



An  
Coimisiún  
Pleanála

## Inspector's Report ABP-322389-25

### Development

Construction of expansion to production and warehousing building together with associated site works. A Natura Impact Statement (NIS) has been prepared and will be submitted to the Planning Authority with the application.

### Location

Little Island Industrial Estate,  
Ballytrasna, Little Island, Co.Cork

### Planning Authority

Cork County Council

### Planning Authority Reg. Ref.

245268

### Applicant(s)

Portfolio Concentrate Solutions UC  
(‘PepsiCo Ireland’)

### Type of Application

Permission

### Planning Authority Decision

Grant Permission

### Type of Appeal

Third Party

### Appellant(s)

Michael & Fiona Scanlan  
Raluca Tibu & Bogdan Tibu  
Una O’Riordan

	Hanna Backmo & Julius MacSweeney-Backmo Catriona Power
<b>Observer(s)</b>	Debbie and Denis Long Alison Ryan, Brendan & Adam McMahon Darren and Donna Vaughan Michael and Rosario Power Deirdre Harrigan Julie and Thomas Gettings Little Island Community Association
<b>Date of Site Inspection</b>	3 <sup>rd</sup> July 2025
<b>Inspector</b>	Matthew McRedmond

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
Planning Authority Decision .....	6
2.2. Decision .....	6
2.3. Planning Authority Reports .....	6
2.4. Prescribed Bodies.....	11
2.5. Third Party Observations .....	11
3.0 Planning History.....	14
4.0 Policy Context.....	14
4.1. National and Regional Planning Policy .....	14
4.3. Climate Action Plan, 2025 [CAP25] .....	16
4.4. Climate Action Plan, 2024 [CAP24] .....	16
4.5. Cork County Development Plan 2022-2028.....	16
4.6. Natural Heritage Designations .....	19
5.0 EIA Screening.....	19
6.0 The Appeal .....	20
6.1. Grounds of Appeal .....	20
6.2. Applicant Response .....	23
6.3. Planning Authority Response.....	31
6.4. Observations.....	31
7.0 Assessment.....	33
7.2. Visual Impact .....	34
7.3. Impacts on Residential Amenity.....	45

7.4. Other Matters .....	51
8.0 AA Screening.....	52
9.0 Water framework Directive .....	53
10.0 Recommendation .....	53
11.0 Reasons and Considerations.....	54
Appendix 1 – Form 1: EIA Pre-Screening and Form 3: Screening Determination	
Appendix 2 – Appropriate Assessment	
Appendix 3 – WFD Impact Assessment	

## **1.0 Site Location and Description**

- 1.1. The subject site is located at Little Island Industrial Estate, Ballytrasna, Little Island, County Cork, to the east of Cork City. The site is within an established industrial area of Little Island Industrial Estate and is accessed via the N25 to the north and internal industrial estate roads local to the site (L-7088).
- 1.2. The PepsiCo (the applicant) Campus extends to 11.7ha with the subject site being 3.9ha in area. The subject site is referred to as the 'Salts 2' building by the applicant and is located to the south of the 'Salts 1' building, which is currently under construction and to the north of the existing Food Flavours building. 3no. areas of permanent contractor's compound are proposed within the southwest yard area of the site, which is located on the western side of the existing industrial estate road (L-7088). Adjoining land uses are primarily industrial and transport/logistics uses, with the residential area of Clash Road located to the east.

## **2.0 Proposed Development**

- 2.1. The proposed development consists of:
  - Expansion of existing production and warehouse building to provide an additional 12,207sqm of floor space over 4 levels with a maximum building height of 28.21 metres.
  - Adjustments to internal roads, new access to L7088-2 to the east and 2no. dock leveller stations within the site.
  - 3no. areas of permanent contractor compounds at the south west yard to accommodate office cabins/welfare facilities, communications room and communications building.
  - Temporary construction compound.
  - Relocation of 54no. car parking spaces and HGV parking to proposed South west yard. New entrance to L7088 from south west yard with pedestrian crossing to main site.

- New surface water attenuation tank and firewater tank, with associated drainage connections.
- Screen fencing at South west Yard and all associated site development works.

## **Planning Authority Decision**

### **2.2. Decision**

On the 3<sup>rd</sup> April 2025, Cork County Council granted permission for the proposed development subject to 42no. Conditions. The following are of note:

- Condition 28 – Reversing of vehicles from the L-7088-2 is not permitted.
- Condition 32 – Noise levels not to exceed recommended limits at various times of day and night.
- Condition 33 – Developer shall keep a record of all complaints.
- Condition 35 – Noise monitoring programme to be implemented.

### **2.3. Planning Authority Reports**

#### **2.3.1. 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, planning history and any submissions made on the application. Their assessment included the following:

- Given the zoning of the site and nature of proposed development, there is no objection to the principle of the proposed development.
- Separation distances to existing properties at Ard na Laoi are noted in comparison to the separation distances from 'Salts 1' building, which is currently under construction (Ref. 22/6724). The automated processing and storage function of the proposed building are noted.
- The proposed height of 28.21m is already established through the 'Salts 1' building which is 28.1m.

- 'Salts 2' building is of a significant scale however the design approach with a set back at the south east corner breaks down the bulk, particularly at the closest point to Ard Na Laoi.
- Access to remaining LI-I-03 zoned lands should have access accommodated. Further information is required in relation to this detail.
- Uncertainty in relation to separation distances provided and recommend that clarity is sought on this from the applicant.
- No windows proposed and therefore no issues with overlooking.
- Further information is recommended in relation to noise components and details and residential amenity impacts will be re-assessed following receipt of this information.
- Mitigation of dust, air and noise impacts acceptable from an Ecology perspective. Further details required in relation to monitoring of Japanese knotweed.
- Landscaping proposals generally acceptable with use of palisade fencing to be clarified.
- Details in relation to truck access and swept path analysis required, as well as details of use of temporary contractors compound and implementation of mobility management plan.
- Alternative arrangements for direct outlet to 900mm dia storm sewer to SW corner of truck parking area to be investigated.
- Further information request was recommended in relation to a number of items. The area planner recommendation is supported by a report from the Senior Executive Planner.

#### Further Information Response

2.3.2. The applicant submitted a further information response in November 2024, which included the following details:

- Confirmation that access to lands to the west of the site can be accommodated in future if necessary.

- Revised sunlight and daylight assessment confirming separation distances and impacts on adjoining properties to the east.
- Road Safety Audit (RSA) of proposed HGV access points.
- Adjusted truck opening proposed in consultation with Cork County Council Roads Department.
- Clarification that existing and proposed construction compound will revert to open space use and will be subject to any future consenting process if required.
- Permanent compound is required for ongoing servicing and logistical purposes related to the main industrial use. The compound is not for long-term employees but rather for individual specialist contractors that are present for up to a few months at a time.
- Mobility management plan with action plan for implementation.
- Revised surface water management strategy to remove pumped proposal and instead provide infiltration to soils and subsoils. The 'Response to Civil Items' provides that a hydro-brake and hydrocarbon interceptor will be installed, that ensures clean surface water discharge.
- Revised noise assessment to take account of tonal and impulsive noise sources and review of noise sensitive receptors in this regard. No tonal or impulsive noise sources found. Noise levels are compliant with EPA 'NG4' Guidance.
- Updated noise report highlights that mitigation results in at least a 10dB reduction at each of the noise sensitive receivers. A complaints procedure is also provided.
- Invasive Species Management Plan provided that includes details of ongoing management and identification of Japanese knotweed.
- Clarification that palisade fencing is the predominant boundary treatment for industrial premises at Little Island Business Park.
- Planning authority request for further information is fully responded to, and no new issues have arisen.



### Planning Authority Response

- Accepted that access to adjoining lands can be provided if necessary.
- Details in relation to separation distances must be clarified to ensure residential amenity impacts can be satisfactorily addressed.
- Traffic and Transport items considered acceptable subject to condition.
- Truck entrance at L-7088 reduced in size and considered acceptable, as is use of temporary construction compound, which will cease once construction is complete. Use of permanent compound is also noted as acceptable as is mobility management plan.
- Further details in relation to drainage of south west portion of south west yard required.
- Tonal, impulsive and noise related impacts can be ruled out based on information provided.
- Revised NIS does not address updated stormwater proposals and further information is required in relation to potential European Site impacts.
- Palisade fencing is considered acceptable.
- Clarification of further information was sought in relation to sunlight and daylight impacts, discrepancies in separation distances provided between the proposal and existing residential properties, revised stormwater details and updated NIS to reflect alterations to stormwater strategy. This position is supported by a report from the senior Executive Planner of Cork County Council.

### Clarification of Further Information Response

2.3.3. The applicant submitted a clarification of further information in February 2025 including the following details:

- Updated drawings showing corrected separation distances and updated Sunlight and Daylight Report with impacts considered to be imperceptible/slight.

- Updated site layout drawing to show area of 40m x in south west yard to be phased out/undeveloped leaving ground levels unaltered, removing the potential for run off to adjoining land.
- The revised stormwater arrangement addresses potential impacts on EU sites.

#### Planning Authority Response

- 2.3.4. Residential amenity impacts considered acceptable, including separation distances to residential properties. Values in relation to Annual Probably sunlight hours (APSH) and Vertical sky component (VSC) are within recommendations of BRE 209 Guidelines.
- 2.3.5. Revised stormwater proposals considered acceptable from a drainage and ecological impact. No EIA required.
- 2.3.6. The Planning Authority therefore recommended a grant of permission, subject to conditions.
- 2.3.7. Other Technical Reports
- Area Engineers and Engineering Report – Recommended further information is sought in relation to stormwater management system and preference for outlet directly to 900mm dia sewer. Further detail on truck entrance also sought. The applicant provided a response to these matters, which was considered acceptable. Environmental impacts and mitigation measures will not have serious environmental impact and therefore no objection to planning permission being granted.
  - Archaeologist's Report – As entire area has been previously disturbed, no requirement for archaeological intervention.
  - Environment Report – Further information required in relation to tonal and impulsive noise components and a further reduction in noise levels. The applicant provided this information, which was considered acceptable by the Planning Authority. No objection to the proposed development subject to conditions.

- Public Lighting – No objection subject to conditions to limit light impact on surrounding properties.
- Traffic and Transport – Recommended further information in relation to layouts, road safety audit, use of compounds and mobility management plan. The applicant provided a response on all matters which was considered acceptable. A Grant of permission was recommended, subject to conditions.
- Ecology Report – No ecological impacts or impacts on European sites expected. Further information requested in relation to management of Japanese Knotweed, which the applicant provided. Response was not considered adequate as revised NIS did not take account of updated stormwater management details. A clarified response was provided by the applicant with an updated NIS and was considered acceptable by the Planning Authority. No objection to a grant of permission subject to conditions.

## 2.4. Prescribed Bodies

- 2.4.1. Uisce Eireann (UE) - Water and Waste water connections are feasible without upgrades. No objection subject to attachment of UE connection agreement condition.
- 2.4.2. Health and Safety Authority (HSA) – Does not advise against the granting of permission in the context of major accidents directive.
- 2.4.3. Transport Infrastructure Ireland (TII) – Proposed development shall be undertaken in accordance with the recommendations of the Transport Assessment and Road Safety Audit submitted and any recommendations arising should be incorporated as conditions in the permission. Any works required on transport grounds should be funded by the developer.

## 2.5. Third Party Observations

- 2.5.1. A number of submissions were made in relation to this application. The main issues raised can be categorised and summarised as follows:

### Visual Impact

- Proposed height will be an eyesore at this locality and will alter the visual character of the area, which is primarily residential.

- Proposal is out of proportion and scale with surrounding area being 4 times larger in floor area to the phase 1 development.
- Inadequate landscaping proposed to mitigate visual and noise impacts.
- Existing landscaping at some properties at Ard Na Laoi, but this is not sufficient to screen the existing and proposed buildings.
- Proposal contravenes the County Development Plan due to impact on views, heritage values and amenities of surrounding area.
- Phase 1 already has a significant impact on the visual character of the area, which was not accurately depicted in the photomontages at application stage.
- Alternative sites available to the applicant that are not so intrusive.

#### Sunlight and Daylight

- Proposed height will overshadow and reduce natural light to living areas, gardens and to PV panels in properties to the east. Contrary to claims of submitted sunlight/daylight report.

#### Noise Pollution

- Concern in relation to amber level noise on southern and eastern boundaries, particularly if site is operational 24/7.
- Concern in relation to plant noise, contractors compound noise and impacts on residents of Clash Road at operational and construction stages. Significant health impacts are a concern and 4-year duration of construction activity is not acceptable in a residential neighbourhood.
- Concern over alarms going off overnight and not being attended to.
- Concern in relation to operation of entrance at eastern boundary, including increased noise levels.
- Concern in relation to 2no. dock levellers and increased noise associated with turning movements/reversing.
- Concern in relation to construction impacts including air, noise, light and rodent infestations. Also concern in relation to vibration impacts.
- Hours of construction not acceptable.

### Air Pollution

- Construction activities will generate significant dust. This is already evidenced with phase 1 build.
- Operations could also impact air quality and impact local amenities.

### Light Pollution

- Concern in relation to artificial light pollution and impacts on biodiversity.
- Construction and operational stage light pollution likely to impact circadian rhythms.

### Privacy/Overlooking

- Concern in relation to overlooking from windows on southern façade, which gives rise to privacy concerns.
- Loss of view is unacceptable.
- Loss of privacy due to proximity and scale.

### Devaluation of Property

- Proposal will likely lead to a devaluation of existing properties.

### Residential Amenity Impacts

- Loss of light to rear gardens, impacting residential amenity of properties to the east.
- Hours of operation are too long and too early in the day.
- Quality of life severely impacted due to air, noise and visual impacts.

### Other Matters Raised

- Increased traffic at construction and operational stages a concern for local residents.
- Impacts on local wildlife due to size and scale of proposal.
- Severe lack of communication and public consultation in relation to the proposal.

- Ongoing breach of planning conditions associated with previous permissions (Ref. 22/06724, Condition 9 – dust, Condition 18 – off road construction parking, and Conditions 5, 6 and 8 - noise).
- Increased safety concerns associated with emergency situations.
- Public/private status of L-7088-0 has implications for the validity of the public notices erected for this application and previous applications. Accessibility of this road has led to local residents not being aware of previous applications.
- Community Engagement Officer should be provided.
- Applicant is project splitting by submitting applications for various parts of the development separately.

### 3.0 Planning History

- 3.1.1. There have been a number of applications for permission at the subject site and the surrounding area. The following are of relevance to the current appeal:
- 3.1.2. **Cork Co. Co. Ref. 22/6724:** Permission for 4 storey, 3,525sqm, 28m high production building, extending existing facility. This is known as 'Salts 1' or phase 1 of the overall proposal for the site. This application was granted permission and is nearing completion.
- 3.1.3. **CCC Ref. 21/4120:** Demolition and construction of 2-storey research and development facility to north of subject proposal.
- 3.1.4. **CCC Ref. 20/6971:** Permission for new two storey filling hall extension.
- 3.1.5. **CCC Ref. 20/5627:** Permission for three storey 1,723sqm extension to site utility services with an overall height of 21.145m and provision of new waste water treatment plant at the site.

### 4.0 Policy Context

#### 4.1. National and Regional Planning Policy

- 4.1.1. The National Planning Framework (NPF) is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040.

A key element of the NPF is a commitment towards ‘compact growth’, which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. National Strategic Outcome No. 1 is ‘Compact Growth’. Activating strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.

4.1.2. The Southern Regional Assembly’s RSES seeks to achieve balanced regional development and full implementation of the National Planning Framework. The RSES provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region’s three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. The plan acknowledges the strategic employment location of Little Island.

4.1.3. Urban Development and Building Heights, Guidelines for Planning Authorities is a government policy that states building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our town/city cores and in other urban locations with good public transport accessibility.

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

4.2.1. 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 Commission, 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 Commission. 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.

#### **4.3. Climate Action Plan, 2025 [CAP25]**

- 4.3.1. It is noted within CAP25 that Key targets to further reduce transport emissions include a 20% reduction in total vehicle kilometres travelled relative to business-as usual, a 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. In relation to buildings, it is noted that operational emissions in the built environment sector have decreased by 21% since 2018, and achievement of the first sectoral emissions ceilings is within reach. In 2025 it is proposed to transpose the Energy Performance of Buildings Directive, publish a roadmap to phase out fossil fuel boilers, and increase the numbers of building energy rating (BER) assessors, OneStop-Shops, and Sustainable Energy Communities. It is stated within the Plan that, CAP25 is to be read in conjunction with CAP24, and as such I have set out a summary of same below.

#### **4.4. Climate Action Plan, 2024 [CAP24]**

- 4.4.1. Implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

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

- 4.5.1. The Cork County Development Plan 2022-2028 is the relevant statutory plan that applies to the subject site. The site is covered by Volume 4 of the Development Plan – South Cork.

##### **Zoning**

- 4.5.2. The site of the proposed ‘Salts 2’ building is zoned ZU 18-10 – Existing Mixed/General Business/Industrial Uses with the following objectives to:

*“Facilitate development that supports in general the employment uses of the Existing Mixed/General Business/Industrial Areas. Development that does not support, or*



*threatens the vitality or integrity of the employment uses of these areas shall not be permitted”.*

- 4.5.3. The lands proposed for the South West Yard are zoned ‘Industry’ with a specific objective LI-I-03. ZU 18-16 in relation to industrial areas has the following objective:

*‘Promote the development of industrial areas as the primary location for uses that include heavy industry, manufacturing, repairs, medium to large scale warehousing and distribution, biomedical, pharmaceutical, bioenergy plants, open storage, waste materials treatment, port related facilities and port related activities and recovery and transport operating centres. The development of inappropriate uses, such as office based industry and retailing will not normally be encouraged. Subject to local considerations, civic amenity sites and waste transfer stations may be suitable on industrial sites with warehousing and/or distribution uses...’*

- 4.5.4. Specific Objective LI-I-03 reads as follows:

*‘Industrial estate and/or warehousing and distribution. In developing the site consideration should be given to the proximity of the NHA at the south-western edge of the site. This site contains an important semi natural grassland habitat of biodiversity value. Development of the site is to retain and protect the biodiversity value of the site as far as possible.’*

- 4.5.5. Appropriate uses listed in the Industry and General Business/Industrial Use zones include warehousing, distribution, storage, open storage, plant storage, heavy vehicle park, ancillary offices, manufacturing and food processing.

### **Transitional Lands**

- 4.5.6. Section 18.2.2 of the Development Plan refers to transitional lands and states the following:

*“While the zoning objectives indicate the different uses permitted in each zone, it is important to avoid abrupt/ disconnected transitions in scale and use in the boundary areas of adjoining land use zones. In dealing with development proposals in these contiguous transitional zonal areas, it is necessary to avoid developments that would be detrimental to the amenities of these zones and in particular the more environmentally sensitive zones. For example, regard should be had to the use,*

*scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.”*

4.5.7. Objective 18-5 reads as follows:

*“Have regard to development in adjoining zones, in particular more environmentally sensitive zones, in assessing development proposals for lands in the vicinity of zoning boundaries.”*

4.5.8. Objective LI-GO-05 of Volume 4 of the Development Plan states the following:

*“Ensure that future industrial development in Little Island does not negatively impact upon the amenity enjoyed by the existing and future residents of the area.”*

#### **Other Relevant Policies in County Development Plan**

4.5.9. Section 8.7.10 of the Development Plan identifies Little Island as a strategic employment location suitable for large scale employment development.

4.5.10. Section 8.7.13 of the Development Plan relates to the vision for Little Island to promote a high-quality workplace environment for the existing and future workforce population, along with an expansion of the residential offering and supporting facilities.

4.5.11. EC 8-3 Strategic Employment Location:

*a) Promote the development of Strategic Employment Locations suitable for large scale industrial developments at Carrigtwohill, Little Island, Ringaskiddy, and Whitegate where any such development must be sensitively designed and planned to provide for the protection of any designated sites. Any development must be compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour and the protection of residential amenity.*

*b) Protect lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment locations.*

4.5.12. Section 2.6.1 of Volume 4 of the Development Plan states:

*“Little Island is one of the key employment locations in Metropolitan Cork, designated as a Strategic Employment Area in the 2014 County Development Plan, and designated as a Strategic Employment Location in this plan. The main vision for the area is to promote a high quality work place environment for the existing and future*

*workforce population along with an expansion of the residential offering and supporting facilities”.*

- 4.5.13. Although the proposal is for industrial development, the building height has direct influence on an area of residential/housing development to the east. Section 4.10.6 of the Development Plan is therefore relevant, and states that any new applications for buildings greater than 4 storeys shall address the development management criteria set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines (2018).

#### **4.6. Natural Heritage Designations**

- 4.6.1. The site is not located within any designated site. The closest Natura 2000 site is the Cork Harbour SPA (Site Code: 004030) which is located approximately 0.5km to the south of the site with the Great Island Channel SAC located approximately 900m southeast.

### **5.0 EIA Screening**

- 5.1.1. 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 production and warehouse building, within an existing 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 Little Island Industrial Estate is within an evolving development context and there has been a recent permission for a phase 1 development at the subject site Reg. Ref. 22/6724. 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

- 6.1.1. A number of appeals from residents of dwellings in the vicinity of the site have been submitted against the decision by Cork County Council to grant permission for the proposed development. The main points of the appeals can be summarised under the following headings:

#### Visual Impact

- Proposal will dwarf existing residential properties to the east due to height and ground level differences.
- Proposal is too large in proximity to existing residential estate and will impede on quality of life. Other lands in Little Island are more suitable.
- Visual impact is much greater than shown on submitted photomontages. Proposed cladding does nothing to mitigate visual impact.
- Alternative photos provided that show the true impact of Salts 1 and which give an indication of potential impact from 'Salts 2', including from Clash Road and the Golf Course lands.
- Other lands available to locate the proposed building. The only sensitive boundary of the site is not a suitable location.
- Submitted photos by appellant from No. 4 Ard Na Laoi shows 'Salts 1' having a detrimental impact on visual amenity and skyline. No access to rear of existing properties was requested to assess impact.
- Effects of Salts 2 are submitted as High, Negative and Long-Term. Proposed mitigation measures will not be effective in reducing the visual impact. Landscaping will have no impact.
- Proposal will have a detrimental impact on the visual amenities and property values of the area.

#### Sunlight and Daylight.

- Significant impacts on sunlight and daylight to existing properties at Ard Na Laoi, which has not been adequately assessed (No's. 3, 5, 4 and 8).
- Proposal will block skyline, overshadow gardens and reduce sunlight and daylight to rear of properties. This in turn will reduce heat radiation to houses.
- Severe impact on installed solar panels likely with a loss of 2.7kw of daily power on sunny days.
- Appeals question the reliability of provided distances to existing residential properties.
- Level of overshadowing from 'Salts 1' and 'Salts 2' is unacceptable in relation to enjoyment of properties in the area, some of which have significant heritage value. Heritage and monuments at Clashavodig and Carrigrennan townlands also not referenced, and the proposal is unduly obtrusive.

#### Residential Amenity Impacts

- Proposed operational hours could give as little as 5 hours quiet time at night.
- Air pollution from operational vehicles is a concern.
- Light impacts from light poles and HGV traffic could have a considerable impact on residential amenity and sleep times.
- Light pollution has the potential to impact on insects, primarily moths and should be adequately mitigated.
- Proposal will impact on privacy and is not mitigated by the proposed landscaping.
- Concern that complaints in relation to noise and disturbance will not be dealt with in a timely manner. Example of current complaints procedure provided.
- Hours of operation are unclear and will lead to noise pollution at late hours, including from reversing alarms on vehicles. Operations should be limited to 5 days a week during daytime hours. No beeping trucks or deliveries should be permitted during late evening, nighttime and early mornings, both during construction and operational phases.

- AHU on food flavourings building are very disruptive currently and there is an open enforcement file in relation to this.
- No noise mitigation for proposed AHU's on top of building.
- Concern that the condition requiring noise monitoring will not be adhered to, given previous track record of noise complaints.
- Noise tends to travel much further from atop a tall building such as the proposed 'Salts 2' which is already in evidence and from the existing building ('Salts 1').
- Noise mitigation and monitoring should be provided by the applicant to adequately address noise issues in the locality.

#### Construction Impacts

- Duration of construction impacts will have significant health impacts on local population, including noise, dust and quality of life.
- Construction noise during 'Salts 1' building extended into evening times, impacting the wellbeing and enjoyment of the locality for a variety of purposes (leisure time, work etc). Complaints were not dealt with by PepsiCo.
- Deliveries should be curtailed at extended hours to prevent engine noise from HGV and reversing noises.

#### Contrary to Development Plan Policy

- The application directly conflicts with section 2.6.8 of the Development plan that seeks to protect the amenity and quality of life of existing and future residents.
- The claim that impacts on residents is minimal, is false.

#### Project splitting

- Applicant has divided the overall proposal into numerous applications to mask the enormity of the development and associated negative impact. 'Salts 1' and 'Salts 2' should at least have been done as one application.
- Proposed permanent contractors compound suggests ongoing works and expansion at this location.

### Other Matters

- Status of L-7088-0 road should be confirmed in terms of public/private and the requirements for advertisement/public notices of application. This is not a road frequented by locals which makes notification of applications difficult for the general public.

## **6.2. Applicant Response**

The applicant has provided a response to the appeals submitted. The response included the following documentation:

- Response to Appeal document.
- Response to Landscape/Visual and Sunlight/Daylight Effects
- Ecology Response
- Photomontages

The response may be summarised as follows:

### **Response to Appeal Document**

- The appeal response document provides a response on a thematic basis, under 5 different headings.
- Synopsis of proposed development and application process to date provided including both stages of FI.
- Conditions attached to the Planning Authority decision are noted and are referenced throughout the response to appeal. Noted that height on eastern corner, closest to residential receptors is 26.1m, although overall height of building is given as 28.21m.
- Noted that building height was reduced at design stage to match 'Salts 1', Auto-filler equipment stepped back to allow a breakdown of massing, use of horizontal banding to break up visual massing, colour grading of cladding, all to 'dissolve' the appearance of the south east corner of the building as viewed from residential properties to the east and south east. Roof design is also purposely configured to reduce noise and light impacts.

### Planning Policy, Property Values and Procedural Items

- The two proposed land uses are acceptable under 'Industry' and 'Existing Mixed/General Business/Industrial Use' zonings as well as specific objective LI-I-03.
- The Planning Authority provided a detailed review of potential residential amenity impacts and considered the subject proposal acceptable.
- Existing Roads and other parts of the PepsiCo site are considered to contribute to the 'transitional' treatment to residential properties to the east as per the requirements of Objective 18-5 of the Development Plan. The design approach of setback upper floors, reducing noise to acceptable levels and no windows at upper levels to eliminate overlooking all take consideration of residential properties to the east.
- Truck parking at Local Road L-7008-2 is not related to the PepsiCo development and is a matter for the Local Authority.
- It is submitted that the proposal will not be visible from Carrigrennan Walk or other heritage assets in the area (Carrigrennan Town and Clashavodig Lodge) given the 1km separation distance and intermittent trees/landscaping.
- Selected location for proposed 'Salts 2' building is related to international connectivity, availability of qualified workforce and long term record of successful product delivery at this location. The location within the site is associated with the co-location with other production, warehouse components, staff facilities, and to avoid impacts on adjoining land uses including residential. No other land available within PepsiCo site to meet operational requirements of the proposal, with the South West Yard land separated from existing production lines and would not satisfy other criteria to achieve project objectives.



- Careful consideration of design and building height provide an acceptable solution to avoid significant impacts on residential amenity of the area.
- Decision to apply for permission for 'Salts 2' development was made independently of 'Salts 1' and is not an attempt by the applicant to project split. Full appraisal of 'Salts 1' was provided for in the 'Salts 2' application documentation, including in the submitted EIA Screening Report.
- No evidence provided to support claims in relation to property devaluation. The proposal does not alter the industrial/commercial setting of existing residential, that has been in place for a number of years. Submitted documents illustrate there would be no diminution of residential amenity as a result of the proposal.
- Site notices were erected in accordance with the requirements of the Planning and Development Regulations. In addition, a public meeting was held prior to lodgement of the application to inform residents of the upcoming application.

#### Visual Impact & Sunlight/Daylight

- Matters related to visual impact and sunlight/daylight have been addressed in the LVIA and Sunlight/Daylight analysis reports submitted with the application, and which support a separate report by the applicant's visual appraisal consultants responding to these grounds of appeal. The report concludes that while the proposal represents a further intensification of existing industrial uses, the proposal will not result in any significant loss of residential amenity in terms of sunlight, daylight or visual amenity.

#### Noise Effects

- A range of mitigation measures are proposed to mitigate construction noise including limiting hours of working to 7AM-7PM Monday-Friday and 7AM-3PM on Saturdays with work on Sundays by exception only. Proposed mitigation is further supported by proposed conditions attached to the Planning Authority decision including a noise management plan, a noise monitoring programme and details of hours of work, including use of noisy equipment.
- Proposed mitigation at operational stage includes acoustic barriers, attenuators on dust collectors and AHU packages. Operational noise

assessment also took account of HGV traffic. Proposed noise levels are predicted to meet the EPA's NG4 criteria at noise sensitive locations (NSLs).

- PepsiCo have provided an updated complaints procedure with examples of how this has been implemented in recent times. Response times of 48 hours with issue resolved within 72 hours. This procedure is further supported by Condition 33 attached to the Planning Authority grant of permission.

#### Air Quality Effects

- Under the assessment procedure outlined in the Institute of Air Quality Management (IAQM) guidance document, dust impacts during construction are considered to be short-term, slight-negative. To effectively mitigate and manage all environmental impacts during construction a CEMP will be implemented.
- A number of conditions attached to the Planning Authority decision recommended details to manage the environmental impacts of the proposal.
- At operational stage, construction traffic impacts are considered to be imperceptible and, in line with the Design Manual for Roads and Bridges (DMRB), no further air quality assessment was required.

#### External Lighting

- Conditions attached to the Planning Authority decision in relation to directional lighting and proposed lux levels are noted.
- The separate ecology response in relation to light impact on biodiversity is referenced and noted that the habitat in the area is of low value with imperceptible to slight impacts on local fauna, including vertebrates.
- 'Salts 2' Building will be fitted with general lighting and emergency lighting to facilitate maintenance. Lights will be generally switched off as maintenance will be done during daylight hours. Lights of 1-3m in height are proposed at the roof but will be screened by the roof parapet to reduce glare. A submitted lux contour map illustrates light spill will be confined to the roof area.
- Lighting to the new entrance is also proposed that is compliant with Dark Sky, LED lighting specifications. These will be fitted on a 6m pole with night time

sensors to only illuminate when movement is detected. A submitted lux contour map illustrates light spill to the adjoining local road to the east.

- Proposed mitigation measures are put forward to manage lighting during the construction phase, including turning off during non-working hours and directional cowls.

### Conclusion

- The planning authority were satisfied that residential amenity impacts were addressed and attached a number of conditions to ensure compliance. PepsiCo have confirmed they can comply with these conditions.
- No significant effects are anticipated for landscape and visual receptors. The absence of high-level windows in 'Salts 2' and opaque windows to infrequently used stairwells in 'Salts 1' will result in no overlooking.
- A revised complaints system is provided to ensure any noise complaints are dealt with expeditiously.
- Further details on external lighting are provided, which addresses external light spill.
- Proposal is in full compliance with the environmental and planning policy for the area.

### Landscape/Visual and Sunlight/Daylight

#### Sensitive Receptors

- Landscape/visual impacts are assessed for all sensitive receptors even though all individual properties are not named. This captures the likely range and extent of visual effects.
- No. 8 Ard Na Laoi is considered to have more limited views of the proposal and is viewed in the context of existing industrial development.

#### Photomontages

- All photomontages were prepared to industry standards to provide a realistic representation of the view presented. All viewpoints were taken from publicly accessible locations. Accepted methodologies do not allow for views from

private residential houses that also would present privacy issues if presented to the public domain via a planning application.

- Viewpoints selected were considered to give a wide range of views of the subject proposal with a focus on Clash Road, where 4 views are presented in the LVIA.
- The appellants photos are not to industry standard, and from upper floor provide an understatement of the impact of screening. The photos in the LVIA provide a mix of views with residential, long range views and the backdrop of Little Island Industrial Estate. The presented views allow for an appropriate and reliable methodology for informed decision making.

#### Inappropriate Scale and Mass

- LVIA assessed the scale, massing and appearance of the propose industrial unit in the context of the residential setting. The proposal is noted as not being uncharacteristic to the area with some impacts on skyline for nearby visual receptors. Although the building is prominent, it is not uncharacteristic.
- Although the identified intrusion is extensive in some views from existing residential receptors it is not uncharacteristic given the long-standing industrial nature of the setting. The overall impact is considered as moderate/significant, negative, long term for the 6 most affected residences on Clash Road (5 dwellings in Ard Na Laoi and one dwelling to the north). Beyond this limited area, the wider visual impact is considered by the applicant to be considerably reduced due to existing screening and the broader context of industrial intensification across Little Island.
- Site is zoned for industrial uses and proposal is within this framework, avoiding the need for sprawl.

#### Inappropriate Appearance of Building

- Mitigation measures proposed in relation to structure including reduced height to be the same as 'Salts 1', setback auto-filler equipment at roof level to provide stepped structure, treatment of eastern corner of proposed building and cladding treatment to reduce visual impacts. Cladding is proposed to

break up the visual appearance of the building and coloured to blend with prevalent overcast weather conditions.

- Existing trees, which were conditioned as part of the Ard Na Laoi development, will provide further screening to the industrial development. This is supported by the Council Planner's Report that noted the screening provided by existing trees.

#### Views from Cork Golf Club

- Potential views from Cork Golf Club are noted. A relevant view (View 4) is provided and gives a representative view of the proposal. While the proposed development will be visible at some locations within the golf course, this is a view from a private area of land and is screened by a variety of mature landscaping for the most part and the general amenity of the golf course will not be affected.

#### Amenity and Heritage Areas

- The claims that amenity and heritage areas have not been considered is unfounded. Additional photos provided from Carrigrennan Walk and Ornamental Tower are provided, and mature landscaping is shown to screen the proposal from these locations. The views would also be in the context of other industrial development in the harbour area. Impacts are considered to be slight/moderate, negative and long term.

#### All Residential Properties not assessed/correctly assessed for Sunlight/Daylight Impacts

- By virtue of relative positions on a compass, the proposed development will have a negligible impact on the quantity or quality of daylight or sunlight reaching the private dwellings at Ard Na Laoi.
- House numbers 1, 2, 4 and 6 Ard Na Laoi were assessed as they were considered to be the properties most affected. Others were omitted due to being of similar characteristics but further from the proposed development. Sunlight and daylight assessment included consideration of No. 8 Ard Na Laoi, which is two dwellings to the north of No. 6.

- Results show sunlight/daylight in excess of BRE209 Guidelines recommended standards, which are the non-statutory guidelines generally referred to in the industry.
- Updated separation distances at further information stages, did not result in changes to the analysis or assessment.
- Noel Hanley Transport building already has an impact on overshadowing on No. 6 Ard Na Laoi. As No. 8 is located further south from the proposed development, impacts are considered to be less in the kitchen, living, dining areas, which is the required assessment area in the BRE 209 Guidelines.

#### Overlooking

- Appeal claims overlooking will add to perceived overlooking from 'Salts 1'.
- No windows on eastern elevation of 'Slats 2' outside of ground floor facing Ard Na Laoi and Clash Road. Any windows in 'Salts 1' will be obscure glazing.
- Visual screening will be implemented to prevent overlooking at construction stage.

#### External Lighting

- Design mitigation included to reduce light pollution as raised in the appeal. Measures include downward facing luminaries, sensors that will not be operational through the night, emergency lighting in power failure situations only, roof lights controlled by sensors and compliance with international dark skies recommendations.

#### Ecology

- Light spillage, as raised in 2no. appeals was considered under the Ecological Impact Assessment (EclA) and Appropriate Assessment (AA) screening/ Natura Impact Statement (NIS). The area is dominated by man-made habitats that are of low ecological value to local flora and fauna.
- There is a low value vegetation within the site for invertebrates and no potential roosting or foraging habitats for bats within the boundaries of the site.

- Overall, there will be a slight increase in lighting outside the site boundary, but given the absence of valuable habitats in the vicinity of the site, impacts on local fauna is predicted to be imperceptible to slight.

### 6.3. Planning Authority Response

The Planning authority provided a response to the appeal to confirm that all relevant matters have been covered in the technical reports submitted to the Bord and have no further comments to make.

### 6.4. Observations

A number of observations were made in relation to the third-party appeals submitted. The main points of the observations can be summarised as follows:

#### Noise

- Hours of operation 7am-7pm, 6 days a week are totally unacceptable and will disrupt existing residential communities at Clash Road.
- Relocation of HGV entrance will have a significant impact on existing residents due to noise caused by persistent HGV movements over poor quality roads in proximity to residential premises.
- Considerable lack of engagement from applicant in relation to noise matters previously raised by residents. Noise levels of 55dBA between the hours of 7am-7pm have regularly been breached during the construction of Phase 1.

#### Light Pollution

- Ongoing light shed from artificial light has the potential to significantly impact existing residents as is already evidenced from the Phase 1 build.

#### Residential Amenity Impacts

- Independent report provided in appeal documents recording distances from proposal to residential properties. Proximity has been largely downplayed by the applicant. Distance of 58.8 meters to 1 Ard Na Laoi from existing 'Salts 1' building. Proposed building will be as little as 42m from 4 Ard Na Laoi and

more imposing due to levels and stepped elevation. Discrepancy in height of existing building also (43.1m OD instead of 43.0m OD).

- Misclassification as sunrooms on existing houses that were not appropriately assessed, when these structures are part of the original building.
- Inadequate sunlight and daylight analysis given significant height differences with Ard Na Laoi. Shadow diagrams for March, June and December are requested at a minimum to gauge impact.
- Persistent noise, visual intrusion and loss of privacy has a direct impact on living conditions. Height of proposal will result in a loss of privacy.
- Visual scale and bulk of proposal will significantly impact existing skyline to residential properties and alter the character of the area. This is contrary to the provisions of the Development Plan (Section 2.6.8 and LI-GO-06) in terms of transitional zones and that seeks to protect residential amenity, and the Building Height Guidelines (2018) that seek new development to be proportionate to its context, maintain residential amenity and avoid overbearing. Significant overshadowing will occur which results in loss of amenity and benefits of solar panels
- Operational impact will be high, long-term and negative. Proposed materials, stairwell, landscaping and finishes to do not mitigate the visual impact.
- Proposal will set an undesirable precedent for planning that will alter the character of the area due to excessive height of 28m and impact on residents if permitted.
- Series of photographs attached to illustrate scale and bulk of existing building ('Salts 1') in relation to residential properties, with the subject proposal only expected to make this worse.
- Visual impact of existing building, and by extension the proposal, is much worse than represented in the submitted photomontages. This is particularly the case at Clash Road but is also visible from the churchyard in Glounthaune, the harbour area and from Cork Golf Club.

#### Environmental Impacts



- Additional noise, lighting, traffic and emissions will put all local environmental quality at risk. This is also a health risk to the area, particularly to young children.
- Rodent infestation was an issue with Phase 1 development. A similar risk will arise with further development.

#### Enforcement

- The applicant has a history of breaching planning conditions attached to permissions.

#### Other Issues

- Phased development of the site is misleading as an overall larger expansion seems to always have been on the agenda.
- Should the Commission be minded to grant permission an independent shadow assessment should be undertaken, height should be reduced and setback from Ard Na Laoi, full landscaping and screening plan to include noise and light barriers should be provided, restrictions on operational and construction hours should be required and establish community liaison structure.

## **7.0 Assessment**

7.1. Having examined the application details and all other documentation on file, including all submissions received in relation to the appeal, having inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Visual Impact
- Impacts on Residential Amenity
- Construction Impacts
- Other Matters

## **7.2. Visual Impact**

- 7.2.1. Having reviewed the complete details on file in relation to third-party appeals and observations to said appeals and also including the applicant's response to the third party appeals, I consider one of the fundamental issues in relation to this proposal is the visual impact associated with the development. This visual impact must be considered in the context of the Strategic Employment Location status of the Little Island Business Park, but also in relation to the adjoining sensitive receptors of the adjacent residential properties. I also consider longer range views of the proposal to be of relevance to the overall assessment.
- 7.2.2. The proposal provides for a 4-storey development with a maximum height of 28.2m, stepping down through various design elements to 24.2m, 19.2m and 9.8m at it's lowest point at the southeast corner. I consider the main and most substantial elements of the proposed building to be the 28.2m height and 24.2m height as provided for in submitted elevation drawings. I acknowledge that the buildings to the north, west and south are industrial buildings ranging from 7-15m in height in the surrounding area. The existing 'Salts 1' building, adjoining the subject site to the north is nearing completion and is 28.1m in height, which is comparable to the subject proposal. I also acknowledge that there are residential properties to the east at Clash Road, with the closest residential properties at the Ard Na Laoi development to the east of the appeal site. Residential properties at Clash Road are characterised by bungalow, dormer and 2 storey dwellings.
- 7.2.3. The appellants and the observers have raised concerns about the height of the development and in particular, the cumulative impact of the 4-storey proposal when viewed with the existing 'Salts 1' building, that is closest to the Ard na Laoi residential estate and Clash Road to the east and southeast. It is submitted that the proposed development would be out of character and the height proposed is considerably higher than the surrounding buildings, leading to a significant negative impact on the amenity of the area.
- 7.2.4. The proposed building will have a general height of c.28.2m at parapet level and a reduction to approximately 24m at the south east corner, which is closest to the nearest residential properties. The appellants and observers submit that differences in ground levels contribute to an even greater perception of height, but I note ground

levels on submitted drawings by both the applicant and the observers to the appeal are generally similar at approximately 17.8m. The application drawings provide a finished floor level of 18.9m, but I accept the overall height is provided from ground level and that the given overall height of 28.2m is a reasonable representation of the overall height.

7.2.5. The building (Hanley Transport) immediately east of the proposed 4 storey building along the Local Road L-7088-2 reads to be 2 stories with a maximum height of c. 7-8m and the building to the south (Flavours Building) of the proposed building is 2-3 stories and is approximately 14m in height. I refer the Commission to the elevation drawing no IE0313364-48-DR-0079 of the documentation submitted. Having regard to the height of the existing buildings, and notwithstanding the existing 'Salts 1' building, I consider that the 4 storey building proposed, with the parapet height of c.28.2m and an overall floor area of over 12,000sqm, is a significant addition of building height, bulk and scale to the area. I note from the photomontages and drawings presented that the building would present a significant presence on the skyline when viewed cumulatively with the 'Salts 1' building and the key issue is the acceptability of this visual impact in the context of the adjoining land use zones of industrial and residential. The viewpoints 5, 6, 7 and 8 from Clash Road presented by the applicant show the cumulative proposal, with the 'Salts 1' building located to the right in each of these viewpoints. I note also that the appellants have provided some additional viewpoints of the existing 'Salts 1' building from various locations along Clash Road and from the rear of properties that illustrate a significant visual impact of the existing building.

7.2.6. I have reviewed the submitted LVIA from the applicant that concludes the proposed Phase 2 ('Salts 2') building will have a slight-moderate and moderate/significant, negative and long-term effect on nearby visual and residential receptors, when no mitigation is implemented. Mitigation measures at Construction and Operational phase include retention of existing trees and vegetation, design changes to stair blocks, louvering and positioning of equipment on the roof, cladding colours and the preparation of a landscaping plan. Following mitigation, the impacts are considered by the applicant to be 'Moderate, Negative and Long-Term'. Although I note each of the elements listed at Sections 6.1.1 and 6.1.2 of the submitted LVIA are proposed as mitigation measures, there is no change to the design of the building in the pre

and post mitigation phase. To this end, I do not accept that the listed mitigation measures will reduce the level of impact from moderate/significant to slight moderate for both the nearby residential receptors and other visual receptors in the area.

7.2.7. I refer to Section 18.2.2, Objective 18-5 and Objective LI-GO-05 of the Development Plan. Each of these provisions, specifically note the importance of avoiding abrupt transitions in scale at the boundary of adjoining land uses and to protect the amenity of the more environmentally sensitive zone. While I accept there is an extensively established industrial use at Little Island Industrial Estate, that provides a vital local and national employment function, and the established principles of compact growth, it is paramount that proposed transitional uses at the boundaries of this industrial zone do not develop at the expense of environmentally sensitive, adjoining zones, which in this case is the residential properties directly adjacent to the east of the subject site. In addition, I note the existing transport logistics shed, which is 7-8m in height, immediately to the west of the rear boundaries of properties at Ard Na Laoi. While this logistics shed would screen the view of the proposal from the rear gardens of some properties due to proximity, this is not sufficient to protect residential amenity in the wider area from views of the much taller 'Salts 2' building at 28.2m.

7.2.8. The applicant notes the established industrial uses adjoining the residential properties to the east and refers to this relationship to justify the visual impact of the proposal when viewed from Clash Road/Ard Na Laoi. I have reviewed the submitted photomontages and the photography submitted by the appellants and observers to the appeal, and while I agree with the applicant that it is not an established practice for submitted photomontages to be taken from privately accessible areas, the photos submitted by appellants and observers are indicative of the visual impact on the locality. On my visit to the site, the existing 'Salts 1' building was continuously visible along the length of Clash Road, with some intermittent views presenting an overbearing and monolithic presence, particularly between buildings. I consider any addition to this built form, with a similar height and an extended floor area, would present an unacceptable visual impact for the residents of the area along Clash Road. The landscape/green infrastructure plan submitted by the applicant refers to existing grass, tree and low shrub planting to be retained along the south east boundary. The landscape plan also refers to existing native hedgerow planting outside the area of the site, which is submitted as providing screening to residences

to the east. The applicant refers to trees being planted to the rear boundary of properties at Ard Na Laoi, which was a condition of planning associated with these units. Some back gardens seem to have these trees planted but I do not consider this an adequate mitigation measure to screen views of the proposal that is within the control of the applicant and overall, I consider the visual impact to be significant, negative and long term.

- 7.2.9. For the purposes of completeness, I note the LVIA and response to the appeal also includes analysis of more long-range views, including from heritage sites in the surrounding area. In terms of long-range views from the harbour area, I accept the applicants position that the harbour provides a range of industrial and port type uses that would not be significantly impacted by the addition of the subject proposal. I consider the views from heritage sites would be adequately screened by intervening landscaping/vegetation and views from the Golf Course, while some present a clear view of the proposal, would not be unacceptably impacted due to separation distances, the existing industrial context adjacent and the overall amenity value of the golf course and other related views around the golf course lands.
- 7.2.10. As established, the closest residential house(s) to the proposed development are within Ard Na Laoi to the east of the development. Other houses are also located along Clash Road and these are predominately 1-2 stories in height. The appellants argue that the scale of the development would impact on the amenities of the houses. The Development Plan requires that a minimum separation distance of 22m is generally required from residential properties to avoid overbearing impacts on residential amenities. I note that there is a minimum separation distance of c.42m between the development and the nearest residential property at No. 4 Ard Na Laoi. Following a request for further information from the Planning Authority, the applicant's response to the FI request confirms this measurement, which I am satisfied is accurate. I also note that there is a separation distance of c. 52.4m to No. 1 Ard Na Laoi to the east/northeast and 65.3m to No. 9 Ard Na Laoi to the south east. Any other separation distances would be beyond these distances. I am therefore satisfied that appropriate setback distances are provided in the plans.
- 7.2.11. The appellants assert that the development would be visible from many locations within Little Island and the size of the development would seriously impact on the visual amenity of the houses at Clash Road. As noted, a visual impact assessment

was submitted as part of the documentation and photomontages provided viewpoints from northeast of Glounthaune, Ballynoe, Passage West, Cork Golf Club and from Clash Road. Having reviewed the report and having inspected the surrounding area, I conclude that the proposed development would be most prominent at Clash Road. Having visited the site, I note that while Little Island Industrial Estate offers different variations in height, I am of the view that the development would be physically imposing on residential properties at Clash Road and will significantly impact on the visual amenity of the area.

- 7.2.12. The most sensitive receptor to any potential significant visual impact would be the residential houses Nos. 1-9 to the east of the site at Ard Na Laoi Estate. Although the proposed separation distances are ample, the houses at Ard Na Laoi are configured to have their rear garden face the industrial estate, with a 7-8m high shed structure already located long the boundary, approximately 14m from the nearest property. I consider the addition of a structure of significant height, even at the separation distances proposed, would result in an overbearing impact when considered in totality.

#### Overlooking/Privacy

- 7.2.13. There are concerns from the appellants and the observers that the development will overlook the houses and gardens at Clash Road/Ard Na Laoi and thereby impact on their privacy and amenity. The proposed development does not include any windows above ground floor level that would allow overlooking to occur. The 'Salts 1' building has windows to the stairwell on the eastern elevation, but these are fitted with opaque glazing, and I would also consider the stairs to only be intermittently utilised as there are elevators provided within the building. Having regard to the above, I am satisfied that the proposed development would not lead to overlooking of the existing houses at Clash Road. Some overlooking may be possible during the construction stage, but I acknowledge that this could be adequately mitigated by way of construction stage screening. I discuss construction impacts in the following sections.

7.2.14. In terms of privacy, having regard to the separation distance afforded by development and the proposed eastern elevational treatment discussed above, I do not consider that the proposal will lead to any significant privacy concerns.

#### Building Height and Design

7.2.15. I note that the Development Plan (Section 4.10.6) requires that any building greater than 4 stories should address the management criteria set out in paragraph 3.2 of the Urban Development and Building Heights Guidelines for Planning Authorities. In this regard, I have considered the criteria in the height guidelines in the following table to provide a more detailed review of the acceptability of the proposal.

<b>At the scale of the relevant city/town</b>	
The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.	The site is located c. 1.2km south of Little Island train station, with bus stops located at Island Cross and is therefore accessible via public transport.
Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/ enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views	<p>The site is within a built-up location of industrial type uses. Residential land uses are located immediately to the east. There are no architectural sensitive areas. The site is within an area designated as a High Value landscape. A visual impact assessment has been submitted to illustrate the scale of the development.</p> <p>Having regard to the flat topography of the site and existing land use pattern in the area, I consider that the placing of this 4 storey/28.2m structure to the east of the site, adjacent to existing 2 storey residential is not acceptable and</p>

	represents an abrupt transition in scale that is not suitable at this interface.
Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.	The proposal was accompanied by a Landscape Visual Impact Assessment. Photomontages illustrate the proposal from the surrounding area and allows for an assessment of the development in its context.
On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape	<p>The proposal is not specifically related to density and is relatively self contained in relation to the provision of new streets. The proposal will use the existing external road network. While there has been some attempt to reduce the scale of the proposal at the south east corner, the proposed building provides a largely blank façade that would detract from the existing visual context which is largely of existing sky, when viewed from the closest residential receptors.</p> <p>Proposed colour variations to the cladding are an effort by the applicant to mitigate the visual impact of the proposal, but as can be seen from the 'Salts' building that has been constructed, this design measure has a limited effectiveness in lessening visual impact.</p>
At the scale of district/ neighbourhood/ street	
The proposal responds to its overall natural and built environment and	The development supports the Development Plan strategy to reaffirm



<p>makes a positive contribution to the urban neighbourhood and streetscape</p>	<p>Little Island as a strategic employment location. The proposal in itself does not add significantly to the quality of the architectural environment or surrounding streetscape, presenting largely blank elevations at considerable height, mass and scale.</p>
<p>The proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials / building fabric well considered</p>	<p>The proposal comprises a 28m building, approximately 32m in width when viewed from the east (wider when viewed with 'Salts 1' building) which presents as a monolithic structure as there is limited variation to the façade treatment which is comprised of a cladding finished of various colours with no animation or variation in visual interest. While the attempt to reduce the visual impact through the breakdown in colour treatments is noted, this does not adequately address the overall scale and visual imposition of the proposed structure at this location.</p>
<p>The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of "The Planning System and Flood Risk Management –</p>	<p>The height proposal attempts to respond to the context of the site, as well as operational requirements of the applicant and provides for some landscaping to enhance the public realm around the site.</p> <p>Opportunities for extensive public realm enhancement are not directly applicable to this industrial setting, however I consider the extent to which the</p>

Guidelines for Planning Authorities” (2009)	proposal can potentially detract from neighbouring residential amenity to be a significant negative impact.
The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner	<p>The height modulation of the proposed development from 3-4 stories responds to the wider urban setting and could be considered to contribute to the legibility of the area in isolation.</p> <p>The perimeter streetscape impacts (particularly on the east and southeast side) will negatively impact on legibility within the wider urban area, due to the visual impact of the proposal.</p>
The proposal positively contributes to the mix of uses and/ or building/ dwelling typologies available in the neighbourhood.	<p>The development is an industrial use at an established industrial and employment location and is acceptable in this context.</p> <p>The proposed built form presents a negative impact in relation to building typologies when viewed in the context of adjoining residential uses and the monolithic structure proposed.</p>
At the scale of the site/building	
The form, massing and height of proposed developments should be carefully modulated to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.	<p>The development is an industrial building. The form, orientation and height proposed do not have a bearing on the operation of the proposed facility.</p> <p>There are residential properties in the area and the Daylight and Sunlight analysis submitted demonstrates compliance with the BRE guidelines.</p>

<p>Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight' (2nd edition) or BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting'</p>	<p>A Daylight and Sunlight analysis was submitted as part of the application which states that the proposal complies with the BRE standards for sunlight and daylight. I have reviewed the daylight and sunlight analysis submitted in the following sections below. The development will lead to some impacts in relation to sunlight and daylight in the late evenings, but I am satisfied that any loss of daylight/sunlight does not compromise the ability of adjoining properties to comply with relevant standards.</p>
<p>Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and/or an effective urban design and streetscape solution.</p>	<p>The proposed use of the development is non-residential in nature and no compensatory design solution is required.</p> <p>With regards to the residential units within close proximity of the development and the potential for loss of sunlight, the Daylight and Sunlight analysis submitted demonstrates that the proposal meets all the requirements of the daylight provisions. See the following sections of my report in relation to residential amenity impacts.</p>
<p>Specific Assessments</p>	

Specific impact assessment of the micro-climatic effects such as downdraft. Such assessments shall include measures to avoid/ mitigate such micro-climatic effects and, where appropriate, shall include an assessment of the cumulative micro-climatic effects where taller buildings are clustered	The maximum height of the development is 4 stories (c. 28.2m) and not within a cluster of taller buildings and as such an assessment on wind microclimate is not necessary.
In development locations in proximity to sensitive bird and / or bat areas, proposed developments need to consider the potential interaction of the building location, building materials and artificial lighting to impact flight lines and / or collision	The development is not located in proximity to sensitive bird or bat areas. The AA concludes no significant impact on any protected species within any European Site. The closest European site is Cork Harbour SPA, located c.500m south of the site.
An assessment that the proposal maintains safe air navigation.	The maximum height of the development is 4 stories (c. 28.2m) and an assessment in this regard is not necessary.
An urban design statement including, as appropriate, impact on the historic built environment	A Design Statement was submitted as part of the application. The design is not considered appropriate at this location as set out earlier in my report.
Relevant environmental assessment requirements, including SEA, EIA, AA and Ecological Impact Assessment, as appropriate.	An EIA screening assessment and a screening report for Appropriate Assessment/NIS have been submitted. Impacts on Ecology and Biodiversity have been covered in both documents and are addressed separately in my report.

7.2.16. I consider the subject proposal to be contrary to objective 18-5 as it has not had regard to the more sensitive environment zone and LI-GO-05 as it would negatively impact on the amenity of existing residents. The proposed height, scale and bulk of the subject proposal would have a significant, negative and long term impact on the residential properties in the surrounding area and I recommend refusal of permission on this basis.

### **7.3. Impacts on Residential Amenity**

7.3.1. The appellants and the observers have raised concerns in relation to the potential impact of the development on their residential amenity at Clash Road and Ard Na Laoi.

#### Proposed Development Lighting

7.3.2. The appellants have raised concerns about light emanating from the development at night and submit that it will cause excessive background light to the houses at Ard Na Laoi in particular. The applicant has submitted an External Lighting Proposal with the initial planning application documentation as well as further details in their response to the appeal. The Development Plan under section 15.11.3 acknowledges the impact light pollution can have on residential amenities and provides general criteria for artificial lighting. The applicant has noted that the Planning Conditions 2 and 3 attached by the Planning Authority are of relevance. Condition 2 requires the submission of a lighting reality report and lux contour drawings. Condition 3 requires directional lighting that is cowled, to avoid light spill to adjoining residential properties. The applicant submitted lux contour drawings for the roof plant area and for the access roads that illustrate lux levels of 1.5 lux and below at the areas adjoining the local access road L-7088-2. Submitted drawings also illustrate the locations of roof lighting, specifications, and details that roof, and street/access road lighting will be sensor/timer based and only alight when required. The lights will normally be turned off. The lights will be 1-3m in height and screened by the roof parapet to further mitigate light spill.

7.3.3. The submitted applicant response also notes the potential for impact of lighting on biodiversity in the vicinity of the site and the specific Biodiversity Response provided by the applicant is noted. The low potential for high value biodiversity habitats at the

subject site are noted, given the developed nature of the site and the surrounding area. I am generally satisfied that the development of the subject site will not have a significant impact on biodiversity in the local area, invertebrates, moths or other insects, given the low value habitats within the site and the immediately surrounding area.

- 7.3.4. As I noted earlier there is a minimum separation distance of c.42m from the houses at Ard Na Laoi and the relatively low lux levels of 1.5lux at the edge of the site as a result of cowl and parapet screening. I therefore have no objections and consider that the lighting of the proposed buildings will not negatively impact on the residential houses in the vicinity. I note that the PA included lighting conditions (Condition 2 & 3) in the grant of permission and I am of the opinion that these lighting conditions should be retained, if the Commission is minded to grant permission.

#### Loss of Daylight & Overshadowing

- 7.3.5. Concerns have been raised by the appellants and observers who reside at Ard Na Laoi, that the development would adversely affect the quality of natural sunlight at properties on the west side of Clash Road and would also overshadow their property.
- 7.3.6. At the outset it should be noted that the houses at Ard Na Laoi (1-8) are located to the east/southeast of the proposed development and as such overshadowing concerns would arise in the late evening during summer months. The applicant submitted a Daylight, Sunlight and Overshadowing analysis at application stage and further details in response to the appeal. The analysis was informed by the 2022 BRE Guidance 'Site layout planning for daylight and sunlight: A guide to good practice', third edition. The analysis tested 3 residential properties within the area at application stage, with a further property (No. 4) tested at further information stage. Including No. 4 in Ard Na Laoi, the properties assessed were Nos. 1, 2, 4 & 6 Ard Na Laoi. Other properties were discounted due to similar characteristics or increased separation distance to the proposal. The location of all the houses assessed is shown in Figure 2 and Figure 2A of the initial application report and further information report respectively. The report measured the potential for loss of daylight from the sky to existing houses, loss of sunlight to the houses and garden spaces,

and overshadowing. Separation distances to properties were also clarified in the applicant's response to further information (FI stage) and response to clarification of further information (CFI stage). I have addressed the issue of separation distances, and I am satisfied that the correct measurements have been used in the ultimate assessment of impact.

- 7.3.7. Loss of daylight is measured through the assessment of the levels of Vertical Sky Component, (VSC), which is equivalent to the amount of skylight falling on a vertical wall or window. BRE guidance states that where a VSC of 27% or more is achieved enough skylight should still be reaching the existing building and daylight will not be significantly affected. Where a VSC of less than 27% is achieved, further analysis is required, and any reductions should be limited to 20%. The analysis concluded that the VSC to the houses meets the criteria in houses 2 and 6 as all windows assessed were in excess of 27%. The VSC for the Family Room (south window) falls below the 27% required value at 22.7% for No.1 and 26.8% for No. 4. The VSC for both these rooms is noted as already falling below the required 27%, without the development in place. Overall, the VSC test for daylight indicates that five of the eight test reference points will be greater than the recommended minimum targets. For the remaining three, the existing VSC values are already below the recommended targets. The values achieve 0.8 times, or 80% of the existing pre-construction value which I considered to be an acceptable level of daylight.
- 7.3.8. For internal spaces sunlight availability is measured by the Annual Probable Sunlight Hours, (APSH) and only windows facing within 90° of due south are considered. The Guidance states that rooms will appear reasonably sunlit provided that at least one main window faces within 90° of due south and the centre of at least one window to a main living space can receive 25% of APSH including at least 5% APSH in the winter months between the 21<sup>st</sup> of September and the 21<sup>st</sup> of March. The report at FI Stage and CFI stage showed that all assessed windows of houses 1, 2, 4 and 6 Ard Na Laoi were in excess of the criteria for winter sunlight hours, with some windows of house 1 (Kitchen) already receiving less than the recommended 5% APSH but remaining within 80% of the original value, which is consistent with standard requirements of the BRE Guidelines.
- 7.3.9. In terms of the garden spaces analysis, all of the houses at Ard Na Laoi were tested as the external spaces of the house are located to the east of the proposal. The BRE

guidance recommends that for an amenity space to appear adequately sunlit throughout the year, at least half of the garden space should receive a minimum of two hours of sunlight on March 21<sup>st</sup>. The analysis in the report showed that at least half of the garden areas at Ard Na Laoi would achieve 2 hours of sunlight on the design day (21<sup>st</sup> of March) with more than 90% of the garden assessed achieving the required level of sun.

7.3.10. No shadow diagrams have been provided, which would have been useful to gauge the overall impact on evening sun in relation to existing residential properties along with the garden analysis provided. Sunpath and Waldram Diagrams are provided, which are more relevant to APSH and VSC analysis and not shadow impact specifically. The appellants submit that the existing 'Salts 1' building already blocks evening sun in the post 19:00 hour time period and the potential impact of 'Salts 2' (the subject proposal) is significant and will reduce the quality of natural lighting illuminating their properties. It is further submitted by appellants and observers that although the impact period is small, this is a period of time (evenings) when rear gardens are most likely to be used, and any impact would be most sensitively felt. Although the sunlight and daylight analysis show that quantitative values can be met with the subject proposal in place, I consider the proportional impact on residential amenity to be significant when the industrial nature of the proposal is juxtaposed with two-storey residential properties and their rear amenity spaces. I do consider the overshadowing impact to be limited to short time periods in the late evenings, and I am of the view that the houses will receive sufficient levels of sunlight in line with the BRE guidance as set out above, however the transitional nature of the proposal adjoining an environmentally sensitive zone requires consideration as I previously discussed. Although relevant recommended standards are met, this does not outweigh the visual impact of the proposal and the potential for sunlight impact in a limited evening period.

7.3.11. Having reviewed the information submitted and considered the proposed separation distances between buildings, although I am satisfied that the proposed development will not have any significant impact on the recommended quantitative standards for daylight and sunlight currently experienced by the houses on Ard Na Laoi and Clash Road, the qualitative nature of the residential environment would be significantly impacted due to impacts on evening sun and due to visual impact as already set out.



I am also of the opinion that although gardens would not be significantly overshadowed by the development as shown by the analysis provided by the applicant, the late evening shadow impact is significant in the context of existing residential uses, which should be protected as required under County Development Plan Objective LI-GO-05.

#### Noise Impacts

- 7.3.12. The appeals and observations set out a number of issues with noise related to the 'Salts 1' building which is almost complete and specify a concern that similar noise impacts will arise for the building of the subject proposal, which they state could continue for up to 4 years. The appeals state that noise complaints have not been dealt with in a satisfactory manner in relation to existing construction and operational practices at the PepsiCo site in general. Noise sources include HGV movements, alarms and noise at high levels which has a tendency to 'travel'.
- 7.3.13. The applicant provided a response to the grounds of appeal in relation to noise and refers to the submitted 'Noise and Vibration Impact Assessment' and the noise sensitive receptors, which included 3no. locations/residences at Clash Road. It is stated that relevant noise limits were determined with reference to the British Standard 'Code of Practice for noise and vibration control on construction and open sites'. Mitigation measures are included in the outline Construction and Environmental Management Plan (CEMP) including hours of working and attenuation of noise. The applicant also notes a number of conditions attached to the Planning Authority grant of permission that require the management and monitoring of noise levels on the site (Conditions 34, 35 and 36). The applicant also refers to operational stage noise mitigation measures such as acoustic barriers, attenuators on dust collectors and AHU packages. With all mitigation measures in place, the applicant submits that noise levels (inclusive of the Salts 1 building) will meet the requirements of the EPA's NG4 criteria in relation to noise levels.
- 7.3.14. In relation to noise complaints, the applicant has set out a revised complaints procedure, whereby complaints will be responded to in 48 hours and investigated and closed within 72 hours.
- 7.3.15. I note from the noise and vibration assessment submitted with the application that reasonable noise sensitive locations were assessed including two receptor locations

at Clash Road, which I consider to be the most noise sensitive interface given the proximity to the main building part of the site. Sources of noise at both operational and construction stage are identified including lorries, dumpers, lifting platforms, tools (construction stage), and casing/dust collectors and exhausts at operational stage. The applicant submits that the two main stages of noise generation, from the construction stage and from the operational stage, can be adequately mitigated through standard construction management procedures, the provision of acoustic barriers at roof level during operation, attenuators on equipment and provision of a noise complaints procedure.

- 7.3.16. I have reviewed the submitted noise and vibration assessment at application stage and further information stage. I note the overall noise levels with mitigation applied are within the standard day, evening and night time noise levels of 55dBA, 50dBA and 45dBA when measured at the three noise sensitive locations. Industrial development at the subject site is supported by Development Plan Policy and a certain level of noise can be reasonably expected at this strategic employment location. Construction impacts would be short term and temporary in nature and I note the 18-24 month period specified by the applicant, which does not correlate with the claimed 4-year construction period by the appellants. I therefore consider the findings of the noise and vibration assessment to be acceptable. If the Commission are minded to grant permission, an appropriate condition requiring a detailed noise monitoring process would be adequate to ensure appropriate noise levels are achieved in the context of residential amenity during both construction and operational phases, along with other conditions requiring a record of complaints as provided for in Condition 33 of the Planning Authority grant of permission.

#### Air Quality

- 7.3.17. The appeals and observations raise concerns in relation to air quality/dust impacts at construction and operational phases, including associated health impacts on the local population.
- 7.3.18. The applicant provided a response to these appeal items, with reference to the Environmental Report submitted at application stage. With reference to the Institute of Air Quality Management (IAQM) guidance document on the treatment of air, the applicant assessed the impact from construction stage on air quality is considered to

be short-term, slight-negative. To effectively manage air quality the submitted CEMP includes a number of construction stage mitigation measures to reduce impacts on air quality. Conditions on the Planning Authority grant of permission are also noted including wheel wash facilities, control of waste, management of dust and odour, implementation of the CEMP and management of mud, dust and debris in relation to the public road.

7.3.19. I have reviewed the Environmental Report submitted by the applicant and their response to the appeal. I consider the more significant period for impacts on nearby, sensitive residential receptors to be during the construction phase, with operational airborne impacts being limited to process salts/powder handling equipment emissions and HVAC exhausts. I consider the operational phase mitigation measures of dust collectors and the technical requirements of sealed containers being adequate to manage operational stage impacts. For the construction stage, standard construction mitigation measures are noted. I am conscious of the impact of the development a large scale project adjacent to a boundary with a more environmentally sensitive use, such as residential, and the impact this may have on established amenities. However, if appropriately managed, construction impacts in relation to air quality would be short-term and temporary and are acceptable subject to the attachment of appropriate conditions, if the Commission are minded to grant permission.

#### **7.4. Other Matters**

7.4.1. The third-party appeals raise a number of procedural issues generally in relation to the application. These issues relate to the number and location of site notices, consultation with the public, the public/private status of the industrial estate roads, and non-compliance with previous permissions.

7.4.2. Issues associated with validation of applications, enforcement issues and provision of appropriate information, as raised by the appellant are noted. However, any issues with the validation of applications and compliance with previous permissions on site are a matter for the Planning Authority. Validation and enforcement are not matters for the Commission and I do not propose to address these issues in this report.

- 7.4.3. The observations to the appeal submit that the applicant has divided the overall proposal into numerous applications to mask the enormity of the development and associated negative impact. The observers submit 'Salts 1' and 'Salts 2' should at least have been done as one application.
- 7.4.4. The applicant has submitted that commercial decision making, particularly with industrial developments, sometimes requires flexible decision making and that the requirement for 'Salts 2' arose following the granting of permission for 'Salts 1'.
- 7.4.5. I am satisfied that it is within the remit of the applicant to submit separate applications for their landholding as the need arises. Adequate consideration of cumulative effects with 'Salts 1' has been provided in the submitted documentation, including in relation to EIA screening. I am satisfied that cumulative effects have been adequately assessed and as set out under Section 7.2 of this report, the overall cumulative effect in terms of visual impact is considered to be 'Significant' and 'Negative' in the context of the adjoining residential use.

## **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 not 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 Water framework Directive**

9.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives based on the mitigation measures, drainage arrangements and management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

## **10.0 Recommendation**

I recommend that permission is REFUSED for the following reasons and considerations.

## 11.0 Reasons and Considerations

11.1.1. Having regard to the provisions of Objective 18-5 and Objective LI-GO-05 of the Cork County Development Plan 2022-2028 and the provisions of the Building Height Guidelines (2018), it is considered that the proposed scale, mass and visual impact of the proposal is excessive, particularly in the context of adjoining residential development, which would result in an inadequate level of transition to adjoining properties in a more environmentally sensitive zone and therefore constitutes overdevelopment of the subject site and inappropriate treatment of the more sensitive land use zoning, which is residential in this instance. The proposed development would, therefore, 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.

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Matthew McRedmond  
Senior Planning Inspector

8<sup>th</sup> August 2025

### Form 1 - EIA Pre-Screening

<b>Case Reference</b>	ABP-322389-25
<b>Proposed Development Summary</b>	Extension to existing processing and warehouse facility to provide building of approx. 28m in height.
<b>Development Address</b>	Little Island Industrial Estate, Ballytrasna, Little Island, 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><b>State the Class and state the relevant threshold</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 Schedule 7A information submitted proceed to Q4. (Form 3 Required)</b></p>	<p><b>State the Class and state the relevant threshold</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 development on a 3.9-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><b>Yes</b> <input checked="" type="checkbox"/></p>	<p><b>Screening Determination required (Complete Form 3)</b></p>
<p><b>No</b> <input type="checkbox"/></p>	

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



### Form 3 - EIA Screening Determination

A. CASE DETAILS		
<b>An Bord Pleanála Case Reference</b>	<b>ABP-322389-25</b>	
<b>Development Summary</b>	<b>Extension to existing warehousing and production building and all associated site works.</b>	
	<b>Yes / No / N/A</b>	<b>Comment (if relevant)</b>
<b>1. Was a Screening Determination carried out by the PA?</b>	<b>Yes</b>	
<b>2. Has Schedule 7A information been submitted?</b>	<b>Yes</b>	<b>EIA Screening Report submitted by the applicant</b>
<b>3. Has an AA screening report or NIS been submitted?</b>	<b>Yes</b>	<b>AA Screening Report and NIS submitted</b>
<b>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?</b>	<b>N/A</b>	
<b>5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been</b>	<b>N/A</b>	

carried out pursuant to other relevant Directives – for example SEA			
<b>B. EXAMINATION</b>	<b>Yes/ No/ Uncertain</b>	<b>Briefly describe the nature and extent and Mitigation Measures (where relevant)</b>  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)  <b>Mitigation measures</b> –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	<b>Is this likely to result in significant effects on the environment?</b>  <b>Yes/ No/ Uncertain</b>
<b>This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith</b>			
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)			
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	<b>No</b>	<b>This warehouse extension development is a natural extension of industrial type development in the surrounding area. Road connections and landscaping are proposed to assimilate the proposal into the existing environment. The proposed height is c.28m, which is similar the Phase 1 element of this site which was permitted under 22/6724</b>	<b>No</b>

<p><b>1.2</b> Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?</p>	<p><b>Yes</b></p>	<p>The site is currently in use as a hardstanding/apron area for the phase 1 industrial development and adjoining units. The development of this industrially zoned site will result in a building of height that will be visible from the surrounding area.</p>	<p><b>No.</b></p>
<p><b>1.3</b> 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?</p>	<p><b>Yes</b></p>	<p>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.</p> <p>The proposed development is located on previously disturbed ground that will be temporarily disturbed as a result of development works.</p> <p>The removal of material from the site is addressed in the Construction Environmental Management Plan (CEMP) prepared by the applicant.</p> <p>Water will be sourced from the existing public mains supply with no new connection required. The proposal will lead to an increase in water usage.</p> <p>In relation to biodiversity, the planning application includes an Ecological Impact Assessment.</p>	<p><b>No</b></p>

		<b>No significant effects on the environment are anticipated as a result of materials used in the construction process.</b>	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	<b>Maybe</b>	<p><b>Waste arising during the construction stage of the proposed development will be managed in accordance with the procedures to be outlined in a final Waste Management Plan.</b></p> <p><b>Construction best practice measures (of relevance in respect of any potential ecological impacts) will be implemented throughout the project, including the preparation and implementation of detailed method statements.</b></p> <p><b>Construction waste generated will include the main non-hazardous items:</b></p> <ul style="list-style-type: none"> <li>• <b>Stones/bedrock, topsoil and subsoil</b></li> <li>• <b>Concrete, brick, tiles and ceramics</b></li> <li>• <b>Asphalt, tar and tar products</b></li> <li>• <b>Plasterboard</b></li> <li>• <b>Scrap Metal</b></li> <li>• <b>Cardboard (packaging)</b></li> <li>• <b>Plastic (wrapping, packaging)</b></li> <li>• <b>Waste wood</b></li> <li>• <b>Paper</b></li> </ul> <p><b>The hazardous waste streams may include the following;</b></p>	<b>No</b>

		<ul style="list-style-type: none"> <li>• <b>Wood Preservatives</b></li> <li>• <b>Oils/Fuels from machinery &amp; equipment</b></li> </ul> <p>There is also the possibility that buried waste asbestos may be encountered during excavation. If this does occur a specialist contractor will be used.</p> <p>The management of waste generation during the operational phase will replicate existing waste practices. The continued use of licenced recycling and recovery facilities (off-site) for its waste streams will ensure long term impact of waste generation is minimised.</p>	
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	<b>No</b>	<b>No major pollutants expected. Subject to waste management practices outlined in submitted documents, no hazardous or noxious substances are expected.</b>	<b>No</b>
<b>1.6</b> 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?	<b>No</b>	<b>Stormwater Drainage</b> <b>A new stormwater drainage network will be constructed to collect, convey, attenuate and discharge all runoff from the proposed roof and hardstanding areas. This collected waste water will be directed to the existing storm water attenuation tank located south of the Finished Goods Warehouse. A new stormwater network with hydro brake will be constructed for the South west Yard</b>	<b>No</b>

		<p>to limit discharge to greenfield run off rate and any runoff will be treated for silt and hydrocarbon contamination. A full retention interceptor will be installed.</p> <p><b>Foul Water Drainage</b></p> <p>A new foul drainage network will be constructed to convey sanitary waste to the site's existing foul network before discharging to Uisce Eireann foul sewer where it is ultimately treated in Carrigrennan WWTP.</p> <p>In addition, a new foul connection will be required for the proposed canteen and toilet in the South West Yard, where it will connect to Uisce Eireann's foul sewer.</p> <p>Generally, double contained polypropylene lines and leak detection will be facilitated via weepholes in the manholes to prevent leakage.</p>	
<p><b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?</p>	<p><b>Yes</b></p>	<p>During the construction and operational phases, the project will have the potential to generate pollution or potential nuisance associated with dust, odour, litter and birds, vermin and Traffic.</p> <p>Best practice methods will be utilised during construction to mitigate potential impacts from pollution on the local environment in relation to dust control.</p>	<p><b>No</b></p>

		<p>There is not anticipated to be any odour issues at construction or operational phases.</p> <p>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.</p> <p>Litter/Birds and pests are managed on an ongoing basis as a food company that requires a clean environment.</p> <p>Traffic impact at construction stage is expected to be short term and not significant to slight. Traffic impacts at operational stage are considered to be imperceptible.</p> <p>Significant impacts are unlikely to arise.</p>	
<p><b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?</p>	<p><b>Yes</b></p>	<p>During the construction stage there is a potential for polluting matter to enter onto land, water and ground water.</p> <p>The project is not of a type/ form that would be expected to have impacts on human health. During the construction stage there is a potential for polluting matter to enter onto land, water and ground water.</p> <p>Standard preventative measures are provided as part of the project, which will be carried out in accordance with best</p>	<p><b>No</b></p>

		<p>practice and specific controls will be put in place to manage risks. These measures are captured in the enclosed CEMP. It is noted that the measures included are best practice and have not been included to avoid or reduce harmful effects on any European site.</p> <p>Once operational, there are no foreseen risks to human health.</p>	
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	<b>Yes</b>	<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>Stormwater drainage design is considered appropriate to manage pluvial flood risk for 1 in 30 year rainfall events.</p>	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	<b>Yes</b>	<p>The proposal is considered to provide a positive impact through provision of employment in the area.</p> <p>Negative impacts are possible in relation to visual and sunlight/daylight impacts to adjoining residential communities.</p>	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	<p>Cumulative impacts with other industrial development in the area have been considered and are not likely to give rise to significant impacts.</p>	<b>No</b>



		<p>The proposed development is located on a site which is zoned as “Existing mixed/General Business/Industrial Uses” in the Cork County Development Plan 2022-2028.</p> <p>The project is consistent with the Development Plan vision for the County, the relevant site land use zoning objective and the overarching objectives for industrial development contained within the Development Plan.</p>	
<b>2. Location of proposed development</b>			
<p><b>2.1</b> 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"> <li>- European site (SAC/ SPA/ pSAC/ pSPA)</li> <li>- NHA/ pNHA</li> <li>- Designated Nature Reserve</li> <li>- Designated refuge for flora or fauna</li> <li>- 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</li> </ul>	<b>Yes</b>	<p>The proposed development is not located within any of these areas but is proximate to the Cork Harbour SPA and Great Island Channel SAC (European Sites).</p> <p>The Screening for Appropriate Assessment prepared by the applicant concludes that it is not possible to rule out significant impacts of the proposed Phase 1 and Phase 2 developments on European Sites, either alone or in combination with other plans and/or projects. This was due to possible changes to water quality during construction and operational phases. Therefore, Stage 2 Appropriate</p>	<b>No</b>

		<b>Assessment(s) is required and an NIS was submitted with the application.</b>	
<b>2.2</b> 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?	<b>No</b>	<b>An Ecological Impact Assessment was submitted by the applicant. The following conclusions were provided:</b> <ul style="list-style-type: none"> <li>• Existing habitats at the site have negligible value for mammals, birds, invertebrates, amphibians and other species</li> <li>• No difficulties in implementing mitigation measures</li> <li>• No wetland or watercourses on or adjacent to site.</li> <li>• No spread of invasive species will occur</li> <li>• No significant impacts on designated sites were identified</li> <li>• Short term impact on birds and mammals from noise and disturbance during construction. Overall impacts will be imperceptible.</li> </ul>	<b>No</b>
<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	<b>No</b>	The proposed development is located in a surfaced yard that has been previously disturbed and is not considered to be of archaeological potential. Likewise the South West Yard is brownfield and has been used for set down, storage and parking and is unlikely to contain any archaeological features.	<b>No</b>

		There are no protected structures within the boundary of the site and the NIAH does not list any upstanding building or structures for the lands. There is therefore considered to be no direct impact on known architectural and cultural heritage.	
<b>2.4</b> 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?	<b>No</b>	<p>The Ecological Impact Assessments (EclA) prepared by the applicant for each Phase of development concludes that provided the mitigation measures outlined in the EclAs are effectively implemented, no significant negative ecological impacts as a result of the proposed Project are expected.</p> <p>The development will connect into existing services.</p> <p>This area has the ability to absorb the proposed development. The proposed operational phase of the development will not have any out of the ordinary impacts on natural resources.</p> <p>Having regard to the character of the receiving environment and the surrounding area, the Project will not individually or cumulatively significantly impact on the integrity of any main habitats.</p>	<b>No</b>

		<b>By association, the Project will not, individually or cumulatively, significantly impact on the relative abundance, quality and regenerative capacity of natural resources in the area during construction and / or operational phases.</b>	
<b>2.5</b> 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?	<b>No</b>	<b>The proposed development site is not within or directly connected to any water body, coastal zone or marine environment.</b>	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	<b>N/A</b>	<b>No</b>
<b>2.7</b> 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?	<b>No</b>	<b>The site is located within an urban area that is zoned for industrial development. Traffic impacts are considered to be imperceptible in the operational phase.</b>	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	<b>No</b>	<b>The site is an undeveloped industrial site at present. There are no sensitive land uses such as schools or hospitals located in the surrounding area.  It is considered that the site is located within a robust suburban area consolidating the existing built form that will be developed in line with the underlying land zoning and objectives</b>	<b>No</b>

		contained within the Cork County Development Plan 2022-2028 and as such sensitive land uses will not be unduly impacted by the proposed development.	
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>			
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	<b>No</b>	<p>Cumulative impacts with other industrial development permitted and applied for in the area have been considered and are not likely to give rise to significant impacts.</p> <p>The proposed development includes Phase 2 of a production building expansion (Salts Building). Phase 1 of the production building expansion was granted planning permission in June 2023 under Cork CC Ref. 22/6724. The cumulative effects of phase 1 and 2 are considered together.</p> <p>There are no significant third party development planned in the vicinity, which would give rise to significant cumulative impacts.</p>	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	<b>N/A</b>	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>		

## C. CONCLUSION

No real likelihood of significant effects on the environment.	<input checked="" type="checkbox"/>	EIAR Not Required
Real likelihood of significant effects on the environment.	<input type="checkbox"/>	EIAR Required

## D. MAIN REASONS AND CONSIDERATIONS

### ***EIAR not Required***

Having regard to: -

- the criteria set out in Schedule 7, in particular
  - the **limited** nature and scale of the proposed **industrial** development, **in an established industrial area served by public infrastructure**
  - the absence of any significant environmental sensitivity in the vicinity, **and the location of the proposed development outside of the designated archaeological protection zone**
  - 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 provide a high quality design and a detailed landscape plan to mitigate the visual impact of the proposal**

The Commission 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** \_\_\_\_\_

**Approved (DP/ADP)** \_\_\_\_\_

**Date** \_\_\_\_\_

**Date** \_\_\_\_\_

## Appendix 2 – AA Screening

Screening for Appropriate Assessment Test for likely significant effects	
<b>Step 1: Description of the project and local site characteristics</b>	
<b>Brief description of project</b>	The proposed development is for an industrial warehouse and processing facility extension at Little Island Industrial Estate, Ballytrasna, Little Island, Co. Cork. I have provided a detailed description of the proposed development elsewhere in my Inspector's Report in relation to this appeal.
<b>Brief description of development site characteristics and potential impact mechanisms</b>	<p>It is proposed to construct an extension to the production building and warehousing facility at the PepsiCo Campus, Little Island Industrial Estate.</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 a 4 level building extension with a floor area of approximately 12,207sqm to a maximum height of 28.2m, new vehicle entrance from local Road L7088-2, 2no. HGV dock leveler stations and HGV staging area, new compound area at South West yard, communications building, car parking and all associated works.</p> <p>Potential impacts arise during construction, noise and light spill during operation, stormwater run-off and wastewater run-off.</p> <p>The Cork Harbour SPA is located c. 0.5km south and the and Great Island Channel SAC is located approximately c. 0.9km to the southeast.</p>
<b>Screening report</b>	Yes, screening report provided by the applicant, prepared by Dixon Brosnan Environmental Consultants.
<b>Natura Impact Statement</b>	Yes, NIS submitted by the applicant and prepared by Dixon Brosnan Environmental Consultants.
<b>Relevant submissions</b>	<p>Third Party Submissions – Queried potential impacts on European Sites as a result of lighting impacts and spread of invasive species.</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 interests <sup>1</sup> Link to conservation objectives (NPWS, date)	Distance from proposed development (km)	Ecological connections <sup>2</sup>	Consider further in screening <sup>3</sup> Y/N
Great Island Channel SAC (001058)	Mudflats and sandflats not covered by seawater at low tide [1140]  Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1130]  <a href="#">Cork Harbour SPA   National Parks &amp; Wildlife Service</a>	0.9km southeast	Yes, proximity and potential reduction in water quality to the Great Island Channel SAC.  Loss of habitat. Surface water discharge during construction and operation. Process/foul/firewater discharge during operation. Noise and disturbance. Spread of invasive species. In-combination impacts.	Y
Cork Harbour SPA (004030)	Bird of Special Conservation Interest (SCI):  Little Grebe (Tachybaptus ruficollis) [A004]  Great Crested Grebe (Podiceps cristatus) [A005]  Cormorant (Phalacrocorax carbo) [A017]	0.5km south	Yes, proximity and potential reduction in water quality to the Cork Harbour SPA.  Loss of habitat. Surface water discharge during construction and operation. Process/foul/firewater discharge during operation.	Y

<p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <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><b>Noise and disturbance.</b></p> <p><b>Spread of invasive species.</b></p> <p><b>In-combination impacts.</b></p>	
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	Common Tern (Sterna hirundo) [A193]  Wetland and Waterbirds [A999]  <a href="#">Great Island Channel SAC</a> <a href="#">National Parks &amp; Wildlife Service</a>			
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<sup>1</sup> Summary description / **cross reference to NPWS website** is acceptable at this stage in the report

<sup>2</sup> Based on source-pathway-receptor: Direct/ indirect/ tentative/ none, via surface water/ ground water/ air/ use of habitats by mobile species

<sup>3</sup>if no connections: N

Given the proximity of the site to Great Island Channel SAC and Cork Harbour SPA, potential effects could occur due to habitat loss, surface water run off during construction and operation, foul water discharge during operation, and spread of invasive species will all require management to avoid impacts on SC.

Significant effects from other pathways have been ruled out i.e., habitat loss, impacts from foul water discharge, impacts from noise and disturbance.

### **Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites**

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 production building and compound yard development require consideration.

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

#### **AA Screening matrix**

<b>Site name Qualifying interests</b>	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 1: Great Island Channel SAC (001058)</b> QI list: <ul style="list-style-type: none"> <li>▪ 1140 Mudflats and sandflats not covered by seawater at low tide</li> <li>▪ 1330 Atlantic salt meadows (Glauco-Puccinellietalia maritima)</li> </ul>	Direct: No direct impacts within the SAC.  Indirect: Given the proximity of the site to Great Island Channel SAC, and hydrological connection via the existing sewerage network potential effects could occur due to impacts on water quality from surface water	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 water quality arising from surface water run-off.

	<p>runoff during the construction and operational phases.</p> <p>Significant effects from other pathways have been ruled out i.e., habitat loss, impacts from spread of invasive species, noise and disturbance, primarily due to the developed nature of the site where there are no established areas of vegetation to provide quality habitats and a baseline of noise and disturbance from artificial lighting already occur. No high risk invasive plant species is identified within the site, therefore no impact on qualifying interests.</p>	Possibility of significant effects cannot be ruled out without further analysis and assessment.
	<b>Likelihood of significant effects from proposed development (alone): Y</b>	
	<b>If No, is there a likelihood of significant effects occurring in combination with other plans or projects? N/A</b>	
	<b>Possibility of significant effects (alone) in view of the conservation objectives of the site*</b>	
	<b>Impacts</b>	<b>Effects</b>
<b>Site 2: Cork Harbour SPA (004030)</b> 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]	<p>Direct: No direct impacts within the SAC.</p> <p>Indirect:  Given the proximity to the Cork Harbour SPA, disturbances during the construction phase and operational phase could potentially impact on SCI species.</p> <p>Given the hydrological connection via the existing sewerage network potential effects could occur due to impacts on water quality from surface water runoff during the construction and operational phases.</p>	<p>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 to the existing environment.</p> <p>The possibility of significant effects cannot be ruled out without further analysis and assessment.</p>

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 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]	Significant effects from other pathways have been ruled out i.e., habitat loss, impacts from spread of invasive species, noise and disturbance primarily due to the developed nature of the site where there are no established areas of vegetation to provide quality habitats and a baseline of noise and disturbance from artificial lighting already occur. No high risk invasive plant species is identified within the site, therefore no impact on qualifying interests.	
	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		

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 during the construction and operational phases.

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.

**Proceed to AA Stage II.**

## 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

### Cork Harbour SPA (Site Code 004031)

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

- Impacts from surface water runoff/discharges during construction
- Impacts from surface water runoff/discharges during operation
- In-combination impacts.

See Section 5.3 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 at FI stage to take account of revised stormwater management)</p> <p><b>Additional mitigation measures are provided in the</b></p>

			<b>outline Construction and Environmental Management Plan (CEMP) (Section 4).</b>
<p>Bird of Special Conservation Interest (SCI):</p> <p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <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>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 intensity of use of areas by the SCI birds other than that occurring from natural patterns of variation.</p> <p>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.</p> <p>To maintain permanent extent of Habitat area.</p>	<p>Section 5.3.1 of the NIS identifies potential sources of impact that include pollution to Cork Harbour SPA from surface water run-off at both construction and operational phases.</p> <p>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.</p> <p>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.</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</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 management, concrete control measures, chemical storage, sediment control measures and foul and surface water drainage.</p> <p>Additional measures are outlined in relation waste management, traffic management, air quality, surface water/groundwater and soil protection in the CEMP.</p>

Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]		foraging range and intensity for SCI species.	
Bar-tailed Godwit ( <i>Limosa lapponica</i> ) [A157]		Anecdotal evidence of pluvial flooding in the south west yard and due to the surface water sewer connecting to Lough Mahon, there is potential for discharge to the Cork Harbour SPA.	
Curlew ( <i>Numenius arquata</i> ) [A160]			
Redshank ( <i>Tringa totanus</i> ) [A162]			
Black-headed Gull ( <i>Chroicocephalus ridibundus</i> ) [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]			

## 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 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.

### **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)

### Appendix 3

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-322389-25	Townland, address	PepsiCo Campus, Little Island Industrial Estate, Ballytrasna, Little Island, Co. Cork
Description of project		Processing and warehouse facility, compound, communications buildings, new entrances and road upgrades and all associated works.	
Brief site description, relevant to WFD Screening,		Site is located at Little Island Industrial Estate, at the south end of Local Road L-7088. The site is relatively flat and is not connected to any identifiable watercourses. Excess storm water will connect to the existing network and ultimately drain to Lough Mahon that connects to Cork Harbour (0.5km to the south). A water quality monitoring station is located approx. 2km southwest of the site within the harbour at Lough Mahon and the site is located within the Lee, Cork Harbour and Youghal Bay catchment.	
Proposed surface water details		Connection to existing storm sewer beneath public road.	
Proposed water supply source & available capacity		Connect to existing supply. Uisce Eireann confirmed capacity available without upgrades.	
Proposed wastewater treatment system & available capacity, other issues		Uisce Eireann Wastewater connection available without upgrades.	

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)
River Waterbody	1.5km north	Tibbotstown_010 IE_SW_19M300900	Good	Review	Urban run off	Yes – stormwater ultimately drains to Lough Mahon via stormwater sewer to Carrigrennan Municipal WWTP. SuDs features drain to ground water following attenuation.
Groundwater Waterbody	Underlying site	Little Island IE_SW_G_090	Good	Not at Risk	Ground	Yes, via groundwater
Transitional Waterbody	0.7km east	Lough Mahon IE_SW_170_0000	Moderate	At risk	Urban run off	Yes – stormwater ultimately drains to Lough Mahon via stormwater sewer to Carrigrennan Municipal WWTP. SuDs features drain to

							ground water following attenuation.
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.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
1.	River	Tibbotstown_010 IE_SW_19M3 00900	None. Upstream and culverted for majority of path.	Siltation, pH (Concrete), hydrocarbon spillages	Standard construction practice CEMP	No, due to separation distance and location.	Screened out
2.	Ground	Little Island IE_SW_G_09 0	Yes pathway exists via moderate drainage characteristics	Spillages	As above	Yes – drainage characteristics warrants further assessment.	Screened in.
3.	Transitional	Lough Mahon IE_SW_170_0000	Yes. Pathway via drainage characteristics.	Spillages	As above	Yes – drainage characteristics warrant further assessment.	Screened in.

OPERATIONAL PHASE							
1.	River	Tibbotstown _010 IE_SW_19M3 00900	None. Upstream and culverted for majority of path.	Hydrocarbon spillage/siltation	Connection to existing storm sewer network/SuDs	No, due to separation distance and location. No connection.	Screened out
2.	Ground	Little Island IE_SW_G_09 0	Yes pathway exists via moderate drainage characteristics	Spillages	As above	Yes. Drainage characteristics warrant further assessment	Screened in
3.	Transitional	Lough Mahon IE_SW_170_ 0000	Pathway exists but poor drainage characteristics	Spillages	As above	Yes – drainage characteristics warrant further assessment.	Screened in
DECOMMISSIONING PHASE							
5.	N/A						
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 mitigation methods described in the Construction Environmental Management Plan including: <ul style="list-style-type: none"> <li>• Suspend works during wet conditions</li> <li>• Management of soil</li> <li>• Fuel and chemical</li> </ul>	Site specific mitigation methods as described.	Site specific mitigation methods as described.	Site specific mitigation methods as described.	YES

	<p>handling to include bunding, check for leaks, labelling</p> <ul style="list-style-type: none"> <li>• Availability of spill kits</li> </ul> <p>Site specific construction mitigation methods including:</p> <ul style="list-style-type: none"> <li>• Good practice, standard construction methodologies to reduce surface water run-off during construction</li> <li>• Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.</li> <li>• Management of sediment and silt levels within the site.</li> </ul>				
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Stormwater drainage	Adequately designed SUDs features, permeable paving and attenuation	SuDS features as described	SuDS features as described	SuDS features as described	YES
Details of Mitigation Required to Comply with WFD Objectives					
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 processing and warehouse facility	Site specific construction mitigation methods including:  • Good practice, standard construction methodologies to reduce	Site specific mitigation methods as described.	Site specific mitigation methods as described	Yes	



	<p>surface water run-off during construction</p> <ul style="list-style-type: none"> <li>• Appropriate management of chemical storage including spillage procedures, bunded storage areas, security, management of refuelling practices, leakages.</li> <li>• Management of sediment and silt levels within the site.</li> </ul>			
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