



An
Bord
Pleanála

Inspector's Report ABP 310665-21

Development	Treated water storage tank and ancillary works.
Location	Ballyellis Water Treatment Plant, Ballyellis, Mallow, Co. Cork.
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/6524
Applicant	Irish Water
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	3 rd Party v. grant
Appellant	Mary Heeran
Observer(s)	None
Date of Site Inspection	17/08/21
Inspector	Pauline Fitzpatrick

1.0 Site Location and Description

- 1.1. The site is within the Mallow Water Treatment Plant at Ballyellis which has a stated area of 0.81 hectares. It is accessed from local road L1221 known as Bearforest Road c.2km to the south-east of Mallow town centre.
- 1.2. The site contains single and two storey buildings, water service infrastructure including a water treatment plant, an existing treated water storage tank, above and below ground chambers and pipework accessed via manholes across the site.
- 1.3. The lands to the north and east are in agricultural use with a hedgerow delineating the boundaries. A number of dwellings bound the site to the west with a 2.5 metre high fence delineating the boundary. The roadside boundary is delineated by a wall and gated entrance.

2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 16/11/20 with further plans and details submitted 07/05/21 following a request for further information dated 18/01/21. Unsolicited information regarding site ownership and land registry details was submitted 07/01/21.
- 2.2. Permission is sought for 1 no. 33.9 metre diameter precast single celled concrete underground tank with a treated water storage capacity of 2149m³. The works entail 1 no. concrete underground scour chamber, 1 no. de-chlorination system and kiosk, 1no. telemetry kiosk and associated underground pipework and cabling.
- 2.3. It will connect directly to the existing network at the site.
- 2.4. Water is currently stored in a below ground treated water storage tank with a capacity of 2160m³. This tank is to remain operational. The proposed tank is to be located to the north of the existing tank. The ground level is 115mOD and it is to be excavated to c. 111mOD. The top of the tank will be at ground level with an elevation of 115.25mOD. A safety barrier is to be erected to prevent vehicular access.
- 2.5. The proposal will provide additional storage to achieve 18 hours total storage and will effectively double the current storage capacity.

- 2.6. The existing septic tank on the site is to be decommissioned with connection proposed to the existing sewer network.
- 2.7. There is to be no increase in the quantity of water to be abstracted.
- 2.8. The application is accompanied by:
- Planning Report
 - Invasive Species Report
 - AA – Screening Report
 - Construction and Environmental Management Plan
 - Archaeological Screening Report
 - Flood Risk Assessment
 - Route Suitability Assessment (submitted by way of FI)
 - Landscaping Plan (submitted by way of FI)

3.0 Planning Authority Decision

3.1. Decision

Grant permission for the above described development subject to 15 conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

1st Area Planner's report dated **18/01/21**:

- The project complies with the 2017-2021 Irish Water Capital Investment Plan.
- A mandatory or subthreshold EIAR is not required in this case.
- Given the nature and scale of the development and the site context it is considered that there would not be significant adverse impacts in terms of amenity subject to satisfactory screening.

Further information recommended on the site's septic tank and percolation area, route assessment for construction delivery vehicles, boundary treatments and landscaping plan and schedule of floor areas.

The above report and recommendation was endorsed by the **Senior Executive Planner**.

The **2nd Area Planner's** report dated **01/06/21** consider the further information submitted to be satisfactory. A grant of permission subject to conditions recommended.

The above report and recommendation was endorsed by the **Senior Executive Planner**.

3.2.2. Other Technical Reports

The **1st Area Engineer's** report dated **14/01/21** recommends further information on the septic tank and percolation area on site and a study on the road suitability from its junction with Killavullen Road (L1223) to accommodate the construction traffic.

The **2nd report** dated **31/05/21** following further information considers the report on the road suitability to be comprehensive with impacts to be minimal. No objection subject to conditions.

Ecology Report dated **18/01/21** notes:

- No increase in abstraction volumes or flows are proposed.
- Satisfied that overflow waters will discharge through the overflow pipe via the de-chlorination system before discharging to the stormwater pipe and River Blackwater. This stormwater network is already in place as part of the existing treatment system. Satisfied that any overflow discharging from the site will not constitute a risk to water quality within the Blackwater River SAC.
- The site is considered to be of low biodiversity value.

No objection subject to conditions.

2nd Ecology report dated **28/05/21** has no additional comments.

Environment in reports dated **08/01/21** and **27/05/21** has no objection subject to conditions addressing construction phase.

Archaeologist's report considers the site to be an adequate distance away from monument CO033-066 Ringfort and below the threshold (less than 0.5ha) to trigger an archaeological assessment. She concurs with the submitted Archaeological Screening Report.

3.3. **Prescribed Bodies**

None

3.4. **Third Party Observations**

Objections to the proposal received by the planning authority are on file for the Board's information. Issues raised relate to:

- Lack of consultation
- Impact on amenities of residential property
- Boundaries of site and encroachment onto 3rd party lands
- Overdevelopment of the site
- Impact on existing septic tank on site
- Construction impacts
- Noise
- Extension contrary to the water policies and objectives set out County Development Plan and in LAP.
- Impact on Clyda River and Blackwater River SAC
- Inadequacy of road serving the site

4.0 **Planning History**

I am not aware of any previous applications on the site.

5.0 Policy Context

5.1. National Planning Framework

National Policy Objective 63 – ensure the efficient and sustainable use and development of water resources and water service infrastructure in order to manage and conserve water resources in a manner that supports a healthy society, economic development requirements and a cleaner environment.

5.2. Regional Spatial and Economic Strategy for the Southern Region

RPO 208 – it is an objective to:

- a. support the implementation of Irish Water Investment Plans (prepared in 5 year cycles) and subsequent investment plans and seek such plans to align the supply of water services with the settlement strategy and objectives of the RSES,
- b. support the role of Irish Water Investment Plans in taking into account seasonal pressures on critical service infrastructure, climate change implications and leakage reduction in the design of all relevant projects,
- c. deliver and phase services, subject to the required appraisal, planning and environmental assessment processes and shall avoid adverse impacts on the integrity of the Natura 2000 networks.

RPO 209 – it is an objective to support investment and the sustainable development of strategic water supply projects by Irish Water and relevant local authorities, arising from initiatives including Investment Plans, 25 Year Water Supply Plans for our region's cities and metropolitan areas, leakage reduction programmes and initiatives through the National Water Resources Plan subject to appropriate environmental assessment and the planning process.

5.3. **Cork County Development Plan, 2014**

WS 2-1 Water Infrastructure – General

Prioritise the provision of water services infrastructure in the Gateway, Hub and Main Towns to complement the overall strategy for economic and population growth while ensuring appropriate protection of the environment.

WS 4-1 Water Supply

Prioritise the supply of adequate drinking water for the resident population and invest and expand the water supply, where possible, in line with future population targets.

Conserve sources of drinking water and minimise threats to either the quality or quantity of drinking water reserves that might result from different forms of development or development activity and other sources of pollution.

5.4. **Kanturk Mallow Municipal District Local Area Plan.**

The plan refers to Mallow environs, only, within which the site is within the existing built up area.

As per Table 2.3 Mallow is stated to have limited or no spare water services capacity.

5.5. **Natural Heritage Designations**

The River Blackwater is approx. 830 metres to the north of the site. It forms part of the Blackwater River (Cork/Waterford) SAC.

5.6. **Environmental Impact Assessment**

The proposed development does not comprise of a class of development set out in Schedule 5 of the Planning and Development Regulations, 2001, as amended, for which EIA is required.

6.0 The Appeal

6.1. Grounds of Appeal

The 3rd Party appellant resides in a dwelling to the west of the appeal site. The appeal can be summarised as follows:

- The finished floor level of her single storey dwelling is lower than the existing levels of the site and will be significantly lower than the proposed finished ground levels. The ground level height increase and proposed cover level height will have significant adverse effects on her home.
- A mesh fence was erected across the agreed legal boundary between her property and the site. A strip of ground c.64m x 1.2m that forms part of her site is included within the application site boundary. A further area c. 49m x 4m in the north-eastern corner of her site is also included within the site boundary. The applicant has not sought consent to include same. Her claim to possession has not been resolved.
- The applicant failed to appropriately engage with her prior to submission of the application.
- Little detail is provided on the proposed landscaping. The height of the landscaping, coupled with the proposed increase in ground levels, will affect daylight and sunlight to her dwelling which is c. 6m from the boundary.
- The proposal is too large for the site and constitutes overdevelopment. A distance of 5 m is proposed between the tank and the boundary on the site plans which is reduced to 1.9 m when measured from the legal boundary. The applicant has not demonstrated how the tank can be constructed without encroaching on 3rd party lands.
- There is a septic tank in close proximity to the north eastern boundary. The integrity of the tank and drain will be undermined by the construction work. The current location and orientation of the septic tank would suggest that the system does not have suitable percolation arrangements in compliance with the necessary standards.

- The nearest public sewer is located at Bell's Cross approx. 900 metres north of the site. Connection to this sewer is queried in view of the distance.
- The construction and the hours stipulated for same in condition 14 would have an adverse impact on her amenities.
- Insufficient measures have been included for monitoring of noise at the existing plant which will be further compounded by new plant. This noise will adversely impact her amenities.
- It is not clear where construction can gain access to the site.
- No commencement date is available.
- An expansion to the plant would be contrary to Cork County Council's policies and objectives. The plant is supplied by the Clyda River via the reservoir at Fiddane. In times of high demand the reservoir can often run low as a result of low water levels in the river and water supply is switched over to the Box Cross WS. The expansion of the Box Cross WS is required to facilitate new development in the north-west and south-west of the town as well as supplying areas of the town previously served by the Ballyellis WS.
- How the increased drawdown on the Clyda River will change the natural hydrological processes of the river and the Blackwater River SAC needs to be assessed. This may have implications for freshwater habitats and species of the SAC. The current draw down from the Clyda River exceeds the hydrological load of the river during the summer months. Any expansion of the drawdown with the expansion of the water treatment plant will further exacerbate this issue which will have detrimental effects on the freshwater habitats and species of the SAC.

6.2. Applicant Response

The submission by RPS on behalf of the applicant can be summarised as follows:

- The ground is to be excavated to facilitate the construction of the tank underground. The top of the tank will be at ground level with an elevation of just over 115mOD. To address slight differentials at the various points around the circular structure, the ground around the tank will be regraded following

tank construction, tapering from the tank edge for a distance of c.0.5m to tie-in with existing ground levels as it approaches the appellant's property boundary. The safety barrier/railing will be placed above ground level. While ground levels do vary between the site and the appellant's property, neither the existing or proposed difference is considered to be significant or dramatic, particularly considering the nature of that part of the structure that will be visible above ground.

- The placement of the tank underground is a key factor in mitigating any significant visual impact. There is an existing fence and structures ancillary to the appellant's dwelling located between the dwelling and the tank. Screen planting is proposed. Narrow hedging, only, has been proposed along the boundary with her property. More substantive trees are to be provided further south along the boundary. It is not considered that any significant adverse effects associated with changes to daylight and sunlight currently available will arise. Should the Board require it the applicant is satisfied to amend the landscaping plan to further reduce the scale of the planting in the vicinity of the appellant's boundary.
- The proposal seeks the maximum use of the existing water treatment plant site in order to provide a sustainable solution for improvements to the potable water supply infrastructure for the surrounding area. The site was originally developed with a view to providing future infrastructure on the western portion of the plot. It prevents the need to develop a greenfield site.
- In terms of construction solutions will be required to be provided in the event that any constraints are identified which is standard practice. The existing site access is suitable for construction access and measures will be put in place in line with the Construction and Environmental Management Plan (CEMP) to ensure no significant adverse impacts arise during the construction phase.
- A detailed landscaping plan has been prepared to assist with the integration of the existing and proposed development into the surrounding area.
- Folio details provided as to the site ownership. The applicant is satisfied that it has sufficient legal interest.

- The septic tank is to be decommissioned and the site connected to the public sewer. The applicant has responsibility for the public sewer network in the area. Sewage will be diverted through an existing waste pipe that runs from the site to within close proximity of the existing public sewer network. This waste pipe will be extended approx. 35 metres to facilitate connection.
- The construction phase will be temporary and within specified standard working hours. Section 3.4.1 of the CEMP includes mitigation measures for noise management with specific reference to limits on noise arising from any piling. Conditions 11 and 13 of the planning authority's decision require the CEMP to be implemented and updated. Specifically, updates are to include mitigation measures for noise once the main contractor has developed a method statement.
- The proposed development will not result in the generation of any new noise at operational stage.
- The existing access to the site will be used for construction.
- No new abstraction is proposed. The proposal is solely for the improvement of storage capacity for water that has been treated.
- A Report to Inform AA Screening accompanied the application and the planning authority conducted an AA Screening. It determined that the proposed development may be screened out for Stage 2 AA.
- The applicant engaged with the appellant prior to the submission of the application (summary provided).
- As the proposal has not yet secured permission no contractor has been appointed and construction programme/start date cannot be confirmed.

6.3. Planning Authority Response

The response can be summarised as follows:

- Due regard was had to the nature and scale of the proposal, its location, the characteristics of the site and the potential benefits and impacts. The

recommendation was informed by the assessments of the Area Engineer, Archaeologist, Environmental Office and Ecologist.

- The issues of noise, vibration and working hours were considered and conditioned appropriate to the development.
- In terms of the potential impact on the Clyda and Blackwater Rivers from increased drawdown it is noted that the proposal will not result in an increase in the water to be abstracted. Therefore, there will be no increase in the water taken from the Clyda River.

6.4. Observations

None

7.0 Assessment

I consider that the issues arising in the case can be assessed under the following headings:

- Legal Interest and Site Boundaries
- Consultation
- Policy Context and Nature and Extent of Development
- Amenities of Adjoining Property
- Construction
- Site Services
- Appropriate Assessment

7.1. Legal Interest and Site Boundaries

- 7.1.1. The appellant's property is immediately to the north-east of the existing Ballyellis Water Treatment Plant (WTP) and she contends that the boundary as delineated on the plans accompanying the application encroaches onto land within her ownership which she has maintained for a significant period of time. As noted on day of inspection the mesh fence delineating the site perimeter is erected inside the boundary as delineated on the plans. As per the covering letter accompanying the

application the applicant states that the site boundary is based on land registry mapping and that, in places, there is a discrepancy between the legal ownership boundary and the existing physical boundary fence, whereby the fence is located internally within the water treatment plant lands. The relevant land registry folio was subsequently submitted by way of unsolicited further information.

- 7.1.2. I submit that the applicant has submitted sufficient evidence of interest to lodge the application and that any further contention is matter for resolution through the appropriate legal channels.

7.2. Consultation

- 7.2.1. Whilst the appellant expresses concern as to the absence of consultation in relation to the project, I note that there is no legal imperative for the applicant to engage in discussions prior to lodgement of an application. It is clear that the appellant was aware of the application and engaged in the process by making her views known through written submissions to the Planning Authority in the first instance and to the Board at this appeal stage.

7.3. Policy Context and Nature and Extent of Development

- 7.3.1. The 2017-2021 Irish Water Capital Investment Plan presents a capital investment portfolio in water services infrastructure developed in order to address national strategic objectives as set out in Irish Water's Service Strategic Plan. Following same a number of water storage projects were identified nationally. The Treated Water Storage Plan (TWSP) aims to provide sufficient storage for small networks with the objective to improve security of supply through the provision of secure and adequate storage, specifically to provide 24-hour storage for the Water Supply Zones identified. The Mallow Water Supply Zone (WSZ) has been identified by Irish Water as having insufficient water storage capacity. As per Table 2.1 of the Appropriate Assessment Screening Report the storage deficit is calculated as being 3500m³.
- 7.3.2. Water supply for Mallow is mostly provided by two schemes, namely the Mallow WS (primary scheme) at Ballyellis and the Box Cross WS. The Kanturk Mallow Municipal District LAP notes that the Box Cross WS will need to be extended to cater for significant development areas particularly to the north east and west of the town and to supply areas previously supplied by the Mallow WS thus freeing up capacity

in the latter enabling it to be used to supply other locations including the south-west of the town and lands zoned for employment uses in the Quartertown.

- 7.3.3. The Mallow WS at Ballyellis is supplied from 3 no. water sources; the Fiddane Reservoir c. 2km to the south-east of the site, intake from the Clyda River c. 3km to the south-west and a borehole at the treatment plant. The water supply is treated by full rapid gravity filtration including sedimentation, filtration, pH, chlorination and fluoridation. Water supply is currently stored in a below ground treated water storage tank with a capacity of 2160m³.
- 7.3.4. The proposal entails the construction of 1 no. 33.9 metre diameter precast single celled concrete underground tank with a treated water storage capacity of 2149m³ to be located to the north of the existing tank. The works will also entail 1 no. concrete underground scour chamber, 1 no. de-chlorination system and kiosk, 1no. telemetry kiosk and associated underground pipework and cabling. It will connect directly to the existing network at the site. The tank will provide additional storage to achieve 18 hours total storage and will effectively double the current storage capacity. There is to be no increase in the quantity of water to be abstracted and the proposed development will have no impact on the current water sources identified above.
- 7.3.5. It is considered that the proposed development will seek to provide for a security of supply by means of adequate storage and will accord with National Policy Objective 63 of the NPF, RPOs 208 and 209 of the Regional Spatial and Economic Strategy for the Southern Region and with objectives WS 2-1 and WS 4-1 of the current County Development Plan which seek to prioritise the provision of water services infrastructure and invest and expand the water supply, where possible, in the Gateway, Hub and Main Towns to complement the overall strategy for economic and population growth. Mallow is such a designated hub. The works would not impact on future plans for the expansion of the Box Cross WP as identified in the Kanturk Mallow Municipal District LAP.

7.4. Amenities of Adjoining Property

- 7.4.1. The 33.9 metre diameter single celled precast concrete tank is to be located in the north-western most corner of the site immediately adjacent to the existing storage tank. The area is currently under grass. The site slopes gently down to the western boundary with the site levels marginally higher than the appellant's property. A

setback of 7.1 metres is proposed from the site boundary as delineated on the site plans with a setback of 5 metres from the existing fence which is to be retained. The tank will be to the south-west of the appellant's dwelling

- 7.4.2. The existing ground level is 115mOD. It is to be excavated to c. 111mOD to facilitate the construction of the tank underground. The top of the tank will be at ground level with an elevation of just over 115.25mOD. To address slight differentials at the various points around the circular structure, the ground around the tank will be regraded following tank construction, tapering from the tank edge for a distance of c.0.5m to tie in with existing ground levels as it approaches the appellant's property boundary. The safety barrier/railing to prevent vehicular access will be placed above ground level.
- 7.4.3. I would concur with the applicant's view that whilst ground levels do vary between the site and the appellant's property, neither the existing or proposed difference is considered to be significant particularly considering the nature of that part of the structure that will be visible above ground.
- 7.4.4. Following concerns expressed about the impact of perimeter landscaping on daylight and sunlight to her dwelling a revised landscaping plan was submitted by way of further information. A narrow evergreen hedge is proposed to be maintained at a height of 1.5m to 2m so as to balance the requirement to screen the proposed development. I consider that such a proposal would assist in screening the site whilst not impacting on her residential amenities in terms of daylight and sunlight.
- 7.4.5. The tank, of itself, will not generate noise and thus will not result in any alteration to the existing noise environment at the treatment plant.

7.5. Construction

- 7.5.1. A Construction and Environmental Management Plan accompanies the application. Construction is estimated to take 6-9 months with the peak construction traffic movements arising during the excavation works which is anticipated to take approx. 4 weeks with 10 no. return trips daily. The quantity of excavated material is estimated to be 3500m³ with an estimated 500m³ to be reused within the site works. The remainder of the soil will be removed off the site.
- 7.5.2. In terms of construction the applicant will be required to ensure that the works etc. are maintained within the site boundaries and that solutions will be required should

constraints arise. A grant of permission does not give consent to enter 3rd party lands . In this regard the applicant should be advised of section 34(13) of the Planning and Development Act, 2000, as amended.

- 7.5.3. Construction hours proposed are in line with standard industry practice whilst the recommendations of BS 5228:2009+A1:2014 Noise Control and Construction and Open Sites in terms of noise abatement measures are to be complied with.
- 7.5.4. By way of further information a site suitability assessment of local road L1221 from its junction with the Killavullen Road (L1223) to the north-east was undertaken with respect to construction traffic. Overall the route was deemed to be in a good state of repair with adequate drainage, sight distances and opportunities for vehicles to pass each other. Pre/post construction surveys are to be undertaken with the applicant to reimburse the County Council in respect of costs associated with any repairs that may arise. The existing site access is adequate to allow for construction traffic.
- 7.5.5. It is inevitable that potential negative impacts to the local population may occur during the construction period particularly in terms of noise and traffic. However, these impacts will be temporary. A condition requiring the preparation of a final construction management plan can be attached should the Board be disposed to a favourable decision.
- 7.5.6. There are no operational stage implications with the proposal not giving rise to any increase in vehicular movements from the site.

7.6. **Site Services**

- 7.6.1. The existing facility is served by a septic tank and percolation area located along the northern boundary of the site. It is proposed that prior to construction of the tank the system be decommissioned and removed with connection proposed to the public sewer. The appellant queries whether this can arise due to the distance to the nearest sewer. I note that the applicant is the authority that has responsibility for the public sewer network in the area with a letter confirming the proposed connection submitted in support.

7.7. Appropriate Assessment – Screening

Compliance with Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

Background of the Application

- 7.7.1. The application has submitted a screening report for Appropriate Assessment as part of the application. The report was prepared by RPS dated August 2020. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identified European Sites within a possible zone of influence of the development.
- 7.7.2. The applicant's AA Screening Report concluded that the proposed development either alone or in-combination with other plans and/or projects does not have the potential to significantly affect any European Site in light of their conservation objectives. Therefore a Stage 2 Appropriate Assessment is deemed not to be required.
- 7.7.3. Having reviewed the documents I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone, or in combination with other plans and projects on European sites.

Screening for Appropriate Assessment – Test of Likely Significant effects.

- 7.7.4. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on European sites.
- 7.7.5. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief Description of the Development

The applicant provides a description of the project on pages 5-8 of the AA screening report. In summary, the development comprises:

- 1 no. 33.9 metre diameter precast single celled concrete underground tank with a treated water storage capacity of 2149m³.
- 1 no. concrete underground scour chamber,
- 1 no. de-chlorination system and kiosk,
- 1no. telemetry kiosk and
- associated underground pipework and cabling.
- A safety barrier to prevent vehicular access.

It will connect directly to the existing network at the site.

The proposed tank is to be located to the north of the existing tank which has a capacity of 2160m³. This tank is to remain operational. The existing ground level is 115mOD and it is to be excavated to c. 111mOD. The top of the tank will be at ground level with an elevation of 115.25mOD.

The existing septic tank on the site is to be decommissioned with connection to the public sewer proposed.

A Construction and Environmental Management Plan accompanies the application. General best practice measures are proposed in the construction phase which is estimated to take 6-9 months.

The development site is described in sections 2.2 and 4 of the screening report. It consists of existing structures and hardstand areas with amenity grassland in the area where the tank is to be constructed. Hedgerows delineate the eastern and northern boundaries of the site. Cherry Laurel invasive species is recorded throughout the site largely in the hedgerows. There are no drains or watercourses in or in the vicinity of the site.

Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects in European sites:

- Surface water pollution arising from discharges of contaminated surface water during construction phase.
- Emergency overflow discharge during operation.
- Spread of invasive species.

Submissions and Observations

The appellant considers that how the increased drawdown on the Clyda River will change the natural hydrological processes of the river and the Blackwater River SAC needs to be assessed. This may have implications for freshwater habitats and species of the SAC.

European Sites

The development is not located in or immediately adjacent to a European site. The closest European site is the Blackwater River (Cork/Waterford) SAC (site code 2170) c. 830 metres to the north.

A summary of European Sites that occur within 15km and those hydrologically linked outside 15km is presented in the summary table below. A summary of the outcomes of the screening process detailed.

Identification of Likely Effects

The likely effects has been assessed using the source-pathway-receptor model.

- The site does not support habitats of ex-situ ecological value for qualifying interest species of the Blackwater River (Cork/Waterford) SAC.
- The dominant habitats within the site do not support suitable habitat for the special conservation interests of Kilcolman Bog, SPA, Blackwater Callows SPA and Blackwater Estuary SPA. There is no possibility of effects due to the separation distances (13km, 32km, and 72km respectively).
- There are no watercourses or drains on or in the vicinity of the site. The nearest watercourse is the North Ballinvuskig Stream c.420 metres to the east of the site. The said stream is a tributary of the River Blackwater.
- There is nothing unique or particularly challenging about the proposed development, either at construction or operational phases.

- The measures to be employed at construction stage are standard practices and would be required for a development on any site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- The pollution control measures to be undertaken during the operational phase are standard practices and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites.
- The proposed development is to provide for additional water storage only. The increased storage will not increase the rate or volume of daily abstraction from the three sources – the Fiddane Reservoir (surface water abstraction from the Fiddane River) located approx. 2km to the south-east, an intake from the Clyda River located approx. 3km south west and a borehole located at the existing plant.
- The existing procedures on site to deal with an emergency overflow event will continue to apply. Should all of the measures fail and an emergency overflow event occurs, the overflow will discharge via the overflow pipe via the de-chlorination system before discharging to a stormwater pipe running opposite the site which discharges downstream to the River Blackwater.
- An Invasive Species Management plan has been prepared to address the eradication of Cherry Laurel on the site. This would be required for a development where an invasive species has been identified irrespective of any potential connection to Natura 2000 sites.
- The septic tank on the site is to be decommissioned and connection to the public sewer is proposed to the Mallow Waste Water Treatment Plant which is currently being upgraded. The discharge from the site would be minimal and can be accommodated with the scheme

7.7.6. Cumulative impacts are addressed in Section 5.4.6 of the Screening Report. It takes into consideration a number of proposed developments which have secured permission including residential and commercial development. It also takes into consideration plans for the area including the River Basin Management Plan, IFI Corporate Plan and Irish Water Capital Investment Plan and Water Services

Strategic Plan. It concludes that in the absence of any significant potential impacts on the qualifying interests and conservation interests for the Blackwater River SAC and in the absence of significant impacts on its overall integrity, no potential cumulative impacts via water quality deterioration or any other impacts from the proposed works have been identified.

Mitigation Measures

- 7.7.7. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

Screening Determination

- 7.7.8. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the potential individually or in combination with other plans or projects would not be likely to give rise to significant effects on European Site Nos. 002170, 004095, 004094 and 004028 or any other European site, in view of the site's Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not therefore required.
- 7.7.9. This determination is based on the following:
- The distance of the proposed development from the European Sites
 - The site for the proposed development does not have habitat to support the qualifying interests of the SAC or SPAs.

• **AA Screening Summary Matrix**

European /Natura 2000 Site www.npws.ie	Distance from proposed development/ Source, pathway, receptor	Possible significant effect (alone)	In combination effects	Screening conclusion
Blackwater River (Cork/Waterford) SAC (site code 002170)	Approx. 830 metres to the north of the site. The North Ballinvuskig Stream which is a tributary of the River Blackwater is c. 420 metres to the east.	<p>The site does not support habitats of ex-situ ecological value for qualifying interest species.</p> <p>No watercourse or drain on or in the vicinity. Site served by existing stormwater drain on opposite side of road.</p> <p>No possibility of effects due to separation distance and absence of ecological connections.</p>	No possibility of in combination effects	Screened out for need for appropriate assessment.
Kilcolman Bog SPA (site code 004095)	Approx. 13 km to the north of the site.	<p>The dominant habitats within the site do not support suitable habitat for the special conservation interests.</p> <p>No hydrological link.</p> <p>No possibility of effects due to separation distance and absence of ecological connections.</p>	No possibility of in combination effects	Screened out for need for appropriate assessment.

Blackwater Callows SPA (site code 004094)	Approx. 32 km downstream	<p>The dominant habitats within the site do not support suitable habitat for the special conservation interests.</p> <p>No possibility of effects due to separation distance and absence of ecological connections</p>	No possibility of in combination effects	Screened out for need for appropriate assessment.
Blackwater Estuary SPA (site code 004028)	Approx. 72km downstream of the site	<p>The dominant habitats within the site do not support suitable habitat for the special conservation interests.</p> <p>No possibility of effects due to separation distance and absence of ecological connections</p>	No possibility of in combination effects	Screened out for need for appropriate assessment.

8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

9.0 Reasons and Considerations

Having regard to objectives WS 2-1 and WS 4-1 of the current Cork County development plan 2014 which seek to prioritise the supply of adequate drinking water and water services infrastructure in the Gateway, Hub and Main Towns to complement the overall strategy for economic and population growth, to ensure security of water supply for the town of Mallow which is a designated Hub town, to the long established use of the site as a water treatment plant and to the nature and extent of the development as proposed, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the visual or residential amenities of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 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 plans and particulars submitted on the 7th day of May, 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. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

3. The site shall be landscaped in accordance with the Landscape Proposal received by the planning authority on the 7th day of May, 2021. All landscaping shall be planted to the written satisfaction of the planning authority prior to commencement of development. Any trees or hedgerow that are removed, die or become seriously damaged or diseased during the operative period of the solar farm as set out by this permission, shall be replaced within the next planting season by trees or hedging of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of biodiversity, the visual amenities of the area, and the amenities of dwellings in the vicinity.

4. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

5. The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to and agreed in writing with the planning authority prior to commencement of

development. This plan shall provide details of intended construction practice for the development including:

- (a) details of the timing and routing of construction traffic to and from the construction site;
- (b) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) details of appropriate measures for noise, dust and vibration and monitoring of such levels;
- (d) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

Pauline Fitzpatrick
Senior Planning Inspector

September, 2021