



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322267-25

<b>Development</b>	Planning permission for marine sourced feed & nutritional material processing and storage facility
<b>Location</b>	Dinish Island, Castletownbere, Co. Cork,
<b>Planning Authority</b>	West Cork County Council
<b>Planning Authority Reg. Ref.</b>	24578
<b>Applicant(s)</b>	Marigot Ltd T/A Celtic Sea Minerals
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Friends of the Irish Environment
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	02 <sup>nd</sup> July 2025
<b>Inspector</b>	Matthew McRedmond

## Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	4
3.0 Planning Authority Decision .....	4
3.1. Decision .....	4
3.2. Planning Authority Reports .....	4
3.3. Prescribed Bodies .....	7
3.4. Third Party Observations .....	8
4.0 Planning History.....	8
5.0 Policy Context.....	9
5.1. National and Regional Planning Policy .....	9
5.2. Cork County Development Plan 2022-2028.....	10
5.3. Natural Heritage Designations .....	12
5.4. EIA Screening .....	12
6.0 The Appeal .....	13
6.1. Grounds of Appeal .....	13
6.2. Applicant Response .....	13
6.3. Planning Authority Response.....	15
6.4. Observations.....	16
7.0 Assessment.....	16
8.0 AA Screening.....	19
9.0 Recommendation.....	19
10.0 Reasons and Considerations.....	19
11.0 Conditions .....	20
Appendix 1 – Form 1: EIA Pre-Screening and Form 2: Preliminary Examination	

Appendix 2 – AA Screening Assessment

Appendix 3 – Water Framework Directive Impact Assessment

## **1.0 Site Location and Description**

- 1.1. The site is located at Dinish Island, Castletownbere, Co. Cork and is located at the southwestern part of the island, accessed via South Road. Dinish Island itself is connected to the mainland via a bridge that connects to the R572 regional route. The subject site is generally square in shape and is approximately 0.5ha.
- 1.2. The site is brownfield in nature with rubble and miscellaneous concrete structures across the site. Existing maritime related industries are located to the north and west of the site with adjoining land to the east currently vacant.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of a total of 1,307sqm in 2no. adjacent warehouse structures, for the processing and storage of feed and nutritional material. The warehouse structures will range in height from 11-13 metres. The warehouse buildings will house 4no. silo structures. The buildings will be metal clad with a green colour. The development also includes 12no. car parking spaces, 2no. access points (1 from south road to the south of the site and one from Central Road to the west), 6no. cycle spaces, 2no. motorbike spaces, palisade fencing, 2.4m in height, site landscaping and access to and from the South Road with a sliding gate.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

On the 14<sup>th</sup> March 2025, Cork County Council granted permission for the proposed development subject to 11no. standard conditions.

### **3.2. Planning Authority Reports**

#### **3.2.1. Planning Reports**

The Local Authority planning report had regard to the location of the site, planning history, national and local policy and to the referral responses and submissions made. Their assessment included the following:

- Conclusion that proposal does not fall within mandatory EIA requirements under Schedule 5 Part 10, 6 (a) as this is a single unit and does not come within this category.
- The proposal is acceptable due to location, zoning and planning policy for Dinish Island.
- Further information was requested in relation to a number of items including location of water tank, surface water servicing and wastewater disposal capacity.
- The Area Planner Report is supported by a Senior Planners Report which notes the following:
  - Objective CR I-01 supports the industrial use of Dinish Island for small to medium sized units.
  - Objective CR-GO-02 notes that new development will not be permitted where it requires a connection to the public water supply. The subject proposal is noted as not requiring connection to the public water supply and rainwater harvesting is instead proposed.
  - Wastewater would be discharged via the existing sewage network to Dinish Island Wastewater treatment plant.
  - Class 6 of Part 1, of Schedule 5 and Class 10(b)(iv) of Part 2 of Schedule 5 of the Planning and Development Regulations are noted as not applying to the subject proposal.
  - No real likelihood of significant effects on the environment arising from the subject proposal and therefore an Environmental Impact Assessment is not required.
  - Concurs with the report of the Area Planner and seek further information.

#### Further Information Response

3.2.2. The applicant submitted a further information response in September 2024, which included the following:

- Relocation of water storage tank and proposed double sealed manholes to avoid hydrocarbon contamination. Relocation will not interfere with parking and the reverse osmosis/UV treatment plant will be located within the building.
- Confirmed that no water requirement for processing and rainwater harvesting will be sufficient to cater for staff requirements.
- Extra loading of 600L per day, which is confirmed by Department of Marine to be within capacity of the existing waste water treatment system.

#### Planning Authority Response

3.2.3. The Planning Authority considered the submitted further information details to be acceptable and recommended a grant of permission.

3.2.4. Other Technical Reports

- **Ecology Section** – Completed an Appropriate Assessment of the subject proposal based on the information provided at FI stage, including wastewater treatment details. Impacts of previous application on Glanmore Bog Special Area of Conservation, specifically abstraction of water from Glenbeg Lough, impacting on freshwater habitats and species were noted. Wastewater connection is confirmed, and water supply is confirmed as being via rainwater harvesting, to avoid issues raised in previous applications. Sufficient rainwater harvesting is accepted. Beara Peninsula SPA is noted as the nearest designated site (2.5km south) with a source-pathway-receptor link. Existing water quality of coastal waters of Dinish Island are noted as 'High' and 'Not at Risk' of meeting water quality objectives. The site is not at risk of flooding.
- The AA and EclA submitted by the applicant are noted. No impact on European Sites is predicted in the submitted application and therefore a Stage 2 AA is deemed not to be required. The Council Ecology Department concurs with the conclusions of the submitted AA report, welcomes the rainwater harvesting proposal that removes impacts on the Glanmore Bog SAC, and notes the proposal is not likely to impact the Beara Peninsula SPA given the

location of the site, no direct habitat loss, sufficient alternative habitat in the area, habituation of fauna due to the established uses in the area and the low risk of surface water emissions from the site. A site specific invasive species management plan is recommended in a grant of permission.

- **Area Engineer** – Noted all infrastructure is in the ownership and management of Department of Agriculture, Food and Marine. Potable water supply from Glenbag is not available to new developments. Proposed surface water capture to provide potable water supply is acceptable. Further detail required for location of water storage tank in parking area, to allow maintenance and avoid hydrocarbon pollution. Sufficient quantity of rainwater to be confirmed to service the development. Capacity of Dinish Island Treatment Plant also to be confirmed. The Council Engineer was satisfied with the relocation of the rainwater harvesting tank and the confirmation of details as submitted at FI stage, and recommended grant of permission subject to 1no. condition in relation to the demarcation of car parking spaces.
- **Environment Section** – Considered the Construction Waste Management Plan to be acceptable. Recommended a grant of permission subject to 2no. condition in relation to the management of solid waste generated during site clearance and management of any hazardous or contaminated wastes such as asbestos.

### 3.3. Prescribed Bodies

- 3.3.1. An Taisce – Further details required on annual import quantities of Lithothamnium Calcaerum from Iceland. Manufacturing report or Ecological Impact Statement do not assess the potential impacts of Lithothamnium Calcaerum harvesting in Iceland. Harvesting and transport of the seaweed should be assessed for environmental impact and any transboundary impacts should also be taken into account. Rainwater harvesting should be confirmed as sufficient for the proposal and sufficient capacity for wastewater treatment should be confirmed.
- 3.3.2. Uisce Éireann – Confirmed that wastewater connections are feasible and the applicant should enter into a connection agreement with UE.

- 3.3.3. Inland Fisheries Ireland – Request confirmation via further information that sufficient capacity of the wastewater network, and facilities are available to prevent any overload and pollution of surrounding waterbodies.

### 3.4. **Third Party Observations**

- 3.4.1. There was 1 no. third party observation on file from Friends of the Irish Environment. The main points of the submission are as follows:

- Requirement for transboundary environmental impact assessment screening under the ESPOO Convention. The impact of Icelandic seaweed extraction is not addressed in submitted documents.
- No details provided in relation to throughput of imported seaweed. No details in relation to sufficiency of rainwater harvesting to cater for the proposal. The application should not be decided without these details.

## 4.0 **Planning History**

### Subject Site

- 4.1.1. **Cork CC Ref. 23/362:** Application for a marine sourced feed and nutritional processing facility, similar to the current proposal. The application was withdrawn.

### Surrounding Area

- 4.1.2. **Cork CC Ref. 22/187:** Permission was granted to demolish an existing shed and construct a new workshop building with PV solar panels, to the north of the subject site.
- 4.1.3. **Cork CC Ref. 20/161:** Permission was granted on a site to the east for a single storey extension of existing clubhouse.
- 4.1.4. **Cork CC Ref. 17/469:** Permission was granted on land to the west of the subject site for an industrial unit, boat storage shed and all ancillary works.



## 5.0 Policy Context

### 5.1. National and Regional Planning Policy

5.1.1. A central aim of national policy (National Planning Framework/NPF) is to recognise the role of the rural countryside as a lived-in landscape and focusing on the requirements of rural economies and rural communities based on “agriculture, forestry, tourism, and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”. Creating the environment to support job creation in rural areas is identified as a key enabler in rejuvenating rural towns and villages, sustaining vibrant rural communities and reversing population decline.

5.1.2. National Policy Objective 32 reads as follows:

*“Enhance the competitiveness of rural areas by supporting innovation in rural economic development and enterprise through the diversification of the rural economy into new sectors and services, including ICT-based industries and those addressing climate change and sustainability.”*

5.1.3. NPO 49 reads as follows:

*“Support the sustainable growth and development of the maritime economy and continue to invest in the seafood sector and our Fishery Harbour Centres, particularly in remote rural coastal communities and islands.”*

5.1.4. The Regional Spatial and Economic Strategy (RSES) for the southern region reflects the NPF position. A key part of building a strong, resilient, sustainable region is by strengthening rural economies and communities. RPO 26 seeks to drive the development of settlements at sub-regional level.

### 5.1.5. National Biodiversity Action Plan (NBAP) 2023-2030

5.1.6. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Board, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Board. The impact of development on biodiversity, including species and habitats, can be

assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

#### 5.1.7. **Water Framework Directive (WFD)**

5.1.8. The WFD was transposed into Irish statute under the European Community (Water Policy) Regulations 2003 (S.I. 722 of 2003).

5.1.9. Ireland is required to comply with four main obligations under the environmental objectives of Article 4 of WFD, namely to:

- Prevent deterioration of the status of all bodies of surface water and groundwater.
- Protect, enhance and restore all bodies of surface water and groundwater with the aim of achieving at least good status by the end of 2027 at the latest
- Protect and enhance all artificial and heavily modified bodies of water, with the aim of achieving at least good ecological potential and good surface water chemical status.
- Achieve compliance with the standards and requirements for designated protected areas.

5.1.10. A WFD Impact Assessment is included at Appendix 4 of this Inspector's Report.

## 5.2. **Cork County Development Plan 2022-2028**

5.2.1. The subject site is located at Dinish Island, within the settlement of Casteltownbere as set out in Volume 5 of the CDP, which relates to West Cork. The site is zoned CR I-01, which relates to industrial areas. The zoning objective reads: *'Industry. Small to medium sized industrial units for specialist marine and other offshore related activities.'* There is also an objective (CR U-09) for the development of a walking/cycling route along the South Road, adjacent to the site.

- 5.2.2. Objective CR-GO-02 relates to the requirement for appropriate drinking water and waste-water infrastructure to support population growth, with specific restrictions on abstraction from Glenbeg Lough.
- 5.2.3. Relevant policies of Volume 1 of the CDP include the following:
- **BE 15-2:** *Protect all-Natural Heritage sites including Special Area of Conservation, Special Protection Area, Natural Heritage Areas, Statutory Nature reserves, Refuges for Fauna and Ramsar.*
  - **BE 15-12:** *a) Monitor air quality and air quality trends in accordance with EU policy directives, preserve good air quality where it exists, and take appropriate action, where required, including the provision of additional air quality monitoring infrastructure in urban areas and along major roads. b) Radon barriers should be provided in all new developments in compliance with best practice and relevant Building Regulations. c) Air emissions associated with all new development are to be in line with Environmental Quality Standards as set out in the Air Quality Standards Regulations 2011, or any updated/superseding documents.*
  - **BE 15-13:** *Minimise noise and light pollution and emissions.*
  - **EC: 8-13 Rural Economy:** *a) Encourage employment growth in County towns to support the population of the towns and their wider rural catchments. b) Strengthen rural economies through the promotion of innovation and diversification into new sectors and services including to ensure economic resilience and job creation. c) New development in rural areas should be sensitively designed and planned to provide for the protection of the biodiversity of the rural landscape.*
  - **EC: 8-18 Fishing and Aquaculture (e):** *Strengthen rural economies through innovation and diversification into new sectors and services including in the marine economy.*
  - **MCI 7-2 – Development in Coastal Areas:** *(a) Sustainably manage development within the coastal zone taking account of its environmental, ecological, heritage and landscape values (b) Encourage development generally to be located in accordance with the settlement policies of this Plan and in particular to recognise the limited capacity of many coastal areas for accommodating development on a large scale. (c) Reserve sufficient land in the various settlements to accommodate the*

*particular requirements of coastal ports, harbour development, boat storage and other coastal industry and to improve access to and support the continued development of the ports in County Cork as marine related assets in accordance with the RSES. Also support the provision of infrastructure for the renewable energy sector. The identification of any such lands will need to be subject to environmental, nature conservation and other heritage considerations.*

### **5.3. Natural Heritage Designations**

- 5.3.1. The nearest Natura 2000 site to the subject development is the Beara Peninsula SPA (Site Code 004155) – located approximately 2.40km to the south.

### **5.4. EIA Screening**

- 5.4.1. I have had regard to the documentation submitted with the application and the Environmental Impact Assessment determination of the Planning Authority in relation to EIAR requirements. Having regard to the nature of the proposed development comprising the development of a 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 Dinish Island facility is within an evolving development context and there has been recent permissions granted in the surrounding area. 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. I note the appeal submission that states a transboundary impact arises as a result of the proposed development. I have included further detail on this in my assessment in Section 7.0 below. The need for environmental impact assessment can, therefore, be excluded. See completed Form 1 and 2 at Appendix 1.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

- 6.1.1. A Third-Party Appeal has been submitted against the decision made by Cork County Council to grant permission for the proposed development.

The grounds of appeal can be summarised as follows:

- Permission has been granted by the Planning Authority without assessment of transboundary environmental impacts associated with the extraction and transport of seaweed in Iceland.
- Iceland is party to the Espoo Convention on Transboundary EIA requirements. No EIA or screening documentation is available from Iceland's environmental agencies.
- Article 2 and 3 require EIA for activities that result in harmful ecosystem changes and requires consultation with affected states.
- The United Nations Convention on the Law of the Sea (UNCLOS), Article 206 requires EIA where there is substantial marine pollution or there are harmful changes to ecosystems.
- Article 192 and 194 require Ireland to prevent marine harm from land based activities.
- The appeal states that no EIA was conducted despite risks to the marine environment and a full transboundary EIA under the Espoo convention should be provided along with an UNCLOS compliant marine impact assessment. A review of the carbon footprint from transport and processing should also be provided.

### 6.2. Applicant Response

The applicant has provided a response to the appeal that may be summarised as follows:

#### Overview

- There is no failure in respect to International environmental law as the application is for processing and storage and does not involve any consent application for marine harvesting.
- The processing and storage proposal falls within Class 10(b)(iv), Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended, and has been screened out of the requirement for EIA by Cork County Council due to its small size and lack of real likelihood of significant effects on the environment arising from development.
- The Espoo Convention and United Nations Convention of the Law of the Sea are not applicable to the proposed development.

#### Production Process

- The company uses natural marine minerals to produce animal feed ingredients. One of the feed ingredients is calcified seaweed algae (*Lithothamnium calcareum*) which is harvested under licence in Iceland. Celtic Sea Minerals have provided a supporting document to explain the process. The application does not include any consent for the harvesting of raw materials to supply the proposed processing facility.

#### Espoo and UNCLS Conventions

- While Iceland is a party to the Espoo Treaty, they have not ratified it and is therefore not legally bound by it.
- Notwithstanding the non-ratification, the Espoo Convention nor UNCLS are relevant to the subject proposal as the project does not come within the scope of transboundary impact. The physical act of extraction and processing and potential marine impact occurs within a single jurisdiction of Iceland. All international maritime trade relies on sea transport from one jurisdiction to another and could not be reasonably considered to be a transboundary environmental impact. As per Article 206 of the UNCLS convention, there is no obligation on Cork County Council to assess potential effects of activities outside their jurisdiction.
- Ireland's obligations on the stated conventions were implemented through the adoption of Section 174 of the Planning and Development Act, 2000, as

amended, in relation to transboundary impacts. This would only have applied if an EIAR was required and potential significant impacts on the marine environment of Iceland had been identified. As EIAR was screened out in this case, the provisions of Section 174 did not apply.

- The proposed development is for marine sourced feed processing and storage. While the application outlined the range of materials which are proposed to be used as inputs to the process, no specific permission was required to import or use any particular ingredient. The proposed use of powdered algae is an internationally traded product and is available from Iceland. The process of harvesting, drying and processing of algae occurs within the jurisdiction of the Government of Iceland.
- The screening determination by the Planning Authority is noted, where the need for EIA is screened out.
- The harvesting process is subject to licence in Iceland and is appropriately assessed in terms of impacts on aquafauna and aquaflora, and are subject to continuous monitoring to ensure compliance with environmental regulations.

#### Case Law Precedent

- The applicant refers to An Taisce – The National Trust for Ireland v An Bord Pleanála & ors [2021], Mr. Justice Humphries, and IEHC 254, [2022] IESC 8, Mr Justice Gerard Hogan (the Kilkenny Cheese case), where An Taisce noted the milk for the cheese would need to come from 4,500 farms and that indirect effects may result in Ireland missing climate targets.
- The High Court and Supreme Court found that while the milk production was an indirect effect, it had already been accounted for in national climate policies.
- The harvesting of Lithothamnium could similarly be considered an indirect effect but had been accounted for in licencing and EIA process within the source jurisdiction of Iceland.

### **6.3. Planning Authority Response**

No additional issues to raise.

#### 6.4. Observations

None.

#### 7.0 Assessment

7.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, reviewed the reports of the Planning Authority, and having regard to relevant local and national policy and guidance, I conclude that the appeal may be confined to one issue as follows:

- Environmental Impact Assessment Requirements

#### 7.2. Environmental Impact Assessment Requirements

7.2.1. The appeal sets out that an Environmental Impact Assessment (EIA) on Transboundary impacts is required, given the potential for impacts on the marine environment of Iceland while harvesting the calcareous Marine Algae. As referred to in the grounds of appeal section of my report, the Espoo Convention and the United Nations Convention on the Law of the Sea (UNCLOS) was referenced.

7.2.2. I note the applicant's response to the appeal and reference to the adoption of both conventions into Irish Case Law through Section 174 of the Planning and Development act 2001, as amended, reference to the Kilkenny Cheese legal case, and the assertion that the harvesting and processing of the seaweed algae is subject to licencing and environmental control within the jurisdiction of Iceland and therefore transboundary considerations do not apply in this instance.

7.2.3. Section 174(1)(a) of the Planning and Development Act, 2000 reads as follows:

*"The Minister may make regulations in respect of applications for development which require the submission of an environmental impact statement, where the planning authority, or the Board on appeal, is aware that the development is likely to have significant effects on the environment in another Member State of the European Communities or a state which is a party to the Transboundary Convention or where the other State concerned considers that the development would be likely to have such effects."*



7.2.4. Section 124(1)(a) of the Planning and Development Regulations, 2001 states the following:

*“(a) A planning authority, as soon as may be after receipt of a planning application to which this Part applies, shall notify the Minister of such planning application, where, in its opinion, the proposed development to which the application relates would be likely to have significant effects on the environment in a transboundary State.”*

7.2.5. The key consideration in this case is if there will be significant effects on the environment in a transboundary state as a result of the proposed development.

7.2.6. I note the Planning Authority screening assessment for the proposed development that included consideration of Class 6, Part 1 of Schedule 5 of the Planning and Development Regulations, 2001 in the Area Planner’s Report, and Class 10(b)(iv), Part 2 of Schedule 5 in the Senior Planner’s Report. An additional Senior Planner’s report provides a Preliminary Examination of the proposed development in relation to nature, location and size, with a finding of no real likelihood of significant effects.

7.2.7. Class 6 of Part 1 of the Regulations relates to Integrated Chemical installations that use a chemical conversion process. While I note the subject proposal involves the processing of a calcium supplement, as set out in the process briefing provided by the applicant, production relates to a dry powder compaction process rather than chemical conversion. Class 6 also relates to ‘several units’ that are linked, which is not the case with the subject proposal. I therefore do not consider Class 6, Part 1 of the regulations to apply in relation to EIA requirements for the proposed development.

7.2.8. Class 10(b)(iv) of Part 2 of Schedule 5 relates to a mandatory EIA for urban development involving an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area, and 20 hectares elsewhere. As the proposal is for a 1,300sqm warehouse development on a 0.5 hectare site, it would be substantially less than the thresholds set out in Part 2 of Schedule 5 and would not fall under Class 10(b)(iv) in respect to urban development.

7.2.9. In relation to transboundary impacts, I note the details of the *Kilkenny Cheese* case (*An Taisce v ABP*), where the Supreme Court (Hogan J) concluded: *‘While it is true that the NIS, the Inspector and the Board all sought to some extent to assess the potential indirect effects of the milk production on the Natura sites, I consider that the*

*short answer to this point is that they were not, as a matter of law, obliged to do so. To repeat, the project to be assessed for the purposes of Article 6(3) was the construction and operation of the cheese factory and not the 4,500 Glanbia farms or, for that matter, the thousands of other farms supplying non-Glanbia producers.'*

- 7.2.10. I consider the details of the subject application to be sufficiently similar to warrant comparison. The project to be assessed in this instance is the construction and operation of a storage and processing facility and not the source of the material to be processed. While the harvesting and processing of the subject seaweed in Iceland may be considered an indirect impact, I am satisfied that this process is subject to a separate licencing and environmental compliance regime in the Iceland Jurisdiction.
- 7.2.11. I consider the principle of a full transboundary EIA requirement for the indirect processing and transport of products to the country to be unworkable, and ultimately, unnecessary in this instance. No consent is being sought for harvesting of the seaweed product, but rather, processing of the product once delivered to the subject site. All environmental impacts of the subject proposal are considered in the context of impact on European Sites including transport volumes, car parking, waste management, water management, noise impacts and air emissions.
- 7.2.12. I note in relation to potential airborne impacts a localised HVAC and dust filtration system will be installed to protect the internal and external environment, and any powder fines will be collected in cartridge filters and recirculated into the production process.
- 7.2.13. In relation to traffic and transport, given the low number of staff required (10no.) with 12 no. car parking spaces proposed and the bi-monthly shipping delivery of approximately 4000Mt, vehicular impacts are not considered to be significant. Dinish Island is an established maritime industrial setting with an established level of noise impact that is not considered to be significantly added to by the proposed development. The submitted AA screening report notes that the proposed development would not create a significant disturbance impact in the context of the existing noise environment.
- 7.2.14. Waste management is provided for in the Eonstruction Management Plan submitted and can be further refined by a detailed CEMP to be requested by way of condition.

- 7.2.15. A rainwater harvesting system is proposed to provide potable water and sufficient capacity has been confirmed for waste water outflow from the subject proposal.
- 7.2.16. Having considered all of the above, I am satisfied that there are no transboundary environmental impacts arising from the proposed development, outside of the indirect impacts identified that are subject to separate consenting and environmental compliance requirements in the origin jurisdiction of Iceland. I am satisfied that all potential environmental impacts have been appropriately considered, and an EIA is not required in this instance. I therefore recommend that permission is granted.

## **8.0 AA Screening**

- 8.1. Having reviewed the applicant's Appropriate Assessment Screening Report, and the screening assessment by the Planning Authority, and having regard to the nature and scale of the proposed development, the location of the site within an adequately serviced urban area, the absence of significant ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded. Please see Appendix 2 attached.

## **9.0 Recommendation**

- 9.1.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

## **10.0 Reasons and Considerations**

- 10.1.1. Having regard to the location of the proposed warehouse use in an established industrial area and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed warehouse building would not conflict with the existing pattern of development in the area, would not trigger the requirement for environmental impact assessment and, therefore, is in accordance with the proper planning and sustainable development of the area

## 11.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22<sup>nd</sup> October 2024, and on the 19<sup>th</sup> February 2025, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interests of clarity.</p>
2.	<p>Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.</p> <p>Reason: In the interest of proper planning and sustainable development.</p>
3.	<p>Prior to commencement of works, the developer shall submit to, and agree in writing with the planning authority, a Construction Environmental Management Plan, which shall be adhered to during construction. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interest of public safety and amenity.</p>

4.	<p>All car parking bays shall be clearly demarcated with a material to be agreed with the Planning Authority.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Prior to commencement of development, details of the materials, colours and textures of all external finishes shall be submitted to the planning authority for written agreement.</p> <p>Reason: In the interest of visual amenity.</p>
6.	<p>Prior to the commencement of the development the applicant shall submit a final Landscape Plan detailing the utilization of native species only, reflecting those species naturally occurring in the locality. The Plan shall be cognisant of the coastal location of the site and be in agreement with Cork County Council prior to the commencement of works</p> <p>Reason: In the interest of visual amenity and to ensure the protection of biodiversity generally.</p>
7.	<p>The mitigation measures contained in the submitted Ecological Impact Assessment (EclA), shall be implemented.</p> <p>Reason: In the interest of protection of protected species and/or habitats of high natural value.</p>
8.	<p>Prior to the commencement of development, an Invasive Alien Species Management Plan shall be submitted to the Planning Authority for agreement. The plan shall include details of precise site-specific methods for the eradication of Giant Rhubarb from the site.</p> <p>Reason: To prevent the spread of alien invasive species.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments</p>

	<p>as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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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.

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Matthew McRedmond  
Senior Planning Inspector

08<sup>th</sup> July 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322267-25
<b>Proposed Development Summary</b>	Marine sourced feed and nutritional material processing and storage facility.
<b>Development Address</b>	Dinish Island, Castletownbere, Co. Cork.
<b>In all cases check box /or leave blank</b>	
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b>  (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes,  - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input type="checkbox"/> No, No further action required.
<b>2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?</b>	
<input type="checkbox"/> Yes, it is a Class specified in Part 1.  <b>EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.</b>	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
<b>3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?</b>	
<input type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road	

<p>development under Article 8 of the Roads Regulations, 1994.</p> <p><b>No Screening required.</b></p>	
<p><input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold.</p> <p><b>EIA is Mandatory. No Screening Required</b></p>	
<p><input checked="" type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.</p> <p><b>Preliminary examination required. (Form 2)</b></p> <p><b>OR</b></p> <p><b>If <del>Schedule 7A</del> information <del>submitted</del> proceed to Q4. (Form 3 Required)</b></p>	<p><b>Class 10(b)(iv) of Part 2 of Schedule 5 relates to a mandatory EIA for urban development involving an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built up area, and 20 hectares elsewhere. As the proposal is for a 1,300sqm warehouse development on a 0.5 hectare site, it would be substantially less than the thresholds set out in Part 2 of Schedule 5 and would not fall under Class 10(b)(iv) in respect to urban development</b></p>

<p><b>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</b></p>	
<p>Yes <input type="checkbox"/></p>	
<p>No <input checked="" type="checkbox"/></p>	<p><b>Pre-screening determination conclusion remains as above (Q1 to Q3)</b></p>

Inspector: \_\_\_\_\_ Date: \_\_\_\_\_



## Form 2 - EIA Preliminary Examination

<b>Case Reference</b>	ABP-322267-25
<b>Proposed Development Summary</b>	Marine sourced feed and nutritional material processing and storage facility.
<b>Development Address</b>	Dinish Island, Castletownbere, Co. Cork
<b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b>	
<b>Characteristics of proposed development</b>  (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development is for a processing and storage facility on Dinish Island, Castletownbere. Dinish Island is an area designated for industrial activities, primarily related to the fishing industry. The site itself is a brownfield site with a small area of grassland present. It is bounded to the south and west by internal roads with the main harbour activities located on the west and north of the island. Adjacent developments include industrial buildings, storage areas and amenity grass area. The proposed development would be in keeping with the industrial nature of adjacent developments. The proposal is a manufacturing facility which would produce animal feed products where premixed blended powders and feed ingredients would be processed into finished feed products. The proposal would not result in the production of significant waste or significant emissions or pollutants. The risk of surface water emissions associated with the proposed development is considered low during the construction phase and imperceptible during the post construction phase.
<b>Location of development</b>  (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The site is a brownfield site, bounded to the south and west by internal roads with harbour related berthing activities located on the north and west of the island. The proposed development would be in keeping with the industrial nature of adjacent developments. The proposal is not located on, in or adjoining an ecologically sensitive site. The closest European Designated Site is the Beara Peninsula SPA which is approx. 2.4km from the site. The proposal would be located in a highly industrialised area and is removed from any designated European site by the distance stated. The site does not comprise suitable foraging habitat for Chough or Fulmar, is surrounded by suboptimal foraging habitat and would not present a significant risk to the levels of occurrence, population density and

	habitats for which qualifying species of designated sites are associated with due to disturbance or displacement effects. The proposed development would not be connected to the public water mains and no abstraction would be required from Glenbeg Lough / Glanmore Bog SAC, which is specified as an issue for the integrity of this SAC. The proposal would not have the potential to affect other significant environmental sensitivities in the area.
<b>Types and characteristics of potential impacts</b>  (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	The scale of the proposed development is not significant in the context of existing development in the surrounding area. Recent permitted adjacent developments in the last five years include a diver training tank, street lighting, an extension to Castletownbere Rowing Club and a slipway and hardstand area (extension of duration). No significant cumulative impacts are anticipated having regard to the nature and scale of the proposal and existing and/ or permitted projects. The nature of potential for indirect impacts and transboundary effects are assessed in the main body of this report, with no transboundary issues arising due to the separate consenting and environmental compliance requirements associated with the harvesting process, which is not part of the subject application.
<b>Conclusion</b>	
<b>Likelihood of Significant Effects</b>	<b>Conclusion in respect of EIA</b>
There is no real likelihood of significant effects on the environment.	EIA is not required.

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**DP/ADP:** \_\_\_\_\_ **Date:** \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Screening the need for Appropriate Assessment

### Appropriate Assessment Screening Determination (Stage 1, Article 6(3) of Habitats Directive)

I have considered the proposed development of a storage and processing warehouse in light of the requirements of S 177S and 177U of the Planning and Development Act 2000 as amended.

A screening report for Appropriate Assessment was submitted with the planning application. Additionally, in the Local Authority assessment of the proposed development, Appropriate Assessment Screening was undertaken by Cork County Council as part of their planning assessment and a finding of no likely significant effects on a European Site was determined. Cork County Council concluded the proposed development would not require the preparation of a Natura Impact Statement and Appropriate Assessment was not carried out.

A detailed description of the proposal is presented in Section 2.0 of my report. In summary, the site itself is a brownfield site, bounded to the southwest and southeast by internal roads with harbour related berthing activities located on the north and west of the island. Adjacent developments include industrial buildings. The proposed development would be in keeping with the industrial nature of adjacent developments.

The proposal is not located on, in or adjoining an ecologically sensitive site. The closest European Designated Site is the Beara Peninsula SPA which is approx. 2.4km from the site. The proposal would be located in a highly industrialised area and is removed from any designated European site by approx. 2.4km.

The site does not comprise suitable foraging habitat for Chough or Fulmar, is surrounded by suboptimal foraging habitat and would not present a significant risk to the levels of occurrence, population density and habitats for which qualifying species of designated sites due to disturbance or displacement effects. The proposal would not have the potential to affect other significant environmental sensitivities in the area.

### European Sites

The proposed development site is not located within or immediately adjacent to any site designated as a European Site, comprising a Special Area of Conservation (SAC) or Special Protection Area (SPA). One European site is located within 2.5 Kilometers of the proposed development site.

- Beara Peninsula SPA [004155]

At its closest point, the Beara Peninsula SPA is located on the southern coast of Bear Island and the Beara Peninsula to the west. The Beara Peninsula SPA is one of the most important sites in the country for Chough, with a breeding population of

international importance occurring. It also supports a nationally important population of Fulmar.

European Site	Qualifying Interests (summary)	Distance	Connections
Bear Peninsula SPA [004155]	Fulmar ( <i>Fulmarus glacialis</i> ) A009 and Chough ( <i>Pyrrhocorax pyrrhocorax</i> ) A346	2.4km	A source-pathway-receptor link has been identified between the proposed development (source) and the Beara Peninsula (receptor) via a loss or disturbance to ex-situ foraging habitat (pathway).

#### **Likely impacts of the project (alone or in combination)**

Due to the enclosed nature of the development site and the presence of a significant buffer area (green and blue) between the brownfield site and the Bear Peninsula SPA, I consider that the proposed development would not be expected to generate impacts that could affect anything but the immediate area of the development site, thus having a very limited potential zone of influence on any ecological receptors.

The proposed development would not have direct impacts on any European site. The development area contains a small amount of grassland that may be suitable habitat for Chough feeding. However, given the small amount of this habitat to be removed, the presence of a similar habitat within the area, and the distance to the Beara Peninsula SPA, no significant loss of habitat for this species will occur. During site clearance, demolition and construction of the proposed warehouse and site works, possible impact mechanisms of a temporary nature include generation of noise, dust and construction related emissions to surface water.

The contained nature of the site (serviced, defined site boundaries, no direct ecological connections or pathways) and distance from receiving features connected to Beara Peninsula SPA, including the established industrial environment of the surrounds, make it highly unlikely that the proposed development could generate impacts of a magnitude that could affect European Sites.

**Likely significant effects on the European sites in view of the conservation objectives**

The construction or operation of the proposed development will not result in impacts that could affect the conservation objectives of the SPA. Due to distance and lack of meaningful ecological connections there will be no changes in ecological functions due to any construction related emissions or disturbance. There will be no direct or ex-situ effects from disturbance on mobile species including otter during construction or operation of the proposed development. There will be no significant disturbance to any birds (ex-situ) that may occasionally use the grassland area adjacent to the proposed development site.

**In combination effects**

The proposed development will not result in any effects that could contribute to an additive effect with other developments in the area.

No mitigation measures are required to come to these conclusions. I consider the provision of the hydrocarbon filter a standard measure to prevent ingress of vehicle pollutants and is not a mitigation measure for the purpose of avoiding or preventing impacts to the SPA.

**Overall Conclusion****Screening Determination**

Having carried out Screening for Appropriate Assessment of the project in accordance with Section 177U of the Planning and Development Act 2000 (as amended), I conclude that that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Sites within the surrounding area namely, Beara Peninsula SPA or any other European site, in view of the sites Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required.

This determination is based on:

- The relatively minor scale of the development and lack of impact mechanisms that could significantly affect a European Site
- Distance from and weak indirect connections to European sites
- No significant ex-situ impacts on birds and associated feeding habitats

### Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322267-25	Townland, address	Dinish Island, Castletownbere, Co. Cork
Description of project		Marine sourced feed and nutritional material processing and storage facility.	
Brief site description, relevant to WFD Screening,		Site is located at Dinish Island, to the southeast of Castletownbere town. The site relatively flat and is not connected to any identifiable watercourses. Dinish Island is located within the waters of Castletownbere Harbour. A water quality monitoring station is located 400m north of the site within the harbour.	
Proposed surface water details		Connection to existing storm sewer to south of the site.	
Proposed water supply source & available capacity		Rainwater harvesting proposed with a requirement for 600L per day, to be harvested from roof areas. Annual rainfall in the area is in the region of 1,500mm which is significantly in excess of requirements for 10no. staff.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann Wastewater connection. Plant operating at 60% capacity (adequate available capacity) and complying with License authorisation conditions. The surface waters receiving the treated wastewaters (Bantry Bay area) are at High status	
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection			

Identified water body		Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Coastal Waterbody		adjacent	Berehaven IE_SW_180_000 0	Good	Not at risk	No pressures	Yes – Treated wastewater ultimately drains to bay area, hydrologically connected to watercourse.
Coastal Waterbody		2.5km south	Outer Bantry Bay IE_SW_170_000 0	High	Not at risk	No pressures	No. Intervening waterbody of Berehaven provides separation.
<b>Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.</b>							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage	Residual Risk (yes/no)	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if

					Mitigation Measure*	Detail	'screened' in or 'uncertain' proceed to Stage 2.
1.	Surface	Berehaven IE_SW_180_0000	Existing drainage infrastructure via treatment plant. Treater water drains to harbour.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	Yes, proximity to watercourse.	Screened in
2.	Ground	Berehaven IE_SW_180_000	Yes. Pathway via drainage characteristics.	spillages	As above	No	Screened out
<b>OPERATIONAL PHASE</b>							
3.	Surface	Berehaven IE_SW_180_000	Yes, proximity to watercourse. Surface water discharge.	Hydrocarbon spillage	Connection to existing storm sewer network	No	Screened out
4.	Ground	Berehaven IE_SW_180_000	Pathway exists but poor drainage characteristics	Spillages	Hydrocarbon filter. Connection to existing	No	Screened out



					storm sewer network		
DECOMMISSIONING PHASE							
5.	NA						
STAGE 2: ASSESSMENT							
Details of Mitigation Required to Comply with WFD Objectives							
Surface Water							
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	<u>Objective 1:Surface Water</u> Prevent deterioration of the status of all bodies of surface water	<u>Objective 2:Surface Water</u> Protect, enhance and restore all bodies of surface water with aim of achieving good status	<u>Objective 3:Surface Water</u> Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status	<u>Objective 4: Surface Water</u> Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)		
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:	Describe mitigation required to meet objective 4:			
Construction works	Site specific construction mitigation methods	Site specific construction mitigation	Site specific construction mitigation methods as described in the EcIA.	Site specific construction mitigation	YES		

	described in the EclA including: <ul style="list-style-type: none"> <li>• Silt traps</li> <li>• Drainage to existing foul system</li> <li>• Tarmac road finishes</li> <li>• Fuel tanks to be double walled and self contained. Careful handling of fuels, lubricants and hydraulic fuels.</li> <li>• All spillages immediately contained</li> </ul>	methods as described in the EclA.		methods as described in the EclA.	
<b>Stormwater drainage</b>	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	Adequately designed connection to existing network. Oil interceptors incorporated.	YES
<b>Details of Mitigation Required to Comply with WFD Objectives</b>					

Groundwater				
Development/Activity e.g. abstraction, outfall, etc.	<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater	<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status*	<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity	Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)
Development Activity 1 : Development of warehouse processing facility	Site specific construction mitigation methods including: • Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.	Site specific construction mitigation methods as described.	Site specific construction mitigation methods as described	Yes