



An
Bord
Pleanála

Inspector's Report ABP-310096-21

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| Development | The importation of soil and stone for the raising of an agricultural field in order to improve the agricultural output of the field and the construction of a temporary haul road. |
| Location | Skahanagh South, Watergrasshill, Co. Cork |
| Planning Authority | Cork County Council |
| Planning Authority Reg. Ref. | 21/4236 |
| Applicant(s) | Valerie O'Neill |
| Type of Application | Permission |
| Planning Authority Decision | Refusal |
| Type of Appeal | First Party -v- Decision |
| Appellant(s) | Valerie O'Neill |
| Observer(s) | Watergrasshill Community Association |
| Date of Site Inspection | 15 th July 2021 |
| Inspector | Hugh D. Morrison |

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1.0 Site Location and Description

- 1.1. The site is located variously 1.8km and 2km to the east of Junction 17 on the M8 and the centre of Watergrasshill. This site lies in an area of rolling countryside, which is in use for agriculture and forestry. It is accessed from the east off the L-5808 local secondary road.
- 1.2. The site itself is of amorphous shape and it extends over an area of 2.91 hectares. This site slopes gently downwards in a westerly/south-westerly direction to a stream, which flows southwards. On the far side of this stream lies a conifer woodland plantation. Further streams run along the north-western and southern boundaries of the site. There are also open land drains within this site. One such drain effectively dissects it, with the land on its upper eastern side being noticeably less wet than on its lower western side.
- 1.3. The site boundaries are denoted by agricultural fences and hedgerows. An agricultural gate is sited towards the north-eastern corner of the site and in its eastern, roadside boundary.

2.0 Proposed Development

- 2.1. The proposal is for the importation of soil and stone for the purpose of raising the site to improve its agricultural output. This proposal would, at 25,394 sqm, extend over the majority of the site and it would entail the importation of 63,756 cubic metres of soil and stone, which would weigh c. 95,634 tonnes, i.e. applying the 1.5 conversion rate from the Waste Management (Landfill Levy) Regulations 2015 to the stated volume of materials. Fill depths would range between 0.01m and 2.9m and the average depth would be 2.2m
- 2.2. The applicant estimates that the proposal would generate 6400 loads over 5 years, i.e. an average of 14.94 tonnes per load and 19,126 tonnes per annum. Under unsolicited further information, plans depicting improvements to the local secondary road (L-5808), which serves the site, and to the nearby bridge on this road were submitted. On-site a temporary haul road would be constructed and used for the duration of the importation phase.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reason:

The proposed development presents an unacceptable risk to the water quality of the Watergrasshill Public Water Supply Inner Source Protection Area and also the Barnetstown and Glashaboy Rivers along with Irish Water's Drinking Source abstraction points. The development would therefore be prejudicial to public health and run contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

These reports conclude that "The protection of the quality of drinking water overrides the desirability to provide for landfilling and improvement of agricultural lands."

3.2.2. Other Technical Reports

- IFI: Comments as follows:
 - Details of measures to prevent soiled water run-off into watercourses,
 - Only inert materials should be imported,
 - Five metre buffer zone from watercourses to be denoted by fence,
 - No interference with watercourses to occur without IFI's prior approval, and
 - No lands to be filled below 100-year flood contour.
- An Taisce: Comments as follows:
 - Attention is drawn to the second reason for the refusal of 20/4012, i.e. proximity of site to Irish Water's Watergrasshill drinking water abstraction point.
 - While the site is described as being "rush infested poor quality grassland", this description is contested due to satellite imagery, which indicates the presence of wetlands. This site also supports bird species, including the

hen harrier, which requires some protection outside SPAs. Under further information, an Ecological Impact Assessment should be submitted, including calculations with respect to Carbon sequestration loss as a result of the proposal and the cumulative loss from works in the vicinity that have encroached on other wetlands.

- Streams/land drains that bound the site flow into the Glashaboy River, a high-status waterbody. Consequently, a full assessment under Article 4 of the Water Framework Directive is required. Furthermore, buffer zones should be 20m wide and the proposal should not exacerbate downstream flood risk.
- Details of the agricultural after-use are required to facilitate a full assessment of the proposal.
- Irish Water: Comments as follows:
 - Attention is drawn to the location of the site adjacent to the Meenane Bridge Nos. 1 & 2 Springs within the Watergrasshill Public Water Supply Inner/Outer Source Protection Area, a critical drinking water source with an extreme to high ground water vulnerability. Attention is also drawn to the location of the site immediately upstream of Barnetstown and Glashaboy Rivers and Irish Water's abstraction points in these Rivers, i.e. downstream of this site.
 - The applicant has neither identified the said abstraction points nor proposed any mitigation measures to ensure that water quality is protected.
 - The proposal would risk the contamination of ground and surface waters, all of which should be protected under the Water Framework Directive. Irish Water considers that this proposal would pose an unacceptable risk to water quality and so it recommends refusal.
- Cork County Council:
 - Area Engineer: No objection, subject to conditions, including one pertaining to improvements to the bridge on the L-5808.

- Environment: IFI advice referred to and further information requested with respect to the establishment of a temporary benchmark for the site on the adjoining local road and its maintenance for the duration of the project, the removal of the haul route under the closure plan, and clarification of drawing dates.
- Ecology: Further information requested with respect to the following:
 - The stream along the western boundary flows in a northerly direction and so it is assumed that this stream joins/forms the upper reaches of the Flesk (Bride) Stream, which is a tributary of the River Flesk (Blackwater River Cork/Waterford SAC). The applicant's AA screening and NIS need to be revised to reflect this information.
 - An Ecological Impact Assessment (EclA) of the proposal should be undertaken, which includes a map of the site showing its habitats, the implications for these habitats of the proposal, and an assessment of/ mitigation measures for protected flora and fauna on the site, e.g. badger, Irish Red List birds, and the Common Frog.
 - A Method Statement for the proposed culverting/piping of drains on-site.
 - An ecological assessment of the proposed improvements to the bridge on the L-5808, prepared in liaison with the IFI.

4.0 Planning History

- 18/7155: Similar proposal to the current one: Refused on the ground of inadequate road network, including a sub-standard bridge, to accommodate traffic generation.
- 20/4012 Similar proposal to the current one: Refused on the grounds of inadequate road network, including a sub-standard bridge, to accommodate traffic generation, and potential risk to quality of drinking water and hence public health.

5.0 Policy and Context

5.1. Development Plan

Under the Cork County Development Plan 2014 – 2020 (CDP), the site is shown as lying with the Landscape Character Area (LCA) known as “Fissured Fertile Middleground”.

5.2. Natural Heritage Designations

- Cork Harbour SPA
- Great Island Channel SAC

5.3. EIA Preliminary Examination

The proposal is for the importation of waste to the site and so it is a project for the purpose of EIA preliminary examination.

Under Item 11(b) of Part 2 of Schedule 5 to Article 93 of the Planning and Development Regulations, 2001 – 2021, “Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of the Schedule” are required to be the subject of EIA.

The proposal is for the importation of soil and stone waste to the site. As such, it does not fall within the waste categories set out in Part 1 of Schedule 5. This proposal would entail the importation of waste at a rate of 19,126 tonnes per annum, i.e. a rate that represents c. 76.5% of the threshold of 25,000 tonnes per annum for EIA. Mandatory EIA of this proposal is not therefore required. However, the possibility of sub-threshold EIA needs to be addressed.

Generally, where a project exceeds 50% of its relevant threshold, a screening determination is likely to be needed. In this case, the proposal would be well above 50% and so a screening determination is needed. In this respect, the applicant has not submitted the information, under Schedule 7A of the Regulations, that is needed to enable such a determination to take place.

6.0 The Appeal

6.1. Grounds of Appeal

The proposal was refused on the basis that it would pose an unacceptable risk to the quality of local sources of drinking water. In this respect, the following factors should be noted:

- The applicant has discussed the proposal with Irish Water.
- Only soil and stone from green field sites would be imported, in line with EPA Guidelines, and so an unacceptable risk would not arise.
- The buffer zone would be 10m rather than 5m from water courses.
- Other measures would include the formation of an earthen mound and the erection of a silt fence.
- The applicant understands that a well within the protection zone may not be in use.
- The applicant would accept, as a condition, the agreement of Cork County Council and Irish Water to importation from green field sites.

6.2. Planning Authority Response

None

6.3. Observations

The observer supports the Planning Authority's reason for refusal. It submits an aerial photograph of Meenane Spring with its accompanying 300m and 1000m inner and outer protection zones, respectively. The site lies almost entirely in the inner protection zone, where microbial pollution is to be avoided.

The observer comments on the points raised by the applicant as follows:

- Irish Water has been unable to find any record of an agreement with the applicant over the proposal.

- The applicant assumes that soil and stone from green field sites would be contamination free, as it can arise naturally from the geology of an area or as a result of agricultural practices. Furthermore, who would monitor such soil and stone? Self-regulation in this respect would not command confidence when the quality of local drinking water is at stake.
- The presence of a buffer zone indicates that a risk would arise and yet that risk has not been the subject of an assessment by a hydrogeologist.
- Likewise, the presence of an earthen mound and a silt fence indicates that a risk would arise and yet that risk has not been quantified or assessed.
- The applicant misunderstands the need to protect springs as sources of drinking water, whether they are presently in use for supplying such water or not. At present, the Meenane Spring is not being used, as it is awaiting an upgrade to its ultra-violet light treatment, and so local drinking water is being drawn from the Knockraha Surface Water Scheme, which is close to capacity for this purpose. Consequently, the said upgrade is being prioritised by Irish Water.
- The agreement that the applicant envisages is unrealistic as Cork County Council is not sufficiently well-resourced to monitor multiple sites from which soil and stone may be drawn and Irish Water does not undertake such work.

Any suggestion of multiple sites raises concerns that the applicant may really be contemplating waste recovery. In this respect, the observer cites the examples of 15/6951 and 18/5328, which were for proposals similar to the current one, but which in practise are waste recovery facilities. The latter site is only 650m to the south of the applicant's site.

In May 2020, ecologists who reported on lands comprised in the above cited source protection zones recorded a pair of hen harriers overhead and local knowledge indicates that they still nest in the area.

The Government is committed to re-wilding, but such commitment is undermined by the loss of existing biodiversity, such as the wetlands on the applicant's site under her current proposal. Disfigurement of the landscape would also ensue.

6.4. Further Responses

None

7.0 Assessment

7.1. I have reviewed the proposal in the light of the Cork County Development Plan 2014 – 2020 (CDP), the planning history of the site, the submissions of the parties and the observer, and my own site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use and landscape,
- (ii) Traffic and access,
- (iii) Ecology,
- (iv) Water,
- (v) Environmental Impact Assessment, and
- (v) Appropriate Assessment.

(i) Land use and landscape

- 7.2. The site is in agricultural use and, following the proposed importation of soil and stone, such use would resume. The applicant states that the proposal would improve the agricultural output of the site.
- 7.3. The applicant has submitted a Site Assessment Report, which describes the site as being rush-infested poor-quality grassland that permits only light grazing at present. This Report advises that the existing top-soil should be stripped and stored for reuse. It also advises that larger stones should be laid at the base of the mound followed by smaller stones and then sub-soil and top-soil in order to ensure good drainage. Grass seed should be sown within 2 years of the mound's completion.
- 7.4. I consider that, if the above advice is followed, then the basis would exist for a resumption of agricultural use at a higher level of productivity than exists at present. Such use would be appropriate to the site's rural location.
- 7.5. The observer expresses the concern that the proposal would disfigure the site. The applicant has submitted cross sections of this proposal, which show that it would

capitalise upon the site's existing topography, which falls generally to the west/south-west, and so the resulting mound would be largely absorbed visually, its presence only being pronounced along the site's southern and western boundaries.

7.6. I conclude that the proposal would facilitate a resumption of agricultural use, which, would, potentially, be more productive than heretofore. I conclude, too, that it would be capable of being largely absorbed visually into the landscape of the site.

(ii) Traffic and access

7.7. During the formation phase of the proposal, the applicant estimates the proposal would generate 6400 loads over 5 years, i.e. an average of 14.94 tonnes per load and 19,126 tonnes per annum. If these loads were to be evenly distributed over the period cited, then 1280 would occur each year and c. 25 would occur each week.

7.8. The applicant has not indicated any pattern to the arrival of loads upon the site and, unless she knew in advance of the site(s) from which stone and soil would be drawn, it is unlikely that any pattern could be identified with precision. The likelihood is that, over time, there would be peaks and troughs in the arrival of loads on site. Likewise, no indication has been given as to arrival times during the working-day.

7.9. During my site visit, I observed that the L-5808, which serves the site is a secondary local road of narrow width, i.e. it is effectively of single lane width north of the bridge, which is adjacent to the south-eastern corner of the site. Under the proposal, the existing site access point from this road would be used. Under unsolicited further information, the applicant proposes to widen this stretch of road as far as the access point, to two lanes, and to strengthen this bridge, by means of a reinforced concrete slab.

7.10. The access point lies c. 800m north of Kearney's Cross Roads, where the L-5808 joins the primary local road, the L-5810-24, which heads east from Watergrasshill. I anticipate that the vast majority of traffic generated by the proposal would approach the site from the south and so it would pass along a relatively short stretch of secondary local road from the primary local road.

7.11. The Area Engineer raised no objection to the proposal, subject to conditions that include the requirement of 2.4m x 80m sightlines at the access point. The achievement of these sightlines would entail the removal/trimming back of roadside hedgerows. To the south of this access point, the applicant controls the hedgerow in

question. From the information before me, it is unclear if she controls the hedgerow to the north.

- 7.12. On-site, a haul road and a turning circle would be laid out. This road would be accompanied by a wheel wash which would be to the rear of the gated access point. These on-site access arrangements would be used during the formation of the proposal. Thereafter, they would be removed.
- 7.13. I conclude that, subject to the road and bridge improvements proposed for the L-5808, traffic generated by the proposal would be capable of being handled satisfactorily on the local road network. I conclude, too, that, subject to clarification that the applicant is in a position to secure the requisite northern sightline for the access point, its use under the proposal would be satisfactory.

(ii) Ecology

- 7.14. The applicant describes the site as being rush-infested poor-quality grassland. An Taisce and the Observer take exception to this description. They state that it is a wetland. The Planning Authority's Ecologist identifies the eastern half of the site as being improved agricultural grassland and the western half as being "heavily poached improved agricultural grassland/wet grassland mosaic." He adds that this half of the site is dominated by rushes (over 60%) and it is waterlogged in places.
- 7.15. The Planning Authority's Ecologist advises that an Ecological Impact Assessment (EclA) of the proposal should be undertaken. Such an Assessment should be based on a detailed survey of the habitats comprised in the site and their flora and fauna interest. With respect to the latter, he identified evidence of badgers and the Common Frog within the site and he also anticipates that bird species of interest may frequent it. An Taisce and the observer refer to the possible presence of Hen Harriers.
- 7.16. The IFI advises that, under the proposal, no lands should be filled below the 100-year flood contour and any interference with existing watercourses should be subject to its prior approval. This contour is not shown on the applicant's plans, which would entail the culverting of the open land drains that traverse the site.
- 7.17. I conclude that from an ecological perspective further information is required to ensure that a fuller understanding of the site's ecology can inform the proposal.

(iii) Water

- 7.18. The site is bound by a stream on its western boundary, which flows southwards. This stream is fed by steams/open land drains that bound and traverse the site. Under the EPA's web map, it is shown as being of high-water quality in the most recent River Waterbody Water Framework Directive (WFD) Status from 2013 – 2018. Previously, it was of good water quality. The Groundwater Waterbody WFD Status for 2013 – 2018 shows ground water quality as being good but at risk.
- 7.19. Irish Water advises that the site is adjacent to the Meenane Bridge Nos. 1 & 2 Springs within the Watergrasshill Public Water Supply Inner/Outer Source Protection Area, a critical drinking water source with an extreme to high ground water vulnerability. Irish Water also advises that the aforementioned stream flows into the Barnetstown River, which in turn flows into the Glashaboy River, both of which have abstraction points for drinking water.
- 7.20. The observer has submitted an aerial view of the site within its context, upon which is superimposed the 300m inner and the 1000m outer buffer zones around the Meenane Bridge Nos. 1 & 2 Springs. The inner buffer zone is to be protected from microbial pollution and almost the entire site lies within this zone.
- 7.21. The observer comments that the Meenane Bridge Nos. 1 & 2 Springs are not presently being used to supply drinking water, as they are awaiting an upgrade to their ultra-violet light treatment. In these circumstances, local drinking water is being supplied from the Knockraha Surface Water Scheme. As this Scheme is close to capacity, Irish Water is prioritising the said upgrade. Consequently, the expectation exists that local drinking water will be supplied by the Meenane Bridge Nos. 1 & 2 Springs again soon.
- 7.22. Irish Water has objected to the proposal on the basis that it would risk the contamination of ground and surface waters, all of which should be protected under the Water Framework Directive. The risk to water quality would thus be unacceptable. The Planning Authority refused the proposal on these grounds.
- 7.23. The applicant's grounds of appeal seek to allay the concern over the risk to water quality. She draws attention to the mitigation measures that would be incorporated in the design of the proposal, i.e. a 10m wide buffer zone between it and water courses, the formation of a 1m x 1m earthen bund and the installation of a silt fence

around the perimeter of the mound to intercept soiled water run-off, and the culverting of open land drains that traverse the site. She also draws attention to a further undertaking to import soil and stone from only greenfield development sites in a bid to minimise the risk of contamination. She invites that this undertaking be conditioned.

- 7.24. The observer has commented on the applicant's grounds of appeal to the effect that the mitigation measures acknowledge the existence of the risk to water quality that has been identified and yet they have not been assessed by a hydrogeologist with a view to establishing their efficacy. He also questions the applicant's undertaking in terms of the assumption that greenfield sites would necessarily be contamination free, e.g. it can arise naturally from the geology of an area or as a result of agricultural practices, and in terms of its enforceability in practise.
- 7.25. I recognise the imperative that exists to safeguard the quality of surface and groundwater within the inner buffer zone of the Meenane Bridge Nos. 1 & 2 Springs. I do not consider that the applicant has demonstrated that her proposal would safeguard this quality, e.g. how would the intercepted soiled water run-off be handled. I recognise, too, in the light of Irish Water's advice, that such demonstration may prove elusive, given the location of virtually the entire site within the inner buffer zone.
- 7.26. While the site is not the subject of any identified flood risk in the OPW's flood maps, the applicant has not addressed the possibility raised by An Taisce that her proposal may lead to faster surface water run-off during storm events which may potentially lead to a greater risk of flooding downstream from the site.
- 7.27. I conclude that the proposal would pose an unacceptable risk to local water quality which needs to be protected, especially as the Meenane Bridge Nos. 1 & 2 Springs provide local drinking water.

(iv) Environmental Impact Assessment

- 7.28. Under Section 5.3 of my report, I have concluded that the proposal requires to be the subject of a screening determination. However, in the absence of Schedule 7A information from the applicant, I have not proceeded to make such a determination. If the Board is minded to grant permission, then it should, firstly, request that the applicant submit this information so that a determination can be made.

(v) Appropriate Assessment

- 7.29. The site is not within a European site and so the proposal would have no direct effects on any European site. The site is bound by a stream along its western boundary, which flows into the Barnetstown and Glashaboy Rivers, which discharge into Cork Harbour, parts of which are designated as the European sites Cork Harbour SPA and Great Island Channel SAC. There is thus a hydrological link between the site and these two European sites and hence a source/pathway/receptor route.
- 7.30. The Planning Authority's Ecologist advises that the aforementioned stream flows northwards and so he considers that there is a hydrological link with the Blackwater River Cork/Waterford SAC, which runs to the north of the site. He, therefore, advises that this link should be included in any consideration of indirect effects of the proposal upon a European site. During my site visit, I was unable to confirm the Ecologist's view that the stream runs northwards. In this respect, I note from the EPA's map that it runs southwards, but that to the north of the site there is another stream that runs northwards, the intervening area being a watershed between two river catchments.
- 7.31. The applicant has submitted a Stage 1 Screening and a Stage 2 Natura Impact Statement for the proposal. I will draw upon these documents and the NPWS's website in undertaking my own Stages 1 and 2 exercises below.
- 7.32. Under Screening for Stage 1 Appropriate Assessment, the question to be addressed is, "Is the project likely to have a significant effect either individually or in combination with other plans and projects on a European Site(s)?"
- 7.33. The project is for the importation of soil and stone for the purpose of raising the site to improve its agricultural output. This proposal would, at 25,394 sqm, extend over the majority of the site and it would entail the importation of 63,756 cubic metres of soil and stone, which would weigh c. 95,634 tonnes.
- 7.34. A stream, which flows along the western boundary of the site, connects via a series of rivers to Cork Harbour and the two European sites that are located therein. These are the only European sites that might be affected by the proposal and so their Qualifying Interests and Conservation Objectives are set out below.

7.35. The Qualifying Interests of Cork Harbour SPA (004030) are as follows:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- Shelduck (*Tadorna tadorna*) [A048]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- Oystercatcher (*Haematopus ostralegus*) [A130]
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- Dunlin (*Calidris alpina*) [A149]
- Black-tailed Godwit (*Limosa limosa*) [A156]
- Bar-tailed Godwit (*Limosa lapponica*) [A157]
- Curlew (*Numenius arquata*) [A160]
- Redshank (*Tringa totanus*) [A162]
- Black-headed Gull (*Chroicocephalus ridibundus*) [A179]
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]
- Common Tern (*Sterna hirundo*) [A193]
- Wetland and Waterbirds [A999]

The Conservation Objectives for each of these Qualifying Interests is to maintain its favourable conservation condition.

7.36. The Qualifying Interests of Great Island Channel SAC (001058) are as follows:

- Mudflats and sandflats not covered by seawater at low tide [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) [1330]

The Conservation Objectives for of these Qualifying Interests is to maintain the former and restore the latter to their favourable conservation condition.

- 7.37. The Conservation Objectives for the above cited SPA and SAC would be potentially effected by a deterioration in water quality, for example, the food chain and habitats for the birds identified as Qualifying Interests could be harmed. Such deterioration would result from both wind-borne and water-borne silt entering the stream along the western boundary of the site, which ultimately discharges into Cork Harbour. While dilution of silt would occur en route to Cork Harbour, uncertainty surrounds the extent of such dilution, and so, under the precautionary principle, significant effects cannot be ruled out.
- 7.38. The site lies within an area that is subject to both the Cork County Development Plan 2014 – 2020 and the Fermoy Municipal District Local Area Plan 2017. Neither of these Plans envisage significant development within the vicinity of this site and the planning register confirms that such development is not outstanding. Accordingly, in combination effects do not arise.
- 7.39. I, therefore, consider that there is both a possibility of significant effects occurring in the absence of mitigation and uncertainty as to the significance of these effects. Consequently, the proposal could undermine the Conservation Objectives of the aforementioned European sites and so Stage 2 Appropriate Assessment is required.
- 7.40. Under Stage 2 Appropriate Assessment the question to be addressed is “Will the project adversely affect the integrity of the European sites either individually or in combination with other plans and projects in view of the sites’ Conservation Objectives?”
- 7.41. Under Stage 1 Screening, I have already described the project, identified the European sites in question, along with their Qualifying Interests and Conservation Objectives, and discounted any in combination effects.
- 7.42. Turning to the impacts of the proposal, which could affect the relevant Conservation Objectives, these are as follows: During the 5-year formation phase of the proposal, soil and stone would be imported onto the site and so there is a risk that silt-laden surface water run-off from these materials would enter the stream on the site’s western boundary and be carried downstream to Cork Harbour. If the concentration of silt was high, then aquatic plants, invertebrates, and small fishes could become

contaminated. As these are all food sources for birds, some of which are Qualifying Interests in the Cork Harbour SPA, adverse consequences for these Qualifying Interests could occur such as reduced fertility, abandonment of reproductive effort, and impairments of red blood cells' oxygen carrying capacity. In practise, the dilution factor of the c. 17km stretch of rivers between the site and Cork Harbour would be likely to ensure that high concentrations of silt would not arise.

- 7.43. Nevertheless, the applicant proposes to undertake the following mitigation measures: The proposed mound would be set back 10m from any adjacent watercourse, and its perimeter would be accompanied by a 1m x 1m earthen bund and silt fencing, which would be designed to intercept soiled surface water run-off. Existing open land drains that traverse the site would be culverted. During dry weather, dust suppression would be undertaken by means of spraying from a water bowser.
- 7.44. I consider that the above mitigation measures would reduce appreciably the risk of silt from the proposal reaching Cork Harbour and that, along with the dilution factor of the intervening river system, no adverse effects on the integrity of the Cork Harbour SPA and the Great Island Channel SAC would arise.
- 7.45. The proposal has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 7.46. Having carried out screening for Appropriate Assessment of the proposal, it was concluded that it would be likely to have a significant effect on the Cork Harbour SPA and Great Island Channel SAC. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their Conservation Objectives.
- 7.47. Following an Appropriate Assessment, it has been determined that the proposal, individually or in combination with other plans or projects would not adversely affect the integrity of European sites Nos. 004030 and 001058, or any other European sites, in view of the sites' Conservation Objectives.
- 7.48. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects. In this respect, the following factors are of relevance:

- The proposed mitigation measures: The proposed mound would be set back 10m from any adjacent watercourse, and its perimeter would be accompanied by a 1m x 1m earthen bund and silt fencing, which would be designed to intercept soiled surface water run-off. Existing open land drains that traverse the site would be culverted. During dry weather, dust suppression would be undertaken by means of spraying from a water bowser.
- The dilution factor of the 17km long intervening river system between the site and Cork Harbour.

8.0 Recommendation

That permission be refused.

9.0 Reasons and Considerations

Having regard to the location of the site within the Watergrasshill Public Water Supply Inner Source Protection Area and to the stream on the western boundary of the site that flows in to the Barnetstown and Glashaboy Rivers from which drinking water is abstracted, it is considered that the proposed importation of soil and stone onto the site would pose an unacceptable risk to water quality and so the proposal would be prejudicial to public health and, as such, contrary to the proper planning and sustainable development of the area.

Hugh D. Morrison
Planning Inspector

20th August 2021