



An
Bord
Pleanála

Inspector's Report ABP-304860-19

Development

Demolition of bungalow and construction of a below ground foul pumping station, control building, ESB station, chemical dosing unit, and associated site works and site excavations

Location

Shanbally, Raheens, Coolmore, Barnahelly, Raheens East, Ringaskiddy, County Cork

Planning Authority

Cork County Council

Planning Authority Reg. Ref.

18/6038

Applicant(s)

IDA Ireland

Type of Application

Permission

Planning Authority Decision

Grant

Type of Appeal

Third Party

Appellant(s)

Maria & Martin Finnin

Observer(s)

Cllr Marcia D'Alton

Johnny Cush

Dara Fitzpatrick

Date of Site Inspection

15th October, 2019

Inspector

Kevin Moore

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1.0 Site Location and Description

- 1.1. The site for the proposed pumping station is located in the townland of Barnahely to the south of the village of Ringaskiddy in County Cork, which is accessed along Marsh Road located off local road L6518. There is an existing derelict bungalow on the site. The lands associated with the proposed associated pipe network include public roads and farmland leading to the Shanbally waste water treatment plant to the north-west.
- 1.2. The pumping station site is bounded to the west by farmlands, to the north by scrubland and the MOOG Ltd. industrial facility beyond this, to the south by agricultural land and a dwelling, and to the east by Marsh Road beyond which lies the Loughbeg proposed Natural Heritage Area (pNHA).

2.0 Proposed Development

- 2.1. The proposed development would comprise:
 - the demolition of a derelict bungalow,
 - the construction of a below ground foul pumping station including a below ground emergency storage tank,
 - a below ground storm water pumping station,
 - a 3.1m high control building and ESB substation,
 - a 2.65m high chemical dosing unit,
 - a 2.15m high standby generator with acoustic barrier,
 - a 1.5m high air handling unit with acoustic barrier,
 - a 4m high mobile lifting gantry, and
 - a 2.4m high security fence and screen planting.
- 2.2. Pipework associated with the development would include a foul rising main along the R613, local roads and green fields from the foul pumping station to the Shanbally waste water treatment plant for a distance of approximately 3km and three short sections of pipeline totalling 136.5 m associated with the storm water pumping station and the foul pumping station. The development would also include the

construction of two reinforced concrete manhole chambers on existing pipelines and all associated site work and site excavation works above and below ground for the pumping stations and pipelines.

- 2.3 The development would provide a new foul pumping station and a flood relief scheme. The purpose of the proposed development is to provide improved wastewater and storm water infrastructure to a number of IDA land banks zoned for industrial development in the Lough Beg area. Currently there is no wastewater network in the vicinity of the land banks that is capable of serving the proposed development. The proposed foul pumping station and associated pipelines would provide a dedicated means of connecting any proposed developments on these IDA lands to the local wastewater network where the additional load could be handled. A number of flood events have been recorded along the L6518 local road and within the MOOG facility in close proximity to the IDA lands arising from the existing IDA surface water pipeline becoming inundated during periods of simultaneous intense rainfall and high tides resulting in the tide-locking of the pipeline. The flood relief scheme is designed to improve the level of service provided by the IDA storm water infrastructure by providing a low-lift pumping station and associated pipelines. It is intended that this would alleviate the recurring flooding issue at the MOOG site and on the local road while also providing additional capacity in the network to allow the future development to take place.
- 2.4 The pipelines would be developed through a combination of IDA owned lands, public roads, and existing wayleaves through private lands and would traverse the townlands of Barnahely, Raheens East, Coolmore, Raheens, and Shanbally. Short sections of the ground storm rising main, storm water gravity sewer pipeline, and the foul emergency overflow pipeline would be located within the Lough Beg pNHA.
- 2.5 Details submitted with the application included a Planning Report, an Appropriate Assessment Screening, an Ecological Impact Assessment, a Bat Building Inspection, an Invasive Species Survey Report, a Flood Risk Assessment, an Outline Construction Environmental Management Plan, photos of the building to be demolished, a Preliminary Temporary Traffic Management Plan, a Cultural Heritage Desktop Assessment, a Method Statement for Works within and adjacent to the Lough Beg pNHA and Lough Beg SPA, and letters of consent to the proposed works.

- 2.6 The applicant submitted unsolicited further information in response to a third party submission and an Inland Fisheries Ireland submission.
- 2.7 In response to a further information request, details were provided on preventing the potential flow of surface water contaminated with hydrocarbons directly into Lough Beg, an Autotrack analysis, and an archaeological impact assessment.

3.0 Planning Authority Decision

3.1. Decision

On 12th June, 2019, Cork County Council decided to grant permission for the proposed development subject to 26 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted pre-planning consultation, development plan provisions, reports received, and a third party submission. The key planning issues were seen to be the development extent and application rationale, AA screening and ecological impact, access arrangements, flood risk, archaeological/cultural heritage impact, invasive species treatment, potential impacts on neighbouring properties, and boundary treatment and visual impact. A further information request based on the internal reports received was recommended.

The Senior Planner concurred with the Planner's recommendation.

3.2.2. Other Technical Reports

The Area Engineer requested the applicant to submit proposals as to how it intended to strengthen the current road accessing the site, to undertake an Autotrack analysis to confirm vehicles would be able to utilise the laneway, to provide details on petrol interceptors/hydrocarbon interceptors, and provide supply measures to prevent the potential flow of storm water contaminated with hydrocarbons to Lough Beg.

The Environment Section had no objection to the proposal subject to the attachment of a schedule of conditions.

The Ecologist noted the Area Engineer's request for details on a hydrocarbon interceptor. An issue of concern was seen to be the provision of an emergency overflow of foul water to Lough Beg but it was noted that the Environment Officer was satisfied with the proposal. It was concluded that screening for AA and ecological assessment would be completed on submission of further information. The County Archaeologist requested an archaeological impact assessment.

Following the submission of further information, the reports to the planning authority were as follows:

The Area Engineer had no objection subject to conditions.

The Planner noted the Area Engineer's report and referenced correspondence with the Archaeologist and the Ecologist. A grant of permission was recommended subject to conditions.

The Senior Planner concurred with the Planner's recommendation.

3.3. Prescribed Bodies

Gas Networks Ireland had no objection to the proposal but requested that a condition be attached obliging the applicant to contact it and that all works in the vicinity of the gas transmission pipeline be in compliance with its Code of Practice 2015.

Inland Fisheries Ireland requested that, should planning permission be granted, conditions be attached to ensure the station is designed in a manner so that there would be no overflow discharge to waters and that there is no interference with, bridging, draining, or culverting of any watercourse, its banks or bankside vegetation without prior approval from IFI.

The Health and Safety Authority did not advise against the granting of planning permission in the context of Major Accident Hazards.

3.4. Third Party Observations

An objection to the proposal was received from Martin and Maria Finnin. The objection focused on the effects of the proposed development on their residential property and access thereto.

4.0 Planning History

I have no record of any planning application or appeal relating to the proposed site.

5.0 Policy Context

5.1. Cork County Development Plan 2014-2020

Economy and Employment

Objectives include:

EE 4-1: Strategic Employment Areas

Promote the development of Strategic Employment Areas suitable for large scale developments at Carrigtwohill, Kilbarry, Little Island, Ringaskiddy and Whitegate where such development is compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour.

Protect lands in these areas from inappropriate development which may undermine their suitability as Strategic Employment Centres.

Flood Risk

Objectives include:

WS 6-1: Flood Risks – Overall Approach

Take the following approach in order to reduce the risk of new development being affected by possible future flooding:

- Avoid development in areas at risk of flooding; and
- Where development in floodplains cannot be avoided, to take a sequential approach to flood risk management based on avoidance, reduction and mitigation of risk.

In areas where there is a high probability of flooding 'Zone A' it is an objective of this plan to avoid development other than 'water compatible development' as described in Section 3 of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' issued in November 2009 by DoEHLG.

In areas where there is a moderate probability of flooding 'Zone B' it is an objective of this plan to avoid 'highly vulnerable development' described in section 3 of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' issued in November 2009 by DoEHLG.

Implement the recommendations of the South Western CFRAM study.

WS 6-2: Development in Flood Risk Areas

Ensure that all proposals for development falling within flood zones 'A' or 'B' are consistent with the Ministerial Guidelines – 'The Planning System and Flood Risk Management. In order to achieve this, proposals for development identified as being at risk from flooding will need to be supported by a site specific flood risk assessment prepared in line with Paragraph 11.6.16 of this plan.

Where the planning authority is satisfied that it can be satisfactorily shown in the site specific flood risk assessment required under objective WS 61 that the proposed development, and its infrastructure, will avoid significant risks of flooding in line with the principles set out in the Ministerial Guidelines, then, subject to other relevant proper planning considerations, permission may be granted for the development.

Where the site specific flood risk assessment required under WS 61 shows that there are significant residual flood risks to the proposed development or its occupiers, conflicting with the approach recommended in the Ministerial Guidelines, it is an objective of this plan to, normally, avoid development vulnerable to flooding unless all of the following are satisfied:

- The development is within an urban settlement, targeted for growth under the National Spatial Strategy, Regional Planning Guidelines, and statutory plans.
- The development of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:
 - o Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;
 - o Comprises significant previously developed and/or underutilised lands;

- o Is within or adjoining the core of an established or designated urban settlement;
 - o Will be essential in achieving compact and sustainable urban growth; and
 - o There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.
- The development is assessed not to have the potential to give rise to negative or adverse impacts on the integrity of Natura 2000 sites.

5.2 Ballincollig Carrigaline Municipal District Local Area Plan 2017

Zoning

The proposed pumping station site is located within the settlement boundary of Ringaskiddy in an area designated 'Existing Built-Up Area'. The lands at this location zoned 'Existing Built-Up Area' are relatively restricted in area and are bounded by lands zoned for industrial uses.

Employment and Economic Activity

Ringaskiddy is designated a 'Main Town' in the Plan and is recognised as one of the key employment centres in the county. It is designated a 'Strategic Employment Area'. It is noted that there are 344 acres of IDA industrial zoned land available. The Plan envisages Ringaskiddy will continue to act as a Strategic Employment Area and that it should see significant industrial growth.

Wastewater Treatment and Water Supply

The Plan notes that Ringaskiddy wastewater discharges through two sewerage systems: sewers constructed by the IDA that serve industry and the others serving the village. It is stated that, although most existing industries have their own on-site treatment prior to discharging to the IDA outfall sewer, there is no secondary treatment plant and macerated effluent is discharged to the harbour.

It is acknowledged that adequate storage of drinking water is available.

Flooding

It is stated that parts of Ringaskiddy have been identified as being at risk of flooding and that the areas of risk are mainly the areas affected by tidal flooding along the coastline. It is an objective of the Plan that future development is avoided in areas indicated as being at risk of flooding.

General objectives

These include the following:

RY-GO-01: Strategic Employment Area

Reaffirm Ringaskiddy's focus on industrial and port related roles which reflects its status as a Strategic Employment Area.

RY-GO-02: Development Boundary

The boundary of Ringaskiddy overlaps with, and is adjacent to, the Cork Harbour Special Protection Area. Development within the town will only be permitted where it is shown that it is compatible with the requirements of the Birds and Habitats Directives and the protection of these sites. Protection and enhancement of biodiversity resources within the receiving environment of the town will be encouraged.

In relation to proposals for new development in industrial zones in the settlement, the Habitats Directive Assessment will focus on the following:

- impacts of emissions generated by the new industrial development on the SPA and its qualifying species;
- potential for new industrial development to result in loss of availability of field feeding habitat for wintering birds;
- potential for new industrial development to result in disturbance impacts on birds.

Some greenfield and wetland areas around Lough Beg, which have been zoned for industrial development, provide important feeding and roosting habitat for some of the bird species for which the Cork Harbour SPA is designated. It will be necessary to retain some of this land in an undeveloped state to maintain the favourable conservation status of populations of these wintering birds.

RY-GO-07: Water Services

All new development shall be connected to the public water supply, the public waste water treatment system and shall make adequate provision for storm water disposal.

Specific Objectives

There are a range of specific objectives which apply to the IDA lands applicable to the proposed development that propose industry, inclusive of Objectives RY0-I-06, RY-I-07, RY-I-08, and RY-I-10.

6.0 The Appeal

6.1. Grounds of Appeal

The appellants reside in a house south-east of the appeal site. The grounds of the appeal may be synthesised as follows:

- Inconsistency with the proper planning and sustainable development of the area, with particular reference to land not being zoned for industrial use, the pipeline into an SPA running through a Green Belt, impact on residential amenity by way of noise, odour, and flood risk.
- Failure to comply with mandatory provisions of the Habitats Directive and the implementing legislation and regulations, with reference to the inability to assess impacts in a worst case scenario or normal operational scenario, and impacts on the nearby Cork Harbour SPA.
- Failure to comply with the EIA Directive and implementing legislation, with reference to project-splitting as the proposal has no function as a stand-alone project and the need for EIA.

The appeal submission attaches a copy of the objection submitted to the planning authority and a memorandum by the appellants.

6.2. Applicant Response

The applicant's response to the appeal may be summarised as follows:

Inconsistency with the Proper Planning and Sustainable Development of the Area

- The proposed development is principally contained within two land Use Zoning Objectives, 'Industrial' and 'Existing Built Up Areas' in the LAP, with a small portion crossing lands zoned 'Open Space' before entering the waste water treatment plant. The pumping stations and control rooms would be within the 'Existing Built Up Area'. The works on the site would make better use of zoned lands and would support development of the primary industrial land use in the surrounding area. The proposed infrastructure within the industrial zoned lands would serve the future development of the IDA land bank at Ringaskiddy that is zoned for industrial development. Following burying of pipes within the open space zone the areas will be landscaped and restored to ensure there is no visual impact.
- Neither the pipes nor the pumping stations proposed would be located within any Natura 2000 habitat. A short section of the storm water gravity pipe and the storm rising main would be located within the Lough Beg pNHA on previously disturbed ground.
- The LAP highlights the importance of the Ringaskiddy area in terms of its industrial function and specifically highlights the extent of IDA industrial zoned land the development proposes to serve. The proposal is entirely in accordance with the Council's strategic vision for the area and is clearly in accordance with the proper planning and sustainable development of the area.

Impact on Residential Amenity

- The construction phase may give rise to a temporary increase in noise but will be managed to ensure noise levels remain within acceptable limits as demonstrated in the planning application documentation.
- The pumping station structures, control building and ancillary items will all incorporate appropriate noise suppression, avoidance, attenuation and control

measures in order to ensure that no adverse noise impact arises during the operational phase. Strict operational noise limits will apply.

- The design of the proposed development takes cognisance of the requirement to suppress odour generation. The proposed development will not treat wastewater that comes to the site and is only a pumping station to transfer waste to the waste water treatment plant. Strict odour limits will be included in the Contract Documents and odours will be monitored during the operational phase.
- The design of the pumping station and flood relief scheme have taken the operational traffic access requirements into account and there will be no disruption on the access road to the appellants' property.

Flood Risk Assessment

- Development within the Flood Zone A is limited to replacement of an existing manhole, proposed 750mm diameter storm inlet pipe, a proposed 300mm diameter emergency overflow pipe, a proposed 710mm diameter storm rising main, and proposed flood mitigation measures. These are deemed to be compatible with flooding.
- The storm water pump station has been designed to improve the level of service provided by the existing IDA storm water infrastructure and to alleviate the existing recurring flooding issue at the MOOG site and on the L6518, while simultaneously providing additional capacity in the network allowing future development to take place. Therefore, the proposed storm water pump station is deemed to be essential infrastructure as it is to be provided to mitigate against current flood risk.
- In order to provide for the maximum flood relief to the lands, it is necessary to locate the pump station at its current indicated location for reasons relating to the need for it to be located downstream of the known flood location to allow it to be collected in the gravity network for discharge by gravity and the siting of the station as close as possible to the existing outfall to allow for the

maximum area of lands upstream to benefit from the flood relief works. The requirements of the Justification Test have, thus, been deemed satisfied.

- Proposed mitigation measures to reduce the likelihood of flooding involve the raising of the existing levels within the site above the design flood levels as predicted for the Future Scenario. The likelihood of flooding would be low and accordingly the flood risk associated with the pump station would be low.
- The inclusion of the low lift pumping station will reduce the risk of pluvial flooding to neighbouring sites. This should be considered a significant positive impact in relation to the appellants' landholding.
- The proposed development is required at this location due to it being a low point in the area where flooding occurs.
- As the predicted flooding to impact the site within the LCFRAMS study is tidal, there is no requirement to provide for flood volume compensation for the volume of storage removed from the flood plain as the volume removed is infinitesimal in comparison with the tidal volumes and will have insignificant impacts on the mapped flood extents.

Environmental Impact Assessment and Appropriate Assessment

Environmental Impact Assessment

- The proposed development of the foul and storm water infrastructure is not of a class of development outlined in Part 1, Schedule 5 of the Planning and Development Regulations 2001-2019 which requires the mandatory preparation of an EIA. Furthermore, it is not of a class or does not meet a threshold of development outlined in Part 2 of Schedule 5. Thus, the development does not require EIA and, therefore, cannot be subject to 'project splitting'.
- The proposal will put in place foul drainage infrastructure and flood relief measures that will serve the identified undeveloped IDA landholding and will allow the land to be developed in the future. Any development of these lands will be subject to the planning application process. In the case where the type

or scale of development requires EIA, the proposed development would be considered cumulatively under that assessment.

- Regarding Article 22 of the Regulations, as the planning application does not require the preparation of an EIA there is no requirement to include same in the documentation.

Appropriate Assessment

- As the proposed development is located outside of Cork Harbour SPA, the main potential impacts were identified as being indirect impacts associated with loss, damage or fragmentation of habitats and disturbance and the impact of discharges on water quality within the SPA.
- The only other European Site within 15km of the site is the Great Island Channel SAC which was excluded because it is beyond any potential impact due to the nature of the development, the geographical and hydrological separation, and the qualifying interests for which the site is designated.
- The ecological impact assessment carried out concluded that there will be no impact on any species or habitats within Lough Beg pNHA or wider SPA designation.
- A bat inspection took place prior to lodgement of the application and a further survey will take place prior to demolition of the derelict structure on the site. It is noted that bats are not a conservation interest of any of the Natura 2000 sites considered and, therefore, do not form part of the overall assessment carried out in the AA Screening Report.

In conclusion, the applicant refutes reference to a 'toxic spillage' in the appellants' appeal submission.

The response includes a submission from the applicant's Environmental Consultants clarifying the siting of the proposed development is not within Cork Harbour SPA and that a bat survey had been carried out.

6.3. Planning Authority Response

I have no record of any response to the appeal from the planning authority.

6.4. Observations

Observation from Cllr Marcia D'Alton

The observer raised concerns relating to:

- the proposal being an industrial development on residentially zoned lands,
- the conservation objectives of Cork Harbour SPA not being achieved,
- the failure to apply the precautionary principle in the screening assessment for the proposal,
- the inadequate assessment in screening for cumulative impacts,
- the inadequacy of the planning authority's preliminary screening,
- the inclusion of mitigation measures at AA screening stage to achieve a conclusion of "no significant impacts",
- planning authority conditions in its decision directly opposing commitments made for the protection of wintering wildfowl,
- odour generation,
- chemical dosing, and
- road resurfacing.

Observation from Johnny Cush

The observer raised concerns relating to how the proposed development could cause damage to his house, health, health of the area, the pNHA, and Cork Harbour SPA, and the lack of bat surveys,

Observation from Dara Fitzpatrick

The observer raised concerns relating to the proposal being in a residential zone, the lack of a bat survey, the development being at odds with the receiving community and environment, the environmental sensitivity of the area, accessing an existing outflow from other factories into the SPA which is not fit for purpose, contraventions of provisions of the County Development Plan, and the severe impact on the appellants' vernacular cottage. It is concluded that the development should be part of the planning process for the sites that would be serviced.

6.5. Applicant's Response to Observations

The applicant's response to the observations may be summarised as follows:

Impact on Residential Amenity

- The proposal is entirely in accordance with the strategic vision for the area and will not have an undue impact on residential receptors in the area.
- The applicant's Preliminary Temporary Traffic Management Plan provides measures to minimise temporary disruption to road users during the construction period. Resurfacing of roads is a scheduling matter for the local authority. Operational access arrangements have been taken into account.
- The design incorporates appropriate noise suppression, avoidance, attenuation and control measures and noise limits will be adhered to. The design of the scheme will ensure that odour is not an issue in relation to adjoining development.
- Regarding the impact on the appellants' house to the south, following implementation of mitigation measures, the residual impacts of the proposal on the recorded local archaeology, architectural and cultural heritage resource will be negligible.

Environmental Considerations

- A bat inspection of the derelict bungalow did take place. Bats are not a conservation interest of any Natura 2000 sites considered and do not form part of the overall assessment carried out in the AA Screening Report.
- The storm water pump station as proposed within the flood relief scheme has been designed to improve the level of service provided by the existing IDA storm water infrastructure and to alleviate the existing recurring flood issue at the MOOG site and on the local road, while simultaneously providing additional capacity in the network allowing future development to take place. It is deemed to be essential infrastructure as it is to be provided to mitigate against current flood risk.
- Any future development of adjoining industrial lands will be subject to the relevant planning and environmental assessments when/if any such scheme

is proposed. The assessment of future potential development works can then facilitate a determination to be made as to how these projects are likely to impact on surrounding sensitive habitats.

- The accuracy of the preliminary screening assessment is a matter for the relevant competent authority.
- All control measures proposed are standard best construction practice rather than mitigation measures.
- The soundness of planning conditions is a matter for An Bord Pleanála to determine.

6.6. Further Responses

Following consideration of the applicant's submissions, the Board requested the applicant to submit a Natura Impact Statement, having regard to the location of Cork Harbour Special Protection Area downstream of the outfall pipeline discharge point and the proposed emergency overflow arrangements. The applicant submitted a Natura Impact Statement to the Board on 31st January 2020. Therein it was concluded that it can be determined beyond all reasonable scientific doubt that the proposed development will not adversely affect the integrity of Cork Harbour SPA and that all identified pathways with potential for adverse impacts are robustly blocked through the use of best practice, avoidance and appropriate design. Furthermore, it was submitted that, following implementation of mitigation measures, it is the applicant's view that the proposed development, individually and/or in combination with other plans and projects, will not adversely affect the integrity of any European site.

Further to this, submissions were received by the Board from the appellants and the observers in response to the Natura Impact Statement.

The appellants submitted that the Board is precluded from granting planning permission because:

- Authorisation for the project may only be given once all aspects of the project have been identified which can, by themselves or in combination with other plans or projects, affect the conservation objectives of the site concerned.

This has not been done. Omissions are identified in attached reports with the submission. The application itself admits that it is intended to facilitate other projects of unknown characteristics.

- Authorisation for this project may only be given if, in light of the best scientific knowledge in the field, the Board is certain that the project will not have lasting adverse effects on the integrity of the Cork Harbour SPA site. That threshold of certainty is only passed if and when there is no reasonable scientific doubt as to the absence of such effects. That threshold of certainty has not been achieved in this case.

The appellants' response to the NIS included a submission which refers to the deficiencies of the NIS and the applicant's methodologies, assessment and conclusions and a report which refers to significant omissions in the NIS and identifies the impacts likely to result from the proposed development.

The observer Dara Fitzpatrick submitted that the site contains the rare habitat dry meadow and grassy verge, the proposal is a high-level threat, the SPA is within the immediate zone of impact, the site cannot be considered as non-integral to the functioning of the SPA, and the NIS fails to mention the dramatic decrease in wintering birds in the SPA recently. It was further submitted that Common tern are known to nest not far from the outflow, damage to the SPA cannot be policed at the construction and operation phases, the proposed station has not been future-proofed against sea level changes, the effects of nutrient and storm water releases cannot be mitigated against, and the precautionary principle should be applied.

The observer Marcia D'Alton considered the submitted NIS to be inadequate. It is submitted that the NIS fails to assess the nature and impact of future discharges on Lough Beg, fails to consider hydrological connections between the proposal and Lough Beg, fails to consider cumulative impacts on Lough Beg, does not acknowledge that the SPA's conservation objectives are not being achieved, does not consider the construction risks to Lough Beg, and has inadequate mitigation measures.

The observer Johnny Cush refers to observed incidents relating to overflows in the IDA's storm water pipes and to the inadequacies and consequences of the practices employed. He submits that best practice is not being employed and that the existing pipelines will be unable to cope with the extra loads. Reference is made to the pumping station being constructed in seriously unstable bedrock with underground rivers and aquifers and on a site surrounded by underground water recharge areas. The observer does not accept the NIS submission that the proposed development will not adversely affect the integrity of Cork Harbour SPA. The observer's submission included a series of photographs alluding to pipeline and exploratory drilling incidents.

7.0 Assessment

7.1 Introduction

7.1.1 I consider that the principal planning issues relating to the proposed development are the development in the context of Development Plan provisions, impact on residential amenity, flood risk, traffic impact, the need for Environmental Impact Assessment, and impact on European sites.

7.2 The Development in the Context of Development Plan Provisions

7.2.1 The Context for the Settlement of Ringaskiddy

At a county level, the role and development of Ringaskiddy is set out within Objective EE 4-1 of Cork County Development Plan which states:

Promote the development of Strategic Employment Areas suitable for large scale developments at Carrigtwohill, Kilbarry, Little Island, Ringaskiddy and Whitegate where such development is compatible with relevant environment, nature and landscape protection policies as they apply around Cork Harbour.

Lands in Ringaskiddy are to be protected from inappropriate development which may undermine its suitability as a Strategic Employment Centres.

From this it can be understood that Ringaskiddy has a key role as a prime economic driver within County Cork.

The Ballincollig Carrigaline Municipal District Local Area Plan 2017 further emphasises the economic and employment importance of the role of Ringaskiddy. Ringaskiddy is designated a 'Main Town' in the Local Area Plan. It is recognised as one of the key employment centres in County Cork and it is stated that it has developed into one of the most significant employment areas in the country. Furthermore, it is designated a 'Strategic Employment Area'. The Plan acknowledges that it has successfully attracted major, large scale, high technology plants. It is noted that, outside of the Greater Dublin Area, it has the largest direct investment employment centre in Ireland and that many of the top world leading pharmaceutical companies are located there.

A General Objective for Ringaskiddy set out in the Local Area Plan is as follows:

RY-GO-01: Strategic Employment Area

Reaffirm Ringaskiddy's focus on industrial and port related roles which reflects its status as a Strategic Employment Area.

In the context of the expanding role of Ringaskiddy as a Strategic Employment Area, it is evident that the enhancement of services to meet the needs of the future expansion of this key employment area is pivotal to ensure its continued role as a significant attractor of industrial activity and to reinforce the level of service necessary to sustain such expansion.

7.2.2 Industrial Lands

The Local Area Plan notes that there are 344 acres of IDA industrial zoned land available. The Plan envisages that Ringaskiddy will continue to act as a Strategic Employment Area and that it should see significant industrial employment growth that will serve the Municipal District and County Cork as a whole.

The Local Area Plan has many Specific Development Objectives relating to industry and a wide range of these Specific Objectives apply directly to IDA lands which the proposed development seeks to serve. These objectives invariably relate to the development of industry on large tracts of land. It is notable that many of these objectives reference such lands as being adjacent to Lough Beg and the Cork Harbour Special Protection Area and that some of these lands are used as feeding ground by bird species for which the SPA is designated.

Having regard to the above, it is clear that significant expansion of industrial development is sought during the Plan period and beyond and that expansive tracts of land have been zoned industrial to facilitate such expansion in an orderly manner. Furthermore, the significance of Cork Harbour SPA is recognised within objectives for specific tracts of land. The expansion of industrial development necessitates the provision of essential water services and, to this end, the proposed development could reasonably be understood to form part of these essential services to deliver on the Specific Objectives of the Plan.

7.2.3 Water Services

The Local Area Plan notes that Ringaskiddy wastewater discharges through two sewerage systems: sewers constructed by the IDA that serve industry and the others serving the village. It is stated that, although most existing industries have their own on-site treatment prior to discharging to the IDA outfall sewer, there is no secondary treatment plant and macerated effluent is discharged to the harbour. The Plan acknowledges that adequate storage of drinking water is available.

The General Objectives of the Local Area Plan includes the following:

RY-GO-07: Water Services

All new development shall be connected to the public water supply, the public waste water treatment system and shall make adequate provision for storm water disposal.

The Plan notes that Ringaskiddy was selected as the ideal location for the Lower Harbour waste water treatment plant and, at the time of the making of the Plan, this plant was nearing completion. There is a Specific Development Objective, *RY-U-01*:

Waste Water Treatment Plant, relating to the site of Shanbally Waste Water Treatment Plant and the site area of this plant is zoned for utilities.

In the context of the IDA seeking to expand its industrial base in Ringaskiddy, the requirement for new industrial development to connect to the public waste water treatment system, and the requirement for new development to make adequate provision for storm water disposal, it is apparent that the intent, and indeed the principle, of the development now before the Board for consideration is in keeping with the water services objectives of the Local Area Plan.

7.2.4 Nature Conservation

Notwithstanding the clear intent to significantly expand the industrial base of Ringaskiddy and to enhance its role as a Strategic Employment Area, the Local Area Plan acknowledges the sensitivity of siting industrial development adjacent to areas of important nature conservation, with particular reference frequently made in Specific Development Objectives to the proximity to the Cork Harbour Special Protection Area, to Lough Beg, and to land areas being used as a feeding ground by bird species for which the SPA is designated.

The following General Objective of the Plan is also noted:

RY-GO-02: Development Boundary

The boundary of Ringaskiddy overlaps with, and is adjacent to, the Cork Harbour Special Protection Area. Development within the town will only be permitted where it is shown that it is compatible with the requirements of the Birds and Habitats Directives and the protection of these sites. Protection and enhancement of biodiversity resources within the receiving environment of the town will be encouraged.

In relation to proposals for new development in industrial zones in the settlement, the Habitats Directive Assessment will focus on the following:

- *impacts of emissions generated by the new industrial development on the SPA and its qualifying species;*
- *potential for new industrial development to result in loss of availability of field feeding habitat for wintering birds;*

- *potential for new industrial development to result in disturbance impacts on birds.*

Some greenfield and wetland areas around Lough Beg, which have been zoned for industrial development, provide important feeding and roosting habitat for some of the bird species for which the Cork Harbour SPA is designated. It will be necessary to retain some of this land in an undeveloped state to maintain the favourable conservation status of populations of these wintering birds.

The site for the proposed development and the proposed routing to the existing waste water treatment plant at Shanbally all fall within the development boundary for the settlement of Ringaskiddy. It is understood that the proposed development would form services to meet the needs of new and established industrial developments. Accepting this, it is further understood that proposals for new industrial development that would be served by the proposed infrastructure forming this current planning application will be required to undertake Habitats Directive assessments on a case-by-case basis as proposals arise to ensure that the requirements of this General Objective are being met. The consideration and assessment of the current infrastructure proposal itself requires to be assessed in the context of the Habitats Directive in accordance with this General Objective. I will consider the impact of the proposed development on European sites further in a separate section of this assessment.

7.2.5 Flooding

The Local Area Plan states that parts of Ringaskiddy have been identified as being at risk of flooding and that the areas of risk are mainly the areas affected by tidal flooding along the coastline. It is an objective of the Plan that future development is avoided in areas indicated as being at risk of flooding. General Objectives of the Plan include:

RY-GO-08: Flooding

All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives FD1-1 to FD 1-6 detailed in Section 1 of this Plan, as appropriate, and with the provisions of the Ministerial Guidelines – ‘The

Planning System and Flood Risk Management'. In particular, a site-specific flood risk assessment will be required as described in objectives FD 1-4, 1-5 and 1-6.

I note that Section 1 of the Local Area Plan does not detail Objectives FD1-1 to FD 1-6 but rather, on the issue of flooding, details *Local Area Plan Objective IN-01: Flood Risk Assessment and Management*. This objective is as follows:

All proposals for development within the areas identified as being at risk of flooding will need to comply with Objectives WS 6-1 and WS 6-2 as detailed in Chapter 11, Volume 1 of the Cork County Development Plan, 2014, as appropriate, and with the provisions of the Ministerial Guidelines – 'The Planning System and Flood Risk Management.' In particular, a site-specific flood risk assessment will be required as described in WS 6-2.

In relation to downstream flood impacts, Section 1 of the Local Area Plan states the following:

When planning a development upstream of an area at risk of flooding, intending developers need to be mindful of the need to consider the potential downstream flood impacts of a development, even when the development itself is not in an area of flood risk. This relates in particular to the management of surface water and to the wider issues of pluvial flood risk, which may have downstream impacts.

I note that there are two objectives in the Cork County Development Plan 2014 that relate to 'Flood Risk' as follows:

WS 6-1: Flood Risks – Overall Approach

Take the following approach in order to reduce the risk of new development being affected by possible future flooding:

- *Avoid development in areas at risk of flooding; and*
- *Where development in floodplains cannot be avoided, to take a sequential approach to flood risk management based on avoidance, reduction and mitigation of risk.*

In areas where there is a high probability of flooding 'Zone A' it is an objective of this plan to avoid development other than 'water compatible development' as described in Section 3 of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' issued in November 2009 by DoEHLG.

In areas where there is a moderate probability of flooding 'Zone B' it is an objective of this plan to avoid 'highly vulnerable development' described in section 3 of 'The Planning System and Flood Risk Management – Guidelines for Planning Authorities' issued in November 2009 by DoEHLG.

Implement the recommendations of the South Western CFRAM study.

WS 6-2: Development in Flood Risk Areas

Ensure that all proposals for development falling within flood zones 'A' or 'B' are consistent with the Ministerial Guidelines – 'The Planning System and Flood Risk Management. In order to achieve this, proposals for development identified as being at risk from flooding will need to be supported by a site-specific flood risk assessment prepared in line with Paragraph 11.6.16 of this plan.

Where the planning authority is satisfied that it can be satisfactorily shown in the site-specific flood risk assessment required under objective WS 6-1 that the proposed development, and its infrastructure, will avoid significant risks of flooding in line with the principles set out in the Ministerial Guidelines, then, subject to other relevant proper planning considerations, permission may be granted for the development. Where the site specific flood risk assessment required under WS 6-1 shows that there are significant residual flood risks to the proposed development or its occupiers, conflicting with the approach recommended in the Ministerial Guidelines, it is an objective of this plan to, normally, avoid development vulnerable to flooding unless all of the following are satisfied:

- The development is within an urban settlement, targeted for growth under the National Spatial Strategy, Regional Planning Guidelines, and statutory plans.*
- The development of the lands for the particular use or development type is required to achieve the proper planning and sustainable development of the urban settlement and, in particular:*
 - o Is essential to facilitate regeneration and/or expansion of the centre of the urban settlement;*
 - o Comprises significant previously developed and/or underutilised lands;*
 - o Is within or adjoining the core of an established or designated urban settlement;*
 - o Will be essential in achieving compact and sustainable urban growth; and*

o There are no suitable alternative lands for the particular use or development type, in areas at lower risk of flooding within or adjoining the core of the urban settlement.

- The development is assessed not to have the potential to give rise to negative or adverse impacts on the integrity of Natura 2000 sites.*

The Board will note that the applicant submitted a Flood Risk Assessment as part of the documentation associated with the planning application. This is in line with the provisions and objectives of both the County Development Plan and the Local Area Plan.

The *Conclusions and Recommendations* of the applicant's Assessment were as follows:

- The Pumping Station is proposed within lands designated as Flood Zone A and this Detailed Flood Risk Assessment and Justification Test will be required to accompany the Planning Application for this Pumping station;*
- Development of the pumping Station will require flood protection measures e.g. low lift pumping station, raised ground levels etc. to ensure that the development is capable of withstanding a 0.5% Current AEP Tidal Flood Event including freeboard:*
- The proposed flood mitigation measures comprise of the following:*
 - * Raising the finished site ground levels from approx. 2.0mOD at the lowest point to 3.4mOSD;*
 - * Providing a low lift storm water pumping station.*

The issue of flood risk will be examined in more detail later in this assessment. However, in the context of the flood risk-related objectives set out above, I note again that the applicant has submitted a Flood Risk Assessment. The applicant has stated that this Assessment has been guided by *The Planning System and Flood Risk Management: Guidelines for Planning Authorities*. I further note that the proposed development is within an urban settlement that has clearly been targeted for substantial industrial growth and that, in order to achieve the proper planning and

sustainable development of industry in this area, improvements to water services can reasonably be viewed as being essential to its delivery. This can reasonably be seen to align with the provisions of Objective WS 6-2. The matter of the impacts on the integrity of Natura 2000 sites will be examined in detail later in this assessment.

I note again that the Local Area Plan has a wide range of Specific Development Objectives relating to industry. One of those objectives, *RY-I-08*, relates to an expansive land area to the west and south of the site for the proposed pumping station. It includes lands in the ownership of the IDA. This Objective considers this land area to be suitable for a large stand-alone industry. The Objective acknowledges that this zone is adjacent to Lough Beg, which forms part of the Cork Harbour SPA, and that Lough Beg and some of the fields in the area are known to be particularly important for field feeding species of bird for which the SPA is designated. The southern portion of the zone is known to be of particular importance for wintering birds. The Specific Development Objective notes that Flood Risk Objective IN-01 applies to this land. I note that the proposed pipeline route from the proposed pumping station to Shanbally Waste Water Treatment Plant would traverse the lands associated with Specific Development Objective RY-I-08 but that this route would not be on, in or near the southern portion of the relevant lands that are adjacent to Lough Beg and the Cork Harbour SPA. I further note that the route would traverse lands that would be removed from shoreline areas that could be considered at risk to flooding.

Finally, I note the map for Ringaskiddy in the Local Area Plan that shows zoning provisions, development objectives, etc. This map also indicates 'Areas Susceptible to Flooding: Zone A' and 'Areas Susceptible to Flooding: Zone B'. It is particularly difficult to discern from this map if the site for the proposed pumping station falls within either of these Areas. The issue of flooding will be examined later in this assessment and will address this matter.

7.2.6 Zoning

The proposed pumping station site is located in an area designated 'Existing Built-Up Area' in the Local Area Plan. The pipeline route linking the pumping station to Shanbally Waste Water Treatment Plant would traverse lands zoned 'Industry',

'Existing Built-Up Area, and a section of lands zoned 'Open Space / Sports / Recreation / Amenity' where it then enters the waste water treatment plant lands that are zoned 'Utilities'.

Cork County Development Plan explains the various zoning objectives. Objective ZU 3-1 describes the zoning objective for 'Existing Built Up Areas as follows:

ZU 3-1: Existing Built Up Areas

Normally encourage through the Local Area Plans development that supports in general the primary land use of the surrounding existing built up area. Development that does not support, or threatens the vitality or integrity of, the primary use of these existing built up areas will be resisted.

The objective for 'Industry' is given as follows:

ZU 3-7: Appropriate Uses in Industrial Areas

a) *Promote the development of industrial areas as the primary location for uses that include manufacturing, repairs, medium to large scale warehousing and distribution, bioenergy plants, open storage, waste materials treatment, 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.*

b) *The provision of strategic large scale waste treatment facilities including waste to energy recovery facilities will be considered in 'Industrial Areas' designated as Strategic Employment Areas in the local area plans subject to the requirements of, National Policy, future Regional Waste Management Plans and the objectives set out in local area plans.*

The objective for 'Open Space / Sports / Recreation / Amenity' is as follows:

ZU 3-4: Appropriate Uses in Open Space, Sports, Recreation and Amenity Areas

Promote the provision of sports areas including playgrounds, sports centres, sports pitches, other areas for outdoor activities, outdoor recreation training centres, parks, landscaped areas, agricultural areas (including allotments), private landscaped gardens and woodlands in accordance with Article 10 of the Habitats Directive.

The objective for 'Utilities' is as follows:

ZU 3-9: Appropriate Uses in Utilities Areas

Promote the provision of development to meet the operational requirements of utilities and infrastructure operators.

Having regard to the above, it is first noted that the proposed pumping station would be on lands zoned 'Existing Built Up Area'. Development that supports in general the primary land use of the surrounding built up area is normally encouraged. The land use surrounding the proposed pumping station site is primarily zoned 'Industrial' and the existing development in the surrounding area is principally industrial. As the proposed development seeks to service existing and proposed industrial development in this area, it is apparent that the proposed development is in keeping with this zoning objective.

Regarding the proposed pipeline to Shanbally Waste Water Treatment Plant, it is clear that the provisions of water-related infrastructure to serve existing and proposed industrial development would be in keeping with lands zoned 'Industrial' and 'Utilities'. Furthermore, it is reasonable to determine that the development of an underground pipeline that would not undermine the function of open space would not contravene any objective promoting open space and recreational uses.

Overall, it may reasonably be determined that the proposed development would not contravene any zoning objectives for the land over and under which it is proposed to provide the new infrastructure development.

7.2.7 Greenbelt

I note that the appellants have referred to the proposed pipeline running through a Greenbelt'. The Local Area Plan notes that 'Metropolitan Cork' is designated as a 'Gateway' in the National Spatial Strategy and that, in support of this Gateway function, the County Development Plan has a range of provisions, one of which is:

Maintain the principles of the Metropolitan Cork Greenbelt to protect the setting of the City and the Metropolitan Towns and to provide easy access to the countryside and facilities for sports and recreation.

With regard to the Cork County Development Plan, I first note that the proposed pipeline route does not fall within a designated 'Prominent and Strategic Metropolitan Greenbelt Area requiring Special Protection'. In addition, I note that Figure 4.1 of the Plan shows the 'Metropolitan Cork Greenbelt' and 'Town Greenbelts' in the County. It is apparent from this Figure that the proposed pipeline route does not fall within any designated 'Greenbelt'.

7.3 Impact on Residential Amenity

- 7.3.1 This issue is the most significant planning issue to be considered in this appeal, in my opinion. I note that the appellants were the only persons who made a third party submission to the planning authority. I further note that the appellants' primary focus in their original submission was on the impact of the proposed development on the amenity of the residents potentially affected. I now note that the grounds of the appeal and the observations submitted by others notably deviates away from the residential impact issues somewhat in emphasis and now seeks to focus on other matters, particularly of an ecological nature and on procedures. I acknowledge the appellants have, however, retained their amenity concerns in the appeal submission.
- 7.3.2 I note from the outset that, in general, residential development in the vicinity of the proposed pumping station site is sparse. The proximity of the appellants Maria and Martin Finnan and the observer Johnny Cush as near neighbours are acknowledged. Land is primarily of an agricultural nature immediately abutting the site and this land is mainly zoned for industrial use. Large-scale industrial development, such as the MOOG facility to the north, is located in the wider environs.
- 7.3.3 In examining concerns relating to residential amenity, I first note the route for the pipelines associated with the proposed development and that these will be located underground. I do not consider that there would be any significant adverse impact on any residents arising from the siting and development of the pipelines, either at the construction or operational phases. The proposed construction phase would be short-term and any potential adverse impacts would relate to the laying of the pipelines close to residential properties at Coolmore and Raheens, primarily close to public roads. The laying of the pipeline would evidently be undertaken in phases that

would have very limited impacts by way of nuisance, where there may be some minor access restrictions and where the route would be developed opposite some linear housing along public roads. The functioning of this underground pipeline would have no discernible impact on residential amenity.

7.3.4 Regarding the proposed pumping station, it is reasonable to ascertain that this could potentially result in impacts on immediate neighbours arising from the construction phase, the visual impact of the structures over ground, and the operation of the development giving rise to noise and odour.

7.3.5 Once again, it is noted that the construction phase for the proposed pumping station would be short-term. There would again be limited degrees of nuisance arising from this phase as construction traffic would utilise the minor narrow local road from Regional Road R613 to the north. The site preparation for the development of structures would again likely result in short-term nuisance by way of noise disturbance. This construction programme would not introduce any exceptional array of activities associated with a development of this nature. I note that the observer Johnny Cush has made reference in his submissions to natural underground features that would be a cause for concern in the development of the proposed pumping station. There is no informed, investigative information submitted to support these submissions. The applicant has not alluded to any such constraints associated with the construction of the pumping station. Acknowledging the development of a house on this property and the existence of residential and other structures in the immediate vicinity of this site and the applicant's submissions to support the planning application, I can only reasonably assume that a development of the nature proposed can be accommodated without posing significant threats to the structural integrity of other properties in the vicinity and to the long-term integrity of a functioning pumping station on this site. Overall, I do not consider that the construction phase of the proposed development would have any significant adverse impacts on the amenities of residents in this area.

7.3.6 With regard to the scale, character and design of the proposed pumping station and its potential visual impact, it is clear that the extent of overground structures would not have any substantial visual impact at this location. The proposed pumping station would provide a 3.1m high control building and ESB substation, a 2.65m high chemical dosing unit, a 2.15m high standby generator with acoustic barrier, a 1.5m

high air handling unit with acoustic barrier, and a 4m high mobile lifting gantry. The site would be enclosed by a 2.4m high security fence and screen planting would be provided. This development would replace a bungalow on this site. Having regard to the limited scale of the individual overground structures and to the restricted heights of these structures, it is reasonable to determine that the pumping station development would have no wider scale obtrusive visual impact in this area and that the structures could not be construed as being visually intrusive on neighbouring residential properties. The separation distances, proposed screening and retention of existing vegetation bordering the site will further aid in the masking of this development from neighbouring properties.

7.3.7 Clearly the nature of the activities associated with a pumping station has the potential to cause nuisance to neighbours by way of noise and odours. It is, however, first noted that the proposed foul pump room, storm water pump room and storm water wet well would be sited below ground. It is then noted that features of the proposed development would include a substation, an air handling unit, a standby generator, breaktank and booster pumps, and lifting gantries. These are features which could potentially generate some levels of noise from the new activities. It is noted that this site would be some 30m from the nearest residential property and that it would be enclosed by existing hedgerows, fencing and proposed screening. There is an existing outbuilding between the site and the residential property to the south. It is further noted that the control building would house the substation, the transformer/switch room, and the control rooms. The standby generator would have an associated noise barrier/acoustic enclosure and it would be sited at the northernmost part of the site. The air handling unit would be adjacent to the control building and this too would have an associated noise barrier. The breaktank system would also be enclosed. The chemical dosing unit would also be enclosed. It is reasonable to determine, based upon the control measures being put in place, that the noise impact of the proposed development would be mitigated in a substantive manner. Reasonable measures to control, suppress, and attenuate noise are proposed. The applicant has submitted that strict operational noise levels would apply. Further to this, it would also be reasonable to condition the noise output by way of condition in the event of any grant of planning permission for the proposed

development. Such a condition could also require a monitoring programme to be put in place to allow for ongoing assessment of the noise output.

7.3.8 With regard to odour, it is of utmost importance to note that the proposed development would not treat waste water that would enter the site. The development would be solely a pumping station. This station would transfer waste to the distant Shanbally Waste Water Treatment Plant. Over and above this, the pumping station design incorporates proposed odour suppression measures. The provision of odour treatment units at the northern side of the site is acknowledged. The applicant has submitted that strict odour limits would apply to the operation of the pumping station and that monitoring during this phase would be provided. I acknowledge that the design of the development is obligated to adhere to the requirements of the European Communities (Waste Water Treatment) (Prevention of Odours and Noise) Regulations 2005. As with noise, it would be reasonable, in the event of any grant of planning permission, to attach a condition requiring adherence to odour limits and the requirement to provide an ongoing monitoring programme.

7.3.9 Overall, it is my submission to the Board that appropriate measures are proposed to mitigate the potential negative impacts of the development on the amenities of residents in the vicinity of the proposed development by way of avoidance, screening, control, attenuation, suppression, monitoring, etc. I do not consider that the development of the proposed pumping station and its associated pipelines would have any significant, long-term, adverse impacts on residential amenity.

7.4 **Flood Risk**

7.4.1 One of the main purposes of the proposed development is to address flooding events at this location. Flood events have been recorded along the local road in the vicinity of the site for the proposed development and within the MOOG facility, a large industrial unit to the north and in close proximity to the site which is on IDA lands. The flooding is seen to arise from the existing IDA surface water pipeline becoming inundated during periods of simultaneous intense rainfall and high tides, resulting in the tide-locking of the pipeline. The proposed flood relief provisions, as part of the applicant's overall development, are designed to improve the level of service provided by the IDA storm water infrastructure by providing a low-lift pumping

station and associated pipelines. In principle, the proposed development can reasonably be seen as important infrastructure to address deficiencies in the management of storm water and to reduce the risk of future flood events.

7.4.2 As part of the planning application the applicant submitted a Flood Risk Assessment. This assessment followed the guidance set out in *The Planning System and Flood Risk Management: Guidelines for Planning Authorities*. The applicant's approach undertook a Stage 1 to Stage 3 Flood Risk Assessment, identifying the flood risk, undertaking an initial flood risk assessment, and providing a detailed flood risk assessment. I note the following from this assessment:

Stage 1

- The existing ground levels at the propose site vary from 2.mOD adjacent to the Marsh Road up to 4.0mOD along the western boundary.
- The Preliminary Flood Risk Assessment (PFRA) prepared by the OPW does not indicate that the site is at risk of fluvial, coastal, pluvial or groundwater flood events. The access route to the site is at risk of pluvial flooding in extreme events.
- The Local Area Plan indicates that the site is within lands designated as Flood Zone A.
- The predicted Tidal Flood Levels from the Lee CFRAMS indicate that tidal flooding of the site is probable for the Future and Current Scenarios for events above a 10% AEP (1 in 10 chance in any given year).
- These factors, combined with applicant's modelling, indicate that there is a high risk of flooding of the site and hence a Stage 2 Assessment is warranted.

Stage 2

- The risk of flooding of the site is from two sources - storm water network inundation and tidal.
- The proposed storm water low lift pumping station is required to alleviate flooding along the Marsh Road, the L6518 and at the MOOG facility. As the level of water within the network starts to rise due to a high tide, a level sensor would activate an actuated penstock, allowing a portion of the flow to be

diverted to the low lift pumping station. This would then pump the storm water to the estuary and would ensure the level of water within the network is kept below the critical level.

- The Lee CFRAMS flood extent maps provide information on the predicted 0.5% Annual Exceedance Probability (AEP) for the Current and Future Scenarios. The current 0.5% AEP was determined to be 2.65mOD and to be 3.2mOD on the Future maps. A freeboard allowance of 200mm is proposed, given the conservative nature in the Lee CFRAMS future scenario data. Therefore, the flood protection level is estimated as 3.4mOD (i.e. 3.2mOD plus 200mm).
- The proposed finished ground level for the site in the vicinity of the pumping station and control building structures would be no less than 3.4mOD.

Stage 3

- A Justification Test is required as the proposed site falls within Flood Zone A.
- The proposed development comprises a combination of 'Water Compatible' and 'Highly Vulnerable Infrastructure – Essential Infrastructure' under the Flood Risk Guidelines and may be located in Flood Zone A where a Justification Test has been carried out to demonstrate that the pumping station cannot be developed elsewhere and that the proposed development will include measures to ensure that the development is protected from flooding and is carried out in a sustainable manner.
- The requirements of the Justification Test are satisfied through the completion of the detailed flood risk assessment, including the flood mitigation and protection measures proposed. The design of the proposed pumping station addresses the following:
 - The location of the pumping station has been identified based on the detailed design of the IDA network and has to be located at a low point in the network to allow flows to reach the site through gravity pipelines;
 - The provision of the proposed flood defences (i.e. the proposed finished ground level for the site) would reduce the risk of flooding at the pumping station from a relatively frequent event to an acceptable risk (<0.5% AEP).

- The raising of the ground level to 3.4mOD provides a suitable finished ground level for construction. The construction of the low lift pumping station would also protect the site from the risk of pluvial flooding and will alleviate the risks.
- The inclusion of the low lift pumping station would reduce the risk of pluvial flooding to neighbouring sites.

7.4.3 The conclusions drawn in the applicant's assessment have been quoted earlier in this assessment. It is understood from this assessment that the applicant has determined that the risk of flooding of the proposed development, in association with the provision of flood defences and design measures, has been reduced to an acceptable risk and that the proposed development would not have potential knock-on effects on adjacent properties.

7.4.4 It is my submission to the Board that the applicant's flood risk assessment has been comprehensive and has been carried out in accordance with the guidance set out in *The Planning System and Flood Risk Management: Guidelines for Planning Authorities*. My considerations on this issue are as follows:

- The need to address flooding events at this location is accepted.
- The intent of the proposed flood relief scheme to address the flooding events, as part of the overall water infrastructure proposal, is accepted.
- The location of the proposed pumping station has been determined based upon the detailed design of the IDA network and it is accepted that it is required to be located at a low point in the network to allow flows to reach the site by gravity.
- The proposed pumping station is intended to be sited within Flood Zone A.
- The risk of flooding of the site from storm water network inundation and tidal impacts is accepted.
- The applicant's proposed flood protection level of 3.4mOD is acceptable as a flood defence measure to significantly reduce the risk of flooding at the proposed pumping station to an acceptable risk.

- The flood protection measures, inclusive of the proposed low lift pumping station, would improve the risk of pluvial flooding of neighbouring properties.

7.4.5 *The Planning System and Flood Risk Management: Guidelines for Planning*

Authorities notes that proper planning and sustainable development may require, in exceptional circumstances, some development in areas of flood risk, provided that the issue of flood risk is managed appropriately. In Section 3.5 of the Guidelines it is stated that most types of development would be inappropriate in Zone A and that development in this zone should be avoided and/or only considered in exceptional circumstances, such as in the case of essential infrastructure that cannot be located elsewhere and where the Justification Test has been applied. It is further stated that only water-compatible development would be considered appropriate in this zone.

Table 3.1 in the Guidelines, entitled 'Classification of vulnerability of different types of development', identifies the vulnerability classes and the land uses and types of development applicable to each class. I note that flood control infrastructure is referred to as a 'Water-compatible development' and is deemed appropriate in Flood Zone A. I further note that essential infrastructure such as substations and water and sewage treatment are included as 'Highly vulnerable development'. (I acknowledge once again that this development would not involve any sewage treatment).

Development of this type is required to be subject to a Justification Test. I accept that the requirements of the Justification Test are satisfied by the flood risk assessment undertaken by the applicant, inclusive of the proposed flood mitigation and protection measures resulting from this assessment. Finally, I am satisfied that the applicant's flood risk assessment was site-specific, clearly quantifying the flood risks and the effects of proposed mitigation and identifying the impacts beyond the site itself.

7.4.6 Overall, on the issue of flood risk I conclude as follows:

- The site for the proposed development would be on lands zoned 'Existing Built Up Area', with the proposed development supporting the primary industrial land use of the surrounding area;
- The proposal has been subject to an appropriate flood risk assessment. This has demonstrated that the development would not increase flood risk elsewhere;

- The flood risk assessment has included measures to minimise flood risk to people, property, the economy and the environment as far as reasonably possible;
- The proposal employs measures to manage the development to an acceptable level; and
- The proposed development would clearly achieve wider planning objectives for the further orderly development of industry in this area.

7.4.7 In the context of the above, I am satisfied to determine that the proposed development does not merit a refusal of planning permission based upon the potential flood risk arising for the development site and for neighbouring properties. The development would be an integral part of the water infrastructure that would support the further development of industry in this area as promoted by the Cork County Development Plan and the Ballincollig Carrigaline Municipal District Local Area Plan.

7.5 **Traffic Impact**

7.5.1 It is my submission to the Board that the operational phase of the proposed development would have very little impact on the road network in the vicinity of the proposed development. The management and monitoring of the pumping station would require traffic volumes that would be insignificant in terms of the volumes of traffic utilising the public road network in the wider area. The applicant estimates that the operation of the pumping station would consist of 1-2 visits per week by an operative in a standard or small commercial vehicle. Only occasionally would larger vehicles be required to access the site for maintenance reasons. This traffic would not result in any notable interference with established road users and would not be seen to pose any evident traffic hazard. The site layout, entrance and sightline details provided with the application demonstrate that safe access and egress will be attained at this site and it is clear that the operational traffic would have access onto a minor local road that would be very lightly trafficked before accessing Regional Road R613 to the north, a main road serving extensive industrial development in the Ringaskiddy area.

7.5.2 The construction phase of the proposed development would reasonably be seen to be short-term. Access to Marsh Road would be gained from the R613. The access roads for construction-related traffic can accommodate the associated vehicular movement but the condition of the local road could be undermined by the heavier construction traffic. I note the planning authority has sought a special development contribution to address the damage to the existing roadway due to the construction of the proposed development. This is reasonable in light of the likely effects and the need to ensure the road serving this site and other users, including established residential properties, remains fit for purpose. While there is likely to be some minor degree of nuisance for established road users on the minor road (as with many types of construction activities), these short-term impacts can clearly be managed to minimise impacts on the wider community. I note that the applicant's traffic management provisions include maintaining local access.

7.5.3 Finally, I note that the planning application includes a Preliminary Temporary Traffic Management Plan for the overall development and an Outline Construction Environmental Management Plan. It is evident that mitigation measures have been designed, and are proposed, to alleviate impacts on other road users. I do not consider that the proposed development would result in any significant adverse traffic impacts.

7.6 **The Need for Environmental Impact Assessment**

7.6.1 The proposed development is not of a class of development set out in Part 1, Schedule 5 of the Planning and Development Regulations requiring a mandatory preparation of an EIAR. Also, it is not of a class and does not meet a threshold of development set out in Part 2 of Schedule 5 of the Regulations. Environmental Impact Assessment is, therefore, not required for this proposed development.

7.6.2 In light of this position relating to EIA, there can be no determination that any issue of 'project splitting' would arise. It is acknowledged that what follows through for future development of the land banks in the IDA holding may take the form of developments requiring EIA and at that time, if required, EIA would result. Clearly,

the servicing of such future development would be considered as part of the overall environmental impact assessment at that time.

7.7 Impact on European Sites

7.7.1 *The Applicant's Natura Impact Statement*

Introduction

The applicant submitted a Habitats Assessment Screening Report as part of its initial planning application documentation. This contained an Appropriate Assessment Screening which concluded that the proposed development is not likely to give rise to any significant effect in Cork Harbour SPA or any other Natura 2000 site alone or in combination with any other plans or projects. Following consideration of the application details, inclusive of this AA Screening Report, the reports of the planning authority, the reports of prescribed bodies, third party submissions to the planning authority, and the appeal and observations to the Board, the Board requested the submission of a Natura Impact Assessment. In determining that an NIS was required regard was had to the location of Cork Harbour SPA downstream of the outfall pipeline discharge point and the proposed emergency overflow arrangements and that a likely significant effect on water quality in the SPA could not be ruled out. The applicant's Natura Impact Statement was received by the Board on 31st January 2020. The following is noted from this NIS:

Overview of Proposed Development

- The proposed development has been designed to accommodate all the lands within the industrial zoned catchment proposed for development, an approximate area of 75 hectares that can potentially be served by the proposed pumping station.
- The high-level emergency overflow will only be required as a back-up in the event of pump failure.

- The site is within lands designated 'Flood Zone A'. Hydraulic modelling was carried out to inform the planning application and this found that the proposed development and adjacent lands are prone to flooding during high tide events which coincide with high rainfall. The CFRAM study indicates that tidal flooding is probable for the future and current scenarios for events above a 10% annual exceedance probability, i.e. 1 in 10 chance in any given year. The two key sources of flooding for the pumping stations are existing storm water network inundation and tidal flooding.

European Sites

- There is one relevant European site, Cork Harbour SPA, with potential to be impacted by the proposed development. This is located approximately 270 metres to the south. The proposal is hydrologically connected to the SPA via surface water flows (via flooding), which ultimately discharge to Cork Harbour. There are no watercourses within the development that are hydrologically connected to a European site. All species listed as Special Conservation Interests (SCIs) for Cork Harbour SPA are for wintering species only, with the exception of common tern *Sterna hirundo*, which is listed for breeding.
- The Natura Standard Data Form SPA ranks the following activities as posing a threat of 'High' importance to the SPA:
 - marine and freshwater aquaculture;
 - industrial and commercial areas;
 - roads and motorways;
 - urban areas and habitation; and
 - port area.

The following activities are ranked as posing a threat of 'Medium' importance to the SPA:

- nautical sports;
- walking and horse-riding;
- fertilisation (agriculture); and

- leisure fishing.

The proposed development does not constitute an activity which falls under the 'High' or 'Medium' level of known threats to Cork Harbour SPA. Pollution from any source is not listed as either a threat or positive impact (under management) for this SPA. The effects of run-off from the nutrient input of agricultural fertilisation is considered to have a similar effect to that of discharge of foul water on the SPA.

- The habitats of the pumping stations, rising main, storm main and penstock chambers are located on terrestrial habitats that are not considered to link with the overall functionality of Cork Harbour SPA.
- There are no watercourses within the proposed development. The groundwater status of the proposed development is deemed to be of "Good" status.

Appropriate Assessment

- A potential pollution effect pathway exists between the proposed development and Cork Harbour SPA during the operational phase. The proposal indicates that flood water from the storm pumping station and the emergency overflow from the foul pumping station will discharge via the existing IDA storm outfall which discharges directly to the SPA. In the absence of mitigation, including mitigation inherent in the design, there is potential for contaminants to be directly released into the SPA. There is potential for pollutants and contaminants generated during flood events to be carried into the emergency outflow and storm water outfall and downstream into the SPA, potentially reducing prey abundance or diversity.
- The proposed development is predicted to affect the integrity of Cork Harbour SPA during operation via nutrient inputs from foul and storm water pollution.
- In the absence of mitigation, pollution from storm water flooding is considered to be minimal. For the most part the storm water flooding will be from existing lands. The level of hydrocarbon run-off in storm waters is considered to be low based on the land use in the immediate area.

- General conclusions around the overall impact of untreated nutrients on coastal waterbirds (at low levels) is positive. Various research studies show that low to moderate levels of nutrient input can be beneficial to waterbirds by increasing prey abundance. However, excessive input is likely to cause algal mats to form and, in the long-term for anoxic conditions to develop, which can reduce invertebrate prey availability.

In-Combination Effects

- Regard was had to other developments potentially affecting Cork Harbour SPA, given the close proximity to the proposed development and because, in the absence of mitigation, adverse effects from the proposed development alone were predicted to affect the SPA. The applicant considered the Zone of Influence (Zoi) for in-combination effects are areas surrounding Cork Harbour SPA, downstream of the proposed development, and for developments of a similar scale with potential to impact the SPA. The applicant undertook a search of planning applications within the Zoi to identify those which could act in-combination with the proposal to impact European sites. Those applications examined for the most part do not have potential to pose any in-combination effect on the integrity of Cork Harbour SPA in terms of pollution. No significant in-combination effects are predicted to interact with the proposed development to adversely affect the SPA.

Mitigation Measures

- The project adopts a number of design measures that avoid affecting the integrity of Cork Harbour SPA. Applying these measures, it is not predicted that the effect during operation will affect the integrity of the SPA based on the recent research on impacts of nutrient inputs on coastal waters.

Project Design

- Section 8.1.1 of the NIS sets out the design features relating to the proposed foul pumping station to ensure the requirement to use the proposed emergency overflow is a last option fall-back, inclusive of the duty pump /

standby pump set up, standby generator, alarm systems, overflow storage, and screening at the overflow pipe.

- Section 8.1.2 of the NIS sets out the design features relating to storm water, inclusive of a hydrocarbon interceptor.

Operational Phase Mitigation

- Section 8.2.1.1 of the NIS sets out mitigation arising from nutrient input that passes through the system, inclusive of monitoring systems, lack of any connectivity to Shanbally waste water treatment plant until that plant has been upgraded to support industrial development, and the separation of the foul and storm water systems.

Concluding Statement

The applicant concludes that the mitigation measures prescribed will provide for the protection of the relevant SCIs for Cork Harbour SPA present within the Zone of Influence of the proposed development. It is further submitted that:

- It can be determined beyond all reasonable scientific doubt that the proposed development will not adversely affect the integrity of Cork Harbour SPA.
- All identified pathways with potential for adverse impacts are robustly blocked through the use of best practice, avoidance and appropriate design.
- Following implementation of mitigation measures, the proposed development, individually and/or in combination with other plans and projects, will not adversely affect the integrity of any European site.

7.7.2 Cork Harbour Special Protection Area

Cork Harbour is a Special Protection Area (SPA) under the E.U. Birds Directive and is of special conservation interest for the following species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank,

Greenshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The site's wetlands form part of the SPA. The site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

The site's Conservation Objectives are:

- To maintain the favourable conservation condition of each of the listed bird species, and
- To maintain the favourable conservation condition of the wetland habitat in Cork Harbour SPA as a resource for the regularly occurring migratory waterbirds that utilise it.

7.7.3 Considerations on Appropriate Assessment

Introduction

- I note that the proposed development would not treat wastewater at this site. The proposed development would function as a pumping station, i.e. it would transfer wastewater from future industrial development in the area to the Cork Lower Harbour Waste Water Treatment Plant at Shanbally. Foul waters that would be transferred by the proposed development would be directed to the treatment plant to allow it to accommodate and treat the future additional loading arising from increased industrial activity in this area.
- From the proposed storm water pumping station, there would be a storm rising main connecting to the existing IDA storm water outfall. This existing IDA storm water outfall pipeline runs through a portion of the Lough Beg proposed Natural Heritage Area (pNHA) known as The Marsh on the opposite side of the public road from the proposed pumping station site. The proposed rising main connection from the storm water pumping station would cross the road and join the storm water outfall pipeline along the western boundary of the pNHA where the ground is raised to accommodate burying the pipelines. The outflows from the pumping station to the existing IDA pipe network

discharging to Lough Beg would require a minor incursion into the pNHA on previously disturbed ground. The laying of the storm water inlet pipeline and the construction of two manholes would require removal of a short section of treeline on the pNHA boundary and excavation within an area of recolonising bare ground. There would be no loss of foraging habitat for wintering waterbirds and no loss of Marsh habitat or habitat within the Cork Harbour SPA. The storm water pumping station would only be required to operate during periods of coincidental high tides and heavy rainfall to alleviate the flooding issue on IDA lands.

- The pressurised flows within the existing storm water pipeline would not constitute a new storm water contribution as the flows to the pumping station are all currently within the existing storm water network and would eventually make their way to the Lough Beg seawall discharge point in any case. A hydrocarbon interceptor is proposed to be installed within the pipework for the storm water to capture contaminants before discharge. It is accepted that no impact would arise for the estuarine environment.
- The proposed foul pumping station would have a high-level emergency overflow which would be a back-up in the event of pump failure. This overflow would tie into the existing IDA storm water outfall pipeline that would discharge to the estuary at Lough Beg. The emergency overflow pipeline would be approximately 65 metres in length of which 9 metres would be within the Lough Beg pNHA. It is my submission to the Board that this is the primary concern relating to the impact of the proposed development on a European site.
- The Board will note that the proposed development is not directly connected with or necessary to the management of any European Site.
- I accept that Cork Harbour SPA is the sole European site within the potential zone of influence of the proposed development.
- The SPA is located downstream of the proposed development. There is a hydrological pathway connecting the site to the Cork Harbour SPA. In the absence of any mitigation, the possibility of significant effects arising from

construction-related pollutants and sediments being mobilised to the SPA and pollutant-laden discharges at the operation stage cannot be ruled out.

Having regard to the above considerations, I am satisfied to determine that it cannot be concluded that the proposed development would not have a likely significant effect on any European site and the requirement for the submission of a Natura Impact Assessment and for the Board to undertake Appropriate Assessment is required.

Appropriate Assessment

My considerations are as follows:

- The Cork Harbour SPA, being the only European site that has a direct hydrological connection with the proposed development, is located approximately 270 metres to the south of the site.
- There are no surface waterbodies on the site of the proposed pumping station.
- Potential may arise for construction-related pollutants and sediments being mobilised to the SPA at the construction phase. The applicant has a range of proposed mitigation measures set out in its Construction Environmental Management Plan (CEMP). A detailed schedule of measures is specifically targeted to address the proposed works within Lough Beg pNHA to the east of the site for the pumping station and its links to the adjacent Cork Harbour SPA. The applicant's CEMP measures constitute appropriate construction management provisions and general good housekeeping practices which would ensure that potential polluting substances at the construction phase would be contained on site and contamination of waterbodies within the wider environs would not result.
- I note that the proposed demolition works, pipe laying and manhole construction are proposed to take place outside the wintering bird period.

- A potential pollution pathway exists between the proposed development and Cork Harbour SPA at the operation phase. Flood water from the storm pumping station and the emergency overflow from the foul pumping station would discharge via the existing IDA storm outfall which would discharge directly to the SPA. The proposed development could, therefore, impact on the SPA by way of deterioration of the foraging habitat for the Special Conservation Interests of this European site.
- There are substantial design and mitigation measures proposed as part of the scheme. The emergency overflow would be a last option fall-back. The measures would include:
 - The foul pumps would be designed on a Duty/Duty/Standby/Standby. Thus, should there be any technical issue associated with a pump there would be a standby option available.
 - There would be a permanent standby generator at the pumping station. Thus, the pumping station would operate via the generator during periods of power outage.
 - Telemetry systems would be provided. This would include alarms that would notify operatives in the event of a power outage or a pump failure.
 - An overflow storage tank of some 540m³ would be provided. Thus, in the event of two or more of the pumps experiencing a failure or there is a power outage and the back-up generator fails, this would provide storage to allow operatives to repair faults before an overflow would occur. I note that the storm tank would be sized to provide 2 hours Dry Weather Flow (DWF) storage, which is based on all the lands within the catchment being developed.
 - If the emergency overflow was required following all of the above measures, sewage would pass through a 6mm screen to prevent solids being discharged.
- I consider that the proposed measures set out above constitute best practice and are appropriate to avoid, mitigate and minimise potential adverse effects on the Cork Harbour SPA.

- I consider that the requirement to use the emergency overflow, based on the provisions being made, could only reasonably be viewed as an unlikely (but potential) event.
- I acknowledge that, in this unlikely event of a need for use of the emergency overflow, raw sewage would be discharged via the storm water outfall pipeline to Lough Beg estuary. I do not anticipate that, given the range of design provisions, there would be any significant perceptible effect on the habitats of the wintering waterbirds in the SPA. Given the proposed function of the pumping station, additional nutrient inputs of a low level would likely arise from any resulting foul and storm water pollution. I do not consider that there would be any significant or excessive nutrient input to the SPA arising from any unlikely event requiring the emergency overflow, having regard to the mitigation measures and design features being employed, the ongoing monitoring proposed and the response measures being implemented. The avoidance of significant adverse effects that could affect the integrity of the SPA would be addressed by these design and mitigation measures.
- I note that connection of the proposed development to Shanbally Waste Water Treatment Plant would only occur when the treatment plant has been upgraded to support proposed industrial development in this area that is intended to utilise the proposed development.
- I note that the foul and storm water systems are designed to be separated and this would avoid overcharging of the pumping station. Regular monitoring is proposed to ensure that, as the network is connected to future developments, the proposed system is capable of taking on the additional feed.
- Finally, it is accepted that no significant in-combination effects are predicted to interact with the proposed development such that the conservation objectives of the wetland bird species for which the SPA is designated would be adversely effected.

Conclusion

Having regard to the above, I am satisfied to conclude that there would be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans and projects.

Note 1: I acknowledge that references have been made in the submissions to the planning authority and to the Board in relation to the potential impact of the proposed development on bats by the demolition of the existing derelict bungalow on this site. I note that the site for the proposed development is not on or in any European site nor is it anywhere near any European site whose features of interest include bat species. Therefore, not being of conservation interest to any Natura 2000 site at this location, it is entirely reasonable to screen out the potential impact on bats for Appropriate Assessment purposes. I further note that a bat inspection of the derelict bungalow did take place and that it is intended to carry out a further inspection before the proposed demolition. All appropriate measures relating to bats are proposed to be provided for in this development.

Note 2: It is noted that a submission was sought by the Board from the Development Applications Unit of the Department of Culture, Heritage and the Gaeltacht following the receipt of the appeal, given the site lies adjacent to Cork Harbour SPA. The Department did not respond to this request. The Board also requested the DAU to make a submission following the receipt of the applicant's Natura Impact Statement. The DAU did not respond to this request. I consider that it is unfortunate to not be in receipt of the important observations the Department may have made on the proposed development that may have assisted the Board in the assessment of the impact on European sites.

7.8 **Conclusion**

- 7.8.1 It is intended that the proposed development would provide a new foul pumping station and a flood relief scheme. The purpose of the proposed development is to provide improved wastewater and storm water infrastructure to a number of IDA land banks zoned for industrial development in the Lough Beg area of Ringaskiddy. Currently, there is no wastewater network in the vicinity of the land banks that is capable of serving the future proposed industrial development. The proposed foul pumping station and associated pipelines would provide a dedicated means of connecting any proposed developments on these IDA lands to the local wastewater network where the additional load could be handled. Further to this, it is noted that a number of flood events have been recorded along the L6518 local road and within the MOOG facility in close proximity to the IDA lands. This arises from the existing IDA surface water pipeline becoming inundated during periods of simultaneous intense rainfall and high tides resulting in the tide-locking of the pipeline. The applicant's proposed flood relief scheme is designed to improve the level of service provided by the IDA storm water infrastructure. This would be done by providing a low-lift pumping station and associated pipelines. It is intended that this would alleviate the recurring flooding issue at the MOOG site to the north of the proposed pumping station site and on the local road while also providing additional capacity in the network to allow future development to take place.
- 7.8.2 Further to an understanding of the purpose of this proposal, it is acknowledged that the proposed development would not treat wastewater that comes to the pumping station site. It is solely a pumping station to transfer waste to the waste water treatment plant. In addition, I note that the primary land use in the vicinity of the proposed pumping station site is industrial and that the associated pipeline route traverses extensive lands intended to be developed for industrial purposes.
- 7.8.3 Having regard to these observations, it is clear that the proposed development seeks to serve lands that have been expressly designated for industrial purposes in the development plan provisions for Ringaskiddy. The evident intention is that the proposed development seeks to serve these lands with adequate drainage services. With due regard to the nature of the proposed development and the planned

provisions for the lands to be served, it can only be determined that the principle of this development is environmentally sustainable, constitutes appropriate planned development, and sets out to do what is demanded to provide for the needs of lands zoned for industry in this area into the future. Such a proposal constitutes orderly and sustainable development.

8.0 Recommendation

8.1. I recommend that permission is granted in accordance with the following reasons, considerations and conditions.

9.0 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 and the Ballincollig Carrigaline Municipal District Local Area Plan. The proposed development would,

therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board completed an Appropriate Assessment in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the applicant's Natura Impact Statement, the Inspector's report, and submissions on file. In completing the Appropriate Assessment, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the site's conservation objectives.

10.0 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. 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.

3. 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.

4. 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

5. 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.

6. 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.

7. (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.

8. 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 amenities of the area

9. 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.

Kevin Moore
Senior Planning Inspector

8th April 2020