



Planning and Development Acts 2000 to 2021

Planning Authority: Cork County Council

Planning Register Reference Number: 21/04483

Appeal by the Ballycotton Fishermans Association Limited care of P.J. Jordan and Associates of Whitehall, Cork Road, Midleton, County Cork and by Others against the decision made on the 24th day of November, 2021 by Cork County Council to grant subject to conditions a permission to Uisce Eireann - Irish Water care of Byrne Looby of Building 2100, Cork Airport Business Park, Kinsale Road, Cork in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a sewerage scheme and associated ancillary site development works for the village of Ballycotton. The scheme consists of the following components: 1. A proposed wastewater treatment plant with associated and ancillary development works including an access road, inlet works, tanks, kiosks, pumping stations and perimeter boundary fence. 2. Access track from Church Road (the L-3633) public road to the wastewater treatment plant site. 3. A proposed gravity sewer to convey flows from Cliff Road to existing sewer at Atlantic Terrace. 4. The Pier Pump Station, a proposed underground pumping station and associated infrastructure at Ballycotton Pier, including an underground pump sump,

underground storm water storage tank, kiosks, surge vessel and an adjacent temporary working area. 5. A proposed rising main to convey flows from The Pier Pump Station to a header manhole on Main Street. 6. A proposed gravity sewer to convey flows from the header manhole to the existing gravity sewer on Main Street. 7. A proposed gravity sewer to convey flows from the existing gravity sewer on Main Street to the proposed pump station at The Cow Slipway. 8. The Cow Pump Station, a proposed underground pumping station with associated infrastructure at The Cow Slipway including an underground pump sump, underground storm water storage tank, kiosks, and surge vessel. 9. A proposed rising main to convey flows from the proposed Cow Pump Station to the wastewater treatment plant. 10. A proposed gravity sewer to convey treated effluent from wastewater treatment plant to existing outfall. 11. Upgrade of the public watermain along public roads (Cliff Road and Main Street). 12. Demolition of existing toilet block at Ballycotton Pier. 13. Construction of new toilet block at Ballycotton Pier. 14. All associated ancillary site development works above and below ground, all at the village of Ballycotton, Townland of Ballycotton, County Cork.

Decision

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Reasons and Considerations

It is considered that the proposed provision of a wastewater treatment plant, pumping stations and associated sewerage infrastructure, subject to compliance with the conditions set out below, would not seriously injure the amenity of the area or of property in the vicinity, would not be prejudicial to public health or adversely affect the residential amenities of the area through excessive odour and noise levels, and would result in a higher quality of effluent being discharged into Ballycotton Bay which would be beneficial to the receiving environment. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, 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 conservation objectives of such sites other than the Ballycotton Bay Special Protection Area (Site Code: 004022) which is the European site for which the proposed development has the potential to have a significant effect and for which Appropriate Assessment is, therefore, required.

Appropriate Assessment Stage 2

The Board considered the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed development on the Ballycotton Bay Special Protection Area (Site Code: 004022) in view of the site's conservation objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the site's conservation objectives using the best available scientific knowledge in the field.

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

- (a) the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- (b) the mitigation measures which are included as part of the current proposal, and
- (c) the conservation objectives for the European site.

In completing the Appropriate Assessment, the Board accepted and adopted the Appropriate Assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European site, 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. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable scientific doubt as to the absence of adverse effects.

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 information submitted on the 30th day of September 2021, 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. During operation, the wastewater treatment plant shall be operated to ensure it will not give rise to any odour nuisance to sensitive receptors. Odour levels at the nearest sensitive receptor shall not exceed an odour concentration limit of 3 ouE/m³ on a 98th percentile basis of hourly averages. Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect adjoining amenities.

3. The proposed development shall be carried out in full compliance with all Mitigation Measures as outlined in the Natura Impact Statement received by the planning authority on the 26th day of February, 2021

Reason: To protect Natura 2000 sites in the vicinity.

4. The construction of the development shall be managed in accordance with the details provided in the preliminary construction and environmental management plan submitted to the planning authority on 30th day of September 2021. Details contained in this plan shall be the subject of written agreement with the planning authority and shall provide details of intended construction practice for all aspects of the development including the wastewater treatment plant, pumping stations, and rising mains. Details of all aspects of construction management shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development and to safeguard residential amenities in the area.

5. Prior to commencement of development, a detailed construction and operational traffic management plan shall be submitted to and agreed in writing with the planning authority. This plan shall ensure continuous access to the pier and to Cow Lane and shall be implemented at all times in accordance with the Area Engineer's requirements.

Reason: In the interest of orderly development and vehicular pedestrian safety.

6. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines of the Preparation of Waste Management Plans for Construction and Demolition Projects" published by the Department of the Environment, Heritage and Local Government in July, 2006.

Reason: In the interest of sustainable waste management.

7. Details of water supply and drainage arrangements, including the attenuation of surface water during the construction period, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

8. The developer shall facilitate the archaeological appraisal of the wastewater treatment plant site and shall provide for the preservation, recording and protection of archaeological materials or features which 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 operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 9. Details of proposed landscaping plans associated with the proposed wastewater treatment plant shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. All external lighting associated with the proposed development shall be sufficiently cowled so as to ensure that light spillage beyond the boundary of the wastewater treatment and the proposed pumping stations are minimised.

Reason: In the interest of visual amenity.

11. Where chemicals are to be used or stored on site such chemicals shall be stored in bunded areas.

Reason: In order to prevent pollution.

12. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme 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 to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.



Stephen Bohan

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

Dated this *9th* day of *May* 2022.