

The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

16 December 2016

Re: ABP Ref. No. 04.PM0010. Proposed alterations to the permission granted to the Port of Cork Company under 04.PA0035 for the Redevelopment of the Port at Ringaskiddy, Co. Cork

Dear Sir / Madam,

On behalf of the Port of Cork Company, Custom House Quay, Cork we hereby respond to the letter issued by An Bord Pleanála on 28th October 2016 advising that an Environmental Impact Statement (EIS) is required in accordance with the provisions of Section 146C of the Planning and Development Act, 2000, as amended.

As requested by the Board this submission includes:

1. An Environmental Impact Statement;
2. Larger-scale, more detailed drawings and a Design Report that show the proposed building alterations in the context of the overall redevelopment of the site (see drawing schedule attached as Appendix 1 to this cover letter);
3. A series of coloured drawings of the proposed site layout that depict the proposed phasing of development from commencement up to full implementation of the overall redevelopment (see Drawings PL-0009-B and PL-0010-A and Section 3.4 of Chapter 3 of the EIS);
4. A visual impact assessment which includes more photomontages and additional views from Ringaskiddy village (Chapter 7 of the EIS);
5. A more detailed noise impact assessment for the construction and operational stages of the redevelopment which includes a comparative assessment of the operational noise conditions associated with straddle carriers as compared with the permitted container handling system (Chapter 9 of the EIS)
6. A more detailed traffic and transportation impact assessment (Chapter 8 of the EIS);
7. A response to the third-party observations received by the Board up to 7th October 2016 (Chapter 17 of the EIS and Appendix 2 to this cover letter).
8. A copy of the proposed public notice which is attached as Appendix 3 to this cover letter.

1. The Environmental Impact Statement

In preparing the Environmental Impact Statement we have had due regard to the advices and/or directions of the Board in its letter of the 28th October 2016.

www.mhplanning.ie

McCutcheon Halley is a limited partnership registered under the Limited Partnerships Act, 1907, registration no. LP512. Registered in Ireland No. 326490. Registered office: 6 Joyce House, Barrack Square, Ballincollig, Co. Cork. Directors: Brian McCutcheon, BA(Econ) DipIP DipGIS MIPI (Chairman). Tom Halley, BA(Mod), MRUP BSc ARCH(Hons) Cert. Civil Eng. MIPI.

Also in DUBLIN
Kreston House, Arran Court
Arran Quay, Dublin 7
D07 K271
T. +353 (0)1 676 697
E. info@mhplanning.ie

CORK
6 Joyce House, Barrack Square
Ballincollig, Co. Cork
P31 YX97
T. +353 (0)21 420 8710
E. info@mhplanning.ie

We have included, as Appendix 15.1 of the EIS, a screening report for appropriate assessment and a Natura Impact Statement.

In summary, the EIS concludes that no significant effects are predicted to occur at the construction or operational stages because of the proposed alterations to the permitted development. The mitigation measures that formed part of An Bord Pleanála's approval of the permitted development remain entirely appropriate for the proposed alterations.

2. Detailed Drawings of the Proposed Buildings

More detailed drawings of the proposed buildings have been provided by Scott Tallon Walker Architects. These include contextual elevations which demonstrate that the scale and massing of the buildings will be appropriate to a location within a port complex and will not unduly affect the visual and residential amenities of the nearby village.

Scott Tallon Walker have also provided a Design Report which explains how the elevational treatment will help to assimilate the building within this maritime and industrial landscape.

3. Phasing

The impact of the proposed alterations on the phasing of the permitted development is set out in Section 3.4 of the EIS. The phasing for the proposed alterations will largely be in accordance with the permitted redevelopment except that Phase 1 will now be implemented in two separate stages. In summary,

- Phase 1A will now include the construction of an optimised single berth, and a container handling area using straddle carriers which can accommodate a throughput of up to 240,000 Twenty-foot Equivalent Units, (TEU).
- Phase 1B will now include the construction of the second berth, the extension of the container yard to provide rail mounted gantry cranes (RMGs) which will allow throughput to be increased up to the permitted level of 330,000 TEU, and the permitted internal roads to facilitate connection to N28, when constructed.

Phases 2 and 3 of the permitted redevelopment will remain unchanged

4. Potential Visual Impact

The visual impact assessment in Chapter 7 of the EIS includes 9 photomontages including additional views from Ringaskiddy village. While the proposed maintenance building will be visible from some viewpoints, no significant visual impacts are predicted.

The photomontages demonstrate that the proposed alterations would not be unduly prominent in the context of the scale and massing of the permitted cranes and container stacks and the general building height and industrial character within the wider Ringaskiddy area.

5. Potential Noise Impact

The detailed noise modelling and assessment of the proposed alterations in Chapter 9 of the EIS concluded that the worst-case predicted noise levels will be within the relevant guideline threshold limits as set out in the relevant guidance documents. As a result, the proposed alterations will not result in any significant change to the previous assessment of environmental effects of the container operations.

The planning conditions and environmental commitments which apply to the permitted redevelopment will also ensure that the proposed alterations will have no significant effect on noise and vibration.

6. Potential Traffic Impact

The traffic and transportation assessment in Chapter 8 of the EIS confirms that there will be no change to the throughput of the port as a result of the proposed alterations. As a result, there will be no change to the overall traffic generated by the port above and beyond that permitted by the Board under PA0035.

7. Response to Third Party Observations

A detailed response to the third-party observations is attached as Appendix 2 to this cover letter. In our opinion the EIS, and the more detailed drawings which are now being submitted, address the issues raised in the observations.

8. Proposed Public Notice

The proposed public notice has been attached as Appendix 3 to this cover letter.

Yours sincerely,



Brian McCutcheon
McCutcheon Halley

Appendix1: Drawing Schedule

Drawings which Accompanied the Original Application

| Drawing Number | Title | Comments |
|-----------------------|---|--|
| IBM0575-PL-0001-E | Overall Site Location Plan | Provided at larger scale as requested by the Board |
| IBM0575-PL-0002-D | Revised Container Terminal Plan | Provided at larger scale as requested by the Board |
| IBM0575-PL-0003-D | Revised Site Section AA | Provided at larger scale as requested by the Board |
| IBM0575-PL-0004-D | Revised Site Section BB | Provided at larger scale as requested by the Board |
| IBM0575-PL-0005-D | Proposed Dolphins | Provided at larger scale as requested by the Board |
| IBM0575-PL-0006-B | Berth Options Phasing | Provided at larger scale as requested by the Board |
| IBM0575-PL-0007-E | Future Linkspan (Phase 3) | Provided at larger scale as requested by the Board |
| IBM0575-PL-0008-D | Entrance and Revised Interchange and Exit Area | Provided at larger scale as requested by the Board |
| 16001-SKE-00-0002-P1 | Site Layout Plan Terminal Office and Maintenance Building | Provided at larger scale as requested by the Board |
| 16001-SKE-00-1003-P1 | Ground Floor Plan Terminal Office and Maintenance Building | Provided at larger scale as requested by the Board |
| 16001-SKE-00-1004-P1 | First Floor Plan Terminal Office and Maintenance Building | Provided at larger scale as requested by the Board |
| 16001-SKE-02-1001-P1 | Ground Floor Plan Customs Inspection Building | Provided at larger scale as requested by the Board |
| 16001-SKE-02-2001-P1 | Elevations Customs Inspection Building | Provided at larger scale as requested by the Board |

Further drawings

| | | |
|-------------------------------|---|--|
| IBM0575-PL-0000 | Drawing List | |
| IBM0575-PL-0009-B | Overall Phasing Plan | To provide further detail on phasing as requested by the Board |
| IBM0575-PL-0010-A | Phasing of Development | To provide a series of coloured drawings of the proposed site layout that depict the proposed phasing of development as requested by the Board |
| IBM0575-PL-0011 | Revised Site Sections CC and DD | To provide further sections showing the proposed maintenance building |
| IBM0575-PL-0012 | Elevation of Proposed Mooring Dolphins | To provide further detail |
| IBM0575-PL-0013 | Reefer Gantry Details | To provide further detail |
| IBM0575-PL-0014-A | Proposed Alterations to Dredging Layout | To clarify the extent of alterations to the dredging footprint |
| IBM0575-PL-0015-A | Comparison of Terminal Layouts for Permitted Development and Proposed Alterations | To provide for a comparison between the permitted development and proposed alterations |
| IBM0575-PL-0016-A | Planning Boundary Comparison | To provide for a comparison between the permitted development and proposed alterations |
| POC-RPS-CT-XX-DR-E-7000-7112A | Container Terminal High Mast Lighting Layout | To provide lux level contours for the proposed alterations to high mast lighting positions |
| 16001-SKE-00-1005-P1 | Roof Plan Terminal Office and Maintenance Building | To provide further detail on proposed building as requested by the Board |
| 16001-SKE-00-2001-P1 | Elevations Terminal Office and Maintenance Building | As requested by the Board . to include the proposed buildings within the overall development proposals as opposed to separately |

| | | |
|----------------------|---|---|
| 16001-SKE-00-2002-P1 | Contextual Elevations Terminal Office and Maintenance Building | As requested by the Board . to include the proposed buildings within the overall development proposals as opposed to separately |
| 16001-SKE-00-2003-P1 | Contextual Elevations Terminal Office and Maintenance Building | As requested by the Board . to include the proposed buildings within the overall development proposals as opposed to separately |

Appendix 2: Response to Third Party Submissions

On 6th September 2016, An Bord Pleanála issued a notice under Section 146B (2) (a) requiring the Port of Cork to make copies of the Section 146B application available for inspection by the public and the prescribed bodies and to invite submissions or observations to be made to the Board up to 7th October 2016. The following issues were raised in the valid submissions received.

1. Appropriateness of S.146B process
2. Compliance with conditions of PA0035
3. Foreshore Licence
4. Port Capacity & Associated Traffic Impact
5. Visual Impact
6. Noise Impact
7. Ecological Impact
8. Archaeological Impact
9. Leisure & Amenity Impact

In the following sections, we provide a summary of the issues raised within the submissions, followed by our response.

1 Appropriateness of S.146B Process

1.A Summary of Submissions

It has been submitted that the S.146B process is inappropriate for consideration of the proposed alterations, as they constitute a material alteration of the original development and include works outside the footprint of the original red-line boundary. It is also alleged that the use of the Section 146B process involves project splitting.

1.B Response

The purpose of Section 146B of the Planning & Development Act 2000, as amended, was to introduce a process for approving alterations to large scale infrastructure projects, which are of strategic importance to the region or state. The process provides for an appropriate level of public consultation and proper appraisal of environmental issues. Section 146B therefore provides for a three-step process:

- (i) The first stage is for the Board to consider whether the proposed alterations would constitute *“the making of a material alteration of the terms of the development concerned”* and would therefore require public consultation;
- (ii) The second stage is to consider whether the material change *“would be likely to have significant effects on the environment”* and would therefore require submission of an environmental impact statement (EIS);
- (iii) The third stage is for the Board to consider the EIS and to carry out an environmental impact assessment (EIA) under Section 146C.

Before applying for consent under Section 146B the applicants engaged with the Board in pre-application consultations under Section 37B of the Planning Act (Reference No. PC0216). The Board decided that *“an application under section 146B of the planning and development act is the appropriate mechanism under which the proposed amendments to the approved project can be considered”*.

The Board did not share the view that an extension outside of the original red-line planning boundary should necessarily mean the mechanisms provided in s146B should not be available. In forming this view the Board noted the intent of the SID legislation, which was to provide an effective consenting regime for infrastructure projects, acknowledging that the need to alter such projects, on a minor or major level, can arise. The Board considered that appropriate mechanisms for public participation in any application to alter an approved development are built into the legislation. The SID procedures are thereby distinguishable from the procedures for normal planning permissions as set out in section 34 of the Act

Project splitting is defined as the sub-division of aspects of a proposed development, to avoid Environmental Impact Assessment; Appropriate Assessment or consideration of cumulative Impacts. The fact that the procedures set out under Sections 146B and 146C include specific provision for environmental impact assessment of the proposed alterations demonstrates that the use of this procedure could not be considered to be project splitting.

2 Compliance with Conditions of PA0035

2.A Summary of Submissions

It has been submitted that the Port of Cork has failed to comply with the conditions of the existing permission PA0035.

2.B Response

The Port of Cork lodged 3 planning compliance submissions in relation to Advance Works at the site. The Port of Cork continues to have active engagement with Cork County Council regarding the compliance issues relating to the Main Contract for the redevelopment of the Port. This compliance process has included numerous meetings with the relevant Council Departments (Planning; Traffic & Road; Environment and Heritage). The National Parks and Wildlife Service have also been represented at on-site meetings related to compliance.

Pre-commencement compliance documentation will be finalised and agreed with Cork County Council prior to the commencement of the main works contract.

3 Foreshore Licence

3.A Summary of Submissions

It has been submitted that the Port of Cork proceeded with Advance Works, including placing of imported rock on the foreshore, without a Foreshore Licence being granted.

3.B Response

The Port of Cork liaised directly with the Water and Marine Advisory Unit of the Department of Environment Community & Local Government prior to commencement of the Advance Works. The Department confirmed that the Advance Works were not on state owned foreshore and did not require a foreshore lease or licence to proceed.

4 Port Capacity & Associated Traffic Impact

4.A Summary of Submissions

It has been suggested in the submissions that the current application by the Port of Cork will result in an increased Port Capacity; an increase in Port related traffic and increased congestion on the road network.

TII has submitted that the proposed change would be premature pending submission of the following:

- a) Appropriate details on the potential traffic impact of proposed Landside Container Handling system on the national road network prior to completion of N28 and Dunkettle road upgrade schemes;
- b) Details of proposed mitigation measures, including specific MMP measures to be provided.

4.B Response

The proposed alterations relate to modifications to operational methods to be employed at Ringaskiddy, for container handling and berthing of ships pending installation of a link-span. The alterations do not increase the projected throughput of trade at the Port, or related traffic. There will be no change to the volume of traffic entering or exiting the port which will continue to be governed by the Ringaskiddy Mobility Management Plan (RMMP). The alterations to the container handling system may have a positive effect by facilitating more efficient implementation of the RMMP.

6 Visual Impact

6.A Summary of Submissions

It has been submitted that the proposed development, with specific reference to the maintenance shed, will have a significant negative impact on Ringaskiddy village and may also impact areas of Monkstown and Cobh.

6.B Response

Some of the observations are based on a misunderstanding in regard to the location of the proposed maintenance building in relation to the village and the amenity areas. The additional and more detailed drawings prepared by Scott Tallon Walker clarify the relationship between the building and its context and the Design Report explains the mitigation measures in the design which will help to assimilate the building within this maritime and industrial landscape.

Chapter 7 of the EIS provides photomontages demonstrate that the alterations would not be unduly prominent in the context of the scale and massing of the permitted cranes and container stacks and the general character of the wider Ringaskiddy area.

7 Noise Impact

7.A Summary of Submissions

It is submitted that the proposed development may have a negative noise impact associated with operational activities, specifically related to:

- i. **Straddle Carriers**
It is queried whether the diesel operated Straddle Carriers will have a significantly more negative noise impact than the approved development.
- ii. **Rail Mounted Gantry**
It is suggested that the proposed alteration will introduce a new form of container handling (rail mounted gantry), which has not been subject to any noise assessment.
- iii. **Maintenance Shed**
Clarification has been sought on the potential noise impacts of operational activities at the maintenance shed. It is also submitted that the noise impacts associated with construction of the maintenance shed would be unacceptable.
- iv. **Noise Frequency**

It is submitted that nature of the noise impact from the proposed alteration has not been assessed and that noise mitigation measures will be ineffective against Port related noise.

7.B Response

Chapter 9 of the EIS provides detailed noise modelling and assessment of the proposed alterations. It is concluded that the worst-case predicted noise levels will be within the relevant guideline threshold limits as set out in the relevant guidance documents. As a result, the proposed alterations will comply with the planning conditions and environmental commitments which apply to the permitted development.

8 Ecological Impact

8.A Summary of Submissions

It has been submitted that there has been a lack of consideration of the potential ecological impacts of the proposed alterations and that clarification is needed on the potential negative effects, particularly on bird life.

8.B Response

Appendix 15.1 of the EIS includes a screening report for appropriate assessment and a Natura Impact Statement. The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs state that there appears to be no scientific reason to disagree with the conclusion of no significant effect on Cork Harbour SPA. They recommend limitation of construction and demolition of the mooring dolphins to September to April, inclusive be required by condition. Such a condition is consistent with mitigation measures for the permitted development and the Port of Cork accept that they should also apply to the proposed alteration.

9 Archaeological Impact

9.A Summary of Submissions

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs notes that additional dredging works will be required and that, in keeping with previous recommendations, they require any additional dredging undertaken to also be subject to full archaeological monitoring by a suitably qualified underwater archaeologist.

9.B Response

The Port of Cork accept that any additional dredging works will require full archaeological monitoring.

10 Leisure & Amenity Impact

10.A Summary of Submissions

It is queried whether the proposed alteration will have any impact on the shared shipping waters in the lower harbour.

10.B Response

The proposed alterations are confined to Port operational areas only and will have no impact on the number, or route of commercial ships accessing Ringaskiddy Port. There will therefore be no impact on shared shipping waters in the lower harbour.

Appendix 3: Proposed Public Notice

Planning and Development Acts 2000 to 2015

In accordance with section 146C of the Planning and Development Act 2000, as amended, the Port of Cork Company has submitted an environmental impact statement to An Bord Pleanala in relation to the proposed alteration to the terms of the previously permitted:

Redevelopment of Existing Port Facilities at Ringaskiddy, County Cork.

The case reference for the alteration request is **04.PM0010**.

The request relates to a proposed alteration to the terms of An Bord Pleanala's grant of permission for the redevelopment of existing port facilities at Ringaskiddy, County Cork. (An Bord Pleanala application reference 04.PA0035 refers).

The alteration sought is described as follows:

1. Lengthening of the main berth and relocation of mooring dolphins;
2. Changes to the process of landside handling of containers;
3. Changes to the layout and design of ancillary buildings including some which are located outside of the boundary of the permitted development.

An Bord Pleanala has determined, in accordance with section 146B(4) of the Act, that the proposed alteration would be likely to have significant effects on the environment and, therefore, that an environmental impact statement is required.

In accordance with section 146C(4) of the Act, submissions / observations in relation to the likely effects on the environment of the proposed alteration may be made to An Bord Pleanala, during a period of 4 weeks.

An Bord Pleanala shall have regard to any submissions / observations made on foot of this invitation.

The environmental impact statement and other information relating to the proposed alteration (including the details of the request) may be inspected free of charge or purchased on payment of a specified fee at the offices of Cork County Council, County Hall, Cork and the offices of An Bord Pleanala, 64 Marlborough Street, Dublin 1 during public opening hours **for a period of 4 weeks commencing on 3rd January, 2017**.

Any submissions/observations in relation to the request to alter the terms of the development may be made to An Bord Pleanala, 64 Marlborough Street, Dublin 1. Any submission must be accompanied by a fee of " 50, except for certain prescribed bodies. Those parties / individuals who previously made a valid submission / observation to An Bord Pleanala on this alteration request, or in relation to the original application (Reference 04.PA0035) are not required to pay a further fee.

Submissions / observations must be received by An Bord Pleanala **not later than 5.30 pm on 1st February, 2017**. Such submissions / observations must include the following:

- (i) the name of the person making the submission or observation, the name of the person acting on his or her behalf, if any, and the address to which any correspondence relating to the application should be sent,
- (ii) the subject matter of the submission or observation, and

- (iii) the reasons, considerations and arguments on which the submission or observation is based in full.

Any submissions or observations which do not comply with the above requirements cannot be considered by An Bord Pleanala,

Any enquiries relating to the application process should be directed to the Strategic Infrastructure Development Section of An Bord Pleanala (Tel. 01-8588100).