

Planning and Development Act 2000, as amended

Planning Authority: Cork County Council

Planning Register Reference Number: 25/6943

Appeal by Uisce Éireann in relation to the application by Cork County Council of the terms of the Development Contribution Scheme made for the area in respect of condition number 19 of its decision made on the 24th day of February, 2026.

Proposed Development: The proposed development includes for the upgrade of the existing Mallow Water Treatment Plant to bring it into compliance with Uisce Éireann technical guidance documents with regards the coagulation, flocculation and clarification (CFC), filtration, chemical storage and dosing and residuals treatment processes. In addition, as part of the upgrade works it is proposed to increase the capacity of the Water Treatment Plant from 4,754 cubic metres/day to 5,042 cubic metres/22 hours. The development will consist of the following: upgrade of the existing CFC process, including for the following: construction of a new flash mixing chamber with vertical turbine paddle; construction of a three number cell flocculation stage and mixing process (Note: The provision of the new flash mixing and flocculation tank will require the relocation of existing outdoor chemical bulk storage tanks, the demolition of an existing storage building adjacent the main Water Treatment Plant building and the relocation of existing overhead lines), pipework modifications to the existing rapid gravity filters, upgrade of the existing washwater residuals and sludge handling

processes to ensure adequate treatment of residuals prior to river discharge and adequate storage for sludge on site, including: one number new below ground equalization tank, one number new above ground settlement tank to be installed. Re-purpose the existing sludge holding tank as a sludge balance tank. One number picket fence thickener. One number new sludge holding tank. Two number pumping station kiosks, including: -sludge pumping station, sludge holding tank feed pumping station, upgrade of the existing chemical storage arrangements including: installation of one number outdoor Fluoride Bulk storage tank with integrated weather shrouded bund. Installation of two number outdoor Poly Aluminium Chloride bulk storage tanks with integrated weather shrouded bunds. Installation of two number outdoor Sodium Hydroxide bulk storage tanks with integrated weather shrouded bunds. Installation of one number outdoor Sodium Hypochlorite bulk storage tank. Installation of two number dedicated chemical delivery apron upon which chemical delivery vehicles shall park while unloading chemicals to the bulk storage tanks. The surface water network for the chemical delivery apron shall be able to be isolated during chemical deliveries and redirected towards a dedicated underground containment tank to capture any chemical spills. Installation of one number indoor Orthophosphate bulk storage tank and bund. (Note, the existing chemical building to be modified including for replacement of two number windows with a single and double door respectively), upgrade of the road layout to facilitate the proposed infrastructure upgrade for delivery of chemicals and sludge removal off-site, upgrade the surface water management for the proposed works, ensuring that the design complies with the requirements for sustainable drainage system (SuDS) and all ancillary site works including upgrade of the existing electrical, instrumentation, control and automation of the plant and diversion of existing overhead power lines and tree and hedgerow removal, all at Mallow Water Treatment Plant in the townland of Ballyellis, County Cork.

Decision

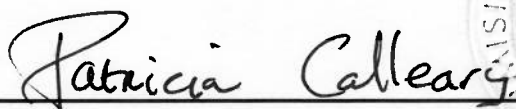
The Commission, in accordance with section 48 of the Planning and Development Act, 2000, as amended, considered, based on the reasons and considerations set out below, that the terms of the Development Contribution Scheme for the area had not been properly applied in respect of condition number 19 and directs the said Council to REMOVE condition number 19 for the reason stated.

Reasons and Considerations

Having regard to Section 48(2)(c) of the Planning and Development Act 2000, as amended, the terms of the Cork County Council Adopted Development Contribution Scheme 2004, to the plans and particulars submitted as part of the application, to the detailed submissions on file including that of the planning authority, it is considered that a special contribution towards the upgrade of the L-1221-0 road surface from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant does not represent exceptional and specific costs in terms of public infrastructure that will benefit the proposed development within the meaning of Section 48(2)(c) Planning and Development Act 2000, as amended, as such works are of a type that are provided for or capable of being provided for under Cork County Council's adopted Development Contributions Scheme. It is, therefore, considered that the special contribution imposed by the planning authority for such works, by the attachment of condition number 19, does not come within the scope of Section 48(2)(c) of the Planning and Development Act 2000, as amended.

P.C.

In not agreeing with the Inspector to amend the said condition requiring the developer to lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security, to secure the reinstatement of public roads from the junction with L-1223-0 (Bells Cross) to the Water Treatment Plant which may be damaged during the construction works, the Commission noted that the planning documentation, specifically the Planning Report (Tobin) included commitments for the carrying out of pre and post condition surveys of the relevant section of the road and the carrying out of repairs for any damage associated with the development or the reimbursement of costs for such repair works carried out by Cork County Council. This is considered a fair and reasonable means of dealing with any road damage that may occur as a direct consequence of the development at this location. The Commission noted that while it was open to the planning authority to attach a bond/security condition to its decision, akin to that suggested by the Inspector, it is not considered by the Commission to be appropriate to attach it as an alternative condition under Section 48(2)(c) of the Planning and Development Act 2000, having regard to the very precise nature of the condition under appeal and the legislative context for deciding on Section 48, including S.48(2)(c), appeals. The Commission otherwise agreed with the Inspector that condition number 19 requiring a special S.48(2)(c) contribution was not warranted.



Patricia Calleary

Planning Commissioner of An Coimisiún

Pleanála duly authorised to authenticate

the seal of the Commission.

Dated this 16th day of July 2026.