete an assessment of impacts on key ecological receptors, particularly the transport of maize from ship to storage facility. A detailed Operational

Environmental Management Plan (OEMP) is requested, revised mitigation measures within the CEMP as proposed in the EclA and details of a proposed lighting plan. Adequate details not provided in the FI Response in relation to potential impacts on European Sites and therefore refusal of permission is recommended.

- Public Lighting Report – Recommended a grant of permission subject to conditions that would prevent nuisance to others.
- Traffic and Transport Report – Recommend further information in relation to up to date traffic data, traffic analysis of key junctions, traffic management to off-peak periods and autoturn analysis.
- Sustainable Travel Unit Report – Provided final report to traffic and transport items and recommended a refusal of permission on foot of the An Bord Pleanála decision to refuse permission for Reg. Ref. 20/6955 (ABP Ref. 312981) due to deficiencies in the existing road network and at Belvelly Bridge.

3.3. Prescribed Bodies

- 3.3.1. Iarnród Éireann – Sought additional information in relation to impacts of glint and glare. No further comments in relation to the assessment submitted and to address any issues that arise during installation or operation.
- 3.3.2. Health & Safety Authority – Did not advise against the granting of permission in the context of the Major Accident Hazards.

3.4. Third Party Observations

2no. third-party submissions were received in relation to the subject application. The main issues raised can be summarised as follows:

- No improvement to road infrastructure provided to justify the proposed development.
- No footpaths or road safety signs or pedestrian crossings at Belvelly Bridge have been put in place. Road is extremely hazardous.

- Use of road at off-peak times by a number of operators will lead to no 'off-peak' period.
- Roads in the area are already operating at capacity. Traffic data is outdated with an ever-increasing flow of traffic on the R624.
- Proximity to National Monument not acceptable.
- Queried if an EIAR should be submitted with this application. Potential for unloading to impact on European Sites.
- Address used on the application documents is incorrect.
- Application is premature pending the installation of infrastructure permitted and proposed in other applications.
- Queried if entire operation will be fully enclosed to avoid impacts on air, noise and dust.
- Proposals for off-peak construction and operation has potential to negatively impact residents in the area.
- Size, number and EV status of proposed truck fleet queried.
- Status of survey work to support Appropriate Assessment queried due to dates they were undertaken.
- Docked ships have potential to give rise to noise impacts.
- Grain dust could give rise to flammable material and impacts on adjacent SAC and SPA. Crane grab system proposed will not contain grain dust.
- EN and EPA standards should be used when identifying noise and vibration impacts.
- Potential residential impacts on properties 430m south/downwind of the proposal.
- Cumulative HGV/Traffic impact is not acceptable.
- Alignment restrictions on the R624 and at Belvelly Bridge cannot accommodate the subject proposal as evidenced by submitted photographs. Proposal will increase already existing traffic hazard. Pedestrian bridge

referenced is not at an advanced stage and National Monument (bridge) cannot be altered by a private developer.

- Suggestion to remove pedestrian footpath at Belvelly bridge will do nothing to address manoeuvrability issues at the bridge.
- Proposal is premature pending required road upgrades.

4.0 Planning History

Reg. Ref. 19/6783 (ABP-307938-20) – Permission granted by Cork County Council and upheld by An Bord Pleanála for demolition, infrastructure improvement works to stabilise the Marino Point/Belvelly Port Facility to provide capacity for future industrial development proposals. Demolition will comprise site clearance and demolition of all existing derelict super structures, including prill tower, concrete tanks, workshops, stores and office buildings; sub structures including foundations and floorslabs; and redundant services including piperacks, sumps and sea water cooling pipe. Site improvement works are proposed to flood defences, entrances, rail sidings, tree planting, surface water drainage systems and 10kv substation among other infrastructure improvement works.

Reg. Ref. 20/5779 – Permission granted by Cork County Council for the development of an electrical substation and all associated site works.

Reg. Ref. 20/6433 – Permission granted by Cork County Council for replacement of existing chainlink fence with a green palisade fence 2.4m high, 200m in length.

Reg. Ref. 20/6955 (ABP Ref. 312981-22) – Permission granted by Cork County Council for the development of a new agricultural fertiliser facility at the northern end of the Belvelly Port Facility and use of the existing jetty. Permission was refused by An Bord Pleanála following appeal, for reasons related to the limited capacity of the existing road network.

Reg. Ref. 22/6165 – Permission refused for the construction of a battery energy storage system (BESS), containers, transformers, and all associated site works at the northern end of the Marino Point/Belvelly Port facility at the eastern side of the railway line.

Reg. Ref. 23/5947 (ABP-318734-23) – Permission refused for the construction of a battery energy storage system (BESS), connection to existing substation, containers, transformers, and all associated site works on lands at the northern end of Marino Point on the eastern side of railway line. Reasons for refusal related to location within Flood Zones A and B and requirement for port related uses within the X-01 Special policy area. The decision was appealed to An Bord Pleanála who upheld the reasons for refusal.

5.0 Policy Context

5.1. National and Regional Planning Policy

- 5.1.1. Chapter 7 of the National Planning Framework states that Port infrastructure involves development and associated activities on both land and the marine area (nearshore) and often in proximity to areas of environmental sensitivity. It is further stated that as an island nation, we depend on the quality and efficiency of our ports to a far greater extent than many of our trading partners. As a small open economy with a strong focus on international trade and export-led growth, we must be capable of delivering additional port capacity in a timely and predictable manner. National Policy Objective 50 seeks to:

“Ensure that the strategic development requirements of Tier 1 and Tier 2 Ports, ports of regional significance, State Fishing Harbours and smaller harbours are addressed as part of Regional Spatial and Economic Strategies, and plans at local level to ensure the effective growth and sustainable development of the city regions and regional and rural areas, in accordance with National Ports Policy.”

- 5.1.2. The Regional Spatial and Economic Strategy (RSES) for the Southern Region includes the Metropolitan Area Strategic Plan (MASP) for the Cork area. Marino Point is identified as a ‘Strategic Employment Location’ and part of the strategic marine sector in Cork Harbour.
- 5.1.3. RPO 168 of the RSES seeks the upgrade of the R624 Regional Road linking N25 to Marino Point and Cobh and designation to National Road Status. Policy Objective 9 also refers to Strategic Road Network Improvements and seeks Upgrade of the R624 Regional Road Linking N25 to Marino Point and Cobh subject to required

feasibility, planning and environmental assessment processes and support the designation of this route to National Road Status.

5.1.4. Policy Objective 13 of the MASP identifies improved access to Marino Point as a critical component for unlocking the full potential of the Port of Cork and to enable the regeneration of the Cork Docklands.

5.1.5. In relation to 'Enterprise and Employment', the Cork MASP states:

Strategic locations and drivers for economic growth in the metropolitan area will include intensification of employment in the city centre, docklands, city suburban areas, Higher Education Institutes (UCC and CIT) and international centres of research and innovation such as Tyndall, Rubicon, MaREI, Cork Science and Technology Park, Mahon, Ringaskiddy, Marino Point, Carrigtwohill, Little Island and Whitegate. Strategic assets supported include Tier 1 Port of Cork, Cork Airport, health infrastructure and Cork University Hospital. The special role of Cork Harbour reflecting its natural and historic heritage, industry, maritime economy, tourism and communities, as a unique driver for the region is recognised and will be subject to an integrated framework plan. “

5.1.6. The Cork Metropolitan Area Transport Strategy (CMATS) 2040 states that the “relocation of the Port of Cork, coupled with the upgrade of the N28 to Motorway standard (M28) will reduce some localised HGV impacts within the city and reinforce the transfer of strategic freight to the National Road Network.” In this regard, Chapter 14 of CMATS notes that rail-based freight movement would likely necessitate a new link between the relocated Port of Cork in Marino Point and the Cork Suburban Rail network.

5.2. Cork County Development Plan 2022-2028

5.2.1. The site is located within the South Cork area which is covered by Volume 4 of the County Development Plan.

5.2.2. Section 2.5.42 of the Development Plan states the 2014 County Development Plan identified Cobh (including Marino Point) as one of a number of principal employment locations within the Cork Gateway harbour area where the overall strategy includes providing a choice of sites for large, medium and small-scale enterprise/business and industrial uses.

- 5.2.3. Section 2.5.47 identifies Marino Point as a largely brownfield industrial area located approximately 5km north of Cobh adjacent to the Cork-Cobh rail line, that forms part of the employment land supply within Metropolitan Cork and for Great Island. The area comprises approximately 41 ha, of which c.3ha is occupied by a currently functioning hazardous industrious installation (Marino Chem (Dynea Ireland) Ltd)). The remainder of the site is primarily degraded and vacant since the closure of the IFI plant. There is a deep-water wharf at the site and it is served by high capacity water, gas and electricity supplies. Marino Point was identified as an ‘Other Location’ in the 2017 Local Area Plan and was subject to a Special Policy Area zoning objective to facilitate the development of the area for port-related industrial development. In this plan it is identified as a Specialist Employment Centre and is also subject to a Special Policy Area zoning objective. Development and future activity at this location will need to be carefully planned and controlled given its sensitive location proximate to Cork Harbour Special Protection Area and Great Island Channel SAC.
- 5.2.4. The site forms part of lands designated as a High Value Landscape and the adjacent City Harbour and Estuary are identified as Landscape Character Type 1 (City Harbour and Estuary) – very high landscape value, very high landscape sensitivity and of national landscape importance as set out in Appendix F of the CCDP (2022).
- 5.2.5. The adjoining R624 is a designated scenic route (i.e. s53 – Road between Cobh and Belvelly) and there is also a designated scenic route at Passage West (i.e. s 54 – road between Passage West and Ringaskiddy) directly south-west of the site.
- 5.2.6. Section 2.13 of Vol. 4 of the County Development Plan identifies Marino Point as a ‘Specialist Employment Centre’ and includes the following description at Section 2.13.2:
- ‘The site comprises the redundant infrastructure of IFI. It also contains a hazardous industrial installation to which the Seveso III Directive applies (Marinochem (Dynea Ireland) Ltd) and a 1 km consultation zone is in effect with regard to certain categories of new development. Dynea uses the deep-water jetty for importation of methanol delivered by a large diameter pipe to the factory. The company have a long-term lease on the island, the pipe serving the plant should be protected in any*

future redevelopment. The landholding, apart from Marinochem (Dynea Ireland) Ltd, remains primarily degraded and vacant since the closure of the IFI plant.'

5.2.7. Section 2.13.9 states:

"Existing road access to Marino Point is via the R624 regional road and the capacity of this road would not be sufficient to cater for any traffic intensive use, port or otherwise. Upgrading of the road in both the direction of Carrigtwohill and the N25, including Belvelly and Slatty Bridges, and back to Cobh, would need to be carried out to accommodate any large-scale development proposals. "

5.2.8. Section 2.13.13 goes on to state the following:

'Having regard to its unique attributes, such as the deep-water access, high-capacity water main, rail sidings and specialised facilities, the re-development of this brownfield site is best suited at this time to port related industrial development. Development based on the utilisation of the rail line could proceed in the short term, however, large scale proposals or proposals involving significant traffic intensification will require improved road access between the N25 and Cobh, subject to full ecological assessment.'

5.2.9. The site is located within Special Policy Area X-01, which is a 40.7 hectare land area including the subject site. The following objectives are noted for Marino Point under Policy Area X-01:

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

- Development will be confined to the existing reclaimed area and to activities which are port-related or which use the existing industrial installations. Any new berthing /unloading facilities would be limited.*
- A detailed Traffic Impact Assessment is required prior to any development to assess the impact on the existing road network.*
- Improved road access between N25 and Cobh subject to full ecological assessment.*
- Existing recorded monuments on site shall be protected.*

- *In permitting development, regard shall be had to mitigating potential adverse impacts, particularly for the adjacent residential settlement of Passage West.*
- *Marino Point is located immediately adjacent to the Great Island Channel SAC and Cork Harbour SPA and it contains Annex 1 habitats of large shallow inlets and bays. Development in this location will only be permitted where it is shown that it is compatible with the requirements of the Habitats and Birds Directive and with the protection of these sites.”*

5.2.10. Volume 1 of the County Development also includes a number of objectives that are relevant to the development of the Port of Cork, including the subject site. Objective ‘TM 12-15: Port of Cork and Other Ports’ states the following:

“a) Ensure that the strategic port facilities at Ringaskiddy, Whitegate and Marino Point have appropriate road transport capacity to facilitate their sustainable development in future years.

b) Ensure delivery of the upgrading and realignment of the N28 Cork to Ringaskiddy Road and the upgrading of the R624 Regional Road linking N25 to Marino Point and Cobh and designation to National Road Status to provide appropriate road transport capacity to facilitate sustainable development of port facilities at Ringaskiddy, Whitegate and Marino Point. (see also TM 12-13 e) & TM 12-13 footnote)

c) Support the landside capacity of Port of Cork subject to consideration of environmental concerns including water quality, flood risks, human health, natural and built heritage.

d) Support the relocation of port activities and other industry away from the upper harbour on the eastern approaches to the city.

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

f) Future expansion or intensification of Port activities will have regard to environmental, nature conservation and broader heritage considerations at design, construction and implementation stages.”

5.2.11. Objective TM 12-13 (e) identifies the upgrade of the R624 Regional Road linking N25 to Marino Point and Cobh and designation to National Road Status, which will be subject to detailed design and approval taking into account the various environmental and heritage sensitivities of the area.

5.2.12. Section 12.20.1 of the Development Plan identifies the importance of Cork Port in the context of the state and the region. The following is stated in relation to Marino Point:

“Disused facilities at Marino Point, a Specialist Employment Centre, has potential to handle bulk cargos transported to or from the port by rail. Handling non-rail cargos at this location will require the upgrading of the R624 linking the site to the N25.”

5.2.13. Objective TM 12-14 seeks to protect the potential for rail-freight facilities to the former IFI plant at Marino Point. Section 12.20.3 restates the protection of the site for rail cargo: *‘Development of port related facilities at Marino Point is also planned and disused port facilities at Marino Point are protected so that their potential to accommodate rail cargo can be developed in the future if required.’*

5.3. Ongoing Roads and Transport Projects (Cork County Council website)

5.3.1. Great Island Connectivity Scheme (R624 Cobh Road): The R624 is the only road connection to Great Island and Cobh, which is the second largest urban centre in Cork County. The Local Area Plan (now expired) states that the R624 has ‘serious capacity issues at peak times, it is poorly aligned in many parts and contends with flooding problems at Belvelly Bridge’ and that the R624 requires significant improvement to facilitate development in Great Island and Cobh. Cork County Council has been allocated grant funding by the Department of Transport to develop a project to address issues relating to the R624. A Strategic Assessment Report was submitted to the Department of Transport in 2022. Subject to approval of the Strategic Assessment Report, Cork County Council will develop a Preliminary Business Case in 2023.

5.3.2. February 2025 written answers in Dail debates: The Minister for transport provided an update on funding of projects including the R624. 'Regarding the R624 Cobh Road, Cork County Council submitted an initial project appraisal to the Department in 2019 regarding the upgrade of the R624 Cobh Road. The project, as submitted, includes upgrading the existing N25-R624 interchange, the provision of a dual carriageway from the interchange to Marino Point, widening of Slatty Bridge, the provision of a new bridge crossing to Great Island at Belvelly and upgrading the existing R624 from Marino Point to Cobh. The estimated cost of this scheme was more than €100 million, with possible staged implementation. In line with Government requirements Cork County Council also produced a Strategic Assessment Report (SAR) for the Great Island Connectivity Scheme and a draft was forwarded to the Department in November 2022. Since then, both the Public Spending Code and the Department's Transport Appraisal Framework (TAF) guidance have been updated - the Department continues to liaise with the Council regarding new requirements under the new infrastructure Guidelines and the TAF including the preparation of a Project Outline Document (POD) and business case incorporating the work already undertaken at the SAR stage. The Council submitted the POD to the Department in March 2024. Following the submission of the POD, the Council commenced work on developing a brief for the appointment of consultants to deliver the scheme through options assessment, design and planning, starting with the commencement of a Preliminary Business Case. The Council recently submitted the brief for appointment to the Department for review. An allocation of €150,000 was made to Cork County Council as part of the 2024 Regional and Local Roads Grants to assist in the development of the Preliminary Business Case. Grant allocations for 2025 will be notified to local authorities in the coming weeks.

5.4. **Port of Cork Masterplan 2050 (non-statutory)**

5.4.1. This Masterplan was required as part of the National Ports Policy and is advised to be in line with International best practice. This presents a vision for how the Port of Cork can adapt and grow in accordance with the Climate Action Plan 2023 and aims to achieve net zero greenhouse emissions by 2050. It assists in the preparation of local authority development plans. It provides for relocating Cork Quay and Tivoli operations in the inner harbour in the city area to the outer areas of the harbour.

Marino Point is identified as part of existing and future port infrastructure in which the PoCC has an interest along with Ringaskiddy, Cobh and Bantry. The role of Marino Point is considered to be for dry bulk, liquid bulk and project cargoes to 2040 and beyond.

5.4.2. The strategic goals are aligned with sustainability goals which includes caring for the environment and heritage and fulfil social responsibilities to the local community.

5.4.3. Shipping industry trends are set out in relation to shorter trading routes and larger vessel size requiring deeper drifts, wider channels and spacious terminal. The model relies on brief times in the port and minimal port calls.

5.4.4. To support the Offshore Renewable Energy (ORE) sector, ports will require greater industrialisation of infrastructure and landside facilities, including, for example on-dock landside facilities, which will be required to provide laydown and assembly areas for turbines and heavy-duty quay structures, needed to cater for large turbine installations and support vessels. This industrialisation will put added strain on port land availability, drafts, and port-city traffic interfaces, making hinterland transport modes even more critical.

5.4.5. To facilitate Marino Point as a port facility, planned access improvements are highlighted:

- Upgrading of R624 including enhanced bridge at Belvelly (no date for this at time of plan)
- Upgrading rail access and include an additional station adjacent to Marino Point which may facilitate rail freight options and complement the European Rail Traffic Management System.
- Minimising damage to the environment and reduce road congestion.

5.4.6. However, constraints are identified such as the delivery of the R624 link road from Marino Point to the N25 and necessary consent processes.

5.4.7. The spatial layout for Marino Point 2050 is illustrated in Figure 8 of the Masterplan document. The site is located within a designated 'liquid bulks' area. There are currently 46 hectares (ha) of land available for development at Marino Point. Some commodities and cargoes will be relocated to Marino Point following the vacation of City Docks. Upgrades to infrastructure and equipment will allow the facility to handle

dry bulks and project cargoes. Due to increasing volumes and storage space limits at Ringaskiddy West, some commodities may need to be relocated to Marino Point by 2040.

- 5.4.8. PoCC envisages liquid bulks, possibly in the form of biofuels or green hydrogen, could be future cargoes supported at this location, which also has potential for the energy and cruise industries. The PoCC acknowledges that significant environmental considerations would need to be assessed due to the site's proximity to the Special Protection Area (SPA) and Special Area of Conservation (SAC).
- 5.4.9. Future land requirements are flagged for fuel in longer term objectives. In the medium term the objective is to grow Marino Port as a bulk port facility while also exploring rail freight, energy and cruise options.

5.5. Natural Heritage Designations

- 5.5.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (001058) which are both located approximately 0.3km to the north of the site at its nearest point.

5.6. EIA Screening

- 5.6.1. I have had regard to the Environmental Impact Assessment Report (EIAR) screening statement submitted by the applicant and the determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of a grain processing facility, within a disused industrial site where infrastructural services are already in place and permitted, there is no real likelihood of significant effects on the environment arising from the proposed development. In relation to cumulative impacts, it is acknowledged that the Belvelly Port facility is within an evolving development context and there has been a recent refusal of permission for a Chemical processing facility (Reg. Ref. 20/6955, ABP Ref. 312981-22). Reg. Ref. 19/6783 (ABP 307938-20) permitted the demolition and provision of infrastructure upgrades to the overall Belvelly site, where an EIAR was submitted. Given the proposed mitigation measures put forward for the subject proposal, I do not consider there to be

cumulative impacts arising that would necessitate the need for EIAR. The need for environmental impact assessment can, therefore, be excluded. The applicant has submitted Schedule 7A information in relation to screening for EIAR and therefore I have undertaken a Screening Determination. See completed Form 1 and 3 at Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

A first-party appeal has been submitted against the decision of Cork County Council to refuse permission for the subject proposal. The grounds of the first-party appeal can be summarised as follows:

- The proposed development represents an opportunity to significantly reduce the carbon impact of existing road freight/logistics operations as the proposed relocation is closer to existing customers (16km to the east of Marino Point) than the existing port facility used at Bellview Port in Co. Kilkenny (106km from end user).
- Objective TM 12-14 and sections of the Development plan are referenced in relation to the relocation of road freight developments in close proximity to the national road network. The current end user is not located on the rail network, so is dependent on road freight.
- Sustainable technology is a core aspect of the subject proposal. Proposed PV panels in the subject proposal will power the proposed processing facility and a proposed electric HGV fleet. Overall, the proposed development will contribute to an approximate 85% reduction in travel distances in the supply of maize to the end user.
- Restrictions on significant development within the wider Great Island and Cobh area until road upgrades are put in place will have significant implications for the growth of the area and for future development at Marino Point.

- The percentage increase in traffic flows on the R624 as a result of the proposed development is negligible.
- The proposed 20,000 tonne 'General Grain Store' is ancillary to the 18,000-tonne maize warehouse, and as highlighted in the submitted Mobility Management Plan, all construction and operational traffic will be at off-peak times.
- The proposed development does not constitute a 'traffic intensive' development as specified in Board decision ABP Ref. 312981-22 and will not generate traffic which would adversely impact on the road network and contribute to traffic congestion in the area.
- The proposed development is consistent with Section 2.13.9 of the Cork County Development Plan 2022-2028, which the Board decision on Ref. 312981-22 referenced, as it is not a 'traffic intensive use', and all HGV trips will be at off-peak times, which will not reach capacity until Design Year 2040 with or without the proposed development.
- An alternative option is put forward in the appeal to reduce the proposed facility to the storage and processing of maize, with the removal of the general grain store with a capacity of 20,000 tonnes. The revised proposal is for the storage, processing and distribution of maize only, within an 18,000-tonne facility.
- The revised proposal will reduce HGV traffic to 15 trips daily, outside of peak hours. This is much less than the 50-57 daily HGV trips proposed in the Goulding Chemicals application (Ref. 20/6955/ ABP 312981-22) and is not considered to be a traffic intensive proposal.
- The applicants have no objection to the payment of a special contribution towards the cost of upgrading the R624 and Belvelly Bridge
- The revised development will not result in adverse effects on the adjacent Natura 2000 European Sites as it will be restricted to the storage of maize only. Final details of Operational Environmental Management Plan (OEMP) can be agreed by way of condition.

- The proposed development will serve a single end user which is not on the rail network and therefore is unsuitable for the rail-based distribution of maize. Use of freight rail to transfer to Midleton would result in traffic impacts in other urban centres and was not considered feasible.
- The inspector's Report on the Goulding Chemicals application referenced freight rail as being an effective means of adhering to climate action policies. It is submitted that the subject proposal will reduce carbon emissions by way of reduced journey times and an electric HGV fleet, as promoted in the Government Climate Action Plan
- The omission of the grain store will also address reason for refusal No. 2 in relation to Environmental/ Appropriate Assessment matters.
- The reason for refusal in relation to Appropriate Assessment under ABP Ref. 312981-22, as recommended by the inspector, is noted as being removed by the Board in the final decision, that sufficient information was available, and that final details of mitigation measures in the OEMP could be agreed by way of condition. The revised proposal will only accommodate storage of maize and any impacts can be appropriately managed as set out in the submitted EclA and NIS.

6.2. Planning Authority Response

The Planning Authority have submitted that all relevant details have been considered in the technical reports provided to An Bord Pleanala and have no further comment to make.

6.3. Observations

There was 1no. observation in relation to the first-party appeal. The main points of the observation can be summarised as follows:

- Queried if an EIAR should be required for the subject proposal.
- Application is premature pending road infrastructure upgrades and will endanger public safety by reason of traffic hazard or obstruction to road

users. This is supported by recent refusals of permission by the Planning Authority and ABP decision on Ref. 312981-22.

- Applicant's assertion that Planning Authority is at an advanced stage with a pedestrian bridge at Belvelly Bridge is misleading. Removal of pedestrian footpath on bridge will do nothing for tight turning angle at access to the bridge.
- The facilitating infrastructure as referred to by the applicant under Ref. 19/673 and 20/6955 have not commenced and therefore no facilitating infrastructure is in place.
- Tonnage quantities do not calculate accurately based on storage capacity of proposed facility and average loads that can be transported by HGV. Potentially 45-104 HGVs per day could result from proposal.
- Currently no electric HGVs on Irish Roads.
- Confirmation required that operating hours of 7am-7pm, Monday to Saturday applies to dock unloading as well as operation of the facility. Residents are entitled to quiet times as per European Noise Directive 2015/996. Developer should pay for soundproofing of all houses fronting the R624, Belvelly village, Marino, Carrigaloe and Passage West.
- Natural amphitheatre of Lough Mahon Valley will worsen the potential noise impacts. Noise impacts at evening and night time are a serious concern for residents, including engines and generators running for docked ships. Noise monitoring should be included in any grant of permission.
- Proposed 'completely enclosed' method for transfer of cargo is not practical and there will be dust impacts from loading and unloading processes on houses 900 metres to the northwest. Area should be subject to ongoing air quality testing by the EPA to ensure no impacts.
- No assessment of the heritage impacts on Belvelly Bridge despite the obvious traffic impacts arising from the proposal. National Policy requires the protection of our built heritage (NSO 7, Chapter 12 of National Development Plan). The architect for the Belvelly Bridge, Abraham Hargave, is an important

element of Irish Architectural Heritage history and the bridge should be considered in this context.

- Traffic impacts and delays have the potential to negatively affect tourism in the area, including Cobh and Spike Island.
- Growth of the port area must be managed sustainably and to minimise impacts on existing residents, particularly from a traffic and transport perspective.
- Reference is included to the Cobh LAP 2017 and that the development of Marino Point for other uses cannot occur due to existing hazardous uses, restrictions on capacity of the R624 to facilitate any 'traffic intensive' use – port or otherwise, R624 requires significant upgrading, existing bridge is not capable of accommodating the targeted growth for Cobh, R624/Belvelly Bridge is poorly aligned, has limited road width that leads to capacity issues and has been subject to flooding.
- Applicant has identified the constraints on the existing R624 in their submission to the Cork Metropolitan Area Transport Strategy (CMATS), stating upgrade is required to realise the potential of the Great Island as a Core Port under Ten-T guidelines, and submission on the NPF stating the road requires upgrade to realise the full potential of port facilities at Marino Point and Cobh.
- Upgrade of the R624 is also set out as an objective in the Southern RSES and the County Development Plan. Integration of transport and land use planning is set out in the National Planning Framework.
- Proposal will negatively impact on the R624 Scenic Route due to traffic delays/constraints and road signage, which is an Objective of the County Development Plan to protect (ENV3-4, ENV 3-5).
- There is already insufficient road space to accommodate HGV traffic along the R624. The single access to Great Island is a concern as it can become congested/blocked at Belvelly Bridge due to an accident or insufficient turning space.

- Extensive photographic evidence submitted, illustrating road width constraints and delay incidents at the R624 and Belvelly Bridge, particularly in relation to HGV traffic, but also for cars and pedestrians. Belvelly Bridge was not designed for the dimensions of HGV traffic currently on the roads.
- Reference provided to previously identified route upgrade options to the R624 from 2007, to provide additional capacity for traffic including HGVs. Previous assessments at that time noted the traffic on the R624 already exceeds capacity.
- Observer queries if the R624 meets EU Road Safety Directive of 2019, particularly between Belvelly Bridge and the Port entrance. Non-motorised road users are required to be prioritised on foot of this Directive.
- HGV Traffic is also causing structural damage to the Belvelly road foundations through vibration.
- Reference is made to the Local Government (Planning and Development) Act, 1990, whereby permission can be refused because an application is premature in nature due to road capacity constraints.

7.0 **Assessment**

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, the observations on the appeal, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Alternative Option
- Principle of Development
- Roads and Traffic Impacts
- Residential Amenity Impacts
- Other Matters

7.2. **Alternative Option**

7.2.1. To address the reasons for refusal the applicant/appellant has provided an alternative design solution in the appeal that would remove the General Grain

Storage facility from the proposal. This is outlined in the first party appeal and removes a 20,000-ton storage facility from the proposal and limits the processing facility to maize produce only. I consider the revised design to be a reasonable proposal to reduce the traffic and transport associated impacts of the proposal, and the potential dust related impacts associated with grain processing and transfer, subject to detailed assessment below. I base my assessment in the following sections on this revised proposal as submitted.

7.3. Principle of Development

- 7.3.1. The subject proposal was originally for a grain storage and distribution facility at Marino Point, which is also known as Belvelly Port. The revised proposal limits the development to a proposed maize store and processing facility whereby raw produce is stored and cleaned in 6 no. bays of 3,000 tonnes capacity each. It is also proposed to use the existing jetty to facilitate cargo ship deliveries to the proposed facility before providing onward distribution of processed product via the existing road network. I note the previous permission for demolition and infrastructural works at the subject site (Ref. 19/6783, ABP Ref. 307938-20), which did not include proposals for any active uses, that were otherwise to be considered under separate, subsequent permissions. I also note the more recent refusals of permission under ABP Ref. 312981-22 and ABP-318734-23 for an agricultural fertiliser facility and a battery energy storage facility respectively and the only operational facility at Marino Point currently, is the Marinochem plant, located in the northwestern section of the port facility.
- 7.3.2. While not the core issue in relation to the subject appeal, the principle of the proposed development at this location provides a useful context for the substantive issues as raised by the First Party and the observer to the appeal.
- 7.3.3. Based on the provisions of the National Planning Framework (NPO 50), the RSES in relation to identification of Marino Point as a 'Strategic Employment Location', and the Cork County Development Plan 2022-2028, I consider there to be strong policy support for the principle of redevelopment of this brownfield industrial site, where the lands are designated specifically as a specialist employment area under Special Policy Area X-01 in the CDP. Furthermore, there is strong Regional and National

Planning policy to support the development of Marino Point as a key port facility in the hierarchy of ports across the Country and Region.

- 7.3.4. I have reviewed the Port of Cork Masterplan 2050, which I note is a non-statutory plan, but provides an area specific land use context for Marino Point. The masterplan identifies land uses and a spatial plan at Figure 8 of the document, whereby the southern section of the Marino Point lands, including the subject site, are identified for 'liquid bulks'. Lands at the northern end of the port facility are identified for 'Dry Bulks'. Given the relatively underdeveloped nature of the site, I do not consider this masterplan layout to place an overly restrictive designation for how the lands are used. The short-term development timeline for the Port of Cork identifies Marino Point for 'Dry Bulks' use, with a mix of dry bulks, liquid bulks and 'Project Cargoes' in place by 2050. The proposed development is acceptable in this context. I also note the Marino Point site has been identified as a suitable location to complement the facilities in Ringaskiddy with an existing 237m jetty with 10m draft, a Seveso designation and Rail connectivity.
- 7.3.5. Despite the strong policy support for the development and strengthening of port facilities generally, and for Belvelly Port/Marino Point specifically, the detailed context for the Marino Point facility needs to be weighed against the existing built environment and relevant constraints of the locality. In particular, the County Development Plan (and the Port of Cork Masterplan) states a number of times that the intensification of the Marino Point Lands is reliant on the provision of improved connectivity by way of road and rail, while also giving due regard to the environmentally sensitive location proximate to Cork Harbour SPA and Great Island Channel SAC, and I give particular attention to these matters in my assessment of this appeal.
- 7.3.6. Special Policy Area X-01 supports the development of the Marino Point port facility, subject to a number of criteria including improved road access between the N25 and Cobh. Objective TM 12-15 also requires the upgrade of the R624 to Regional Road status. Rail Freight is supported in the CDP, but the applicant has confirmed in the appeal that the subject proposal would not be feasible in the context of rail cargo transportation to the end user. I note Chapter 14 of the CMATS in this regard, where it is noted that rail-based freight movement would likely necessitate a new link

between the relocated Port of Cork in Marino Point and the Cork Suburban Rail network.

- 7.3.7. Section 12.20 of the CDP refers to the Port of Cork and support for rail-based activities at Marino Point. I note the applicant's submission in relation to the logistics of distributing their product via rail to an existing end user in East Cork, which effectively limits the proposal to using the existing road network for all traffic related to the proposed development. As noted in a number of sections of the Southern RSES and the CDP, significant road upgrades are required to the R624 to facilitate the sustainable development of Marino Point and one of the substantive issues of the appeal is the suitability of the existing road network to accommodate traffic to and from the subject proposal. I consider traffic and transport matters under a separate heading in section 7.4 of this report.
- 7.3.8. While the Development Plan aims to have appropriate road capacity to facilitate sustainable development, the advancement of such delivery is not evident in any meaningful way in documents available to me. There is no evidence of an identified road realignment or new bridge works being at any advanced stage of implementation. I note in Dail question and answers from February 2025, some progress on background analysis and a preliminary business case has been carried out but no identifiable timeline for works is apparent at this stage. I also refer to the CCC ongoing projects update on its webpage and that the strategic upgrading works, to connect Cobh to the mainland and within this, upgrading the R624 to National Route status and thereby linking the site to the national road network, are not even at business proposal stage.
- 7.3.9. At a strategic level Marino Point is identified as at the lower tier of harbour activities – whereas Ringaskiddy for example is at the top tier and is at an advanced stage in terms of its networked infrastructure. Marino point is identified as having a niche type role identified as a specialist employment centre, which on all available evidence and policy context, is reliant on significant upgrades to the R624 and improved connectivity between the N25 and Cobh. My detailed review of Roads and Traffic Impacts provides further analysis of the acceptability of the subject proposal in this context, and at this location.

7.3.10. Overall, I consider there to be a strong policy context in support of the development of Port related uses at the subject site and therefore consider the principle of development to be generally acceptable at this location. In the following sections I consider the acceptability of other issues that are intrinsic to the understanding of the appropriateness of the subject proposal, such as traffic/transport, residential amenity impacts and impacts on European Sites.

7.4. Roads and Traffic Impacts

- 7.4.1. The applicant submits that the subject proposal is a unique opportunity to decarbonise existing operations by powering an electric HGV fleet through the proposed PV panels in the subject scheme. The relocation of port facilities from existing port facility in Kilkenny to Marino Point in Cork will also remove 180kms of vehicle trips for each trip undertaken, due to the location of their existing end user in East Cork.
- 7.4.2. Further to decarbonisation, the applicant submits that all vehicle trips associated with the proposal will be at off-peak times to reduce traffic impacts. The First-Part Appeal submits that the Planning authority decision to refuse permission for the subject proposal was based on the An Bord Pleanála decision in relation to ABP-312981-22 (Goulding Chemicals application) and the interpretation of Section 2.13.9 of the CDP that states the R624 would not be sufficient to cater for any 'traffic intensive use'. The Goulding Chemicals application is noted by the appellant in this case to process up to 150,000 tonnes of materials and result in 50-57 HGV movements per day, which is considered a traffic intensive use.
- 7.4.3. The appeal does not consider the proposed development to be 'traffic intensive' when compared to the Goulding Chemicals application and as a further mitigation measure, proposed to remove the ancillary grain storage facility of 20,000 tonnes from the subject proposal to minimise traffic generation and also address environmental/Appropriate Assessment matters raised by the Planning authority in reason for refusal No. 2 that relate to dust emissions. I consider Appropriate Assessment matters under a separate heading in my report.
- 7.4.4. Revised development of the maize store only will result in a reduction of operational traffic to 15HGV trips daily, which are noted as being outside peak periods. The

submitted TIA forecasts that the projected increase in traffic is marginal in percentage capacity terms, of the road links currently in place.

- 7.4.5. The observation to the appeal notes that with the overall capacity of the proposed development, there is potential to have a much higher number of HGV traffic to and from the proposed development. Based on the details submitted in the observation, the proposed facility would simultaneously need to have full capacity and to be constantly loading vehicles for transportation of product. With loading/unloading times, processing, cargo deliveries at an estimated fortnightly basis and general operational requirements, I consider the submitted forecast for HGV traffic by the applicant to be generally acceptable.
- 7.4.6. While I consider the link capacity could be maintained with the subject proposal in operation, the percentage figures presented do not provide a true reflection of the alignment issues and geometrical constraints that exist at the R624 and Belvelly Bridge. This scenario of constrained road width is reasonably represented by the photographic evidence of large vehicles crossing the centre line of the R624, collisions between HGVs travelling in opposite directions and endangerment to pedestrian safety, which in itself, is not well provided for at the R624 in any case. As observed on my visit to the site and surrounds and the photographic evidence submitted by the observer, large vehicle conflicts have been shown to lead to traffic delays along this link. The conflict between HGVs and other modes of transport at Belvelly Bridge, and along the R624 in general, could occur at any time of the day and would not be mitigated by limiting traffic generated by the proposed development to off peak periods.
- 7.4.7. The CDP places considerable emphasis on the requirement to upgrade the R624 and improve connectivity between the N25 and Cobh in order to enable future growth. The appeal asserts that Section 2.13.9 relates to a restriction on 'traffic intensive uses' only, but I consider this to be only part of the overall context for road upgrades required for Great Island. Policy Objective 13 of the Cork MASP, as contained in the Southern RSES, identifies improved access to Marino Point as a critical component for unlocking the full potential of the Port of Cork and to enable the regeneration of the Cork Docklands. RPO 168 and Policy Objective 9 further support the requirement for upgrade of the R624 to National Road status. The Port

of Cork Masterplan also addresses vehicular access and the requirement for upgrading of the regional road.

- 7.4.8. The County Development Plan places considerable emphasis on the need to upgrade vehicular access with appropriate road transport capacity to facilitate sustainable development of port facilities such as Marino Point, including the upgrade of the R624 regional route linking the N25 to Marino Point and Cobh and its designation to National Road status as referred to in CDP objectives TM12-15 and TM12-13 and the footnote to these which predicates the expansion of port facilities on road upgrading.
- 7.4.9. As part of the First-Party appeal, the applicant has attempted to reduce traffic impact by removing what they refer to as the ancillary grain storage facility from the proposal, which would reduce the number of HGVs generated by the proposed development 15 HGVs per day. It is further reiterated that all HGV traffic would be off-peak to minimise impacts on the existing traffic flows in the vicinity. While the reduction in HGV traffic numbers is notable, having regard to the obvious geometric constraints that exist on the current R624, I am not satisfied that the subject proposal would not lead to a deterioration in existing road conditions. While there is clearly some capacity on the existing road link outside of peak times, I consider any additional HGV traffic would lead to increased instances of vehicular conflict and additional delays to that already existing. This would be fundamentally at odds with the proper planning and sustainable development of the area, given the clear policy context contained within the CDP that requires the upgrade of the R624 and improved connectivity between the N25 and Cobh itself.
- 7.4.10. The applicant has determined that off-peak periods would be outside of 9am in the morning and 5pm in the evening. Based on the figures provided in the TTA, I consider the off-peak period to cover a broader period of 7am-9/9:30am and 3pm-6pm. The off-peak period could only truly be considered to be 10am-3pm when two-way traffic flows are at their lowest. This gives a more condensed off-peak period with the potential to have a more concentrated impact on existing traffic flows, particularly if delays are caused by conflicting movements with other vehicles. Even operating at off-peak hours there are other matters to consider including weather, loading logistics or commercial pressure, together with the range of recreational

activities and expanding residential population of the island, which itself is hampered by the limited road capacity.

- 7.4.11. The applicant submits that a traffic management system and record keeping of vehicular trips could effectively manage HGV traffic to off-peak periods, I am not satisfied with the practicalities of implementing such a system when outside factors such as customer demand, loading delays and the clear road constraints in the area are encountered on a day-to-day basis.
- 7.4.12. I note the photographic evidence of third parties who live locally, and it would suggest that risk of collision is an issue. This could, I agree be very serious for the community and its accessibility, particularly in emergency situations in that there is no alternative vehicular route across the Belvelly Bridge. I note the R624 is a designated scenic route (S53) and this should be protected by resisting the addition of increased traffic that could lead to further delays along this route that could potentially reduce the amenity of the area.
- 7.4.13. In the context of the foregoing, I consider the proposed development to be reliant on the use of the R624 and Belvelly Bridge, which already experiences delays and conflicting vehicular movements. The R624 is identified for upgrade and in the absence of material evidence of significant improvement that could accommodate additional HGV movements, I consider the proposed development to be premature and should be refused permission on the grounds of road and traffic safety.

7.5. Residential Amenity Impacts

- 7.5.1. Observers to the appeal note that noise from the cargo loading/unloading and intensification of such activities that has the potential to give rise to residential amenity impacts in the vicinity. The applicant makes the case that hours are generally 7am- 7pm with some variation to operating times occasionally and by agreement. I note that shipping levels are estimated at 20 for additional port related cargo ships per annum, berthing at variable intervals and berthing for 1-2 nights or longer depending on cargo size/unloading times and weather conditions. With a baseline of 20 cargo ships as of 2018 data this gives a figure of around 40 ships at Bevelly Port as a result of the proposed development. This would amount to berthing at a rate of anything from 40 – 80 nights which is a notable increase in activity at what has been a largely vacant port. Nevertheless, the site is identified for Port

activity uses and a key employment location, so some level of increased activity is planned for and expected at this location.

- 7.5.2. I note in the submitted Operational Environmental Management Plan by Comex McKinnon that the increase of the operational use of the jetty will be approximately 20 cargo vessels per year for the purposes of importing maize and grain. The reduction in cargo vessel numbers as a result of removing the general grain storage facility is not specifically clarified in the appeal but it is reasonable to assume at least a 50% reduction given the proportionate reduction in floorspace/storage capacity. It is estimated that a cargo vessel unloading maize at the facility will berth approximately every 2 weeks at the jetty, with an average unloading time of 1.5-2 days depending on various factors, which are unspecified. I consider this level of cargo vessel activity to adequately address the observer concerns in relation to the level of HGV traffic that could be generated by the proposed development, and which assumes a maximum capacity of storage facilities throughout the 365 day year.
- 7.5.3. While the overall number of additional cargo vessels is low in the context of the Cork Harbour (the CSO data in the EIAR refers to 1487 ships in the Port of Cork in 2018), it is nevertheless a significant and noticeable activity for the residents in the area. The development plan, as already cited, supports the industrial use of the site subject to criteria and The Port of Cork master plan recognises the harbour landscape as a living and working community.
- 7.5.4. In terms of achieving reasonable noise levels, I note the noise control and mitigation measures proposed in both OEMP document submitted by Comex McKinnon and BMDC that limit noise levels to:
- 55dBA from 6am-7pm
 - 50dBA from 7pm to 11pm
 - 45dBA from 11pm-6am
- 7.5.5. Additional noise mitigation measures are also proposed to manage noise levels emanating from the proposed development and I consider it reasonable that these details, including for monitoring, could be reasonably agreed by way of condition with any grant of permission. With respect to requests for new windows for residential

properties at Belvelly, the provision of such a measure by condition is not within the scope of the Planning and Development Act and I do not consider them to be necessary in this instance should noise mitigation and monitoring be effectively implemented.

- 7.5.6. I am satisfied the applicant has demonstrated the vessels can substantially comply with international standards for noise limits. I note in the shipping records on the port of cork website record only one vessel berthed at Marino point indicating a degree of quite low activity. I also note in this case that the additional levels are now anticipated to be in the order of 20 vessels per annum, potentially less if the grain storage element of the proposal is removed.
- 7.5.7. Having regard to the nature and history of land use at Belvelly Port and the port facility infrastructure at this strategic site with rail infrastructure, I do not consider it reasonable to inhibit continued shipping at this location. As a percentage of overall shipping activity in the Harbour, it is a relatively small operation. The applicant has demonstrated by way of noise mitigation, management and monitoring that typically noise limits can be contained within acceptable limits. I note that the onshore power supply is likely to have a material benefit in terms of noise levels, whereby cargo vessel generators would not be relied on in isolation. It must however be operated in a transparent manner in respect of reporting and monitoring noise levels. As the development context for the Marino Point lands are now being established with new applications, it does serve as an opportunity to comprehensively regulate the operations of the port facility in terms of shipping types, times and volumes. Ultimately, I do not consider it reasonable to refuse permission on grounds of noise and I consider this matter can be regulated by condition should permission be granted.
- 7.5.8. With respect to impact on air quality, dust is the main source of emission that could affect the local ambient environment. It is potentially airborne and in an open marine environment in certain weather conditions I accept this could be a nuisance for residents downwind. The applicant has addressed this in detailed mitigation measures which I address in the Appropriate Assessment sections of my report and which I consider are comprehensive and acceptable having regard to the mitigation measures proposed and also the distances between the relatively remote site and residential development.

7.5.9. In view of the foregoing and consideration of noise and dust impact, I do not consider impact on ambient residential amenities to constitute grounds for refusal of permission in this instance.

7.6. Other Matters

7.6.1. The observer to the appeal notes that an EIA should have been submitted with the subject application. I have provided my EIA Screening Assessment in other sections of this report and do not consider an EIAR to be required in this instance.

7.6.2. The second reason for refusal from the Planning Authority related to potential impacts on European Sites and therefore the applicant has addressed this matter in their appeal by firstly removing the grain storage element from the proposal and secondly referencing the decision on 312981-22, which removed the reason for refusal in relation to impact on European Sites, despite the inspector's recommendation. Appropriate Assessment is addressed in the following section and in the attached Appendix.

7.6.3. The observer to the appeal makes reference to a requirement for assessment of the heritage value of Belvelly Bridge and the impact of the proposed development on the historical value of the bridge. While I accept there to be potential roads and traffic impacts as a result of the subject proposal, as there are no physical works proposed to the structure I do not consider an architectural or heritage assessment of the bridge to be necessary in this instance.

8.0 AA Screening

8.1. Screening Determination

Significant effects cannot be excluded

8.1.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Cork Harbour SPA and the Great Island Channel SAC European Sites in view of the sites conservation objectives.

8.1.2. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

8.2. Appropriate Assessment Conclusion: Integrity Test

8.2.1. In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Great Island Channel SAC, and Cork Harbour SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

8.2.2. Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Great Island Channel SAC and the Cork Harbour SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

8.2.3. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- To maintain the special conservation status of existing bird species and extent of habitat.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures, dust management and noise mitigation.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Great Island Channel SAC or the Cork Harbour SPA.

8.2.4. Please refer to the attached appendices for detailed Stage 1 and 2 Appropriate Assessment.

9.0 Recommendation

I recommend that permission be REFUSED for the proposed development based on the following reasons and considerations.

10.0 Reasons and Considerations

10.1. The proposed development is for a grain storage and distribution facility that is entirely reliant on a road network for its distribution of outputs yet entails the location of such freight activities at a site at Marino Point, Great Island which has poor road connectivity and the development of which is identified as being subject to significant road improvements in the Cork County Development Plan, 2022-2028. It is considered that the proposed development at Marino Point which has no opportunities to make-use of the rail resource at Marino Point for rail based freight distribution and which by the nature of heavy vehicles required for distribution would adversely impact on the carrying capacity of the road network serving Cobh and its hinterland and in particular the carrying capacity of Belvelly Bridge which is restricted in its alignment and which is the sole means of vehicular access for Great Island. Furthermore, notwithstanding the low number of HGV vehicles forecast to use the proposed facility and the limitation of trips to off-peak periods, the Board is not satisfied that these are proportionate to the nature of traffic likely to be generated and that the proposed development would not exacerbate traffic congestion at Belvelly Bridge and be prejudicial to public safety by reason of traffic hazard. It is accordingly considered that the proposed development of such a road dependant facility would be premature pending significant road improvements and would be contrary to the provisions of the RPO 168 and Policy Objective 9 of the Southern RSES, and would be contrary to the Cork County Development Plan 2022-2028 in respect of the criteria for development of lands at Marino Point as contained in Special Policy Area X-01 and objective TM 12.15(b) which is committed to ensuring that port facilities at Marino Point have appropriate road transport capacity to facilitate their sustainable development and to ensuring the upgrading of the R624, including designation to National Road Status. It is therefore considered that the proposed development would be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has

influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Matthew McRedmond
Senior Planning Inspector

06th May 2025

Appendix 1

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321763-25		
Proposed Development Summary	Proposed construction of a grain store and distribution facility and all associated site works		
Development Address	Belvelly Port Facility, Marino Point, Cobh, 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	Tick if relevant. No further action required
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	√	Clas 10 (b)(iv) – Part 2 of Schedule 5	Proceed to Q3.
No			
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
Yes			

No	√		Proceed to Q4
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
Yes	√	The site is 3.2ha in area and is therefore less than the 20hectare limit in areas elsewhere other than built up areas of a city.	Preliminary examination required (Form 2)

5. Has Schedule 7A information been submitted?		
No		
Yes	√	Screening Determination required

Inspector: _____

Date: _____

Form 3 - EIA Screening Determination

A. CASE DETAILS

An Bord Pleanála Case Reference	ABP-321763-25	
Development Summary	Proposed construction of a grain storage and distribution facility and all associated site works.	
	Yes / No / N/A	Comment (if relevant)
1. Was a Screening Determination carried out by the PA?	No	
2. Has Schedule 7A information been submitted?	Yes	EIA Screening Report submitted by the applicant
3. Has an AA screening report or NIS been submitted?	Yes	AA Screening Report and NIS
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	N/A	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been	N/A	

carried out pursuant to other relevant Directives – for example SEA			
B. EXAMINATION	Yes/ No/ Uncertain	Briefly describe the nature and extent and Mitigation Measures (where relevant) (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) Mitigation measures –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	Is this likely to result in significant effects on the environment? Yes/ No/ Uncertain
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No	This grain store and distribution development would form part of the existing port facilities at this location.	No
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	No	The site is currently in a hardstanding area of the existing port facility. Although some groundworks are necessary to construct the proposed storage structures, no additional significant groundworks are required.	No.

1.3 Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	Yes	The Project will use land and construction materials. There is no evidence to suggest that the project will have a detrimental impact on natural resources in the area. The proposed development is located on a hardstanding area within a long established industrial/port facility.	No
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	No	Waste will be generated during the construction phase. Subject to mitigation measures as set out in the submitted CEMP, waste should be appropriately managed within the subject development.	No
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No	The proposed development will result in construction traffic including approximately 7 HGV's and 20 private car trips per day. Construction related impacts such as noise, dust and vibration will be addressed as part of best practice construction methods as set out in the CEMP	No
1.6 Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	No	Stormwater Drainage Site run off from the Belvelly Marino Developments Company (BMDC) site will flow through an oil interceptor before discharge to the harbour. As the discharge of stormwater is to a very large water body, no attenuation is considered necessary.	No

		Foul Water Drainage The foul sewer from the Comex McKinnon site will be connected to the BMDC mains which flows to a treatment plant in the south east corner of the complex. Treated effluent from there is discharged to the harbour via a rising main, with a discharge point near the southern end of the jetty.	
1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes	During the construction and operational phases, the project will have the potential to generate pollution or potential nuisance associated with Air, Noise and Traffic. Best practice methods will be utilised during construction to mitigate potential impacts from pollution on the local environment. There will be some potential for short-term noise and vibration and dust impacts during construction. Prevention measures to reduce nuisance have been set out in the CEMP, that accompanies the planning application. Significant impacts are unlikely to arise.	No
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	Yes	Additional noise and dust from temporary works may be experienced by residents and other property owners in the vicinity. This can be effectively managed, having regard to the nature of the project and mitigation measures proposed in the	No

		CEMP. On completion of works, noise and dust levels will return to background levels with any dust from loading activities being monitored and managed to minimise off site dispersal. Standard water control measures will ensure that run-off of sediment or other pollutants will not enter drains or watercourses/waterbodies therefore the proposed project will not have any impact on water quality.	
1.9 Will there be any risk of major accidents that could affect human health or the environment?	Yes	<p>Some risk to human health associated with construction phase activities. This will be managed through standard on site health and safety practices.</p> <p>Emergency action procedures, including preventing spillages and managing the unlikely event of spillage are included in the application. Appropriate management and mitigation measures, if implemented correctly, will manage any risk of major accidents.</p>	No
1.10 Will the project affect the social environment (population, employment)	Yes	The proposal is considered to provide a positive impact through appropriate use of an existing port facility that can provide local employment opportunities through the construction and operational phases.	No
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No	Cumulative impacts with other development in the area have been	No

		<p>considered and are not likely to give rise to significant impacts.</p> <p>The following applications were considered in terms of cumulative impacts:</p> <p>Ref. 23/5947 (ABP-318734-23): Battery Energy Storage System, refused permission.</p> <p>Ref. 20/6955 (ABP-312981-22): Agri fertiliser facility and use of existing port, refused permission. An EIAR was submitted with this application.</p> <p>Ref. 20/5779: Electrical substation and ductwork. Granted permission.</p> <p>Ref. 19/6783 (ABP-307938-20): Upgrade works to facilitate future works at Belvelly Port Facility. An EIAR was submitted with this application. Granted permission.</p> <p>Having regard to the above developments and the nature and scale of the proposed project comprising a grain storage and distribution facility, and given that the subject site is part of the existing port facility, it is considered that the potential for cumulative environmental impacts does not arise in this instance.</p>	
2. Location of proposed development			

<p>2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following:</p> <ul style="list-style-type: none"> - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna - Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan 	<p>Yes</p>	<p>The proposed development is not located within a mountain/forest area or a densely populated area. The site is in close proximity to or potential indirect connectivity with designated SAC and SPA sites in the coastal environment. The NIS submitted by the applicant has determined that subject to best practice mitigation measures incorporated into the project design, the construction phase and operational phase of the proposed development will not result in adverse impacts on the integrity of European Sites.</p> <p>Best practice environmental mitigation measures will be adhered to during construction and operational phases in order to avoid potential impacts on natural resources and European Sites.</p>	<p>No</p>
<p>2.2 Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be affected by the project?</p>	<p>No</p>	<p>An Ecological Impact Assessment was submitted by the applicant. Provided that the mitigation measures provided in Section 10 of that report are effectively implemented, no significant negative ecological impacts as a result of the proposed development are expected.</p>	<p>No</p>
<p>2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?</p>	<p>No</p>	<p>There is one recorded archaeological site, a designated landscape feature (CO075-027), within the proposed development site. The site was removed in the 1970's</p>	<p>No</p>

		<p>and is no longer extant. Given the large scale previous extensive ground disturbance within the proposed development site, no in situ subsurface archaeological deposits will have survived.</p> <p>Marino House (CO075-013) and Orangery (CO075-076) are situated c. 35m and 40m, respectively, to the south of the proposed development site. They are located at the southern extremity of Marino Point and are separated from the proposed development site and the former industrial side of the peninsula, both physically and visually, by a 5m high earthen berm which is topped with dense mature trees and vegetation. This 'green buffer' to be retained as part of the enabling works, amply screens the proposed development from the cultural setting of Marino House and Orangery</p>	
<p>2.4 Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?</p>	No	<p>The submitted ecology reports have considered the baseline habitats of the receiving environment, and it is considered that subject to implementation of the proposed mitigation measures, the proposed development will not result in any significant impacts on the integrity of natural habitats.</p>	No

2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	No	Foul and surface water management can be adequately managed through the measures outlined in the application and detailed under 1.6 of this form. Flow rates are within existing parameters and are not likely to give rise to increased flood risks.	No
2.6 Is the location susceptible to subsidence, landslides or erosion?	No	N/A	No
2.7 Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	No	The site is located within an existing port facility that is zoned for ‘Specialist Employment Centre’. The nearest national route is the N25 to the north, which is expected to be used by the subject proposal. The low level of expected traffic from the proposed development is not expected to have a negative impact on this route.	No
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No	The site is located within a dedicated port facility, removed from any sensitive land uses or community facilities.	No
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No	Cumulative impacts with other development permitted and applied for in the area have been considered and are not likely to give rise to significant impacts	No

3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No	N/A	No		
3.3 Are there any other relevant considerations?	No				
C. CONCLUSION					
No real likelihood of significant effects on the environment.	<input checked="checked" type="checkbox"/>	EIAR Not Required			
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required			
D. MAIN REASONS AND CONSIDERATIONS					
<p><i>EG - EIAR <u>not</u> Required</i></p> <p>Having regard to: -</p> <ol style="list-style-type: none"> the criteria set out in Schedule 7, in particular <ol style="list-style-type: none"> the limited nature and scale of the proposed port development, in an established industrial area served by public infrastructure the absence of any significant environmental sensitivity in the vicinity, and the proposed mitigation measures to be provided as part of the proposed development the location of the development outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) the results of other relevant assessments of the effects on the environment submitted by the applicant the features and measures proposed by applicant envisaged to avoid or prevent what might otherwise have been significant effects on the environment, and in particular the proposal to process agri-food products that are not hazardous to human health and the noise, traffic and operational mitigation measures put forward 					

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____

Date _____

Approved (DP/ADP) _____

Date _____

Appendix 2: Appropriate Assessment

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development is for a grain store and distribution facility at Belvelly Port, Marino Point, Marino, Cobh, Co. Cork. I have provided a detailed description of the proposed development elsewhere in my Inspector's Report in relation to this first party appeal.
Brief description of development site characteristics and potential impact mechanisms	<p>It is proposed to construct a grain storage and distribution facility on currently vacant, brownfield industrial land at Belvelly Port.</p> <p>A detailed description of the site, surrounding area and proposed development is provided in Sections 1.0 and 2.0 of the Inspector's Report and detailed specifications of the proposal are provided in the AA Screening Report/NIS and other planning documents submitted by the applicant.</p> <p>In summary, the proposed development includes grain store and distribution facility with a total site area of 3.169ha to include a cleaned and raw product storage building of 18,000 tons storage capacity, general grain store of 20,000 tons storage capacity, 2no. weighbridges, ESB substation, Rooftop PV panels, perimeter fencing and use of the existing jetty.</p> <p>Potential impacts arise during construction, dust from loading and unloading practices during operation, stormwater run off and wastewater run off.</p> <p>The Cork Harbour SPA and Great Island Channel SAC are located approximately 400m to the north and are hydrologically connected to the subject site via Lough Mahon, which adjoins the site.</p>
Screening report	Yes, screening report provided by the applicant, prepared by Dixon Brosnan Environmental Consultants.
Natura Impact Statement	Yes, NIS submitted by the applicant and prepared by Dixon Brosnan Environmental Consultants.
Relevant submissions	<p>Third Party Submissions – Queried potential impacts on European Sites as a result of air borne dust from unloading/loading at the jetty.</p> <p>Health and Safety Authority – No objection to the granting of permission.</p>
Step 2. Identification of relevant European sites using the Source-pathway-receptor model	

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note the applicant did not consider any additional sites within a wider sphere of influence and I agree that no further range of European Sites is necessary for consideration in relation to this proposed development.

Table 1:

European Site (code)	Qualifying interests¹ Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections²	Consider further in screening³ Y/N
Cork Harbour SPA (004030)	Mudflats and sandflats not covered by seawater at low tide [1140] Atlantic salt meadows (Glaucopuccinellietalia maritima) [1130] Cork Harbour SPA National Parks & Wildlife Service	0.3km north	Yes, proximity and potential surface water run off to Lough Mahon that is hydrologically connected to the Cork Harbour SPA	Y
Great Island Channel SAC (001058)	Bird of Special Conservation Interest (SCI): 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]	0.3km north	Yes, proximity and potential surface water run off to Lough Mahon that is hydrologically connected to the Great Island Channel SAC	Y

	<p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p> <p>Great Island Channel SAC National Parks & Wildlife Service</p>			
<p>¹ Summary description / cross reference to NPWS website is acceptable at this stage in the report</p> <p>² Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species</p> <p>³if no connections: N</p>				
<p>Given the proximity of the site to Lough Mahon (immediately adjacent) and the hydrological connection of Great Island Channel SAC and Cork Harbour SPA to same, potential effects could occur due to impacts on water quality from surface water runoff during the construction phase.</p> <p>Although not identified in the submitted AA screening report by the applicant, potential effects of air borne dust from unloading/loading at the jetty may also have an impact on water quality during the operational phase. Noise and illumination will also require management to avoid impacts on SCI.</p> <p>Significant effects from other pathways have been ruled out i.e., habitat loss, impacts on water quality from surface water during operation, impacts from foul water discharge, impacts from spread of invasive species, impacts from collision with solar PV.</p>				
<p>Step 3. Describe the likely effects of the project (if any, alone <u>or</u> in combination) on European Sites</p>				

The proposed development will not result in any direct effects on either the SAC or SPA as it relates to Cork Harbour or the Great Island Channel. However, due to the size, scale and proximity of the proposed development to Cork Harbour and Great Island Channel, impacts generated by the construction and operation of the proposed grain store development require consideration.

Sources of impact and likely significant effects are detailed in the table below.

AA Screening matrix

Site name Qualifying interests	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 1: Great Island Channel SAC (001058) QI list: <ul style="list-style-type: none"> ▪ 1140 Mudflats and sandflats not covered by seawater at low tide ▪ 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima) 	<p>Direct: No direct impacts within the SAC.</p> <p>Indirect: Given the proximity of the site to Lough Mahon and the hydrological connection of Great Island Channel SAC to same, potential effects could occur due to impacts on water quality from surface water runoff during the construction phase.</p> <p>Although not identified in the submitted AA screening report by the applicant, potential effects of air borne dust from unloading/loading at the jetty may also have an impact on water quality and the associated habitat as identified in SSCO, during the operational phase. Noise and illumination will also require management to avoid impacts on SCI.</p> <p>Significant effects from other pathways have been ruled out i.e., habitat loss, impacts on water quality from surface water during operation, impacts from foul water discharge, impacts from spread of invasive species.</p>	<p>Potential negative indirect effect on habitat quality as a result of impacts on water quality due to the hydrological connection to the SAC and alterations to the receiving environment as a result of dust, noise and visual alterations during the unloading process at the jetty.</p> <p>Possibility of significant effects cannot be ruled out without further analysis and assessment.</p>

	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there a likelihood of significant effects occurring in combination with other plans or projects? N/A	
	Possibility of significant effects (alone) in view of the conservation objectives of the site*	
	Impacts	Effects
Site 2: Cork Harbour SPA (004030) QI list: 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]	As above	Potential negative indirect effect on habitat quality as a result of impacts on water quality due to the hydrological connection to the SPA and alterations to the receiving environment as a result of dust, noise and visual alterations during the unloading process at the jetty. The possibility of significant effects cannot be ruled out without further analysis and assessment.

Curlew (Numenius arquata) [A160] Redshank (Tringa 19irsute) [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]		
	Likelihood of significant effects from proposed development (alone): Y	
	If No, is there likelihood of significant effects occurring in combination with other plans or projects? N/A	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
<p>It is not possible to exclude the possibility that proposed development alone would result in significant effects on the Cork Harbour SPA and the Great Island Channel SAC from effects associated with surface water run off and activities associated with the unloading of grain and maize products at the jetty.</p> <p>An appropriate assessment is required on the basis of the possible effects of the project ‘alone’. Further assessment in-combination with other plans and projects is not required at screening stage.</p> <p>Proceed to AA Stage II.</p>		

Screening Determination

Significant effects cannot be excluded

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone will give rise to significant effects on the Cork Harbour SPA and the Great Island Channel SAC European Sites in view of the sites conservation objectives.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] of the proposed development is required.

AA and AA Determination

Appropriate Assessment

The requirements of Article 6(3) as they relate to appropriate assessment of a project under part XAB, sections 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed development of a Grain Storage and Distribution Facility at Belvelly Port, Marino Point, Marino, Cobh, Co. Cork in view of the relevant conservation objectives of Cork Harbour SPA (Site Code: 004030) and Great Island Channel SAC (Site Code: 001058) based on scientific information provided by the applicant.

The information relied upon includes the following:

- Natura Impact Statement prepared by Dixon Brosnan Environmental Consultants.
- AA/Ecology Response by Dixon Brosnan Environmental Consultants as submitted at FI stage of application.
- NPWS Website.
- Operational Environmental Management Plan for the proposed development by Commex McKinnon,
- Operational Environmental Management Plan for the overall Belvelly Port Facility by the Belvelly Marino Development Company.

I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and submitted documentation and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

The second reason for refusal as issued by the Planning Authority relates to the lack of sufficient detail in the submitted Operational Environmental Management Plan and they note it is not possible to determine that there will not be adverse effects on Natura 2000 European sites associated with the proposed development. Accordingly, to grant permission for the proposed development at this time would materially contravene development objectives BE 15-2 and BE 15-6 of the Cork County Development Plan (2022)

for the protection of sites, habitats, species and biodiversity in general and would therefore be contrary to the proper planning and sustainable development of the area.

Submissions/observations

Third Party Submissions – Queried potential impacts on European Sites as a result of air borne dust from unloading/loading at the jetty.

Health and Safety Authority – No objection to the granting of permission.

Cork Harbour SPA (Site Code 004031)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Noise at construction stage giving rise to Disturbance and/or displacement
- Noise at operational stage with effect of disturbance associated with cargo handling activities
- Release of pollutants at construction stage such as sediment, dust, accidental spill of fuels, oils, chemicals effecting water quality and marine natural environment
- Release of pollutants at operational stage of grain processing into surface run-off in yard area such as dust, accidental spill of fuels, oils, fertilizer /chemicals or via foul effluent discharge
- Release of pollutants at operational stage in jetty area as part of cargo handling, vessels intensification and generation of impurities such as dust accidental spill of fuels, oils
- Illumination at construction and operation stages.

See Tables 12 and 13 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary- inserted)	Potential adverse effects	Mitigation measures (summary)
			<p>NIS SECTION 6 (augmented by FI Response on AA/Ecology issues)</p> <p>Operational Environmental Management Plan (2no.), Section 4.0 (Comex McKinnon OEMP) and 8.0 (BMDC, Overall Marino Point OEMP) respectively.</p>
<p>Bird of Special Conservation Interest (SCI):</p> <p>Little Grebe (Tachybaptus ruficollis) [A004]</p>	<p>To maintain favourable conservation condition as defined by long term population trend being stable or increasing.</p> <p>No significant decrease in the range, timing or</p>	<p>Section 5.4.1 of the NIS identifies potential sources of impact include pollution to Cork Harbour SPA from surface water run-off.</p>	<p>Water quality control measures to maintain existing status of Lough Mahon are proposed in Section 6.0 of the NIS that include plant operation, soil/aggregate import or export, site drainage</p>

Great Crested Grebe (Podiceps cristatus) [A005]	intensity of use of areas by the SCI birds other than that occurring from natural patterns of variation.	The presence of fuels, lubricants and other chemicals from construction activities also have the potential to impact water quality within Lough Mahon and therefore Cork Harbour SPA.	management, concrete control measures, chemical storage, sediment control measures and foul and surface water drainage. Additional details on operational procedures are provided at FI stage including transportation, emergency action, preventing spillages and monitoring effectiveness of management and mitigation measures.
Cormorant (Phalacrocorax carbo) [A017]	To maintain favourable conservation condition as defined by: No increase in barriers, No significant decline in breeding population, productivity rate, prey biomass Human activities at levels that do not adversely affect the population.	A degradation in water quality caused by the runoff of hydrocarbons, cement or other chemical can also affect fish, plant life and macroinvertebrates by altering pH levels of the water. This could potentially impact on the intensity of use of areas of foraging habitat by SCI birds.	Section 4.0 of the Commex McKinnon OEMP sets out noise mitigation measures and controls, mitigation in relation to dust, odour, air quality, spillages, traffic management, lighting and major accidents.
Grey Heron (Ardea cinerea) [A028]	To maintain permanent extent of Habitat area.	Inadvertent spillages of hydrocarbon and/or other chemical substances could introduce toxic chemicals into the aquatic environment via surface water run-off. Aquatic plant communities may also be affected by increased siltation. Submerged plants may be stunted and photosynthesis may be reduced. Significant impacts on fish stocks or invertebrate prey could potentially impact the foraging range and intensity for SCI species.	Section 8.0 of the Belvelly Marino Development Company (BMDC) OEMP sets out mitigation measures in relation to noise, lighting, dust emissions (including monitoring) and surface water management to ensure appropriate reduction in on site run-off.
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 (<i>Larus canus</i>) [A182] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] Common Tern (<i>Sterna hirundo</i>) [A193] Wetland and Waterbirds [A999]		relation to operations at the jetty, I note the details provided in the Operational Management Plans submitted, as well as the details provided at FI stage in response to AA/Ecology matters, including that any dust emissions will be minute. Noise mitigation measures and lighting plans are also noted with noise limits proposed for various parts of the day, and monitoring to ensure compliance.	
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Assessment of issues that could give rise to adverse effects in view of conservation objectives:

(i) Water quality degradation

During the construction phase there are potential sources of pollution to Cork Harbour SPA and Great Island Channel SAC resulting from surface water runoff and erosion from site earthworks and temporary stockpiles. The presence of fuels, lubricants and other chemicals from construction activities also have the potential to impact water quality within Lough Mahon and therefore Cork Harbour SPA and Great Island Channel SAC.

Changes in pH which are potentially associated with cement runoff into Lough Mahon can cause localised die off among invertebrate communities within the mud complexes downstream as well as an associated change in the community distribution within transitional habitats. Mudflats and sandflats provide key foraging habitat for large numbers of birds within Cork Harbour SPA. A degradation in water quality caused by the runoff of hydrocarbons, cement or other chemical can also affect fish, plant life and macroinvertebrates by altering pH levels of the water. This could potentially impact on the intensity of use of areas of foraging habitat by SCI birds.

Inadvertent spillages of hydrocarbon and/or other chemical substances could introduce toxic chemicals into the aquatic environment via surface water run-off. Aquatic plant communities may also be affected by increased siltation. Submerged plants may be stunted and photosynthesis may be reduced. Significant impacts on fish stocks or invertebrate prey could potentially impact the foraging range and intensity for SCI species.

Mitigation measures and conditions

Proposed mitigation measures include:

- Good practice, standard construction methodologies to reduce surface water run-off during construction
- Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.
- Management of sediment and silt levels within the site.
- Appropriate foul and surface water management practices.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

(ii) Noise Disturbance

The primary sources of noise and vibration from Belvelly Port have been identified as follows:

- Mobile harbour cranes
- Hoppers
- General maintenance
- Heavy goods Vehicles
- Maintenance Plant and Machinery

Mitigation measures and conditions

Section 8.2 of the BMDC OEMP identifies noise levels, when measured at noise sensitive locations, shall not exceed:

- 55dBA between 7am-7pm
- 50dBA between 7pm-11pm
- 45dBA between 11pm-7am

Noise monitoring is proposed on a quarterly basis or as requested by the Planning Authority. Staff training, noise alarms and maintenance of machinery is put forward as noise control measures. An incident reporting process is also proposed.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate to ensure noise levels remain within acceptable limits that would not have an unacceptable impact on protected species.

(iii) Dust/Air Quality Control

There is an identifiable risk of spill in the cargo handling of maize and grain related raw materials when unloading at the jetty. There is potential for air borne dust to have an

impact on air and water quality, and I do not consider this risk as being negligible without mitigation.

Mitigation measures and conditions

Section 8.3.2 of the BMDC OEMP sets out a number of practices for the minimisation of dust for the overall port facility including:

- Internal roads regularly cleaned and swept
- In dry weather a bowser deployed to dampen any dust
- Mandatory speed limits imposed throughout the facility
- Dust suppression systems in use for any dusty bulk discharges

Section 4.3 of the Comex McKinnon OEMP also includes dust/air quality control and mitigation measures including a dust damping machine at the jetty. Additional operational details are provided in the Dixon Brosnan FI Response to AA/Ecology matters. Dust and air quality monitoring is also proposed and a protocol for spillages should they occur. A sealed crane grab is proposed and the likelihood of any spillages into the sea is low due to the distance between the hopper and the berthed vessel being only approximately 30cm.

Overall, I am satisfied that the proposal does not involve the storage of hazardous or dangerous substances and final details of dust suppression measures can be appropriately agreed with the Planning Authority by condition to minimise impacts to protected bird species and associated habitats of the SPA.

(iv) Lighting

There is a potential risk to existing habitats as a result of illumination during the construction and operational phases. Lighting from the proposed development will be confined to the site, which forms part of the wider Marino Point Facility.

Mitigation measures and conditions

A lighting layout design has been prepared by the applicant. Lighting for the wider Marino Point/Belvelly Port facility will be in accordance with the Operational Environmental Management Plan prepared by BMDC that identifies the use of directional lighting to ensure no overspill of lighting to sensitive receptors. Given the location of the subject site within the overall port facility, I am satisfied that the proposed development will be appropriately set back with directional lighting to minimise impacts on European sites.

In-combination effects

I am satisfied that in-combination effects have been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

The following plans/projects were considered in Table 10 of the NIS in relation to in-combination effects:

- River Basin Management Plan 2022-2027

- Inland Fisheries Ireland Corporate Plan 2021-2025
- Irish Water Capital Investment Plan 2020-2024
- Water Services Strategic Plan (WSSP, 2015)
- WWTP Discharges in the area
- IED/UWWT Licenced in the vicinity of the proposed development site (Marinochem to the north end of Belvelly Port, Cork fabrication services located in Cobh)
- Other development applications at Belvelly Port (Ref. 19/06783 [enabling infrastructure] and 20/5779 [substation] being the only two permitted)

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Although noise and potential impacts from unloading at the jetty are not extensively addressed in the NIS, I consider it to be relevant in the context of potential disturbance to existing species. Noise is noted as being within the context of Cork Harbour which is a highly disturbed area with railway and vehicular traffic in the surrounds that allows for habituation to noise for identified species. I have considered the proposed development with other plans and projects and am satisfied that there would be no significant impact. In relation to operations at the jetty, I note the details provided in the Operational Management Plans submitted and the FI response on AA/Ecology matters, including that any dust emissions will be minute and can be managed through various mitigation measures. Noise mitigation measures are also noted with noise limits proposed for various parts of the day and monitoring to ensure compliance.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, sedimentation, management of dust from loading operations and mitigation of noise levels. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Cork Harbour SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Great Island SAC (Site Code 001058)

Summary of Key issues that could give rise to adverse effects (from screening stage):

- Release of pollutants at construction stage such as sediment, dust, accidental spill of fuels, oils, chemicals effecting water quality and marine natural environment
- Release of pollutants at operational stage of grain processing into surface run-off in yard area such as dust, accidental spill of fuels, oils, chemicals or via foul effluent discharge
- Release of pollutants at operational stage in jetty area as part of cargo handling, vessels intensification and generation of such as dust accidental spill of fuels, oils, chemicals

See Tables 14 and 15 of NIS

Qualifying Interest features likely to be affected	Conservation Objectives Targets and attributes (summary-inserted)	Potential adverse effects	Mitigation measures (summary)
Mudflats and sandflats not covered by seawater at low tide, [1140] Atlantic Salt meadows [1330]	Permanent habitat is stable/increasing Conserve following community types in natural condition: mixed sediment to sandy mud with polychaetes and oligochaetes community complex. Intertidal sandy mud community complex; and Intertidal sand community complex.	Section 5.4.1 of the NIS identifies potential sources of impact include pollution to Great Island Channel SAC from surface water run-off. The presence of fuels, lubricants and other chemicals from construction activities also have the potential to impact water quality within Lough Mahon and therefore Great Island Channel. A degradation in water quality caused by the runoff of hydrocarbons, cement or other chemical can also affect fish, plant life and macroinvertebrates by	NIS SECTION 6 (augmented by FI Response on AA/Ecology matters) Operational Environmental Management Plan (2no.), Section 4.0 and 8.0 respectively. Water quality control measures to maintain existing status of Lough Mahon are proposed in Section 6.0 of the NIS that include plant operation, soil/aggregate import or export, site drainage management, concrete control measures, chemical storage, sediment control measures, foul and surface water drainage. Additional details on operational procedures provided at FI stage including transportation, emergency action, preventing spillages and monitoring effectiveness of management and mitigation measures. Section 4.0 of the Commex McKinnon OEMP sets out noise mitigation measures and controls, mitigation in

		<p>altering pH levels of the water. This could potentially impact on the intensity of use of areas of foraging habitat by SCI birds.</p> <p>Inadvertent spillages of hydrocarbon and/or other chemical substances could introduce toxic chemicals into the aquatic environment via surface water run-off. Aquatic plant communities may also be affected by increased siltation. Submerged plants may be stunted and photosynthesis may be reduced. Significant impacts on fish stocks or invertebrate prey could potentially impact the foraging range and intensity for SCI species.</p> <p>Although potential impacts from unloading at the jetty are not extensively addressed in the NIS, I note the details provided in the Operational Management Plans submitted, as well as the details provided at FI stage in response to AA/Ecology matter, including that any dust emissions will be minute.</p>	<p>relation to dust, odour, air quality, spillages, traffic management, lighting and major accidents.</p> <p>Section 8.0 of the Belvelly Marino Development Company (BMDC) OEMP sets out mitigation measures in relation to dust emissions (including monitoring) and surface water management to ensure appropriate reduction in on site run-off.</p>	
<p>Assessment of issues that could give rise to adverse effects in view of conservation objectives:</p> <p>(i) Water quality degradation</p> <p>During the construction phase there are potential sources of pollution to Cork Harbour SPA and Great Island Channel SAC resulting from surface water runoff and erosion from site earthworks and temporary stockpiles. The presence of fuels, lubricants and other chemicals from construction activities also have the potential to impact water quality within Lough Mahon and therefore Cork Harbour SPA and Great Island Channel SAC.</p>				

Changes in pH which are potentially associated with cement runoff into Lough Mahon can cause localised die off among invertebrate communities within the mud complexes downstream as well as an associated change in the community distribution within transitional habitats. Mudflats and sandflats provide key foraging habitat for large numbers of birds within Cork Harbour SPA. A degradation in water quality caused by the runoff of hydrocarbons, cement or other chemical can also affect fish, plant life and macroinvertebrates by altering pH levels of the water. This could potentially impact on the intensity of use of areas of foraging habitat by SCI birds.

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Mitigation measures and conditions

Proposed mitigation measures include:

- Good practice, standard construction methodologies to reduce surface water run-off during construction
- Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.
- Management of sediment and silt levels within the site.
- Appropriate foul and surface water management practices.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected bird species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be avoided. Mitigation measures can be included by way of condition if appropriate.

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There is an identifiable risk of spill in the cargo handling of maize and grain related raw materials when unloading at the jetty. There is potential for air borne dust to have an impact on air and water quality and do not consider this risk as being negligible without mitigation.

Mitigation measures and conditions

Section 8.3.2 of the BMDC OEMP for the overall port facility sets out a number of practices for the minimisation of dust including:

- Internal roads regularly cleaned and swept
- In dry weather a bowser deployed to dampen any dust

- Mandatory speed limits imposed throughout the facility
- Dust suppression systems in use for any dusty bulk discharges

Section 4.3 of the Comex McKinnon OEMP also includes dust/air quality control and mitigation measures including a dust damping machine at the jetty. Additional operational details are provided in the Dixon Brosnan FI Response to AA/Ecology matters. Dust and air quality monitoring is also proposed and a protocol for spillages should they occur. A sealed crane grab is proposed and the likelihood of any spillages into the sea is low due to the distance between the hopper and the berthed vessel being only approximately 30cm.

Overall, I am satisfied that the proposal does not involve the storage of hazardous or dangerous substances and final details of dust suppression measures can be appropriately agreed with the Planning Authority by condition to minimise impacts to protected bird species and associated habitats of the SPA.

(iv) Lighting

There is a potential risk to existing habitats as a result of illumination during the construction and operational phases. Lighting from the proposed development will be confined to the site, which forms part of the wider Marino Point Facility.

Mitigation measures and conditions

A lighting layout design has been prepared by the applicant. Lighting for the wider Marino Point/Belvelly Port facility will be in accordance with the Operational Environmental Management Plan prepared by BMDC that identifies the use of directional lighting to ensure no overspill of lighting to sensitive receptors. Given the location of the subject site within the overall port facility, I am satisfied that the proposed development will be appropriately set back with directional lighting to minimise impacts on European sites.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

The following plans/projects were considered in Table 10 of the NIS in relation to in-combination effects:

- River Basin Management Plan 2022-2027
- Inland Fisheries Ireland Corporate Plan 2021-2025
- Irish Water Capital Investment Plan 2020-2024
- Water Services Strategic Plan (WSSP, 2015)
- WWTP Discharges in the area
- IED/UWWT Licenced in the vicinity of the proposed development site (Marinochem to the north end of Belvelly Port, Cork fabrication services located in Cobh)
- Other development applications at Belvelly Port (Ref. 19/06783 [enabling infrastructure] and 20/5779 [substation] being the only two permitted)

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, **or in combination with other plans and projects**, will not adversely affect the integrity of this European site.

Although noise and potential impacts from unloading at the jetty are not extensively addressed in the NIS, I consider it to be relevant in the context of potential disturbance to existing species. Noise is noted as being within the context of Cork Harbour which is a highly disturbed area with railway and vehicular traffic in the surrounds that allows for habituation to noise for identified species. I have considered the proposed development with other plans and projects and am satisfied that there would be no significant impact. In relation to operations at the jetty, I note the details provided in the Operational Management Plans submitted and the FI response on AA/Ecology matters, including that any dust emissions will be minute and can be managed through various mitigation measures. Noise mitigation measures are also noted with noise limits proposed for various parts of the day and monitoring to ensure compliance.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the European sites considered in the Appropriate Assessment. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water, sedimentation, management of dust from loading operations and mitigation of noise levels. Monitoring measures are also proposed to ensure compliance and effective management of measures. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented. In combination effects have also been reasonably assessed and there is no potential for in-combination effects.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Cork Harbour SPA. Adverse effects on site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Having regard to the Planning Authority reason for refusal No. 2 in relation to potential impacts on European Sites, I consider there to be sufficient detail provided in the submitted Operational Environmental Management Plan (2no.) and Further Information response in relation to AA/Ecology matters that could be agreed in further detail by condition with any grant of permission, to rule out any significant impacts on European Sites as they relate to the subject proposal.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Great Island Channel SAC, and Cork Harbour SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted and taking into account observations of third parties, I consider that adverse effects on site integrity of the Great Island Channel SAC and the Cork Harbour SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- To maintain the special conservation status of existing bird species and extent of habitat.
- the proposed development will not affect the attainment of conservation objectives for the Cork Harbour SPA.
- Effectiveness of mitigation measures proposed including standard practice construction mitigation measures, dust management and noise mitigation.
- Application of planning conditions to ensure these measures.
- The proposed development will not affect the attainment of conservation objectives for the Great Island Channel SAC or the Cork Harbour SPA.