



An
Bord
Pleanála

Inspector's Report ABP311042-21

Development

Construction of a new treated water storage tank consisting of a 14.7m diameter precast concrete tank along with ancillary structures, parking area and new access point onto the public road.

Location

Dromdihy, Killeagh, County Cork.

Planning Authority

Cork County Council.

Planning Authority Reg. Ref.

206525.

Applicant

Irish Water.

Type of Application

Permission.

Planning Authority Decision

Grant.

Type of Appeal

Third Party -v- Grant.

Appellants

Alan and Lisa Mythen.

Observers

None.

Date of Site Inspection

9th December, 2021.

Inspector

Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	4
4.1. Documentation Submitted with the Application	5
4.2. Assessment by Cork County Council	6
4.3. Further Information Submitted.....	8
4.4. Further Assessment by the Planning Authority	9
5.0 Planning History.....	9
6.0 Grounds of Appeal.....	10
7.0 Appeal Responses.....	11
8.0 Development Plan Provision.....	14
9.0 Planning Assessment	15
10.0 Appropriate Assessment Issues.....	21
11.0 Conclusion and Recommendation	23
12.0 Reasons and Considerations	23
13.0 Conditions	24

1.0 Introduction

ABP311042-21 relates to a third-party appeal against the decision of Cork County Council to issue notification to grant planning permission for the construction of a new water storage tank outside the small village of Killeagh, County Cork. The grounds of appeal suggest that the water tank should be set further into the hillside. It is stated that there are planning precedents in the area where An Bord Pleanála refused planning permission for housing development and that these precedents are relevant to the current application before the Board.

2.0 Site Location and Description

- 2.1. The appeal site is located in the townland of Dromdihy on the western side of a local third-class road The L3806, approximately 1 kilometre north of the village of Killeagh, which is situated on the N25 between Youghal and Castlemartyr. The village of Killeagh is located approximately 10 kilometres west of Youghal and 6 kilometres north-east of Castlemartyr. The subject site occupies a rectangular area of land c.43 metres in depth and 75 metres in length. It incorporates parts of a field which slopes downwards towards the roadway (the L3806) which runs northwards from the village of Killeagh. The rectangular site occupies an area of 0.33 hectares. A post and wire fence runs inside the southern and eastern boundary of the site. A strip of dense woodland inside the roadside stone wall runs along the eastern boundary of the site. The site incorporates a significant downward slope from west to east, a drop of c.7 metres from the western boundary of the site to the eastern (roadside boundary of the site).
- 2.2. In terms of surrounding settlement, there is an existing dwellinghouse approximately 100 metres to the north of the site on the western side of the road. A separate dwellinghouse is located approximately the same distance from the northern boundary of the site on the eastern side of the road. Dromdihy House dating from the 1830s is located on more elevated land approximately 150 metres to the south-west of the surrounding boundary of the site. This house comprises of a five bay two storey overbasement country house which was derelict and vacant until recently.

Works are currently being undertaken on the house to re-establish residential accommodation on site. This building is on the list of protected structures in the Cork County Development Plan (RPSID-00408).

- 2.3. The existing water reservoir is located in a smaller rectangular concrete tank on the eastern side of the local road opposite the south-eastern corner of the site.

3.0 Proposed Development

- 3.1. Planning permission is sought for the provision of a new circular water tank with a diameter of 14.7 metres. This tank is to be located in the southern portion of the site approximately 12.6 metres from the southern and roadside boundary. The proposed circular tank which is partially set into the hillside. The tank rises to a height of 3.25 metres on the eastern (roadside elevation). The western side of the tank which is set into the hillside protrudes c.1.2 metres above ground level.
- 3.2. A 1.1 metre high steel handrail runs along the circumference of the tank. Ancillary infrastructure including a proposed kiosk and scour chamber are located adjacent to a new hardstanding area to be located in the northern portion of the site. The hardstanding area amounts to approximately 320 square metres and a steel mesh gate provides entrance to the parking area.
- 3.3. The existing reservoir which is located on the opposite side of the road at the south-eastern boundary of the site comprises of a small single concrete structure is to be decommissioned as part of the proposal. It is also proposed to construct an earthen berm around the western corner of the site outside of which it is proposed to construct a new post and rail timber fence. A proposed soakaway for the hardstanding area is to be located near the north-eastern corner of the site. The perimeter of the site is to be landscaped and the central portion of the site adjacent to the hardstanding area is also to be recontoured as part of the proposed development.

4.0 Planning Authority's Decision

Cork County Council issued notification to grant planning permission for the proposed development subject to 7 conditions.

4.1. **Documentation Submitted with the Application**

- 4.1.1. The application was lodged on the 16th November, 2020 and was accompanied by the following documentation.
- 4.1.2. **A covering letter from RPS Consultants.** It notes that the lands in question are under the ownership of two separate parties Cork County Council and Mr. Timothy O'Mahoney. Letters of consent permitting Irish Water to make the application are attached. The report also notes that the proposed development aims to improve the security of water supply to Irish Water customers through the provision of additional treated water storage for the Killeagh Water Supply Zone. The planning report submitted by RPS sets out details of the project background, the site location and description and the planning history associated with the site. The proposed development is also described in detail and national and local planning policy is also set out. It is argued that the proposal meets many of the policy objectives set out in the documentation referred to in the report (National Planning Framework, RSESSR, the Water Services Strategic Plan, the County Development Plan and the East Cork Municipal District Local Area Plan). The report goes on to assess the proposed development in terms of its impact on the landscape and its impact on surrounding residential amenity. The report concludes that the proposal constitutes essential infrastructure and is fully supported by national, regional and local objectives and as such is consistent with the proper planning and sustainable development of the area.
- 4.1.3. A separate **Built Heritage Constraints Assessment** was submitted. It notes that the site is located on former woodland associated with Dromdiyh House. It notes that a short section of masonry estate wall associated with the house exists in the vicinity of the site along the roadside boundary. The subject site now occupies an area of which has no remaining significant fabric nor does the area in which the site is located make any meaningful contribution to the character or context of Dromdiyh House. It concludes that the proposed development will have no adverse impact on the setting and context of the protected structure. There will be a slight visual impact on views along the road with the loss of a portion of the vernacular stone retaining wall which forms the boundary between the roadway and the subject site. Any materials which are required to be removed to provide appropriate sightlines will be reused and will replicate the former style of the existing wall.

- 4.1.4. **An Invasive Species Report.** It notes that no species contained in the Third Schedule of the European Communities (Birds and Habitats Regulations) 2011 (SI 477 of 2011) were found within the site. Cherry Laurel was found within the treeline along the eastern boundary of the site which is an extremely invasive plant species. It is noted however that Cherry Laurel is not listed in the Regulations. Notwithstanding this the report sets out options for controlling the regrowth of Cherry Laurel after cutting.
- 4.1.5. **An Archaeological Screening Report** was submitted which notes that the nearest archaeological monument to the proposed development is c.150 metres to the south-west of the site. This is Dromdihy House. There are a number of other recorded monuments within 1 kilometre radius of the site, and these are noted in the report. It is acknowledged that there is potential for further sites of archaeological significance to be uncovered during the groundworks. The applicants are happy to accept any archaeological conditions that might be deemed appropriate by the Planning Authority.
- 4.1.6. **A Stage 1 Flood Risk Assessment** was also carried out to establish the potential flood risk to the proposed storage area. In terms of all potential sources of flooding the subject site is considered to be low risk and no further assessment is required.
- 4.1.7. **An AA Screening Report** was submitted. It details all European sites within a 15 kilometre radius. It is noted that the closest Natura 2000 site is the Ballymacoda SAC which is located 5.7 kilometres to the south-east of the subject site. The AA screening report assesses the proposed development in accordance with the source pathway receptor model together with the potential in combination effects with other plans and projects and it was concluded that either alone, or in combination with other plans or projects, the proposal does not have the potential to significant affect any European site in light of its conservation objective. It is concluded therefore that a Stage 2 Appropriate Assessment is not required.

4.2. **Initial Assessment by Cork County Council**

- 4.2.1. A report from the archaeologist states that, with regard to subsurface archaeology, given the scale of the development no mitigation measures are required. With regard to built heritage, the County Council archaeologist is satisfied with the

recommendations set out in the Built Heritage Report particularly in relation to the reinstatement of the boundary wall where necessary. With regard to the visual impact on Dromdiyh House, comments from the Conservation Officer should also be considered.

- 4.2.2. A Cork County Council Environment Report states that having assessed the application it is considered that the proposed development will not result in any significant impact on the environment, and it is therefore recommended that planning permission be granted subject to a number of conditions.
- 4.2.3. The conservation officer's report requests further information in relation to the impact of the proposed development on the setting and context of Dromdiyh House.
- 4.2.4. The Area Engineer's report raises no issues in relation to roads or transportation subject to compliance with required sightlines. In relation to surface water, it is stated that provision should be made that no water is permitted to flow onto the road.
- 4.2.5. The initial planner's report sets out details of the site location and description and the details of planning applications in the vicinity. The report also notes that pre-planning discussions took place and notes that two third party letters of objection have been submitted by residents in the vicinity. The concerns raised in the third-party submissions primarily relate to the visual impact arising from the proposal and the potential impact on surrounding built heritage.
- 4.2.6. The planner's report notes that the proposed development is deemed to be fully compliant with the aims and objectives of both the County Development Plan and the Local Area Plan. The comments of the conservation officer are noted particularly in relation to the further information request. The concerns expressed in the conservation officer's report primarily relate to landscaping, the requirement for a more complete visual appraisal and the potential impact on the setting of an adjacent protected structure. The planner's report considers further information in this regard to be reasonable having regard to the wider planning history of the area. It is noted that the Council Ecologist has indicated no concerns with regard to the conclusions set out in the AA Screening Report. The planner's report concludes that further information is required in relation to the following:
 - The applicant is asked to clarify why the proposed storage tank cannot be located at and/or below ground level as it means mitigating the visual impact.

- In the event that this cannot be achieved, please provide detailed specification of how the proposed material for the exterior of the storage tank will be maintained over time.
- Please provide photomontages of the proposed development as viewed from Dromdihy House.
- Further details in relation to landscaping.
- The applicant is also requested to prepare a plan for the removal of the facility and the reinstatement of the landscape should the facility be decommissioned at any time in the future.

4.3. Further Information Submitted

- 4.3.1. Further information was submitted on behalf of Irish Water by RPS Consultants on the 1st July, 2021. In relation to placing the storage tank at or below ground level, it is stated that the primary constraint relates to the minimum operating level to provide sufficient delivery pressures to existing customers within the Killeagh water supply zone. In order to minimise head losses within the water supply system, a minimum operating level of 50.56 metres above ordnance datum is required. The tank has been built into the profile of the hill in order to conceal the structure as much as possible. As currently proposed approximately 50% of the tank will be concealed.
- 4.3.2. It is stated that the option of locating the tank underground was considered at the design feasibility stage of the project. However, it was deemed not to be feasible for various reasons. It would also involve substantial additional excavation, increased structural loading on the proposed tank and increased operational and maintenance constraints due to the tank being buried beneath the ground. Setting the tank further into the hillside was also considered but it was concluded that this was not technically feasible due to the amount of excavation that would be required. Due to the gradient of the site the incorporation of sheet piling was also deemed to be impractical.
- 4.3.3. Details of the specifications of the proposed material for the exterior of the storage tank are also submitted. It is stated that the proposed storage tank is to be composed of precast concrete panels which would be light grey in colour initially.

However, with weathering overtime, the panelling will become a darker grey. It is not proposed to provide any further external finish.

- 4.3.4. Two photomontages are submitted one from Dromdihy House and the other from the N25 National Primary Road. The photomontage shows the predicted scenario at 5 years post planting. The visual impact is considered to be negligible.
- 4.3.5. A detailed landscaping plan has also been submitted which sets out details of the proposed landscaping arrangements around the perimeter of the site.
- 4.3.6. In relation to a decommissioning plan, it is stated that the proposed treated water storage tank and associated infrastructure is expected to remain in place indefinitely (for at least a period of 60+ years). However, in the unlikely event that the proposed facility should ever be required to be decommissioned a decommissioning and reinstatement plan is attached to the further information submission.

4.4. Further Assessment by the Planning Authority

- 4.4.1. Further reports were prepared by the Environment Department, the Engineering Department, the Conservation Officer and the Planner's Report all of which express satisfaction with the proposed development. It is therefore considered that the applicants have illustrated that the proposal can be satisfactorily accommodated within the receiving environment. It is also noted that the proposal is an important infrastructural requirement of the area and will enhance public water supply. On this basis a grant of planning permission is recommended.

5.0 Planning History

- 5.1. No appeal files are attached.
- 5.2. The planner's report makes reference to a Part 8 permission which was previously granted on the subject site (May 2003). However, the permitted development was never implemented. No further information with regard to the nature of the development granted under the provisions of Part 8 are provided in the report.
- 5.3. In relation to neighbouring sites, the planner's report notes that under Reg. Ref. 19/5127 permission was granted for the refurbishment of Dromdihy House in order to provide a new two storey over basement dwellinghouse.

- 5.4. Under Reg. Ref. 17/7422 planning permission was granted to the north of the subject site for the construction of a dwellinghouse with all associated works to the current appellant.
- 5.5. Under Reg. Ref. 20/4151 planning permission was refused for a dwellinghouse c.300 metres to the south of the site. Permission was refused on the basis that the proposal was deemed to generate a negative impact on the setting of Dromdihy House.

6.0 Grounds of Appeal

- The decision of Cork County Council to issue notification to grant planning permission for the proposed development was the subject of a third-party appeal by the residents of the dwelling to the immediate north of the subject site. The grounds of appeal are set out below. It is argued that Irish Water have not adequately justified as to why the tank cannot be placed underground and set further into the hillside. Competently designed and implemented temporary works during the course of the construction would enable the tank to be set into the hillside. Alternatively, the purchasing or leasing of additional land to the west of the proposed development would increase the size of the reservoir site so as to more comfortably accommodate the tank within the site. It is argued that the current option will permanently alter the landscape around the reservoir. Any additional financial cost to the project is not an appropriate reason to discard the option of setting the tank further into the hillside.
- Reference is made to two planning applications for one-off houses in the vicinity (including a former application on behalf of the appellants for a dwellinghouse under Reg. Ref. 16/506) and the application referred to, in the planning history section above, to the south of the site (Reg. Ref. 20/4151) both of which were refused on the basis that the proposals would have significant negative visual impacts on Dromdihy House and Stables. It is argued that the current application before the Board is more elevated and closer to Dromdihy House and Stables than the previous applications.

- It is argued that preserving the curtilage of Dromdihy House is of the utmost importance and fully in accordance with the provisions of the development plan. The construction of a water storage tank in the curtilage of the house will not only alter and scar the elevated landscape with excessive excavation but will also impact on the context and setting of the house.
- It is argued that the raw natural concrete finish will have a very strong contrast in the landscape. The finishes will exacerbate concerns in relation to visual amenity. Once the concrete finish of the tank weathers it will be an eyesore on the natural beauty of the surrounding area.
- The report provided by Irish Water in the further information states that the minimum operating level of the reservoir is 50.5 metres AOD and that Irish Water need a top up water level of 54 metres AOD in order to comply with Irish Water's technical standards. No technical information is submitted to support this claim. No drawings are provided in the documents showing the areas to be served by the existing water network and their heights above Ordnance Datum.
- The creation of a new entrance and the removal of vegetation to realign the roadside wall will cause privacy issues and will result in a distraction/danger to road users travelling along the access road.
- Any screening proposed as part of the development will take several years to become effective.

7.0 Appeal Responses

7.1. Planning Authority's Response to the Grounds of Appeal

- 7.1.1. A letter from Cork County Council received on 1st September 2021 states that the Planning Authority is of the opinion that all relevant issues have been covered in the technical reports already forwarded to the Board and has no further comment to make on this application.

7.2. Applicant's Response to the Grounds of Appeal

- 7.2.1. A response was submitted on behalf of Irish Water by RPS. It is summarised below.

- 7.2.2. With regard to setting the water tank further into the hillside, the Board are referred to the additional information response submitted to Cork County Council. The proposal before the Board represents an optimum balance between design requirements, integration into the receiving environment and financial viability. It is stated that the financial implications are not the sole reason for the chosen position of the tank on site. However, the overall financial budget is nevertheless an important financial consideration. The visual impact arising from the proposed development in the vicinity of the appellants' house are assessed in an additional sectional drawing submitted with the grounds of appeal. Irish Water consulted with the appellants prior to making the planning application and further landscaping was included along the northern boundary. All cross-sectional drawings of ground profiles in the vicinity of the site are considered to be reasonably accurate. The cross-sectional drawings submitted indicate that a significant portion of the tank would be concealed when viewed in the vicinity of the applicant's property (c.50%). The cross-sectional drawings do not take into consideration the existing or proposed landscaping which will be incorporated as part of the application. The distance between the appellants' dwelling and the tank is greater than 140 metres. It is considered that the rationale for the siting of the tank is robust and that significant adverse impacts on the appellants' property will not arise.
- 7.2.3. With regard to precedent decisions, it is argued that the impacts on the receiving environment would be greater from the proposed houses from a visual point of view. The applications which were refused permission involved more substantial structures and therefore these structures would have had a greater impact on the context and setting of Dromdihy House. Furthermore, the proposed development comprises of essential infrastructure to improve water supply services locally whereas the same conclusion cannot be reached in respect of the dwellinghouses refused.
- 7.2.4. The location of the site in the context of Dromdihy House was carefully considered in respect of the proposed development. Consultation was undertaken with the local authority Conservation Officer and the application was the subject of a Built Heritage Constraints Assessment. The proposal was assessed in the context of the location and setting of Dromdihy House. Photomontages submitted to the Planning Authority indicate that the tank can successfully integrate into the site without having any undue or adverse impact on views to and from Dromdihy House.

- 7.2.5. Furthermore, the photomontages submitted confirm that the proposed concrete finish, which is dull in presentation, will integrate into the landscape successfully. The concrete finish is also consistent with the materials used along the roadside boundary of the dwelling to the north of the site. The photographs submitted of the circular concrete tank by Irish Water to Cork County Council merely sought to illustrate the nature of the material being used in construction. The tank being set into the hillside will not have the same visual impact as that depicted in the photographs submitted to the Planning Authority.
- 7.2.6. The technical detailing form informing the nature and siting of the water tank is set out in accordance with the design criteria in Irish Water's "*Guidance Note for Site Selection of Treated Water Storage in Small Networks*" and "*Treated Water Storage Tanks and Reservoirs*". Details of how the minimum operating head is calculated is also set out in the appeal response. As is, details of the existing water supply zone of Killeagh.
- 7.2.7. With regard to the impact on the appellants' amenity, it is stated that the construction phase will be temporary in nature and that during the operational stage the proposed landscaping will ensure that the privacy of the appellants' dwelling is maintained. The setback required to improve visibility will not result in any deterioration of the appellants' privacy in terms of views from the public road. The appellants' privacy will be further enhanced when boundary planting takes place.
- 7.2.8. Finally, it is stated that the proposal will not give rise to safety concerns. The current water treatment facilities does not provide any off-street car parking and vehicles have to park along the road in order to carry out maintenance. The fact that the proposal currently before the Board incorporates off-street car parking is a significant advantage from a road safety point of view. The entrance position has been carefully considered and the realignment of the roadside boundary proposed is minimal. Furthermore, there will be a low frequency of traffic movements to and from the proposed development.

8.0 Development Plan Provision

8.1. The site is governed by the policies and provisions contained in the Cork County Development Plan. Chapter 11 relates to water services. Policy WS2-1 relates to water infrastructure. It seeks to:

- (a) Prioritise the provision of water services infrastructure in
 - the gateway hubs and main towns that complement the overall strategy for economic and population growth while ensuring appropriate protection of the environment,
 - all settlements where services are not meeting current needs, or failing to meet existing licenced conditions and where these deficiencies are interfering with the Council's ability to meet the requirements of the Water Framework Directive or having a negative impact on Natura 2000 sites.
- (b) Development may only proceed where appropriate wastewater is available which meets the requirements of Environmental Legislation, the Water Framework Directive and the requirements of the Habitats Directive.

8.2. Objective WS4-1 relates to water supply.

It seeks to:

- (a) 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.
- (b) Ensure that all drinking water in the county complies with the European Union Drinking Water Directive 98/83/EC and ensure that all surface and groundwater supplies comply with the requirements of the Surface Water Directive and the Groundwater Directive.
- (c) 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.

8.3. East Cork Municipal District Local Area Plan 2017

- 8.3.1. In relation to the village of Killeagh, Section 4.5.11 of the Local Area Plan notes that the current public water supply scheme is operating at full capacity which gives cause for concern. Due to the very limited storage available, the mains break, power outage and other such event would result in unplanned water outages. The water supply is sourced in two local wells, the older well located to the south near the abandoned railway line and the newer one which is located to the north of the N25 east of the village. There are concerns about potential risks to public health arising from the older source. The new source is located in an aquifer that is to be developed further as part of the proposed upgrade of the water supply scheme. The Killeagh Water Supply Scheme is intended to address the risk to upgrade the existing water supply, including the provision of a new store source, storage and treatment facilities. This infrastructural deficiency is likely to impact on the development of the village.

8.4. Natural Heritage Designations

- 8.4.1. The nearest Natura 2000 sites at their closest points are located c.5 to 6 kilometres away. These Natura 2000 sites include the Ballymacoda (Clonpriest and Pillmore SAC) (Site Code: 000077) and the Ballymacoda Bay SPA (Site Code: 004023). Both these Natura 2000 sites are located to the south-east of the subject site. The Blackwater Estuary SPA (Site Code: 004028) and Blackwater River SAC (Site Code: 002170) are located c.7.7 kilometres to the east of the subject site. The Ballycotton Bay SPA is located c.10.6 kilometres to the south of the subject site.

8.4.2. EIAR Screening Assessment

- 8.4.3. Treated water storage facilities are not a class of development for which EIAR is required.

9.0 Planning Assessment

I have read the entire contents of the file, visited the subject site and its surroundings, and have had particular regard to the Planning Authority's assessment of the proposal, the issues raised in the grounds of appeal and the applicant's

response to the issues raised. I think the critical issues in determining the current application and appeal before the Board are as follows:

- Principle of Development
- Location of the Tank within the Site
- Precedent Decisions in the Vicinity
- Proposed Finishes to the Tank
- Pressure and Headloss Issues
- Impact on Surrounding Amenity
- Traffic Issues

9.1. Principle of Development

- 9.1.1. The subject site is located outside the settlement boundary for the village of Killeagh and therefore is not governed by any land use zoning provisions. Any application before the Board should therefore be considered on its merits. It is clear and unambiguous from the policies contained in both the Development Plan and the East Cork and District Local Area Plan that planning policies and objectives seek to prioritise the provision of water services infrastructure in order to cater for future development in key villages such as Killeagh. A key vision set out in the local development plan seeks to promote the regeneration and expansion of the village core and to encourage a rate of residential development that is in keeping with its role as a key village within the county. The plan also notes that the current public water supply scheme is operating at full capacity which gives cause for concerns. It is noted that only very limited storage is available and that there are concerns about potential risk to public health, particularly in relation to the more established source of water supply - near the abandoned railway line to the south of the settlement. The plan notes that the Killeagh Water Supply Scheme is intended to address the risk and it is noted that this infrastructural deficiency at present is likely to impact on the development of the village.
- 9.1.2. There are clear policies which seeks to improve water supply infrastructure within the village, and this sits comfortably with wider overarching objectives to ensure that the objectives of the Water Framework Directive and the Drinking Water Directive are

adhered to in providing potable water supply. It is my considered opinion therefore that the proposed development, subject to qualitative safeguards is acceptable in principle.

9.2. Location of the Tank within the Site

- 9.2.1. The grounds of appeal suggest that the tank as currently proposed is inappropriately sited and that Irish Water does not provide adequate rationale as to why the tank cannot be buried further into the hill. It is not altogether clear from the grounds of appeal as to why burying the tank into the side of the hill would be advantageous and appropriate. It is assumed that further concealing the tank into the side of the hill would be more beneficial from a visual amenity point of view. I would agree with Irish Water that the costs to the public purse of completely concealing the tank within the slope of the hill could be financially prohibitive. While the appellant argues that financial considerations alone should not dictate this matter, it is in my view appropriate that the Board give due weight and consideration to the financial implications of placing the tank further into the hillside. Irish Water are a public body funded by the taxpayer and it is appropriate that any such expenditure by Irish Water should constitute appropriate value for money. As pointed out in the response to additional information in order to conceal the entire tank significant and substantial excavation would be required and this would involve greater and longer construction activity which would have implications for residential amenity. It could also give rise to increased structural loading on the proposed tank and may also give rise to greater problems in terms of access for maintenance purposes. I am satisfied that the location of the tank as proposed, partially set into the hillside represents an appropriate compromise in terms of financial cost and its impacts on visual amenity.
- 9.2.2. While the tank may be considered relatively large, it is not excessively high ranging from 1.585m to 3.250m above contoured ground level (excluding the railing around the top of the perimeter). Furthermore, the tank is located c.140 metres from the appellants' dwelling. The proposed landscaping particularly on the northern boundary of the site between the tank and the appellants' dwelling would, in my view, ensure that the tank as located, would have a negligible impact on the amenities of the appellant. Therefore, I do not consider that the placement of the tank further into the hillside or underground is warranted or justified in this instance.

9.3. Precedent Decisions in the Vicinity

- 9.3.1. The grounds of appeal note that planning permission was refused for two houses in the vicinity of the subject site on the basis that the houses in question would impact on the setting and context of Dromdihy House - a protected structure in the County Development Plan. I would point out that while the proposed water storage tank is relatively bulky, it is not particularly prominent above ground level being less than 4 metres in height. The dwellinghouses proposed would have incorporated a height considerably in excess of this, certainly over 5 metres in height¹. The impact on the landscape and the setting and integrity of the protected structure would in my view be more adversely affected by the construction of dwellings in the vicinity, than the provision of lower, albeit bulky storage tank set into the hillside.
- 9.3.2. Furthermore, unlike the dwellinghouses, the proposed water storage infrastructure is critically important for the future development of Killeagh. It is reasonable and appropriate that any future water treatment facility would be located in close proximity to the existing facility and therefore the subject site and the immediate areas surrounding the subject site would be appropriate setting to accommodate a new water storage facility.
- 9.3.3. Lastly, in relation to this issue I note that the proposed water tank is located on lower ground than Dromdihy House and is located over 150 metres to the north-east of the house. Its potential to adversely impact on the setting and context of the house is negligible. The photomontages submitted in response to the Planning Authority's request for additional information clearly indicate that the tank does not constitute a strident feature on the landscape from public vantage points in and around Dromdihy House and any impact will lessen over time as landscaping matures. It is therefore my considered opinion that the proposed development will not adversely affect the setting or historical or architectural integrity of Dromdihy House.

9.4. Proposed Finishes to the Tank

- 9.4.1. The grounds of appeal argue that the concrete finish to the tank when it weathers will be an eyesore and will represent a very strong contrast in the landscape. I would reiterate that a large portion of the tank in question will be concealed and set into the

¹ Drawings are not available on file to determine the exact dimensions of the houses proposed.

hillside so the tank will only be partially visible from public vantage points surrounding the site. The overall size of the concrete cladding will at its maximum be just over 3 metres in height. I noted from my site inspection that the existing landscaping along the roadside boundary adequately screens the tank from vantage points along the public road. While the tank will be visible and discernible from the appellants' house again landscaping proposed along the northern boundary will substantially screen the development when viewed from the appellants' house. For the reasons above, I consider that the tank will not be readily discernible or constitute an unacceptable feature on the landscape as suggested in the grounds of appeal.

9.5. Pressure and Headloss Issues

- 9.5.1. The grounds of appeal argue that no technical information was submitted with the application or the response to the additional information request supporting the justification to locate the tank at the elevation proposed. In response Irish Water have indicated that the site selection methodology and design criteria was informed by technical guidance documents including "*Guidance Note for Site Selection of Treated Water Storage in Small Networks*" and "*Treated Water Storage Tanks and Reservoirs*". The water supply zone maps submitted indicate that there are a number of customer connections to the existing water supply network in houses that are located above the 20 metre contour line and that these houses need to be accounted for when determining the minimum operating head of the reservoir in order to provide water supply to all customers. The highest level of connection within the water supply zone was identified at just over 25 metres. As the minimum pressure at the connection to a property is required to be 15 metres above the highest level of connection and an allowance of 10 metres is also incorporated into the calculation to account for head loss across the network. This would imply that the minimum operating head of the water storage facility would be required to be in excess of 50 metres AOD (25 metres + 15 metres + 10 metres) and top water level within the tank of 54 metres is required. Irish Water have indicated that anything lower than this would create water pressures for customers within the supply network.
- 9.5.2. It is important to reiterate that any headloss experienced across the network may require pumping stations which again has financial implications for the taxpayer. I have argued above in my assessment that the tank as proposed is suitably screened

and landscaped to ensure that the proposal will not have any adverse impact on the visual or residential amenities of the area and as such the siting of the tank within the appeal site is in my view appropriate.

9.6. Impact on Surrounding Amenity

- 9.6.1. As already stated, the separation distance between the proposed water tank and the appellants' dwelling is in excess of 140 metres. This separation distance in itself will ensure that any potential impact on residential amenity would be minimised during the operational phase. During the construction phase there is potential particularly during the excavation phase that noise generation could adversely impact on surrounding residential amenity. However, this impact would be short term and temporary in nature and would cease after the development is completed. I would reiterate that placing the tank further into the hillside would result in additional excavation and construction activity which would prolong any adverse impact on surrounding residential amenity. Any adverse impact in terms of residential amenity which may arise during the construction phase must be balanced against the strategic need to provide improved water treatment services within the village. To suggest that planning permission should be refused on the basis that the proposed development would have an adverse impact on surrounding residential amenity for a temporary period during the construction phase would be disproportionate.

9.7. Traffic Issues

- 9.7.1. Having inspected the site and having regard to the drawings submitted with the planning application which showed that requisite sightlines exist, I am satisfied that the proposed entrance serving the parking area associated with the treatment facility will not give rise to any adverse road safety issues. I would also agree with the applicant in this instance that the provision of off-street car parking to serve the proposed treatment facility is considerably preferable to the existing arrangements whereby traffic is required to park on the public roadway in order to access the existing treatment plant. The provision of off-site car parking as part of the current application constitutes a significant planning gain in terms of road safety.
- 9.7.2. During the operational phase, it is not envisaged that trip generation to and from the proposed facility would be such that it would constitute any type of a traffic hazard on

the adjoining public road. On this basis, I would conclude that the proposed development is acceptable in terms of traffic safety and convenience.

10.0 Appropriate Assessment Issues

10.1.1. I note the appropriate assessment screening report submitted as part of the planning application, and the contents therein has been read and noted. I note that the proposed development is not located within any Natura 2000 site. The site is located 270 metres east of the River Inchanapisha which is a tributary of the River Dissour which runs through the centre of the village and discharges via the Womanagh River into the Ballymacoda Bay SAC (Site Code 00077) and Ballymacoda Bay SPA (Site Code:004023). Therefore, a potential source pathway receptor link has been identified between the development and the receptor. No other hydrological or other pathways exist between the subject site and other Natura 2000 sites in the wider area.

10.1.2. The qualifying interests associated with the Ballymacoda SAC are set out below.

- *Estuaries [1130]*
- *Mudflats and sandflats not covered by seawater at low tide [1140]*
- *Salicornia and other annuals colonising mud and sand [1310]*
- *Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]*
- *Mediterranean salt meadows (Juncetalia maritimi) [1410]*

10.1.3. The qualifying interests associated with the Ballymacoda SPA are set out below:

- *Wigeon (Anas penelope) [A050]*
- *Teal (Anas crecca) [A052]*
- *Ringed Plover (Charadrius hiaticula) [A137]*
- *Golden Plover (Pluvialis apricaria) [A140]*
- *Grey Plover (Pluvialis squatarola) [A141]*
- *Lapwing (Vanellus vanellus) [A142]*

- *Sanderling (Calidris alba)* [A144]
- *Dunlin (Calidris alpina)* [A149]
- *Black-tailed Godwit (Limosa limosa)* [A156]
- *Bar-tailed Godwit (Limosa lapponica)* [A157]
- *Curlew (Numenius arquata)* [A160]
- *Redshank (Tringa totanus)* [A162]
- *Turnstone (Arenaria interpres)* [A169]
- *Black-headed Gull (Chroicocephalus ridibundus)* [A179]
- *Common Gull (Larus canus)* [A182]
- *Lesser Black-backed Gull (Larus fuscus)* [A183]
- *Wetland and Waterbirds* [A999]

10.1.4. The Board will note that all of the qualifying interests associated with the SAC relate to habitats and not species. Having regard to the separation distance between the subject site and the SAC in question together with the nature of the works to be undertaken there is no probability that the proposed development will result in the reduction or fragmentation of the habitats in question nor will they in any way affect these habitats located within the SAC.

10.1.5. Again, with regard to the Ballymacoda SPA, the only potential adverse impact that could arise on these qualifying species relate to noise and disturbance during the construction phase of the development. Again, having regard to the separation distance between the subject site and the SPA in question, at nearly 6 kilometres, it is reasonable to conclude that any noise or dust generated during the construction phase of the proposed development will in no way impact upon the species associated with the SPA in question.

10.1.6. In terms of cumulative impacts, it is reasonable to conclude that no cumulative or in combination effects will occur. This conclusion is predicated on the basis that the proposed development will not give rise to any adverse impacts on the Natura 2000 sites in question and any other developments in the wider area that have received planning permission have done so on the basis that likewise these developments will

not adversely impact on Natura 2000 sites in the vicinity. If the Planning Authority in considering any other applications in the wider area concluded that the proposed developments could potentially significantly impact on the qualifying interests associated with Natura 2000 sites in the vicinity, it would of course be precluded from granting planning permission. On this basis, it is reasonable to conclude that no potential cumulative impact from the proposed development in conjunction with other developments would occur.

10.1.7. Therefore, 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 a screening for appropriate assessment, it has been concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on European Site 000077 or European Site 004023 or any other European Site, in view of the sites' conservation objectives and an appropriate assessment and the submission of an NIS is therefore not required. This determination is based on the distance of the proposed development from the European Sites which would preclude any potential impact on the disturbance through noise of bird species associated with the SPA and the fact that the SAC comprises of habitats which will in no way be disturbed or fragmented as a result of the works to be undertaken. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European site.

11.0 Conclusion and Recommendation

Arising from my assessment above therefore I consider the decision of Cork County Council should be upheld in this instance and planning permission be granted for the proposed development based on the reasons and considerations set out below.

12.0 Reasons and Considerations

Having regard to policies contained in the Cork County Development Plan which seeks to prioritise the provision and improvement of water services infrastructure in the county and the identified need for the improvement in the current public water supply scheme as identified in the East Cork Municipal District Local Area Plan

(2017 to 2023) it is considered that the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally be acceptable in terms of traffic and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 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 additional information submitted to the planning authority on the 1st day of July 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. The landscaping scheme shown on Drawing MCW-0971-RPS-20-06-DR-Z-DG1001 submitted to the planning authority on 1st day of July, 2021 shall be carried out within the first planting season following the substantial completion of the construction works. All planting shall be adequately protected from damage until established. Any plants which die or removed or become seriously damaged or diseased within a period of 5 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

3. Prior to the commencement of development, the applicant shall submit a construction environmental management plan for construction activities to be carried out on site which shall include a detailed construction methodology. This plan shall incorporate mitigation measures necessary to

minimise:

- Dust and air pollution from all site activities associated with the construction phase.
- Noise and vibration mitigation measures during the excavation phase.
- Measures to prevent spillages of oils, fuels or chemicals to be stored on site.
- Measures to ensure that the public road is kept clean of mud and debris.
- Sight distances at the proposed entrance shall be agreed in writing with the planning authority prior to the commencement of development.

Reason:

4. All surface water drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To prevent flooding of the public road.

Paul Caprani,
Senior Planning Inspector.

17th January, 2022.