



An
Bord
Pleanála

Board Direction
BD-006621-20
ABP-304860-19

The submissions on this file and the Inspector's report were considered at Board meetings held on 11th day of May 2020 and the 1st day of October 2020.

At the meeting of the 11th day of May 2020, the Board decided to defer consideration of this case and to issue a Section 131 notice to the applicant and to the Planning Authority in order to provide an opportunity for them to respond to submissions received by the Board during March. The applicant submitted a response on the 15th day of June 2020 and this response was referred to the Inspector to prepare an Addendum report.

At the meeting of the 1st day of October, the Board considered the Inspector's report (including the Addendum report). The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to:

(a) the policies and objectives in relation to the development of industry in the Ringaskiddy area and the provision of necessary water services as set out in the

Cork County Development Plan and the Ballincollig Carrigaline Municipal District Local Area Plan,

(b) the nature, scale, extent and layout of the proposed development, and

(c) the pattern of development in the area,

it is considered that, subject to compliance with the conditions set out below, the proposed pumping station, associated pipelines and ancillary infrastructure would not seriously injure the residential amenities of the area, would not increase flood risk at this location, would be acceptable in terms of landscape and ecological impacts and traffic safety and convenience, and would otherwise be in accordance with the provisions of the current Cork County Development Plan 2014 – 2020 and the Ballincollig Carrigaline Municipal District Local Area Plan 2017. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment and conclusions carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) is the European site for which there is a likelihood of significant effects.

The Board considered the Natura impact statement and all other relevant submissions and carried out an Appropriate Assessment of the implications of the proposed development for nearby European Sites in view of the Conservation Objectives for the Cork Harbour Special Protection Area (Site Code: 004030). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment the Board considered, in particular, the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects, mitigation measures which are included as part of the current proposal and the Conservation Objectives for this European Site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site.

The Board noted the potential effect for the emergency overflow from the foul pumping station to discharge via the storm outfall directly into Cork Harbour Special Protection Area (Site Code: 004030) and was satisfied that the mitigation measures in the Natura impact statement were robust and that in the rare event that an emergency overflow took place that the low levels of nutrient would be adequately dispersed and diluted and would therefore not adversely affect the water quality within the Special Protection Area.

In the overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of European site in view of the site's conservation objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further drawings and details submitted to the planning authority on the 17th May 2019 and to An Bord Pleanála on 31st January 2020, 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.

Reason: In the interest of clarity.

2. All measures detailed in the Natura impact statement shall be implemented in full.

Reasons: In the interest of protecting the environment.

3. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operations (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably - qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the planning authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing –
 - (i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species;
 - (ii) Details of screen planting;
 - (iii) Details of roadside/street planting; and
 - (iv) Hard landscaping works, specifying surfacing materials and finished levels.

- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

- 5. 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 noise management measures, traffic management and off-site disposal of construction waste.

Reason: In the interests of public safety and residential amenity

6. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Surface water from the site shall not be permitted to drain onto the adjoining public road.

Reason: In the interest of traffic safety and orderly development.

8. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at any point along the boundary of the site shall not exceed:-
 - (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

(c) A monitoring programme shall be developed to assess the impact of noise from the pumping station site and details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of

development. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority and the results of the monitoring programme shall be submitted to the planning authority on an annual basis. The developer shall carry out any amendments to the programme required by the planning authority following annual reviews.

Reason: To protect the residential amenities of property in the vicinity of the site.

9. The developer shall control odour emissions from the facility in accordance with the measures submitted with the planning application. A monitoring programme shall be developed to assess the impact of odours from the pumping station site and details of this programme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This programme shall be undertaken by a suitably qualified person acceptable to the planning authority and the results of the monitoring programme shall be submitted to the planning authority on an annual basis. The developer shall carry out any amendments to the programme required by the planning authority following annual reviews.

Reason: In the interest of public health and to protect the residential amenities of the area

10. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of works proposed to be carried out for the provision of road repairs during and following completion of the proposed development. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning

authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member

Date: 01/10/2020

Maria FitzGerald