

An
Bord
Pleanála

Board Order ABP-310522-21

Planning and Development Acts, 2000 to 2021

Planning Authority: Cork County Council

Application by Cork County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 16th day of June, 2021.

Proposed Development: Remediation works to a historic landfill site consisting of:

- Site clearance, including the demolition of a concrete loading bay and the excavation and removal off site of exposed waste.
- The re-profiling of the site.
- The placement of soil cover to form a capping layer on the site.
- The construction of a surface water drainage system.
- Landscaping.
- All ancillary site development works.

All at Newmarket Closed Landfill in the townlands of Longacre and Newmarket, Newmarket, County Cork.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the Conservation Objectives, qualifying interests and special conservation interests for the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170),
- (e) the policies and objectives of the Southern Regional Waste Management Plan 2005-2021 particularly relating to the remediation of historic closed landfills,
- (f) the policies and objectives of the Cork County Development Plan, 2014-2020,

- (g) the nature and extent of the proposed works and the undertaking of those works under a certificate of authorisation granted by the Environmental Protection Agency,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement, and
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and

- iii. the Conservation Objectives for the European Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's Conservation Objectives.

Proper Planning and Sustainable Development/Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area and would be acceptable in terms of traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures, outlined in the plans and particulars relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for the implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

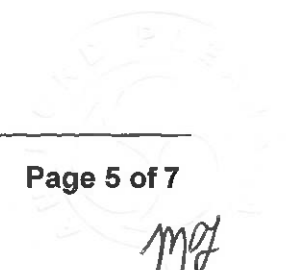
Reason: In the interest of protecting the environment, the protection of the European Site and biodiversity and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies a Construction Environmental Management Plan (CEMP) incorporating all mitigation measures indicated in the Natura Impact Statement and a demonstration of proposals to adhere to best practice and protocols. The CEMP shall include a Traffic Management Plan which shall, inter alia, consider options for the haul route and the management of delivery vehicles in the vicinity of Anne's Bridge and at the site entrance.

Reason: In the interest of protecting the environment and in the interest of traffic safety.

4. The local authority, or any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European Site.



5. Prior to the commencement of development, further surveys for mammals, including bats, shall be undertaken of the site and surrounding areas.

Reason: To ensure that the available information is up to date and the protection of biodiversity.

6. A suitably qualified ecologist shall be retained by the local authority to oversee the site clearance and construction of the proposed development. The ecologist shall have full access to the site as required and shall oversee the implementation of mitigation measures arising from the preconstruction mammal surveys required under condition 5 and which are set out in the Natura Impact Statement. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of the European Site.



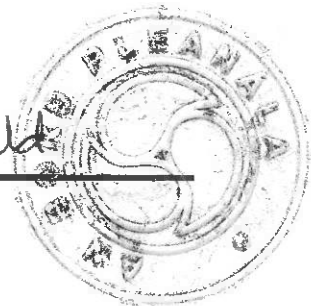
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7. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority to oversee the site set-up and the construction of the proposed development and the archaeologist shall be present on site to monitor construction works.

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.

DR. Maria FitzGerald

Maria FitzGerald



**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 24th day of Dec. 2021