

Port of Cork Company

s. 291 Maritime Area Planning Application for: the Redevelopment of Port Facilities at Ringaskiddy, Co. Cork

Appendix D

PA0035 (as altered) Compliance Report

Review of Compliance with Conditions of
Strategic Infrastructure Development Approval, 04.PA0035, as altered by
04.PM0010, further altered by PM304437-19 and ABP 310847-2

Introduction

This report has been prepared by McCutcheon Halley, on behalf of the Port of Cork Company, to accompany a planning application for the completion of the redevelopment of port facilities at Ringaskiddy as permitted under PA0035, as altered by PM0010, 304437-19 and 310847-21.

The purpose of this report is to:

- Summarise the planning conditions applied to the as permitted development,
- Detail the status of compliance with the relevant conditions,
- Consider whether a comparable condition is relevant to the proposed development.

POCC was granted a 10-year Strategic Infrastructure Development (SID) permission by An Bord Pleanála on 28th May 2015, planning reference PA0035. The conditions of PA0035 are set out in Table 1.

POCC was granted an alteration to the SID by an Bord Pleanála on 20th July 2016, planning reference PM0010. The conditions of PM0010 are set out in Table 2.

In July 2019, under Planning Reference 304437-19, the SID permission was altered to increase the size of the as permitted Custom Inspection Building, from 324 m² to 648 m². The SID was altered as a non-material change and there was no change to the conditions applicable to the development, or the schedule of mitigation measures.

In October 2021, under Planning Reference PM 310847-21, the SID permission was altered to allow for minor changes to the existing ferry terminal, changes to a noise barrier, car parking and installation of four modular buildings as

staff welfare facilities. The SID was altered as a non-material change and there was no change to the conditions applicable to the development, or the schedule of mitigation measures.

Table 1 Conditions of SID 04.PA0035

Condition	Compliance summary	Relevance of Condition to Proposed Development
1 The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further information received by An Bord Pleanála on the 15th day of August, 2014 the oral hearing submissions, and the further information received by An Bord Pleanála on the 11th day of February, 2015, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.	Constructed elements of the SID have been carried out in accordance with condition 1.	Comparable condition relevant
2 The period during which the proposed development hereby permitted may be carried out shall be 10 years from the date of this order.	Noted. The current application seeks a period of 10 years for the construction of the proposed development.	Comparable condition relevant
3 All environmental mitigation measures set out in the environmental impact statement, Natura impact statement, and associated documentation submitted by the applicant with the application, the further information responses and at the oral hearing, including the Schedule of Environmental Commitments, shall be implemented in full, except as may otherwise be required in order to comply with the conditions of this order.	The EIS Schedule of Commitments was complied with to the satisfaction of Cork County Council. The current application is accompanied by an Environmental Impact Assessment Report (EIAR), which includes a schedule of commitments associated with the proposed development.	Comparable condition relevant
4 Phase 3 of the proposed development (link-span bridge and berth to accommodate roll-on/roll-off freight traffic) shall not become operational until such time as the N28 and Dunkettle road upgrade schemes are completed.	Condition superseded by condition 4 of permission PM0010	See commentary under PM0010

Condition	Compliance summary	Relevance of Condition to Proposed Development
<p>5 Details of the operation of the proposed "Ringaskiddy Mobility Management Plan" (RMMP) (as outlined in section 8.7 of the environmental impact statement, and further described in submissions to the oral hearing) shall be agreed in writing with the planning authority at least six one months¹ prior to the coming into operation of the development. The agreement shall include details in relation to:</p> <ul style="list-style-type: none"> (a) Management system to be employed. (b) Monitoring arrangements to be employed, which shall enable direct remote access by the planning authority to port traffic information. (c) Reporting arrangements (including making information available to the public). (d) Review arrangements, whereby the agreement can be revised periodically. <p>All freight vehicles using the port facilities at Ringaskiddy shall be included in the vehicle booking system that forms part of the RMMP. The 'Do Minimum' traffic levels (referenced in section 8.7.1.1 of the environmental impact statement) shall be determined by reference to updated traffic surveys prior to commencement of operations. All costs associated with implementing the agreement shall be borne by the developer.</p>	<p>Cork County Council confirmed on 29th September 2021 –that submitted RMMP is compliant with Condition 5.</p>	<p>Submitted that a condition requiring the proposed development to operate in accordance with the RMMP as agreed, or subsequently modified by agreement, with Cork County Council, is appropriate.</p>
<p>6 Prior to commencement of development, final detailed design for the new port entrance, at the junction of the regional road R613 with the N28, shall be submitted to and agreed in writing with the planning authority. This shall include the details of pedestrian facilities.</p>	<p>New entrance was constructed as agreed in writing with the planning authority.</p>	<p>This condition is not relevant to the proposed development.</p>

¹ Period altered by Board order dated 3rd December 2021.

Condition	Compliance summary	Relevance of Condition to Proposed Development
7 The existing port entrance, adjacent to the junction of the L-2545 and the Loughbeg Road, shall not be used by Port related HGV traffic.	POCC continues to comply with the condition.	Comparable condition relevant
8 Noise levels emanating from the proposed development, when measured at noise sensitive locations, shall not exceed: 55dBA (30 minute LAR), between 0700 - 1900 hours 50dBA (30 minute LAR), between 1900 - 2300 hours 45dBA (15 minute LAeq), between 2300 - 700 hours Measurements shall be carried out in accordance with ISO recommendation R1996 parts 1, 2 & 3 "Description and Measurement of Environmental Noise, Part 1: Basic Quantities and Procedures".	Incorporated into POCC's Operational Management Plan, agreed in writing with Cork County Council. Quarterly reporting to Council's Environment Department continues.	Comparable condition relevant
9 The development shall be operated and managed in accordance with an Environmental Management System (EMS), which shall be submitted by the developer to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the following: (a) Proposals for the control of on-site noise. (b) Proposals for the suppression of dust on site. (c) Proposals for the covering of bulk goods vehicles leaving the site. (d) Measures to control the quality of surface water discharges. (e) Measures to minimise light pollution, including minimising non-essential lighting throughout the facility. (f) Scheduled night-time working shall be notified in advance to the planning authority and appropriate monitoring of noise emissions shall be undertaken as required by the planning authority. (g) A monitoring programme to include all relevant environmental parameters (including noise, dust, and surface water).	Incorporated into POCC's Operational Management Plan, agreed in writing with Cork County Council. Quarterly reporting to Council's Environment Department continues.	It is submitted that a condition requiring the proposed development to operate in accordance with the Environmental Management System as agreed, or subsequently modified by agreement, with Cork County Council, is appropriate.

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<ul style="list-style-type: none"> (h) Details of emergency action in the event of accidental spillage. (i) Details of site manager, contact numbers (including out of hours) and public information signs at the entrance to the facility. (j) Procedures to record and respond to public complaints (k) Reporting requirements to the planning authority, including an annual audit. <p>The annual audit report for the EMS shall be made publicly available, to the requirement of the planning authority.</p>		
<p>10 The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s). (b) Location of areas for construction site offices and staff facilities. (c) Details of site security fencing and hoardings. (d) Details of on-site car parking facilities for site workers during the course of construction. (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site. (f) Measures to obviate queuing of construction traffic on the adjoining road network. (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network. (h) Proposals for the suppression of on-site noise. 	<p>A Construction and Environmental Management Plan was agreed with Cork County Council prior to the commencement of development permitted by PA0035.</p> <p>An Outline Construction Environmental Management Plan accompanies this application. A detailed CEMP will be agreed with the Planning Authority prior to the commencement of the proposed development.</p>	<p>Comparable condition relevant</p>

Condition	Compliance summary	Relevance of Condition to Proposed Development
<ul style="list-style-type: none"> (i) Proposals for the suppression of dust on site. (j) Proposals for the suppression of vibration (associated with rock breaking, blasting or piling). (k) Proposals to minimise light pollution during construction. (l) Proposals to minimise odours (m) Proposals to ensure that quayside operations (including handling of any fill material brought ashore) provide proper control and treatment of surface water to avoid any discharge of polluting substances. (n) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater. (o) Management of construction/demolition waste, including area(s) identified for the segregation and storage of construction refuse and details of how it is proposed to manage excavated soil. <p>The plan shall include a comprehensive monitoring plan to include inter alia noise, vibration, and dust with regular reporting to the planning authority.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p>		
<p>11 The draft Schedule of Environmental Commitments submitted by the applicant to the oral hearing shall be updated to include the following requirements:</p> <ul style="list-style-type: none"> (a) Use of the berth and associated mooring dolphins where the colony of breeding terns has been recorded within the port by vessels directly or indirectly connected with port activities shall not occur between April and August (inclusive). (b) Within one breeding season of the commencement of development, the short-term measures as specified in the Recommendations Report 'Recommendations on Common Tern Nesting Habitat Improvement Measures in Cork Harbour' shall 	<p>The implementation of the Tern Nesting Habitat improvement measures has been extremely successful. The terns no longer breed on any mooring dolphins within the Ringaskiddy operational area. It is submitted that this conditions 11 (a), and (b) are not applicable to the proposed development.</p>	<p>Submitted that condition 11 (a) to (b) are not relevant to the proposed development.</p> <p>Condition 11(c) and (d) will be addressed by compliance with EIAR schedule of mitigation measures.</p>

Condition	Compliance summary	Relevance of Condition to Proposed Development
<p>be implemented in full. Each of the Nesting platforms will provide at a minimum equal nesting habitat extent as occurs on the existing dolphins, fitted with a wooden or metal perimeter edge (30 cm in height) to create a secure bund. A series of internal wooden baffles and built in chick shelters shall be constructed and the floor shall be covered with a layer of suitable coarse aggregate and mussel shells as nesting substrate.</p> <p>(c) Construction works at the shoreline adjacent to the ADM jetty shall be restricted to daylight hours in order to allow otters and other water birds to forage at dusk, through the night and at dawn.</p> <p>(d) The Marine Mammal Observer precautions, to be employed in the interest of protecting cetaceans during construction operations, shall extend to the dredging disposal operations.</p> <p>These requirements shall supersede the draft Schedule of Environmental Commitments submitted by the applicant to the oral hearing the proposed penultimate bullet point in section 17.12 of the draft shall not be included). The updated Schedule of Environmental Commitments shall be submitted to the planning authority prior to commencement of development and all commitments shall be implemented to the satisfaction of the planning authority.</p>	<p>In respect of condition 11 (d) the EIAR which accompanies the application includes mitigation measures to protect cetaceans during construction operations,</p>	
<p>12 If the proposed development is operational before wastewater treatment capacity is available in the Cork Lower Harbour Main Drainage Scheme to serve the proposed development, appropriate interim capacity for treatment and of domestic wastewater arising shall be provided on the site, the details of which shall be agreed in writing with the planning authority prior to commencement of development.</p>	<p>The Cork Lower Harbour Main Drainage Scheme has been completed and there is sufficient wastewater treatment capacity to serve the proposed development.</p>	<p>This condition is not relevant to the proposed development</p>

Condition	Compliance summary	Relevance of Condition to Proposed Development
<p>13. (a) The developer shall engage the services of a suitably qualified archaeologist, with underwater/maritime/marine dredging experience, to monitor all ground disturbance works associated with the development, including all dredging and reclamation activities, works in the vicinity of Paddy's Point and works associated with new access roadways near existing or previous foreshore areas.</p> <p>(b) Provisions shall be made to accommodate a monitoring archaeologist on board the dredging plant and sufficient monitoring staff shall be engaged to enable full monitoring of all works.</p> <p>(c) Provision for secure temporary storage facilities shall be made in advance so as to immediately house any finds recovered during the archaeological monitoring.</p> <p>(d) The archaeologist shall be licensed under the National Monuments Acts 1930-2004 and a detailed method statement shall accompany the licence application. Matters to be addressed in the method statement shall include the following:</p> <ul style="list-style-type: none"> (i) A detailed dredging monitoring strategy. (ii) A finds retrieval strategy for dredging activity. (iii) A strategy for the archaeological assessment of dredged material where it is being used in reclamation works. (iv) Inclusion of any areas of original ground/foreshore/seabed areas beneath previously reclaimed areas within the scope of archaeological monitoring. (iv) Measures to ensure that sufficient archaeological staff shall be in place to allow the full archaeological monitoring of all areas. <p>The planning authority shall be furnished with a report describing the results of the monitoring once completed.</p>	<p>Archaeological monitoring was undertaken for previous development phases. Archaeologist will be appointed to monitor future dredging works.</p>	<p>Comparable condition relevant</p>

Condition	Compliance summary	Relevance of Condition to Proposed Development
<p>14 (a) The applicant shall employ a suitably qualified archaeologist to fully survey, record, plan and photograph the sections of the boundary wall of Prospect Villa which are proposed for removal. The archaeologist shall monitor all demolition works and all groundworks required for the proposed development.</p> <p>(b) Subject to item (a) above, materials arising from the removal of Prospect Villa boundary wall shall be retained / salvaged for local reuse. Details of the nature and location of such use shall be agreed with the planning authority.</p>	<p>No work is proposed to the boundary wall of the former Prospect Villa as part of this proposed development.</p>	<p>This condition is not relevant to the proposed development</p>
<p>15 Prior to commencement of development, a comprehensive landscaping plan for the entire site shall be submitted to and agreed with the planning authority. Such plan shall particularly provide for additional landscaping along the northern site boundary of Ringaskiddy East.</p>	<p>Landscaping Plan was agreed with Cork County Council prior to the commencement of the development and has been implemented.</p> <p>The proposed development does not involve any additional landscaping proposals.</p>	<p>This condition is not relevant to the proposed development</p>
<p>16 Prior to commencement of development works in the vicinity of existing electrical infrastructure, details of the design and methodology for such works shall be agreed in writing with the planning authority. Works in proximity to power lines shall have regard to relevant published ESB guidelines, including "Code of Practice for Avoiding Danger from Overhead Electricity Lines", and other nationally accepted standards or guidelines.</p>	<p>No work is proposed in the vicinity of public electrical infrastructure.</p>	<p>This condition is not relevant to the proposed development</p>
<p>17 The developer shall make a financial contribution to the planning authority towards the following facilities that are considered a community gain in accordance with section 37(G) (7) (d) of the Planning and Development Act 2000, as amended: The creation of an enhanced public realm for Ringaskiddy village that improves the amenities of the village creating an attractive gateway to Ireland from the sea.</p>	<p>POCC paid the community gain contribution in full to Cork County Council. As this proposed development does not include any additional facilities it is considered the planning gain requirements for the overall development</p>	<p>This condition is not relevant to the proposed development</p>

Condition	Compliance summary	Relevance of Condition to Proposed Development
<p>These works shall follow a scheme to be prepared by a suitably qualified architect/landscape architect, focused generally in the area along the main road, between the western port entrance and Paddy's Point. The scheme shall include inter alia:</p> <ul style="list-style-type: none"> (a) Provision of improved, continuous footpath facilities from the port entrance extending to Paddy's Point. (b) Enhanced paving and edge treatment in the public realm. (c) Enhanced soft landscaping, including for the area of linear open space along the boundary with the Port (northern side of the road). (d) Enhanced street furniture. (e) Appropriate signage. <p>The amount to be contributed shall be agreed between the Port of Cork and the planning authority, and in any event shall not be less than €1,000,000.</p> <p>The planning authority shall be responsible for preparing and implementing the scheme, including a report to be made available for public inspection at the offices of the planning authority upon its completion, which should be within five years of the commencement of the construction phase of the proposed development. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. In default of agreement between the applicant and the planning authority, the matter shall be referred to An Bord Pleanála for determination.</p>	<p>have been discharged and that no further contributions should be levied.</p>	

Table 2: Compliance with Conditions of PM0010

Condition		
1. Apart from any departures specifically authorised by this alteration, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 21st May, 2015 under An Bord Pleanála Reference 04.PA0035, and any agreements entered into thereunder except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.	The proposed development will be carried out in accordance with the plans and particulars submitted with the application.	Addressed in table 1.
2. In addition to Condition number 3 of Reference 04.PA0035, all environmental mitigation measures set out in the environmental impact statement, Natura Impact Statement and associated documentation submitted by the applicant, received by An Bord Pleanála on 16 th December 2016, shall be implemented in full except as may be required in order to comply with the conditions attached to this order.	The mitigation measures detailed in the NIS were implemented in agreement with Cork County Council. A revised Natural Impact Statement accompanies this application and includes revised mitigation measures.	Addressed in table 1
3. Pending the completion of the N28 and Dunkettle road schemes, throughput at the permitted Ringaskiddy port facility shall be limited to 322,846 TEU. Prior to the commencement of operations at Ringaskiddy East the developer shall submit proposals for the monitoring of compliance with this limit for the written agreement of the planning authority.	TEU output has been consistently below limit set by the permission. The total TEU for Port of Cork in 2023 (which included TEU in Ringaskiddy & Tivoli) was 263,859.	Comparable condition relevant in respect of upgrade of the N28.
4. Phase 3 of the proposed development (provision of link span bridge and use of the berth to accommodate roll on / roll off freight traffic) shall not become operational until such time as the N28 and Dunkettle road upgrade schemes are completed. Pending completion of the road upgrade schemes, the container / multi-purpose berth 1 shall be modified for use for containers and general cargo as shown on the drawings submitted to the Board on 20th July	In line with this condition, the link span bridge has not been constructed and is included within the proposed development. The Dunkettle Road upgrade is now complete. The N28 road scheme has	Comparable condition relevant in respect of upgrade of the N28.

Condition		
2016, as amended by drawings received on 16 th December 2016. In the interests of clarity, this condition supersedes Condition number 4 attached to An Bord Pleanála Reference 04.PA0035.	commenced. POCC accept that a condition restriction the operation of the link span bridge pending the completion of the N28 upgrade continues to be appropriate.	
5. Low frequency alarms as provided for at Chapter 9 of the submitted Environmental Impact Statement, received by An Bord Pleanála on 16 th December 2016, shall be fitted to all equipment to be operated on site.	Incorporated into POCC's Operational Environmental Management Plan, agreed in writing with Cork County Council.	Comparable condition relevant.
6. The proposed maintenance building shall not exceed 22.5 metres in height. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of permission.	The maintenance building has been constructed in compliance with this condition. The application does not include any development to the maintenance facility.	This condition is not relevant to the proposed development.
7. Operation of the maintenance facility shall be restricted to 08.00 hours to 18.00 hours Monday to Friday inclusive, between 08.00 hours to 14.00 hours on Saturdays and not at all on Sundays and public holidays.	The application does not include any development to the maintenance facility.	This condition is not relevant to the proposed development.