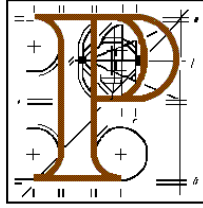


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 to 2016

Cork County Council

An Bord Pleanála Reference Number: 04.YM0003

(Associated reference numbers: 04.YA0005 and 04.YM0001)

REQUEST received by An Bord Pleanála on the 29th day of September, 2016 from Irish Water of P.O Box 900, Webworks, Eglinton Street, Cork under section 146B of the Planning and Development Act, 2000, as amended, in respect of a strategic infrastructure development described as the construction of a wastewater treatment plant as part of the development of Cork Lower Harbour Sewerage Scheme, which includes upgrading of the existing waste water collection systems in the lower harbour area, and construction of a marine pipeline crossing at Shanbally, Carrigaline, County Cork.

WHEREAS the Board made a decision to grant approval, subject to conditions, for the above-mentioned development by order dated the 24th day of June, 2009, and the development was the subject of a previous alteration, by order dated the 22nd day of October, 2015, under case reference 04.YM0001,

AND WHEREAS the proposed alteration is described as follows:

- (a) Changes in the location of one of the major pumping stations associated with the scheme. The Carrigaloe pumping station on the western shoreline of Cobh is to be relocated to the Dockyard Station further south along the coastline.

- (b) Consequential changes in the estuary pipeline crossing, originally proposed from Carrigaloe to Monkstown, to a new pipeline crossing from the Dockyard pumping station to Glen Road, Monkstown.
- (c) The relocation of the pumping station from the West Beach to the Old Town Hall site in Cobh Town Centre.
- (d) The provision of additional minor pumping stations at the Rushbrooke Hotel and the replacement of the originally proposed major pumping station with a minor pumping station at Carrigaloe.
- (e) The amalgamation of Lower Road pumping station and Whitepoint pumping station and their relocation to the Station Car Park pumping station near Cobh railway station.
- (f) The Dock Cottages pumping station is to be relocated to the green area beside Dock Cottages.
- (g) The proposed changes in the locations / removal of the pumping stations will have consequential impacts for the routing of the pipelines in and out of the pumping stations.

AND WHEREAS the Board considered that the proposed alteration would result in a material alteration to the terms of the development, the subject of the approval,

AND WHEREAS having regard to the nature of the issues involved, the Board invoked the provisions of section 146B(8)(a) of the Planning and Development Act, 2000, as amended, to invite submissions or observations in relation to the matter from members of the public,

AND WHEREAS having considered all of the documents on file, the submissions received, and the Inspector's reports, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment,

NOW THEREFORE in accordance with section 146B(3)(b) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above-mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 29th day of September, 2016.

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

The alteration the subject of this request would result in physical changes to components of the siting, layout and form of infrastructure associated with the Cork Lower Harbour Sewerage Scheme. It would, therefore, constitute a material alteration to the terms of the approved development.

In deciding to make the alteration, the Board had regard to the following:

- (a) the planning history of the overall development, including the scope and nature of the Cork Lower Harbour Sewerage Scheme approved under 04.YA0005, under which development of the nature proposed by the alteration was considered acceptable in principle, as well as the alteration previously made under 04.YM0001,
- (b) the environmental impact assessment undertaken by the Board under 04.YA0005, whereby the Board concluded that the Cork Lower Harbour Sewerage Scheme would be acceptable, the screening for environmental impact assessment undertaken under 04.YM0001, and the assessment of potential effects on European Sites undertaken under 04.YA0005 and 04.YM0001,
- (c) the nature and extent of the alteration sought,
- (d) the purpose of the approved development,

- (e) the detailed reports submitted in support of the request, including the Environmental Assessment Review, the appropriate assessment screening reports and the Natura impact statement, and
- (f) the documentation and submissions on file, including the submissions received in response to the Board's request in accordance with Section 146B(8) of the Planning and Development Act, 2000, as amended, and the reports of the Inspector.

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment and a screening for environmental impact assessment in respect of the proposed alteration.

Appropriate Assessment Screening

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the proposed alteration, the planning history of the scheme, the documentation and submissions on file, including the Appropriate Assessment screening reports, the distances to European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector, and concluded that, by itself and in combination with other plans or projects in the vicinity, the proposed alteration would not be likely to have significant effects on European Sites, with the exception of the proposed estuary crossing, for which a Stage 2 Appropriate Assessment is required in respect of the potential for significant effects on the Great Island Channel Special Area of Conservation (Site Code 001058) and on the Cork Harbour Special Protection Area (Site Code 004030).

Appropriate Assessment

Having regard to the nature, scale and location of the proposed estuary crossing, the Natura impact statement submitted, the documentation and submissions on file, the planning history of the scheme, and the report of the Inspector, the Board undertook an Appropriate Assessment of the effects of the estuary crossing on the Great Island Channel Special Area of Conservation and on the Cork Harbour Special Protection Area, and adopted the report of the Inspector in this respect. The Board concluded that, by itself or in combination with other plans or projects, including the overall development, the proposed estuary crossing would not be likely to adversely affect the integrity of the Great Island Channel Special Area of Conservation or the Cork Harbour Special Protection Area in view of the conservation objectives for those Sites.

Environmental Impact Assessment Screening

Having regard to the nature, scale, location and characteristics of the proposed alteration, the characteristics and scale of the potential impacts of the alteration, the planning history of the Cork Lower Harbour Sewerage Scheme, the documentation and submissions on file, and the provisions of Schedule 5 and Schedule 7 to the Planning and Development Regulations, 2001, as amended, the Board is satisfied that the proposed alteration would not be likely to have significant effects on the environment, either by itself or in cumulation with other development in the area. In coming to this determination, the Board concurred with the analysis and conclusions set out in the Inspector's overall report.

Conclusions on the Proper Planning and Sustainable Development of the Area

The Board concluded that the making of the proposed alteration to the approved development would be in accordance with the waste water management policies of the State and its obligations under European legislation, and that, subject to compliance with the mitigation measures set out on file, the proposed alteration would not seriously injure the amenities of the area or of property in the vicinity, would result in reduced environmental effects, would not detract from cultural or built heritage, and would be acceptable in terms of the proper planning and sustainable development of the area.

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

Dated this day of 2017.