



An
Bord
Pleanála

Inspector's Report

ABP-311690-21

Development	Upgrade of wastewater treatment plant to a satellite dewatering centre with all ancillary site development works. An NIS was submitted with this application.
Location	Clonakilty Wastewater Treatment Plant, Inchydoney Road, Youghals, Clonakilty, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	21/528
Applicant(s)	Irish Water
Type of Application	Permission
Planning Authority Decision	Refuse Permission
Type of Appeal	First Party v Refusal of Permission
Appellant(s)	Irish Water
Observer(s)	None

Date of Site Inspection

24th March 2022

Inspector

Anthony Kelly

Contents

1.0	Site Location and Description	5
2.0	Proposed Development	5
3.0	Planning Authority Decision	7
3.1	Decision	7
3.2	Planning Authority Reports	8
3.3	Prescribed Bodies	15
3.4	Third Party Observations	15
4.0	Planning History	15
5.0	Policy Context	16
5.1	Clonakilty Development Plan 2009-2015 (as varied)	16
5.2	Cork County Development Plan 2014 (as varied)	17
5.3	Draft Cork County Development Plan 2022-2028	18
5.4	Water Services Strategic Plan (2015) (Irish Water)	18
5.5	National Wastewater Sludge Management Plan (NWSMP) (Irish Water)	18
5.6	Natural Heritage Designations	19
5.7	EIA Screening	19
6.0	The Appeal	20
6.1	Grounds of Appeal	20
6.2	Planning Authority Response	27
6.3	Observations	30
6.4	Further Responses	30
7.0	Assessment	30
7.1	Zoning	30
7.2	Planning Authority Reason for Refusal No. 1 – Odour	31
7.3	Planning Authority Reason for Refusal No. 2 – Traffic	34
7.4	Planning Authority Reason for Refusal No. 3 – Site Location & Waste Water Capacity	38
7.5	Planning Authority Reason for Refusal No. 4 – Water	44

7.6 Overall Conclusion46

8.0 Appropriate Assessment (AA)47

9.0 Recommendation65

10.0 Reasons and Considerations65

1.0 Site Location and Description

- 1.1. The site is located south east of Clonakilty town centre in south Co. Cork.
- 1.2. The site is occupied by the existing Irish Water wastewater treatment plant (WwTP) which is accessed through a small public park (Waldaschaff Park) from Inchydoney Road (L4013). The site infrastructure is low rise in scale with an administration and dewatering building, tanks, oxidisation ditches etc. There are some trees, scrub etc. around the perimeter of the site. The site is bounded by Waldaschaff Park to the south west, an undeveloped area immediately to the west with The Waterfront development further west, Clonakilty Bay to the north and east, and Clonakilty Model Railway Village to the south/south east.
- 1.3. The site has an area of 1.24 hectares.

2.0 Proposed Development

- 2.1. Permission is sought to upgrade Clonakilty WwTP to a satellite dewatering centre comprising the importation of liquid sludges from external WwTPs and the provision of additional physical infrastructure to enable sludge importation and the dewatering of those liquid sludge imports, comprising:
 - At the sludge import area – imported sludge screen, imported sludge storage tank (below ground), and 2.4 metres high noise protection barrier.
 - In the existing oxidation ditch – sludge imports buffer tank, picket fence thickener, thickened sludge storage tank, sludge liquor balancing tank, odour control unit, and pumps on concrete plinths, and,
 - Hardstanding, extension to access road with bunded area for sludge delivery tankers, ducting and pipework, centrifuge for imported sludge, polyelectrolyte dosing pumps, feed pumps, mixers, and other ancillary mechanical and electrical plant, and associated site works.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by:

- a 'Planning Report' prepared by Jacobs and Tobin Consulting Engineers dated July 2021. This report incorporates appendices relating to e.g. EIA screening, flood risk, archaeology, traffic counts, noise and odour surveys, and estimation of sludge volumes.
- a 'Natura Impact Statement' prepared by Jacobs and Tobin Consulting Engineers dated May 2021

2.3. The applicant considers that the proposed works are minor in the context of the existing operational WwTP and the application largely relates to providing dedicated infrastructure to accommodate liquid sludge importation. The upgrade will provide adequate liquid sludge import facilities as well as additional assets for dewatering. It is designed to cater for sludge imports to 2030 and an increase in indigenous sludges generated at the WwTP.

2.4. Section 2.6 of the applicant's Planning Report states that, prior to the establishment of Irish Water, Clonakilty was identified by the council in previous County Sludge Management Plans as a location for sludge acceptance and as a dewatering centre. Irish Water's National Wastewater Sludge Management Plan (NWSMP) (2016) identified a shortfall in satellite dewatering sites and recommended additional facilities at a number of sites in Cork, including Clonakilty. The site was assessed against site location, site access, spare capacity or space, emission limit values and current levels of compliance, and potential nuisance requirements. It is stated there is a deficit in dewatering facilities in the west Cork area and a lack of suitable sites, and it would not be sustainable to transport sludge further east when there is a plant with available capacity at Clonakilty. Section 4 of the applicant's Planning Report demonstrates the available capacity, including the proposed development, within the lifetime of the Cork County Development Plan 2022-2028, and section 5 states the proposed upgrades 'are designed to cater for future (up to 2030) sludge imports & indigenous sludge increase'. Section 2.1 of the EIA Screening Report (appendix B to the Planning Report) notes that the collected load in the WwTP, as per the 2019 Annual Environmental Report, was 11,369 PE, in the context of an estimated design capacity PE of 20,500.

2.5. Construction works are expected to last no longer than six months.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The planning authority refused permission for four reasons:

1. The proposed development and the intensification of use as proposed would likely result in or give rise to environmental pollution, in the form of foul odour connected with the importation and treatment of sludge waste from outlying treatment plants at this location within Clonakilty Town. It is considered that this proposal would create a nuisance through odours in the environment which would be prejudicial to public health, would seriously injure the residential amenities of property in the vicinity and accordingly, would be contrary to the proper planning and sustainable development of the area.
2. The proposed development will directly result in an increased level of traffic generation and intensification of HGV through traffic. It is considered that the resultant effect of this would seek to mitigate against the free flow and safety of all traffic vehicular, cyclists and pedestrians at the proposed modified junction at Inchydoney Road/Casement Street/Clark Street, will impact negatively on vulnerable road users, pedestrians, cyclists and would thus endanger public safety by reason of a traffic hazard and or the obstruction of road users and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the location of the site in close proximity to Clonakilty Town Centre and associated sensitive residential and environmental receptors and the commercial satellite dewatering and sludge importation use proposed for this established Municipal wastewater treatment site, it is considered the proposed development would constitute an inappropriate form of development at this location which would seriously injure the amenities of the area. The proposed development would also consume waste-water supply capacity in the existing WWTP which would place an unnecessary constraint on the ability of Clonakilty to achieve both its longer term population and economic growth targets, which would conflict with Clonakilty's designation as a key town in the current Regional Spatial and Economic Strategy for the Southern Region and

a County Town in the current Cork County Development Plan 2014. The proposed development if permitted would therefore be contrary to the proper planning and sustainable development of the area.

4. The Cork County Development Plan 2014, under policy objective WS 4-1 seeks to 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 and 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. Based on the information submitted with the application, including the absence of any details regarding potable water demand for the use of the site as a satellite dewatering centre, the Planning Authority is not satisfied that development of the kind proposed on the land would not be premature given the existing deficiency in the provision of water supplies in the town. The proposed development would therefore contravene materially objective WS 4-1 of the Cork County Development Plan 2014 and would if permitted be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

- 3.2.1. Three Planning Reports were prepared. These can be summarised as follows:

Executive Planner (EP)

- 3.2.2. This report is dated 20th September 2021. The report notes the site zoning, flood risk zones A and B, and the proximity of European sites. Relevant provisions of the Cork County Development Plan 2014 and the Clonakilty Development Plan 2009-2015 are set out. The report states 'The zoning of the site ... does not reflect a county wide zoning. The Plan is to cater for the town and expansion ... it did not envisage that the Entire West Cork area would be serviced under this zoning and on this site. The position of the plant ... may give rise to a knock on negative effect on the towns viability and sustainability as a tourist destination in which thousands of people live and visit as a result of increased odour and traffic'. The EP's report reproduces the internal reports received on the application, though the second Environment Report, dated 20th September 2021, is not included.

3.2.3. The report concludes that, having regard to the internal reports and the pre-planning advice given, and the concerns regarding the proposal and its impact on the vitality of Clonakilty, both to its residents and visitors, the development is considered unacceptable and should be refused permission. Two reasons for refusal are recommended which form the basis of the first two reasons for refusal in the decision.

Senior Executive Planner (SEP)

3.2.4. This report is also dated 20th September 2021 and it builds on the EP's report. Notwithstanding the zoning, the SEP expresses serious concern regarding the suitability of the subject site for the proposed commercial use, given the proximity to the town centre and associated sensitive residential and environmental receptors. The SEP considers that it would be an inappropriate form of development for this location, and there is a lack of detail/justification regarding any alternative site options examined as part of any site selection process. The site selection rationale is not considered to be robust and focuses on a brief assessment of the subject site's suitability. The report also expresses concern about the consumption of wastewater supply capacity placing an unnecessary constraint on the town's growth targets.

3.2.5. The content of the internal reports prepared are noted, including the EP's report, and the SEP agrees with the recommendation to refuse permission. The SEP's report sets out four reasons for refusal. The first recommended reason for refusal is similar to that in the decision and the second, third, and fourth recommended reasons are as per the decision.

Senior Planner (SP)

3.2.6. The SP's report is also dated 20th September 2021. The planning concerns are set out i.e. the site location, impact on the capacity of the WwTP, generation of additional HGV traffic at a key junction, impact on water demand, noise and odour nuisance, insufficient detail on the potential to increase nutrient loading on the WwTP and receiving waters, lack of information on the impact on the hydraulic capacity of the WwTP, and absence of detailed alternatives examined. The internal reports are noted, and the SP concurs with the recommendations of the EP and SEP.

3.2.7. The SP refers to comments being received from the Senior Executive Scientist, after the EP's, SEP's, and Ecological Officer's reports were completed; 'I have now noted the comments from the Senior Executive Scientist regarding the lack of detail on

nutrient loading and impact on receiving waters and I am of the opinion that in the absence of this information, EIA cannot be ruled out and the submitted NIS is inadequate'. The four reasons for refusal are as per the decision.

Other Technical Reports

- 3.2.8. **Area Engineer** – The WwTP history is outlined, and the site location is described. A roads and transportation assessment is outlined. The site entrance and access road are considered only suitable for single vehicle use. There is a mini-roundabout at the L4013/Casement St./Clark St. junction. Previous development assessments concluded that there were three stages to the solution to the junction. Step 1 was the mini-roundabout, step 2 an improved roundabout, and step 3 is a signalised junction with a right-turning lane from the west (Casement St.). The applicant's assessment that proposed movements would be 15 no. vehicles per day by 2030 is considered by the Area Engineer to be a likely underestimation by half. It is considered that there is no limit to the intake in the site and it would be difficult to establish and control HGV movements.
- 3.2.9. The N71 is the main west-east route through the town and Casement St. in particular is not the best option for HGV movements. A proposed relief route is not likely to progress in the next ten years. Previous development assessments on the junction improvement were based on development of the adjoining land, but this proposed development generates a new HGV traffic stream. The Area Engineer considers 'it will have a major negative impact on the operation of the traffic network and that this cannot be accommodated. There are difficulties with the operation of the Casement Street / Inchydoney Junction as it exists'. The engineer also considers 'Based on previous assessments the impact of the amount of additional HGV traffic turning right from Casement St into the Inchydoney Road or turning right from the Inchydoney Road could not be catered for'.
- 3.2.10. The development would be contrary to the town centre objective to reduce vehicles, prioritise pedestrians and cyclists etc. as it proposes an increased level of HGV traffic. Effectively all traffic will pass through the town centre zoning, and it is an objective to mitigate the effects of development likely to generate HGV traffic. 'As this is not linked to the town utilities it should not be promoted'.

3.2.11. While it is an appropriate use in conjunction with the existing operation, it is not a suitable site for importation as it would not benefit the town and will have negative impacts for existing development, the bay area, and traffic movements. These operations by their nature will never completely minimise odour risks. 'It is one thing for the community to endure odours as a result of the operation of the plant in dealing with waste generated by the town, but I think it is not appropriate to increase the risk for an operation that doesn't need to be located here'. It should be located on the outskirts of a settlement with adequate traffic routes.

3.2.12. Impacts of an unconnected treatment process in a tourist town could have negative long-term impact. Traffic would be generated where the network is already at its limit. The Area Engineer recommended a refusal of permission for four reasons: (i) not necessary for the town and the zoning does not support its use as a commercial operation to cater for sludge from other locations, (ii) HGV traffic generation is contrary to the development plan objective to maintain an awareness of the importance of pedestrians and cyclists and to protect their priority, and HGV traffic in the central area is contrary to development plan objectives, (iii) negative impact on traffic movements on the N71 and the proposed traffic has not been included in the proposed modifications to the L4013/Casement St./Clark St. junction, and (iv) negative impact on vulnerable road users and create an increase in traffic hazard not justified in a town centre setting.

3.2.13. **Environment Department** – There are two separate reports on file, both prepared by the same person. These can be summarised as follows:

15th September 2021

3.2.14. This report briefly notes and describes, inter alia, the proposed sludge volumes, the current WwTP, the history of foul odour in the vicinity, and the possible requirements for a permit/licence. It is considered that a new EPA licence application would be required for the sludge dewatering plant, and a new discharge pipe would probably be required. 'Also, a new assessment on the ability of the receiving water to accept a new discharge without impacting on the fish life, stream environment and assimilative capacity of the receiving stream maybe required'. The report notes that the proposed facility would be a hub centre with sludge imported from smaller WwTPs, mainly from the area west of the town. The sludge would be transported long distances by road.

The proximity of the site to the town and its facilities and amenities is cited, and the report notes no detail has been provided of any other sites in west Cork that have been assessed and found to be unsuitable.

- 3.2.15. The site is not suitable for the importation of large volumes of waste sludge, and the treatment of same, in close proximity to apartments, a medical centre, the town centre, and model railway village, as it is likely to create environmental pollution through foul odour. A refusal of permission is recommended on this basis.

20th September 2021

- 3.2.16. It is proposed to import untreated sludge, mainly from smaller plants in west Cork. This is a vast area with some smaller plants up to 90 miles away by road. Sludges are high in organic matter. Organic matter can easily decompose and can putrefy in transport, emitting nuisance foul odours. Locating a treatment plant further west would make greater sense as it would reduce the transport distance of potentially nuisance foul smelling sludges and reduce the transport carbon footprint.

- 3.2.17. **Estates Primary (Flooding)** – The site is partially encroached by Flood Zones A and B. ‘The Planning System and Flood Risk Management Guidelines’ (2009) state that development in Flood Zone A ‘should be avoided and/or only considered in exceptional circumstances, such as in city and town centres, or in the case of essential infrastructure that cannot be located elsewhere, and where the Justification Test has been applied’. The type of development proposed can be classified as essential infrastructure i.e. highly vulnerable development, as per table 3.1 of the guidelines. Table 2 (matrix of vulnerability versus flood zone) places a requirement for a justification test to be satisfied. The proposed development is deemed to have passed the first part of the justification test in that the site is located in the town centre and zoned for ‘utilities/infrastructure’. The second part requires the development to be subject of an appropriate flood risk assessment (FRA). A FRA was submitted with the application, and this is summarised.

- 3.2.18. The proposed development is for essential infrastructure that cannot be located elsewhere; one of the exceptional circumstances set out. It can also be considered to be ‘minor development’ in the context of flood-risk as the proposal is for additional wastewater infrastructure within an existing WWTP site. The site is downstream of the town so any development will not impact on flood risk to the town. The risk posed by

coastal flooding has been considered in the FRA but is deemed to be mitigated by an existing retaining wall on the seaward side of the development. Having regard to the minor nature of the development, the site zoning, and the FRA conclusion, there is no objection in principle.

- 3.2.19. **Ecology/Heritage** – The report notes that, as per the 2020 Annual Environmental Report, the WwTP is currently compliant with the emission limit values set out in the wastewater discharge licence. The discharges do not have an observable impact on water quality nor does the plant have an observable negative impact on the Water Quality Framework Directive status. The statement that the treeline habitats to the north, west, and east is to be retained is welcomed by the Ecology Office.
- 3.2.20. The WwTP is hydrologically linked to Clonakilty Harbour via surface water drainage channels. Treated effluent is also discharged to the harbour via the final effluent discharge pipe. The Water Framework Directive (WFD) status of Clonakilty Harbour/Deasy's Quay is 'Poor' and is considered 'At Risk' of meeting its environmental objectives.
- 3.2.21. The submitted FRA is noted, as is the Estates Primary report and conclusion in this regard.
- 3.2.22. The wintering bird surveys undertaken is noted. The report notes the screening for appropriate assessment conclusion that it was not possible to exclude that the proposed development would not have a significant effect on Clonakilty Bay SAC or SPA. The potential impacts of the proposed development, proposed mitigation, and the applicant's Natura Impact Statement (NIS) conclusion are outlined. The provisions of the applicant's EIA screening report are also outlined.
- 3.2.23. The Ecology Report considers the two European sites. The main risks associated with the proposed development are contaminated surface waters and noise and visual disturbance. The ecologist is 'largely satisfied that the development is unlikely to pose a risk of having significant effects on the qualifying interests ... (on any European site) ... provided the mitigation measures proposed are implemented in full', and reasons for this conclusion are set out. Notwithstanding, additional information is recommended in relation to lighting, landscaping, and on-site surface water attenuation. The Ecology Report also considers that issues of concern relating to

discharges and assimilative capacity as raised in the Environment Report would also need to be addressed.

- 3.2.24. **Water Services Department** – There is an assumption that deliveries would be spread evenly throughout the year. It has not been clarified whether there may be certain times of year when inputs are greater than others in terms of movements on the road network.
- 3.2.25. Situations have arisen whereby the WwTP was unable to accommodate the hydraulic load from the agglomeration. It is unclear how the proposed development would impact on the current hydraulic capacity of the WwTP and whether it would incorporate improvements to accommodate full hydraulic loads from the agglomeration.
- 3.2.26. There is a history of complaints about foul odour from the WwTP. This is a very sensitive location for such an intensive proposal. The submitted baseline odour survey considers that background odour may be attributed to decaying matter in the estuary. Notwithstanding that it is proposed to install an odour control unit and that sludge would arrive in sealed containers and be delivered to reception tanks via a sealed pipe connection, there would be concern that any new activity could exacerbate the issue.
- 3.2.27. No detail of water demand for the operation of the development has been submitted. Therefore it is not possible to ascertain whether the proposed development would increase the demand for potable water.
- 3.2.28. It is acknowledged there is a need for satellite dewatering sites. However, given the proximity to the town it is questioned whether this would be a suitable site in the context of the potential negative impact on residential amenity and tourism, and whether alternative sites have been considered. The A/County Engineer concurs with the recommendations and reasons for refusal in the Environment and Area Engineer reports.
- 3.2.29. **Senior Executive Scientist** – Reference is made in the SP's report to comments having been received from the Senior Executive Scientist. No written report of this has been submitted to the Board and it does not appear to be uploaded on the planning authority's website.

3.3. Prescribed Bodies

- 3.3.1. **Inland Fisheries Ireland (IFI)** – IFI would ask that granting permission is not in conflict with the aims and requirements of the Environmental Objectives (Surface Water) Regulations 2009.
- 3.3.2. **Transport Infrastructure Ireland (TII)** – No observations to make.

3.4. Third Party Observations

- 3.4.1. An observation was received from Peter Sweetman and on behalf of Wild Irish Defence CLG. It states that the planning authority has three distinct sets of legal tasks: (i) assess the planning merits of the application, (ii) form and record a view as to the environmental impacts of the development, and (iii) appropriate assessment. The site is within the zone of influence of Clonakilty Bay SAC and the development requires appropriate assessment.

4.0 Planning History

- 4.1. There has been one other relatively recent valid planning application on site:

P.A. Reg. Ref. 06/50070 – In 2007 permission was granted for upgrading of Clonakilty Wastewater Treatment Plant to cater for a population equivalent of 20,500, including expansion and covering of inlet works, construction of aeration tank and settling tank, 2 no covered primary settling tanks, compressor/dewatering house picket fence thickener and other ancillary works. Upgrading of pumping station and construction of storm holding/balancing tank at Long Quay. The applicant states this upgrade was carried out in 2015.
- 4.2. Two pre-planning consultations are referenced: P.A. Reg. Refs. PPW 18/588 and PPW 21/230. These are summarised on pages 4-5 of the EP's report.
- 4.3. The documentation submitted refers to a number of planning applications on the adjacent land to the west. For clarity, these can be summarised as follows:

P.A. Reg. Ref. 20/400 – In 2021 permission was granted for a 28 no. car parking spaces overflow car park to serve the primary care centre. This has not been developed to date.

P.A. Reg. Ref. 20/270 – In 2020 permission was granted for a single-storey discount foodstore (Aldi), 108 no. car parking spaces etc. It appears this is on the same site as P.A. Reg. Ref. 16/590. This is under construction.

P.A. Reg. Ref. 16/591 / ABP Reg. Ref. PL 04.248374 – In 2017 permission was granted for a three-storey primary care centre. There was a first party appeal against the special development contribution condition (condition 31) of €127,375. The Board amended this to €119,975. This has been constructed and is in operation.

P.A. Reg. Ref. 16/590 ABP Reg. Ref. PL 04.248375 – In 2017 permission was granted for a supermarket. There was a first party appeal against the special development contribution condition (condition 29) of €127,375. The Board amended this to €119,975.

P.A. Reg. Ref. 16/103 – In 2016 permission was granted for raising of the existing site levels with imported fill and alterations to the existing plaza. It appears this has been carried out.

P.A. Reg. Ref. 12/50014 / ABP Reg. Ref. PL50.241423 – In 2013 permission was granted for demolition of existing commercial building and construction of a licensed discount foodstore (Lidl) , with car parking etc. This site is on the west side of Inchdoney Road approx. 300 metres west of the subject site. This has been constructed and is in operation.

5.0 Policy Context

5.1. Clonakilty Development Plan 2009-2015 (as varied)

- 5.1.1. The site is in an area zoned 'Utilities/Infrastructure'. Five wastewater disposal objectives are outlined in section 6.11.
- 5.1.2. Section 6.14 (Infrastructure/Utilities) of the adopted variation to the plan states:

6.14.1 Lands zoned for utilities and infrastructure uses are largely for operational requirements such as drainage, sanitation, emergency services including fire stations, electricity, gas, telecommunications, and traffic management and maintenance purposes.

6.14.2 Sometimes problems can arise in relation to adjoining uses that expect a high standard of amenity. To help prevent these situations arising, opportunities should be taken to help assimilate these uses into their surroundings through the treatment of boundaries and the landscaping of appropriate areas.

Town Development Plan Objective

IO 6-1: Appropriate Uses in Infrastructure/Utilities Areas

Promote the provision of development to meet the operational requirements of utilities and infrastructure operators, including provision of public utilities such as fire stations’.

5.2. **Cork County Development Plan 2014 (as varied)**

5.2.1. The relevant chapter in the Plan is Chapter 11 (Water Services, Surface Water and Waste). Wastewater disposal is section 11.3.

5.2.2. Objective WS 4-1 (Water Supply) of the Plan is cited in the fourth reason for refusal. This is:

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 that all surface water and ground water supplies comply with the requirements of Surface Water Directive 75/440/EC and Ground Water Directive 80/68/EEC.

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.’

5.3. Draft Cork County Development Plan 2022-2028

- 5.3.1. Having regard to timelines, I would draw the Board's attention to the fact that, according to the planning authority's website, the Elected Members will make the Plan with or without proposed amendments to the Draft Plan and adopt the Plan on 25th April 2022 which will come into effect on 6th June 2022. The functional area of the former Clonakilty Town Council will be incorporated into the new plan. The site zoning remains 'utility and infrastructure' in the draft plan.

5.4. Water Services Strategic Plan (2015) (Irish Water)

- 5.4.1. This sets out strategic objectives for the delivery of water services over the 25 years up to 2040. It details current and future challenges which affect the provision of water services and identifies the priorities to be tackled in the short and medium term. This plan (Tier 1) provides the context for subsequent detailed implementation plans (Tier 2) which will document the approach to be used for key water service areas such as water resource management, wastewater compliance and sludge management.
- 5.4.2. The Water Services Strategic Plan was brought to the Minister for the Environment, Community and Local Government for approval in July 2015 and the final plan was approved by the Minister in October 2015.

5.5. National Wastewater Sludge Management Plan (NWSMP) (Irish Water)

- 5.5.1. This is a Tier 2 plan. The wastewater treatment process generates sludge, which requires further treatment prior to its reuse or disposal. Wastewater sludge is made up mainly of organic matter that has been removed during the treatment process and may contain some contaminants. Further treatment is required to this sludge to ensure its safe and efficient re-use or disposal. The NWSMP outlines Irish Water's strategy to ensure a nationwide standardised approach for managing wastewater sludge over the next 25 years.
- 5.5.2. Clonakilty is identified in table 3.3 as one of seven recommended sludge satellites in Co. Cork in the County Sludge Management Plan. Table 7.2 states that sludge import facilities are to be provided at Clonakilty and seven other Co. Cork towns, including Bantry and Skibbereen.

5.6. Natural Heritage Designations

- 5.6.1. The northern boundary of the site is adjacent to Clonakilty Bay SAC (site code 000091), Clonakilty Bay SPA (site code 004081), and Clonakilty Bay pNHA (site code 000091).

5.7. EIA Screening

- 5.7.1. Schedule 5 of the Planning & Development Regulations 2001 (as amended), sets out Annex I and Annex II projects which mandatorily require an Environmental Impact Assessment Report (EIAR). Development of a class included in Part 1 requires mandatory EIA. Development of a class included in Part 2 is subject to thresholds and may require EIA.

- 5.7.2. The classes that I consider to be of potential relevance to the proposed development are as follows:

- Schedule 5, Part 1, Class 13: Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC.
- Schedule 5, Part 2, Class 11(c): Waste water treatment plants with a capacity greater than 10,000 population equivalent as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule.
- Schedule 5, Part 2, Class 11(d): Sludge-deposition sites where the expected annual deposition is 5,000 tonnes of sludge (wet).

Part 1, Class 22 and Part 2, Class 13 (a) relate to changes or extensions of projects meeting relevant thresholds.

- 5.7.3. The applicant has submitted an 'Environmental Impact Assessment Screening Report', prepared by Jacobs Tobin and dated March 2021, as appendix B to its Planning Report. Section 2 describes the current and proposed schemes. Indigenous sludge is generated in the WwTP but no imported sludge is currently accepted. The plant has an estimated design capacity of 20,500 PE; the collected load recorded in 2019 was 11,369 PE. The proposed scheme will provide adequate liquid sludge import facilities as well as additional assets for dewatering. The total projected loading to the WwTP by 2030 is 17,758 PE. Treatment of imported sludge 'will be carried out within

the existing permitted capacity of the plant and within the terms of the existing waste water discharge licence', (EPA licence no. D0051-01).

- 5.7.4. The applicant, in relation to the Part 1 projects referenced in section 5.7.2, states the proposed development does not comprise the construction of a WwTP of such a capacity and will not change existing treatment capacity. In relation to Class 11 (c) the plant already has a capacity greater than 10,000 PE, which it is not proposed to change, and, in relation to (d), it is not a sludge deposition site but rather 'a centre in which sludge will be dewatered prior to disposal'. I note it is proposed to transfer dewatered sludge onward, either for further treatment or reuse/disposal. The applicant states that EIA project types relate to PE thresholds and the proposed development 'does not comprise either a change or extension of the WWTP that results in an increase in size in terms of treatment capacity'. On this basis the applicant considers the proposed development does not fall within the classes of development for which EIA is required.
- 5.7.5. In conclusion, it is not proposed to construct a new WwTP. The PE equivalent for Clonakilty WwTP has been established as approx. 20,500 and the proposed development would not breach this. It is not to be used as a sludge deposition site as per Class 11 (d). As no element of the proposed development falls into a class of development contained in Schedule 5, Parts 1 or 2, I am satisfied that the proposed development does not require EIA.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal are submitted by Jacobs Engineering Ltd. on behalf of the applicant, Irish Water. The main points made can be summarised as follows under relevant headings as set out in the grounds of appeal:

National Wastewater Sludge Management Plan (NWSMP)

- The proposed development represents an appropriate response to the need to manage wastewater sludge in line with the plan. The plan aims to have approx.

50 satellite sludge dewatering sites throughout the country that will dewater the sludge to between 15%-25% dry solids, following which it will be transferred to a sludge hub centre where further treatment is carried out. Existing WwTP sites are preferred for the satellite centres, and this is an appropriate location to dewater sludge for the west Cork area. The WwTP has adequate capacity to accommodate the use while providing additional headroom for the town's development.

- Sludge from WwTPs is primarily the organic by-product of the biological treatment of wastewater, and comprises the solids removed during the treatment processes. When appropriately treated and managed it does not present a risk and can be recycled as a soil conditioner or fertiliser. Prior to the establishment of Irish Water, individual local authorities produced Sludge Management Plans. The Dept. of Environment and Local Government recommended adoption of a 'sludge hub centre and satellite site' system for the treatment of wastewater sludge. Sludge from outlying rural works were directed via intermediate (satellite dewatering) WwTPs prior to transfer to a centralised treatment facility i.e. sludge hub centre. Dewatering at satellite centres reduces onward transport costs and traffic movements. Clonakilty WwTP was identified by the council as a location for sludge acceptance and as a sludge dewatering centre under the Sludge Management Plan.
- The NWSMP was published in 2016 outlining Irish Water's strategy to ensure a nationwide, standardised approach for managing sludge over a 25-year period. Sludge generated is expected to increase by more than 80% by 2040 posing economic, planning, and environmental challenges. Sustainable proposals for the investment in future treatment, transport and reuse or disposal of sludge in keeping with a number of objectives, e.g. avoid endangering health or the environment, maximising the benefits of sludge, operational efficiencies etc., are set out.
- The NWSMP was developed in response to three main European directives. The use of satellite dewatering centres as a central part of the process is commonly used internationally and considered appropriate in the NWSMP.

The Proposed Development

- Irish Water identified a deficit of satellite dewatering sites that would allow for a more efficient sludge management system and the NWSMP recommended additional facilities nationally. In addition, there is a deficit in sludge dewatering facilities in west Cork. It would not be sustainable to transport sludge further east when there is a plant with available capacity. The works are designed to cater for 2030 sludge imports and indigenous sludge increase.
- The site/WwTP is appropriate because of its location, its access, it has capacity, the plant is meeting its emission limit values and no compliance issues have been raised by the EPA. The plant was upgraded in 2015 with significant investment by the Council and Irish Water. The applicant, 'as a Public Utility Company want to use this existing valuable asset which is under-utilised infrastructure with a sufficient capacity'.
- Proposed development works relate solely to providing the infrastructure necessary to accept and treat sludge imports. It 'will be carried out within the existing permitted capacity of the plant and within the terms of the existing wastewater discharge licence'.
- The satellite dewatering centre will support the strategic objectives of Irish Water's 'Water Services Strategic Plan' (WSSP), approved by the Minister for Environment, Community and Local Government in 2015, in:
 - providing effective management of wastewater by concentrating sludge dewatering operations at Clonakilty, rather than at smaller plants which do not have capacity.
 - protecting and enhancing the environment by concentrating at Clonakilty, rather than smaller plants where discharge to receiving waters will not be compromised.

Land Use Zoning

- The site is zoned for utilities/infrastructure in the 2009 Development Plan. 'The related policy wording does not cover the particular, proposed development however it is relevant that at the time, the Plan promoted the upgrade of the

WwTP at the earliest opportunity, thus accepting the continuing expanded use of the site’.

- Section 6.14 of the variation to the 2009 plan is noted and ‘It is noted that this narrative for lands zoned for utilities does not preclude the use of such sites to meet the needs of the area beyond the boundary of the town itself’. The proposed development forms an ancillary element of the use of the site. The Draft County Development Plan also designates the site for utility and infrastructure uses. There are no specific policies relating to the proposals.
- The proposed development is fully consistent with current and proposed zonings, particularly in the context of the applicant’s remit to manage wastewater beyond a municipal remit to consideration of appropriate regional and national responses.

Refusal Reason No. 1 – Odour Control

- The proposed development would not give rise to environmental pollution in the form of foul odour. The sludge reception area and dewatering process have been designed to mitigate the creation of odour nuisance. The main area of potential emissions would be from the reception area. Imported sludge will arrive in sealed tankers. At the reception area it will be transferred to the reception tank by sealed pipe. Sludge then passes through a sludge screen, import buffer tank, picket fence thickener, and thickened sludge storage tank. The entire system is sealed. Air from these areas is extracted and processed through an odour control unit.
- No objections were made to the planning authority in respect of the proposed development, ‘indicating that odour is not identified as an issue of concern locally’.
- There are numerous examples of well-designed and operated sludge reception areas at urban WwTPs. A sludge import facility was commissioned in Monaghan in 2019 and is operating successfully within 125 metres of residential properties.
- A baseline odour survey in 2019 included monitoring at the four corners of the WwTP. Faint site-related odours were found only at the north west corner.

- An odour control unit is proposed. An active system will be installed where a fan will operate to extract air from the various tanks downstream of the sludge reception area and pass it through a biofilter/GAC type odour control unit. The system will be designed to achieve 5 OUEm³ at the nearest receptor.
- Based on the design of plant and machinery and the use of sealed transportation the applicant is of the opinion that the proposed development would not create a nuisance through odours in the environment.

Refusal Reason No. 2 – Traffic

- No objections were made indicating traffic is not an issue of local concern.
- Junction Capacity – A site visit was undertaken on 6th October 2021. It appears the roundabout operates satisfactorily approaching capacity with a maximum queue length of 19 vehicles on Casement St. West which is within the available queuing capacity.

As part of previous permissions for the primary care centre and supermarket, the mini roundabout is to be upgraded to a 25 metres diameter roundabout. In addition, the applicants for the primary care centre, Aldi, Lidl, and distillery developments were conditioned to provide a special development contribution towards the cost of the junction upgrade. In the primary care centre application it was demonstrated that the upgraded roundabout would be at capacity in 2025 and it would be necessary to convert to a signalised junction by 2030. This upgrade will happen over the lifetime of the proposed development and was originally conditioned as part of the decision to grant the Lidl store.

- HGV Use – Traffic counts in 2019 and observations in October 2021 have shown that during morning and evening peak an average of 25 and 31 HGVs respectively navigate the junction. The number of additional tankers is projected to grow from a base of 10 per working day to 14 at the design horizon year of 2030. (Inspector's Note – the number of additional tankers by 2030 cited in the planning application is 15 no., not 14).

Both the proposed upgraded roundabout and signalised junction will have spare capacity to cater for the increased traffic generated. Additional HGV movements represent an approx. 3% increase in HGVs and less than 0.3% in

total movements during operational hours. The current junction arrangement can safely manage HGVs.

- The proposed development will not lead to a significant increase in traffic generation or intensification of HGV through traffic. Operation of the junction will not exceed capacity in the short term, or longer term with an improved junction. The increase in traffic will have no noticeable effect on the movement of pedestrians or cyclists and will not result in any impact. It will clearly not endanger public safety.

Refusal Reason No. 3 – Form of Development and Waste Water Capacity

- Nature of Utility Development – The site is zoned for utilities/infrastructure in the 2009 Development Plan and 2022 Draft County Development Plan. The proposed development is fully consistent with current and proposed zonings. It relates to the applicant's remit to manage wastewater with a statutory requirement to consider regional and national matters and not solely with a municipal limitation. It is not a commercial or private development.

Land adjacent to the west is part of a wider area zoned for town centre uses. A primary care centre and distillery are currently built on this landholding and other permissions are referenced. Commercial interest in, and the future development of, this land, has not been compromised by the operational WwTP.

The proposed development includes a series of structures, arranged so that the tallest structures lie furthest from the western boundary. The closest structure to this boundary is 17 metres away and is 1.8 metres above ground level.

Measures to minimise impact to the town centre have been taken over time and will continue. The proposed adjacent commercial use means human receptors will be present for a relatively short duration and most likely within buildings, further lessening the potential for impact. The applicant would be satisfied to accept a landscaping condition for the western boundary.

Odour and traffic issues are addressed earlier. The proposed development represents an appropriate response on an appropriately zoned site to meet its

statutory public remit. It will not have a significant impact on the amenity of the town or adjoining lands.

- Importation of Sludges – The importation of sludges will consume some wastewater capacity. The sludge imports will be dealt with entirely as an independent sludge stream. The only additional loading on the WwTP is the liquor returns from the dewatering process. This additional load will grow from 300 PE in the first year to 2,448 PE by 2030.

High growth (2.4% over the period 2016 (4,592 population) to 2028 (6,385 population) in line with the Draft Plan) and medium growth (growth rate remains at 1% as per the last ten years) scenarios for Clonakilty are considered, with and without liquors from sludge importation. The annual growth rate of 2.4% has been applied to all incoming load. It is assumed in the projected load that a growth in population is mirrored by an equivalent growth in general commercial activity in the town. Irish Water does not provide spare capacity to large industrial customers, and significant new non-domestic connections are subject to contributions to capital costs of upgrades if required. A graph of projected loadings is provided on page 13 of the grounds of appeal.

The additional load arising from sludge importation, regardless of the population growth scenario, is less than 2,500 PE. At the design horizon of the Draft Plan there will still be capacity; approx. 4,000 PE in the high growth scenario or approx. 6,500 PE in the medium growth scenario. Beyond the design horizon of 2030 (and 2028 in the Draft Plan) the applicant constantly reviews capacity across all its sites. 'Should those projections indicate a lack of available capacity beyond 2030, Irish Water will commence the planning and design of plant capacity at an early stage to meet the future needs of all its customers'.

The development will not have a significant effect on the capacity of the plant and will not compromise available capacity such that it would prevent achievement of growth targets and would not conflict with its designation as a key/county town.

Refusal Reason No. 4 – Potable Water

- Current Use – Water for the WwTP is required for washdown facilities and domestic use in the administration building though washdown water can be

either a mains supply, groundwater supply, or recycling treated effluent. The EIS submitted with the application to upgrade the WwTP anticipated daily usage of approx. 25 cubic metres of mains water. Dependency on the mains as the sole source of potable water for the proposed development has been reduced by use of an on-site borehole to augment potable water supply. The largest quarterly usage period in the last twelve months was 698m³ (approx. 8m³ per day), and the least quarterly usage was 3.5m³ per day.

- Additional Demand – The predicted increase in water consumption ‘will be of the order of 3m³/d, which will in part be met by the on-site borehole’. This predicted increase equates to approx. seven houses. The increase in water consumption is not significant. It will remain within the 25m³ per day volume estimated in the EIS, ‘even in the event of a borehole failure’. The proposed development would not materially affect the supply of adequate drinking water and would not contravene Objective WS 4-1.

Appendix 1

This contains a Supplementary Traffic Assessment Information report.

6.2. Planning Authority Response

6.2.1. The planning authority submitted three separate reports. These can be individually summarised as follows, using relevant headings contained in each individual report, as appropriate:

6.2.2. Senior Planner

- Context, Zoning and Adjacent and Future Land Uses – The planning authority made it clear at pre-planning the proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the proximity of the town centre and adjacent land uses. The development would represent a significant expansion and intensification of the WwTP which is not reflected in the zoning objective for the site or adjoining sites, the specific planning objectives for the town, or reflected in the Draft Plan. The site location, close to the town centre, is unusual, and has given rise to conflict relating to

odour emissions, particularly in summer. There is no recognition in the appeal given to the role and function of Clonakilty.

The planning authority is not satisfied the development would align with the policies and objectives to promote Clonakilty as a key growth town. It would impact the amenities of the town centre, including development of the significant 'Waterfront' site and amenity walkway. As a result of the nature of the proposal the completion of this area 'would be compromised as any remaining area on this town centre site would be effectively sterilised to effect minimum set back distances from this proposal'. It is also likely a mix of uses would not be realised 'given the impacts associated with the proposed development'.

There is a clear difference between continuing the existing use and the proposed, expanded use for importation and treatment of sludge. '(O)ther more suitable locations have not been exhaustively examined by the applicants'.

- Proximity to Sensitive Receptors – The proposal would be 210 metres from the existing Waterfront apartments, and receptors such as medical and tourist uses would also be impacted. It is a significant challenge for the applicant to currently manage odour emissions and adjacent receptors are already susceptible to odour emissions. Information regarding the assessment and management of odour emissions is insufficient. There is a lack of specific measures to address potential failing of on-site measures controlling emissions and the planning authority is not satisfied that the proposal would not give rise to adverse impacts.

6.2.3. Water Services Department

- The planning authority is aware of two odour complaints received in 2021 to date regarding odours 'allegedly emanating from the WWTP' and existing operating patterns do not provide a level of assurance to suggest the proposed development will not exacerbate the cause of previous odours.
- Junction analysis assumes deliveries will be spread evenly through the year. However it is likely deliveries will increase in summer due to increased tourist population. Traffic observations in October do not accurately reflect tourist traffic, particularly on Inchydoney Road.

- Hydraulic loading to the WwTP increases significantly during rainfall. There are no assurances that the proposed development would not impact on the capacity of the WwTP to receive the hydraulic load from the agglomeration or the proposed development would not result in additional screened storm water overflows to the estuary.
- In relation to water usage, current usage on site, based on meter readings, is approx. 5-6 cubic metres per day.

6.2.4. Area Engineer

- Odour Control – The proposed import area is approx. 50 metres from a potential residential use area. The comparative scale of the sludge import facility in Monaghan is not indicated. Two odour complaints have been received from the model railway village and there has been odour in Waldaschaff Park.
- Traffic – Traffic analysis would need to consider traffic movements in the peak holiday time when traffic flows are approx. 15% greater than March/October as analysed, and there is increased use of Inchydoney Road. In Summer 2021 there has been regular 600 metres-800 metres queues on Casement St because of the operation of the junction. HGVs have an impact as they have a slower/longer movement and greater impact on the free flow of the junction.

Reference is made to the proposed junction upgrade. The upgrades were phased and based on traffic movements generated by the development of the permitted operations. Lidl, the distillery, and the primary care centre 'are operational but would have been limited by the impact of COVID-19'. The supermarket has not been developed to date.

Increased HGV traffic will have a negative long-term impact on the attractiveness of Waldaschaff Park. Increased movements into the site will deter usage of the park and increase potential of incidents with vulnerable road users. 'It is one thing to remove sludge as part of the increase in sewage developed by the town, but it is not appropriate to develop increased traffic movements bringing in material from the greater West Cork area'.

The proposal will have a negative impact on the free flow of the N71 at the junction, generate unnecessary traffic in the vicinity, increase the risk to vulnerable road users, and there are concerns with potential odours.

6.3. **Observations**

6.3.1. None.

6.4. **Further Responses**

6.4.1. None sought.

7.0 **Assessment**

The main issues are those raised in the grounds of appeal and the Planning Report(s) and I am satisfied that no other substantive issues arise. Given the reasons for refusal, and the absence of any third party observations raising any other issues, I consider it appropriate to focus on the reasons for refusal and the different elements contained within the reasons. The issue of appropriate assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Zoning
- Planning Authority Reason for Refusal No. 1 – Odour
- Planning Authority Reason for Refusal No. 2 – Traffic
- Planning Authority Reason for Refusal No. 3 – Site Location & Waste Water Capacity
- Planning Authority Reason for Refusal No. 4 – Water
- Overall Conclusion

7.1. **Zoning**

7.1.1. The proposed development is in an area zoned 'Utilities/Infrastructure' in the Clonakilty Development Plan 2009-2015 (as varied). The variation to the Clonakilty Development

Plan 2009-2015 states 'Lands zoned for utilities and infrastructure uses are largely for operational requirements such as drainage, sanitation ... Sometimes problems can arise in relation to adjoining uses that expect a high standard of amenity. To help prevent these situations arising, opportunities should be taken to help assimilate these uses into their surroundings through the treatment of boundaries and the landscaping of appropriate areas'. Objective IO 6-1 is to 'Promote the provision of development to meet the operational requirements of utilities and infrastructure operators ...'

7.1.2. Therefore, having regard to the provisions of the Clonakilty Development Plan 2009-2015 (as varied), I consider that the principle of the proposed development is acceptable, subject to the detailed considerations below.

7.2. Planning Authority Reason for Refusal No. 1 – Odour

7.2.1. The reason for refusal considers that the proposed development/intensification of use would likely result in or give rise to environmental pollution, namely odour, and this nuisance would be prejudicial to public health, would injure the residential amenities of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

Planning Application

7.2.2. An 'Assessment of Odour in Clonakilty WWTP, Co. Cork' was attached as part of appendix F to the applicant's Planning Report. This was prepared by TMS Environment Ltd. and is dated 12th June 2019. The inspection took place over the course of approximately one hour on the afternoon of 22nd May 2019. The assessment concludes, 'there was a faint odour detected at one of the four locations (OD2) from site related activities, which could lead to potential odour nuisances in neighbouring sites. Odour nuisance was not detected during this survey'.

7.2.3. The planning authority's decision and reports are summarised in sections 3.1 and 3.2, above. The applicant's grounds of appeal and the planning authority response are set out in sections 6.1 and 6.2.

Assessment

7.2.4. The reason for refusal states 'The proposed development and the intensification of use as proposed would likely result in or give rise to environmental pollution, in the

form of foul odour connected with the importation and treatment of sludge ... this proposal would create a nuisance through odours in the environment which would be prejudicial to public health, would seriously injure the residential amenities of property in the vicinity ...'

- 7.2.5. The 'Assessment of Odour in Clonakilty WWTP, Co. Cork' concluded that there was a faint odour detected at one location on site which could lead to potential odour nuisances in neighbouring sites, but that odour nuisance was not detected. While of interest, I do not consider it to be a robust assessment of the odour environment on site. The survey only took place over a one hour period on a single day with two five minute observation periods at each corner. No observations were taken along the western boundary, in the vicinity of the existing dewatering building and along the boundary adjacent to which the town centre area is likely to be developed. I consider the assessment provides a snapshot of the odour environment at that specific time rather than a comprehensive assessment.
- 7.2.6. The Area Engineer's initial report refers to first hand observations of odour. The first Environment Section report states that this part of the town 'has a history of nuisance foul odours' from one or all of the WwTP, industry, or the marine environment. It also states the proposed activity is 'likely to create environmental pollution in that it can create a nuisance through foul odours'. The Water Services Section report refers to a history of odour complaints from the WwTP and is aware of two odour complaints received in 2021 to the date of the report. The report expresses concern 'about any new activity at the WWTP that could exacerbate this issue'. The Executive Planner's (EP) report only briefly references odour. Its basis as the first recommended reason for refusal appears to be as a result of it being referenced in the internal reports. The Senior Executive Planner's (SEP) report slightly altered the wording of the first reason for refusal, which was itself slightly altered in the Senior Planner's (SP) report.
- 7.2.7. In the grounds of appeal the applicant states it is 'satisfied that the proposed development would not give rise to environmental pollution in the form of foul odour' and refers, inter alia, to the sealed nature of the system and the odour control unit.
- 7.2.8. In the planning authority's response the SP considers that it is a significant challenge for the applicant to currently manage odour from the site and importing and treating sludge would pose a further risk to the amenities of adjacent receptors. A lack of

measures to address any failure of on-site odour control measures is cited. The Water Services Section consider that 'existing operating patterns ... does not provide the level of assurance required to suggest that the proposed development will not exacerbate the cause of alleged previous odours emanating from the WWTP'.

- 7.2.9. The applicant makes the point in the grounds of appeal that no third party observations were received by the planning authority, in relation to odour or otherwise, and, given the history of odour in the vicinity as set out by the various planning authority sections, I do consider it surprising that no observations have been received from any third party in this regard.
- 7.2.10. An undeveloped town centre zoned area is located immediately adjacent to the west of the WwTP though a large area of the overall site has been developed. The model railway village is located adjacent to the east/south east and the site is accessed through Waldaschaff Park. Therefore, there are sensitive receptors immediately adjacent to the site. It is stated that odour complaints have been received from the model railway village and the planning authority states that these receptors are already susceptible to adverse impacts from odour emissions.
- 7.2.11. I note the zoning of the site. The variation of the Clonakilty Development Plan 2009-2015 relates, in part, specifically to this zoning. However, while section 6.14.2 notes that 'problems can arise in relation to adjoining uses that expect a high standard of amenity', boundary treatment and landscaping are referenced as solutions which would do little to address the issue of odour nuisance.
- 7.2.12. Given the nature of the existing site use, the content of the various planning authority reports, and my site inspection, I accept that odour nuisance is currently a significant issue on site. While the applicant refers to a similar facility in Monaghan town and its location, the specific circumstances of each application are different, and each application is considered on its own merits.
- 7.2.13. Solely considering the issue of odour in isolation, having regard to the first reason for refusal, I consider that the proposed development would not address or improve the odour issues currently being experienced as described by the planning authority. Given that the proposed development would import significant volumes of sludge to the site, any breach or failure of the system would exacerbate odour nuisance. By its nature there is an odour from this type of liquid and the best case scenario for this

development would be that the current odour nuisance is not exacerbated. The site location is critical in the consideration of odour in this context. It is immediately adjacent to a (currently) undeveloped town centre site, an open-air tourist attraction, and a small public park, and it is in close proximity to the developed section of the adjacent town centre site.

- 7.2.14. I agree with the planning authority's first reason for refusal that the potential for new or exacerbated foul odour nuisance, given the site location and adjacent uses, would not be acceptable. Though the reason for refusal specifically cites residential amenity, I consider it would affect general amenity, given the nature of adjacent uses, and would be prejudicial to public health.

Conclusion

- 7.2.15. I agree in principle with the planning authority's first reason for refusal given the current odour nuisance as set out by the planning authority, and the nature and proximity of adjacent land uses. The proposed development i.e. importation of sludge for dewatering, would likely result in environmental pollution in the form of foul odour.

7.3. Planning Authority Reason for Refusal No. 2 – Traffic

- 7.3.1. The second reason for refusal relates specifically to traffic. The planning authority considers the development will result in increased traffic generation and intensification of HGV traffic which would mitigate against the free flow and safety of all traffic and vulnerable road users at the Inchydoney Rd./Casement St./Clark St. junction. It would impact negatively on vulnerable road users and thus endanger public safety by reason of traffic hazard and/or the obstruction of road users.

Planning Application

- 7.3.2. Section 3.4 of the applicant's Planning Report briefly set out the anticipated traffic impact. It is stated traffic counts were undertaken at nine locations around Clonakilty, though the only locations identified in the report are at the WwTP site access and the Inchydoney Rd./Casement St./Clark St. junction. On the day of the traffic survey in March 2019 there were nine vehicular movements into the WwTP site (0.55% of the 1,634 no. vehicle movements along Inchydoney Rd.).

- 7.3.3. Sludge generated on site is currently dewatered on site and the resultant dried sludge cake is transported off-site. Approx. 43,500m³ of sludge will be imported annually by 2030, approx. 12,500m³ from septic tanks and approx. 31,000m³ from other WwTPs. This will result in increased quantities of dewatered sludge cake being exported. The applicant states that the imported sludge loading would only be in the order of 50% above the volume of indigenous sludge arising from the Clonakilty agglomeration. The volume transported per truck will vary 'but in general terms the number of additional truck movements to Clonakilty WwTP is projected to grow from a base of 10 per working day in the first year of operation to 15 per working day at the design horizon year of 2030'. The applicant considered the 'overall impact of the development on traffic volumes in the area will be imperceptible'. Estimation of sludge volumes is set out in appendix G to the applicant's Planning Report, including the location of smaller WwTPs from where sludge would be imported.
- 7.3.4. The planning authority's decision and reports are summarised in sections 3.1 and 3.2, above. The applicant's grounds of appeal and the planning authority response are set out in sections 6.1 and 6.2.

Assessment

- 7.3.5. The reason for refusal states 'The proposed development will directly result in an increased level of traffic generation and intensification of HGV through traffic ... the resultant effect of this would seek to mitigate against the free flow and safety of all traffic ... at the proposed modified junction ... will impact negatively on vulnerable road users ... and would thus endanger public safety by reason of a traffic hazard and or the obstruction of road users ...'
- 7.3.6. The planning authority Area Engineer's report mainly focuses on the traffic issue. This report is summarised in sections 3.2.8-3.2.12, above. A refusal was recommended largely on the generation of HGV traffic and traffic hazard. The Water Services report also refers to traffic impact. The EP's report only briefly references traffic. Its basis as the second recommended reason for refusal appears to be as a result of it being referenced in the internal reports. The wording of this reason was slightly altered in the SEP's report.
- 7.3.7. In the grounds of appeal, the applicant states that 'The proposed development will not endanger public safety or cause the obstruction of road users', and notes that no

objections were made to the Council, 'indicating that traffic is not identified as an issue of concern locally'. A post-decision updated junction survey indicated that the roundabout operates satisfactorily.

- 7.3.8. In the planning authority's response, both the Area Engineer and Water Services Section note that traffic levels in summer are higher and sludge import movements are also likely to increase in summer. The Area Engineer expands on concerns relating to the existing roundabout junction, footpaths, and Waldaschaff Park.
- 7.3.9. In considering traffic impact, the site location is relevant. The existing WwTP is located immediately adjacent to the south east of the town centre zoned area. The site is accessed off Inchydoney Road, a local road, which leads only towards Inchydoney. Therefore, effectively all proposed sludge imports would have to access the site by way of the Casement St./Clark St./Inchydoney Rd. junction which currently comprises a mini-roundabout. The Area Engineer, in particular, has expressed concern about this.
- 7.3.10. The traffic movement figures provided by the applicant are inconsistent and given 2021 is referenced as the base year/year 1 for truck movements, they are already out of date. Sludge currently generated on site results in no truck movements as the origin sewage is piped in from the town. It is projected that the importation of sludge as proposed will generate 14/15 no. truck movements per day by 2030 (the applicant is inconsistent on the exact figure), a figure disputed by the Area Engineer who considers it is likely to be double this. Page 13 of the submitted Planning Report states that sludge is currently dewatered on site and 'The resultant dried sludge cake is currently transported from the site for off-site disposal'. Table 2.2 of appendix 1 to the grounds of appeal projects that exported sludge cake in 2030 would generate three truck loads per day. This is included in the truck movement figure of 14/15 no., but this appears to be the only place the applicant has included sludge cake exports in its figures. The applicant states on page 14 of the submitted Planning Report that the volume of imported sludge will be approximately half of the volume of indigenous sludge currently generated within the WwTP. This implies that the number of traffic movements generated by the sludge cake exports in 2030 would comprise nine daily loads. However, in terms of existing sludge cake exports I note page 34 of the National Wastewater Sludge Management Plan (NWSMP) which states 'New and emerging technologies in wastewater treatment impact the quantity of sludge produced.

Treatment processes such as the granular activated sludge process recently installed in the Clonakilty WWTP produces a lower quantity of sludge than conventional activated sludge'. Therefore these traffic movement figures may be inaccurate.

- 7.3.11. Figures in table 2.2 are different from those cited elsewhere e.g. imported wastewater treatment liquid sludges in 2030 is cited as 26,034m³ rather than 31,000m³ and total imports in 2030 are cited as 43,882m³ rather than 43,500m³. I consider that the figures provided by the applicant in terms of current and projected truck movements, both importing liquid sludge and exporting dried sludge cake, are unclear and confusing.
- 7.3.12. Notwithstanding the absence of clarity in relation to the specific number of overall projected HGV movements in 2030 I consider the planning authority's second reason for refusal to be unreasonable, though it is clear that the intensification of use of the WwTP site as a satellite dewatering centre would generate additional HGV movements. The two main aspects of the reason for refusal are (i) impact on the Casement St./Clark St./Inchydoney Rd. junction, and (ii) negative impact on vulnerable road users thus endangering public safety.
- 7.3.13. The junction is currently operating as a four-arm mini-roundabout with the fourth arm accessing that part of the adjacent town centre 'Waterfront' site that has been developed to date. The applicant considers it is operating within capacity, but the planning authority considers that submitted surveys are inadequate. These are public roads located in the centre of town. The N71 (Casement St.) is a through road that links Clonakilty to Bandon to the north east and Rosscarbery to the south west. While it goes 'through' town centre zoned areas, it does not strictly run through the 'town centre' in terms of the streets being narrower with retail units, cafes, public houses etc. to both sides of the street, though there are residential and commercial uses accessed off the road. It seems the planning authority has included this reason for refusal because it objects to the principal of the proposed development. If planning permission was refused on this basis, for a notable but not overly significant impact in terms of additional HGV generation, then it would effectively sterilise any substantial future development on Inchydoney Rd. that would also generate HGV traffic. The junction is an urban junction which is heavily used, but it is, in my opinion, unreasonable to cite the increase in traffic generated by the proposed development as a reason for refusal. There are plans in place for phased upgrades of this junction. It is a matter for the planning authority to ensure these are carried out as appropriate.

7.3.14. In addition, I do not agree with the planning authority that the proposed development would result in a traffic hazard merely as a result of an increase in traffic movements. Any development is likely to increase the number of vehicles on particular roads or streets, but they are not refused on that basis. While the site is accessed through a small public park this access is in situ and the reason for refusal does not relate to inadequate sightlines, the alignment or condition of Inchydoney Rd. etc. which would normally be a requirement for traffic hazard. I acknowledge that the development would result in an increase in HGV movements, but I do not consider that this, in itself, warrants a refusal of permission on the grounds of traffic hazard in the absence of any other material consideration.

Conclusion

7.3.15. I do not agree with the planning authority's second reason for refusal. While HGV movements will increase, the roads and junctions affected are public roads in an urban area already heavily utilised. I do not consider the proposed development would generate such additional HGV traffic that a refusal of permission on this basis is warranted. To refuse the application on this basis may have significant consequences for any future development on Inchydoney Road. In addition, in the absence of any material consideration other than merely an increase in the number of HGVs, I do not consider the development would endanger public safety by reason of a traffic hazard or the obstruction of road users. While additional traffic movement would add to the general dis-amenity of the proposed development, I do not consider it warrants a separate stand-alone reason for refusal.

7.4. Planning Authority Reason for Refusal No. 3 – Site Location & Waste Water Capacity

7.4.1. The third reason for refusal combines two distinct elements: site location and wastewater capacity. The planning authority considers that the site location in close proximity to the town centre, and the nature of the proposed use, would be an inappropriate form of development which would injure the amenities of the area. The reason for refusal also states the proposed development would consume waste water supply capacity which would place an unnecessary constraint on the ability of the town to achieve longer-term population and economic growth targets, conflicting with the

town's designation in the Regional Spatial and Economic Strategy (RSES) and County Development Plan 2014.

- 7.4.2. The first part of this reason for refusal is similar to the first reason for refusal i.e. site location and environmental nuisance injuring the amenities of the area. However, whereas the first reason for refusal specifically cites odour as the issue, the first part of this reason for refusal is broader and less specific.

Planning Application

- 7.4.3. A brief site location rationale was provided on page 5 of the applicant's Planning Report which referred to site location, access, spare capacity or space, emission limit values and current level of compliance, and potential nuisance. A 'Noise Monitoring Survey' was attached as part of appendix F. This was prepared by TMS Environment Ltd. and is dated 12th June 2019. Noise measurements were below the respective daytime and night time limits of 55dB(A) and 45dB(A).
- 7.4.4. The Area Engineer, Environment Section, and Water Services Section reports query the suitability of the site location and the absence of a robust rationale for it. These concerns are echoed in the EP, SEP, and SP's reports, though this reason for refusal was first included in the SEP's report.
- 7.4.5. In relation to the wastewater element of the reason for refusal, the Water Services Section report notes that information provided in the planning application 'demonstrates that the proposed development would not impact on the theoretical capacity of the WWTP to provide treatment for future populate [sic] growth'. Notwithstanding, the SEP's report considered that the concerns expressed in terms of consumption of available waste water capacity are legitimate. This reason for refusal was initially included in the SEP's report.
- 7.4.6. The grounds of appeal are summarised in section 6.1, above. In brief, the proposed development is fully consistent with the land use zoning, and it is not a commercial or private development. Commercial interest in, or the future development of, the adjoining town centre zoning 'has not been compromised by the presence of the WwTP'. It notes that some wastewater capacity will be consumed by the importation of sludges though there is capacity to treat the imports. Two different growth scenarios for Clonakilty are outlined with results showing approx. 4,000 PE spare capacity in 2028 in a high growth scenario or approx. 6,500 PE spare capacity in a medium growth

scenario. Regardless of the growth scenario, the additional loading from sludge imports is less than 2,500 PE.

- 7.4.7. In the planning authority's response to the grounds of appeal the SP stated the planning authority was clear from the pre-planning stage that proposed development would be contrary to the proper planning and sustainable development of the area, having regard to the proximity to the town centre and other sensitive receptors. The proposed development would represent a significant expansion and intensification of the role of the WwTP, not reflected in the zoning or objectives. The proximity would impact the amenities of the town centre area and would compromise development of the adjacent land. There is a clear distinction between the continued use of the WwTP for the benefit of the town as opposed to its use for importation and treatment of sludge. In relation to the wastewater capacity issue the Water Services Section states that there are no assurances that WWTP capacity would not be impacted by hydraulic loading during rainfall events.

Assessment

- 7.4.8. The assessment of the reason for refusal can be separated into the two distinct elements of the reason.

1. Site Location

- 7.4.9. The existing WwTP site is located adjacent to the south east of the town centre. The area immediately to the west is zoned town centre and is partly developed, the West Cork Model Railway Village is adjacent to the east and south east, and the site is accessed through a public park. Clonakilty Harbour is adjacent to the north.

- 7.4.10. It is clear that the site location was chosen because it is the location of the existing WwTP. The SP's report states that the proposed development 'would represent a significant expansion and intensification of the existing role of the wastewater treatment plant which is not reflected in either the specific zoning objective for the site and adjoining sites or the specific planning objectives for Clonakilty town. It is also not reflected in the policies and objectives contained in the Draft Cork County Development Plan, 2021'. While I acknowledge this, I consider the reverse is also true i.e. there is no policy or objective restricting expansion and intensification of the WwTP. Objective IO 6-1 of the Clonakilty Development Plan is to 'Promote the provision of development to meet the operational requirements of utilities and

infrastructure operators ... ' In my opinion, this would include development of the type proposed; sludge dewatering on behalf of Irish Water.

- 7.4.11. The applicant provided a very brief rationale supporting the development location on page 7 of its Planning Report. Despite the issue of site location forming a significant concern for the planning authority as expressed in the various planning reports, a robust justification for this site location was not expanded upon in the grounds of appeal. However, this is a normal planning application which does not require submission of an EIAR, and each application is assessed on its own merits. There is no obligation on the applicant to set out 'reasonable alternatives' e.g. alternative sites. Notwithstanding, no robust rationale for the site location has been provided apart from the identification of Clonakilty in the National Wastewater Sludge Management Plan (NWSMP). The applicant's position is that Clonakilty was identified in the NWSMP as a satellite sludge dewatering site and the WwTP has adequate capacity.
- 7.4.12. I note that Clonakilty is identified in table 7.2 of the NWSMP as being a proposed upgrade location for sludge import facilities. Of the other eight locations identified, two of these, Bantry and Skibbereen, are very well located to accommodate sludge imports from many of the smaller villages etc. identified in appendix G to the applicant's Planning Report. Cork County Council's website does not show any planning application at the location of Bantry WwTP and no recent application at Skibbereen WwTP. Both of these WwTPs are located outside their respective built-up urban areas. The application does not provide any reasoning as to why neither of these sites have been subject of a planning application for intensification as a satellite sludge dewatering centre. It appears that these sites may have fewer constraints than the site subject of the current application.
- 7.4.13. Clonakilty WwTP is in situ, is operational, and was upgraded relatively recently. The upgrade in 2015, based on a 2007 permission, did not refer to importation of sludge for dewatering. The proposed development would not require an increase in the site size or site area.
- 7.4.14. The Noise Monitoring Survey carried out on site on 22nd May 2019 concluded that there was no exceedance in the respective day time and night time limits of 55dB(A) and 45dB(A). While of interest, I do not consider it to be a robust assessment of the noise environment on site. The survey took place over approximately two hours during

the day and an hour and a quarter at night, with approximately half hour observation periods at each of four different on-site locations during the day and fifteen minutes at night. The assessment provides a snapshot of the noise environment at that specific time rather than a comprehensive assessment. It does not address future noise sources. This is briefly addressed in section 3.5 of the applicant's Planning Report, but this appears to take no cognisance of likely future adjacent development. While noise is not specifically cited in the reason for refusal, no projected noise measurements or adequate descriptions of plant or additional vehicular movements etc. were provided. I do not consider the applicant has adequately demonstrated that noise pollution would not be a concern from the proposed development, combined with the existing development on site.

7.4.15. I agree with the planning authority in terms of the significant concern expressed in relation to the inappropriate nature of the proposed development at this location. Importation of sludge and its dewatering would be a new use on site and the existing/proposed adjacent uses i.e. town centre expansion, open air tourist attraction, public park, cannot be ignored. Page 5 of the applicant's Planning Report states the proposed upgrades are designed to cater for sludge imports to 2030 and an increase in indigenous sludge. Proposals for post-2030 are not outlined. The applicant does not expand on whether this would likely require importation of increased volumes of sludge and further intensification of the existing site, or possible relocation to a new facility. While, in principle, I consider that the proposed use is an appropriate use in conjunction with the existing operation, on detailed examination I do not consider that it is a suitable site for intensification of the type proposed. It is unlikely that this site would be developed as a WwTP for the town if a new WwTP was to be provided now. The combined consequences, in particular in relation to odour, noise, and general disamenity, would support the reasonable view that importation of significant volumes of sludge should not occur on this particular site.

2. Waste Water Capacity

7.4.16. The second part of the third reason for refusal considers that the proposed development would consume waste water supply capacity in the existing WwTP which would place an unnecessary constraint on the ability of Clonakilty to achieve growth targets, conflicting with its designation as a key town in the RSES and a county town

in the Cork County Development Plan 2014. Clonakilty is described in some detail on pages 82-83 of the RSES.

- 7.4.17. The population of Clonakilty in the 2016 census was 4,592, a slight decrease from the 4,721 recorded in the 2011 census. The 2022 Draft Plan population target for 2028 was 6,385, though this has been revised downwards to 6,162 in the proposed amendments. The 'target' figure is intended to be used for infrastructure planning purposes and is normally set at a level above the predicted or expected population forecast.
- 7.4.18. There is no current deficiency in waste water treatment capacity in Clonakilty. The existing WwTP has a capacity of approx. 20,500 PE. Section 2.1 of the EIA Screening Report notes that the collected load in the WwTP, as per the 2019 Annual Environmental Report, was 11,369 PE. In its grounds of appeal the applicant set out two growth scenarios. 'The additional load arising from sludge importation, regardless of the population growth scenario chosen, is less than 2,500 PE'. This would, according to the applicant, result in a spare capacity by 2028 of 4,000PE in a high growth scenario.
- 7.4.19. The Water Services Section report received on foot of the planning application acknowledges the information provided 'demonstrates that the proposed development would not impact on the theoretical capacity of the WWTP to provide treatment for future populated [sic] growth'. Notwithstanding, the third reason for refusal is based, in part, on this issue. In the response to the grounds of appeal, the Water Services Section refers to additional hydraulic loading to the WwTP during rainfall events. However no detail is provided in relation to this.
- 7.4.20. Having regard to the foregoing, while acknowledge the planning authority's concern in relation to ensuring sufficient capacity is available to Clonakilty to meet its growth targets, I consider that it has been adequately demonstrated that the existing WwTP has capacity to accommodate both the target population growth and the proposed sludge dewatering centre, while also retaining reasonable headroom. I do not consider the proposed development would place an unnecessary constraint on the ability of the town to achieve its longer term population and economic growth targets and therefore conflict with its designation in the RSES or County Development Plan 2014. However, should the Board be minded to grant permission for the proposed development, it

could consider a cap on the volume of sludge to be imported in order to ensure capacity is retained for the future growth of the town. This would also result in more certainty in HGV movements.

Conclusion

- 7.4.21. I concur with the first element of the planning authority's third reason for refusal that the site location in the context of the proposed use would constitute an inappropriate form of development which would seriously injure the amenities of the area. While I consider that the proposed development would be generally consistent with the zoning objective and the Irish Water policy framework of providing satellite dewatering centres, on foot of a detailed consideration I do not consider these to be overriding factors given the site location constraints that this specific site presents in terms of existing and future adjacent land uses and the amenity of these properties.
- 7.4.22. Notwithstanding, I do not concur with the second element of the third reason for refusal. While I acknowledge the planning authority's concern, I consider it has been adequately demonstrated that the proposed development would not result in an unduly significant amount of the current spare capacity of the WwTP from being consumed, such that a refusal of permission on this basis is warranted.

7.5. Planning Authority Reason for Refusal No. 4 – Water

- 7.5.1. The final reason for refusal states that policy objective WS 4-1 of the County Development Plan 2014 seeks to prioritise the supply of adequate drinking water for the resident population and invest and expand where possible, and conserve sources of drinking water and minimise threats to either the quality or quantity of reserves. In the absence of any detail regarding potable water demand the planning authority was not satisfied the development would not be premature given the existing deficiency in the provision of water supplies in the town and the application would contravene materially WS 4-1.

Planning Application

- 7.5.2. The Water Services Section report received on foot of the planning application notes that there is currently a concern in relation to water supply in Clonakilty and the ability to provide an adequate supply for the potential growth of the town. In the absence of any detail submitted by the applicant in terms of water demand it was not possible to

ascertain whether the proposed development would increase the demand for potable water. The SEP's report noted the concern expressed and the fourth reason for refusal was initially included in that report. Objective WS 4-1 is set out in section 5.2.2.

- 7.5.3. The grounds of appeal are summarised in section 6.1, above. In brief, 'Demand for potable water arising from the proposed development is of a minor nature and not significant to the availability of potable water demand in the town'. Dependency on mains water has been reduced by an on-site borehole. The predicted increase in usage is approx. 3m³ per day, equivalent to approx. 7 no. houses, 'which will in part be met by the on-site borehole'.

Assessment

- 7.5.4. The reason for refusal refers specifically to subsections (a) and (c) of Objective WS 4-1, and the absence of any detail regarding potable water demand. The planning authority considers the proposed development may be premature given the existing deficiency in water for the town, and that it would contravene materially the objective.
- 7.5.5. Section 2.5.52 of the Draft Cork County Development Plan (Volume 5) states 'The Clonakilty Water Supply is at its limit and the watermain network is poor. The provision of new source is required [sic], and Irish Water are currently considering a number of options in this regard. Upgrading of watermains is also required prior to any further significant development in Clonakilty'. Irish Water is the body charged with water infrastructure and is also the applicant for this planning application. The grounds of appeal state that the predicted increase in water consumption will in part be met by the on-site borehole.
- 7.5.6. As with the wastewater capacity issue as included in the third reason for refusal, I acknowledge the planning authority's concern. However, I do not consider that the relatively limited additional water supply required, which can be met in part by an existing borehole, is such that a refusal of permission is warranted or reasonable. Even in the event of a borehole failure I do not consider a refusal on this basis is warranted. It appears that the reason for refusal was included because of the absence of any information on this subject, which has now been addressed in the grounds of appeal. In addition, I do not consider that the proposed development would have any effect on the quality of drinking water.

7.5.7. I note that the planning authority's reason for refusal states that the proposed development would contravene materially Objective WS 4-1 of the County Development Plan 2014. This policy refers to water supply and it is not, in my view, sufficiently specific so as to justify the use of the term 'contravene materially' in terms of normal planning practice. The Board should not, therefore, consider itself constrained by section 37(2) of the Planning & Development Act, 2000 (as amended).

Conclusion

7.5.8. Having regard to the foregoing, I do not consider that water usage by the proposed development would be such that a refusal of permission is reasonable or warranted.

7.6. Overall Conclusion

7.6.1. Planning permission was refused for reasons relating to odour, traffic, the site location in the context of the adjacent land uses, impact on wastewater capacity, and water demand. These issues have been considered in sections 7.2-7.5, above. Each of the sections contained a conclusion.

7.6.2. I concur with the planning authority that the nature of the proposed development, and the location of the site adjacent to an existing public park and outdoor tourist attraction, and adjacent to a town centre zoned area which has been partially developed, would not be an appropriate use at this location. While I acknowledge the suitable site zoning and the general policy supporting satellite dewatering centres, I do not consider these considerations would override the fact that the nature of the proposed use, with, in particular, likely associated odour and noise issues, would be inappropriate at this specific location.

7.6.3. I consider that a refusal of permission on these grounds is appropriate.

8.0 Appropriate Assessment (AA)

Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1. The requirements of article 6(3) of the Habitats Directive, 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 on the Application

- 8.2. The applicant submitted a ‘Screening for Appropriate Assessment’ report, prepared by Jacobs Tobin Consulting Engineers and dated 1st March 2021. It is contained as appendix E to the submitted Natura Impact Statement (NIS).
- 8.3. Screening was undertaken to determine if the proposed development, alone or in combination with other plans or projects, is likely to have a significant effect on a European site. It was prepared to assist Cork Co. Co. in its duties as competent authority for AA. Section 2.3 outlines the guidance documents followed in undertaking the screening. The report includes, inter alia, a baseline characterisation of the site, potential effect pathways, identification of European sites within the possible zone of influence (Zol), an assessment of likely significant effects, and in combination effects.
- 8.4. The screening report concluded that ‘in the absence of mitigation there is potential for significant effects either alone, or in combination with or plans or projects [sic] on the following European sites: Clonakilty Bay SPA. Clonakilty Bay SAC. It is therefore recommended ... is progressed to Stage 2 AA which will comprise a detailed examination of effects on the integrity of these European sites’.
- 8.5. 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

- 8.6. 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 a European site(s).

8.7. The proposed development is examined in relation to any possible interaction with European sites designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

8.8. The applicant provides a description of the proposed satellite dewatering centre upgrade on pages 10 and 11 of the screening report. In summary, the development comprises:

- At the sludge import area – imported sludge screen, imported sludge storage tank (below ground), and 2.4 metres high noise protection barrier.
- In the existing oxidation ditch – sludge imports buffer tank, picket fence thickener, thickened sludge storage tank, sludge liquor balancing tank, odour control unit, and pumps on concrete plinths, and,
- Hardstanding, extension to access road with bunded area for sludge delivery tankers, ducting and pipework, centrifuge for imported sludge, polyelectrolyte dosing pumps, feed pumps, mixers, and other ancillary mechanical and electrical plant.

8.9. The development site is described on pages 7 and 8 of the screening report, though I note the site walkover survey was carried out on 9th November 2017. Habitats are set out in section 3.1.1. It states the site was a mix of hardstanding, amenity grassland, and rough grassland with areas of meadow plantings along the perimeter. Tree species also noted. The site as described appears to be relatively similar to that noted on my site inspection.

8.10. 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 on European sites:

- Habitat loss/fragmentation
- Habitat/species disturbance/mortality (construction and/or operational)
- Construction/operation related – uncontrolled surface water/silt/construction related pollution.

Submissions and Observations

- 8.11. No submission or observation has been received by the Board on foot of the appeal.
- 8.12. A third party observation was received by the planning authority from Peter Sweetman and on behalf of Wild Irish Defence CLG. It stated, inter alia, that the planning authority has a legal task to carry out AA. The observation received from Inland Fisheries Ireland asked the Council to ensure that granting permission would not conflict with the aims and requirements of the Environmental Objectives (Surface Water) Regulations 2009.
- 8.13. Given the site location, on 26th November 2021 the Board invited the Minister for Culture, Heritage and the Gaeltacht to make a submission or observation. None was received.

European Sites

- 8.14. The development site is located immediately adjacent to two European sites: Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081). These are immediately adjacent to the northern site boundary and are therefore within the Zol.
- 8.15. European sites within the Zol must be evaluated on a case by case basis. Appendix C to the screening report illustrates the position of the site in the context of European sites in a 15km radius. Apart from the two sites cited in the previous paragraph there are five such sites: Galley Head to Duneen Point SPA (site code 004190) approx. 4.8km to the south, Seven Heads SPA (site code 004191) approx. 7.3km to the south east), Kilkeran Lake and Castlefreke Dunes SAC (site code 001061) approx. 7.8km to the south west, Courtmacsherry Estuary SAC (site code 001230) approx. 7.9km to the east, and Courtmacsherry Bay SPA (site code 004219) approx. 7.9km to the east.
- 8.16. These five European sites were not considered, by the applicant, to be within the Zol of the proposed development due to a lack of ecological/hydrological connectivity, the nature of qualifying interests, and/or physical distance. I concur with only considering Clonakilty Bay SAC and Clonakilty Bay SPA as being within the Zol.

Table 1: Summary Table of European Sites Within the Zone of Influence of the Proposed Development

European Site	List of Qualifying Interests (QI)/Special Conservation Interests (SCI)	Distance from Proposed Development	Connections (source, pathway, receptor)
Clonakilty Bay SAC	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> [2120] Fixed coastal dunes with herbaceous vegetation [2130] Atlantic decalcified fixed dunes [2150]	Immediately adjacent to north	Proximity and hydrological
Clonakilty Bay SPA	Shelduck [A048] Dunlin [A149] Black-tailed Godwit [A156] Curlew [A160] Wetland and Waterbirds [A999]	Immediately adjacent to north	Proximity and hydrological

Identification of Likely Effects

8.17. The conservation objectives of the Natura 2000 sites are as follows:

- Clonakilty Bay SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Clonakilty Bay SAC 000091’ document published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of all habitats cited except fixed coastal dunes where it is a conservation objective to restore the favourable conservation condition.

- Clonakilty Bay SPA – Conservation Objectives are set out in the ‘Conservation Objectives Series Clonakilty Bay SPA 004081’ document published by the NPWS. They are to maintain the favourable conservation condition of all five bird species and habitats.

- 8.18. Broad categories of potential impacts are set out in table 4.1 of the screening report. These are physical loss of habitats/supporting habitats from development of built infrastructure, mortality of species directly or indirectly, habitat degradation through pollution, hydrological, or hydrogeological changes, and disturbance through e.g. noise, vibration, movement, lighting. The potential impacts are similar to those outlined in section 8.10, above.
- 8.19. Likely significant effects are set out in table 5.1 and section 5.2 of the screening report. In relation to the SAC, given the direct hydrological link via the surface water drainage system there is potential for a pollution event to affect the mudflats and sandflats. For the SPA, potential pathways for impacts are through direct disturbance, as well as the potential for a pollution event as mentioned to impact on the foraging ability of the SCI bird species.
- 8.20. Section 5.3 of the screening report considers in-combination effects. The applicant considers the potential for in combination effects will require further assessment as part of AA.
- 8.21. I consider that the applicant’s conclusion that progression to Stage 2 AA is required for the reasons outlined, is appropriate.

Mitigation Measures

- 8.22. 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

Significant effects cannot be excluded, and Appropriate Assessment required

- 8.23. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on European sites Clonakilty Bay SAC (site code 000091) and Clonakilty Bay

SPA (site code 004081) in view of the sites' Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Appropriate Assessment (AA)

8.24. The requirements of article 6(3) as related to AA of a project under Part XAB, section 177V of the Planning & Development Act, 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with article 6(3) of the EU Habitats Directive
- The Natura Impact Statement (NIS) and associated documents
- AA of implications of the proposed development on the integrity of each European site.

Compliance with Article 6(3) of the EU Habitats Directive

8.25. The Habitats Directive deals with the conservation of natural habitats and of wild fauna and flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to AA of its implications for the site in view of the site's conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site before consent can be given.

8.26. The proposed development is not directly connected to or necessary for the management of any European site and therefore is subject to the provisions of article 6(3).

The Natura Impact Statement (NIS)

8.27. The application included a 'Natura Impact Statement' (NIS) prepared by Jacobs Tobin Consulting Engineers and dated May 2021, which examines and assesses potential adverse effects of the proposed development on both Clonakilty Bay SAC and SPA. It is a detailed document which contains the information required for the competent authority to undertake AA. The NIS contains, inter alia, a description of the proposed development and the receiving environment (including wintering bird surveys carried out in January, February, and March 2019 and October, November, and December

2020 encompassing an area out to 500 metres from the WwTP), a description of the relevant QIs/SCIs of the European sites and an appraisal of potential impacts, a summary of mitigation measures, consideration of in-combination effects, and conclusion.

- 8.28. The NIS concludes that 'Based on the best available scientific information and professional judgement it is considered that with mitigation in place there will be no adverse effects on the integrity of Clonakilty SPA/SAC [sic], alone or in-combination with other plans or projects in light of the site's conservation objectives'.
- 8.29. As noted in sections 8.11-8.13, above, an observation was received by the planning authority from Peter Sweetman and on behalf of Wild Ireland Defence on foot of the planning application which referenced AA. Though not specifically citing AA, IFI asked the Council to ensure that granting permission would not conflict with the aims and requirements of the Environmental Objectives (Surface Water) Regulations 2009. No further submission or observation has been received by the Board on foot of the appeal. No response was received from the Minister for Culture, Heritage and the Gaeltacht to the invitation by the Board to make an observation or submission.
- 8.30. AA was considered by the planning authority. Assimilative capacity of the receiving waters was referenced in the Environment Report (referred to as the receiving 'stream'). The detailed Ecology Report states 'Based on the information provided within the submitted NIS, I am largely satisfied that the development is unlikely to pose a risk of having significant effects on the qualifying interests of the Clonakilty Bay SAC, Clonakilty Bay SPA or any other European Designated Site provided the mitigation measures proposed are implemented in full', though further information in relation to lighting, landscaping, surface water attenuation, and assimilative capacity (as per the Environment Section report) was requested. AA was not further considered in the EP's or SEP's reports. The SP's report refers to comments received from the Senior Executive Scientist and, in the absence of detail on nutrient loading and impact on receiving waters 'the submitted NIS is inadequate'. No written report of these comments has been submitted to the Board and it does not appear to be uploaded on the planning authority's website. Notwithstanding the SP's comments, neither AA nor the NIS were included as a reason for refusal of permission and were not specifically referenced in the planning authority's response to the grounds of appeal.

- 8.31. Section 4 of the applicant's Planning Report notes the waste water discharge licensing (WWDL) process regulates all discharges of waste water from a waste water works. It states that 'the additional load (on the existing WwTP from the proposed development) ... will come from liquor returns from the sludge dewatering process'. Buffer storage is proposed for the return liquors which would provide flexibility to return liquors to the existing WwTP during periods of low influent flow and load, utilising headroom capacity. It is stated the assessment of the risk to the WWDL compliance concluded that the 2030 design PE, including consideration of increased liquor returns, is less than the works original design PE of 20,500 and 'there is not likely a need to review the WWDL under Condition 1.7' of the WWDL which states 'The licensee shall, on an annual basis, undertake an assessment of the remaining organic and hydraulic treatment capacities within the waste water works (design capacity of plant, less flow-load calculation for representative period)'.
- 8.32. Having reviewed the documents, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of Clonakilty Bay SAC and SPA.

Appropriate Assessment of Implications of the Proposed Development

- 8.33. The following is a summary of the objective scientific assessment of the implications of the project on the QI and SCI features of the European sites using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.
- 8.34. The following sites are subject to AA:
- Clonakilty Bay SAC (site code 000091)
 - Clonakilty Bay SPA (site code 004081)
- 8.35. A description of the sites and their relevant QI/SCI, including any relevant attributes and targets for these sites, are set out in the NIS, and summarised in sections 8.16 and 8.17 of this report as part of my assessment.

Aspects of the Proposed Development that could affect Conservation Objectives

- 8.36. In my opinion, having reviewed the development proposals, the main aspects of the proposed development that could affect the conservation objectives of the sites are those set out in the screening report as per sections 8.36 and 8.37, below.
- 8.37. For the SAC this is a change in water quality as a result of a pollution event during construction and operation, impacting on mudflats and sandflats not covered by seawater at low tide. The other five QIs would not be affected by the proposed development because they are not present in the area of the site, but in the southern area of the SAC around Inchydoney.
- 8.38. For the SPA there is potential for significant effects as a result of (i) disturbance during construction/operation affecting foraging/roosting, and (ii) a change in water quality as a result of a pollution event during construction and operation affecting wetlands and/or prey species.
- 8.39. Tables 2 and 3 summarise the AA and site integrity test. The relevant conservation objectives for the two European sites have been examined and assessed with regard to the identified potential significant effects and all aspects of the project, both alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

Tables 2 and 3: Summary of Appropriate Assessment of implications of the proposed development on the integrity of European sites alone and in-combination with other plans and projects in view of the sites' conservation objectives.

Table 2: Clonakilty Bay SAC [000091]

Summary of key issues that could give rise to adverse effects:

- **Changes in water quality as a result of a pollution event during construction/operation impacting on mudflats and sandflats not covered by seawater at low tide**

Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000091.pdf

Summary of Appropriate Assessment

Qualifying Interest Feature	Conservation objectives and targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Mudflats and sandflats not covered by seawater at low tide [1140]	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide	The WwTP is hydrologically linked to the SAC/habitat via the existing surface water drainage system which discharges directly to the estuary. There is potential for effects through run off or a pollution event during construction/operation. There is currently no treatment of surface water from the site.	<p>Construction – A permanent fuel/oil/silt interceptor will be connected to the existing surface water drainage outfall prior to construction works. Silt fencing around the interceptor excavation until the ground has revegetated.</p> <p>Operation – The interceptor will be the primary mitigation measure. Preparation of an Emergency Sludge Pollution Response Plan for any accidental spillage of small volumes of sludge during</p>	The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SAC, acting in-combination with other plans or projects.	Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects can be ruled out.

			<p>transfer from tanker to sludge import screen.</p> <p>Combined – e.g. diesel/oils will be banded; refuelling of plant at refuelling station; only emergency maintenance on site; drip trays and spill kits on site; stockpiled material >10 metres from waterbody.</p>		
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of Clonakilty Bay SAC in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

Table 3: Clonakilty Bay SPA [004081]

Summary of key issues that could give rise to adverse effects:

- Disturbance to SCI species from construction or operation as the SPA borders the northern perimeter of the site
- Changes in water quality as a result of a pollution event during construction/operation impacting on wetlands

Conservation objectives: see https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004081.pdf

Summary of Appropriate Assessment

Special Conservation Interest / Qualifying Interest Feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Shelduck [A048]	To maintain the favourable conservation condition of Shelduck	Disturbance – Least recorded species during the wintering bird surveys, likely due to a higher proportion of silt-clay elsewhere in the SPA. Extremely sensitive to visual disturbance. Unlikely to be found in areas with high levels of general disturbance. Sensitive to noise stimuli generally. Construction noise will not exceed permissible levels therefore no significant noise predicted.	None proposed.	The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	

		<p>No potential for significant effects predicted given the very low numbers recorded.</p> <p>Water Quality – Reliant on the habitat for foraging and would be impacted by any reduced quality of habitat and impact on prey species. Some of the bay could be rendered unsuitable for foraging with alternative feeding areas having to be found and increased competition for a common food source.</p>	<p>All potential impacts are via the same hydrological pathway identified for the SAC and mitigation measures are as identified in table 2, above.</p>		<p>Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.</p>
Dunlin [A149]	To maintain the favourable conservation condition of Dunlin	<p>Disturbance – Frequently recorded in the wintering bird surveys. Roosts of 27 and 20 birds recorded approx. 50 metres from works area. Construction/increased operational works could impact on roosting and foraging.</p> <p>Dunlin response to construction activity is variable. Sometimes birds forage within 20 metres of works with habituation but can also be displaced from up to 300 metres by regular stimuli.</p> <p>Not particularly sensitive to noise. Likely to be present in lower densities in highly disturbed areas and those present are likely to be highly stressed. As noise will not exceed permissible construction levels noise impacts are not predicted to be</p>	<p>Where construction works cannot be completed outside October-March measures must be implemented to mitigate disturbance impacts e.g. 2 metres high screening along the northern boundary to hide works and minimise disturbance, installation of interceptor and screening in September, screening retained until permanent screening installed, lighting directed away from the estuary.</p>	<p>The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in combination with other plans or projects.</p>	<p>Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects as regards disturbance and as a result of a pollution event can be ruled out.</p>

		<p>significant. Screening will also form an acoustic barrier. If works are undertaken within October-March it could result in displacement (visual disturbance) of roosting and foraging dunlin.</p> <p>Water Quality – As above.</p>	<p>For operation, provision of a 2.4 metres high permanent screen, erected outside October-March, along the northern side of the turning area and sludge import screen to screen vehicular movements and personnel. Double-lined hedgerow would also be planted. Fencing could be removed if the established hedgerow is deemed to provide adequate screening.</p> <p>As above.</p>		
Black-tailed Godwit [A156]	To maintain the favourable conservation condition of Black-tailed Godwit	<p>Disturbance – Frequently recorded in the wintering bird surveys. A roost of 39 birds was recorded approx. 60 metres from the works area. The area is important for foraging and roosting. Construction/increased operational works could impact on these.</p> <p>The species can react to disturbance in many different ways. If birds repeatedly react to disturbance over time this can affect mortality, emigration, and reproduction.</p> <p>The species is under-studied regarding disturbance impacts. They are considered tolerant of moderate visual disturbance</p>	As above.	The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects as regards disturbance and as a result of a pollution event can be ruled out.

		<p>and moderately sensitive to noise stimuli. Noise impacts on the species is not considered to be significant. Screening to mitigate visual disturbance will also form an acoustic barrier.</p> <p>Water Quality – As above.</p>	As above.		
Curlew [A160]	To maintain the favourable conservation condition of Curlew	<p>Disturbance – The inner estuary area close to the WwTP is important for foraging and roosting curlew (though only two individual roosts). Within the SPA studies show curlew exhibit site fidelity. Background levels of disturbance already exist e.g. traffic, noise. Construction is more likely to be disruptive than the operational phase.</p> <p>Disruption/displacement has many effects. Curlew are extremely wary of moderate and high-level visual disturbance though these vary. They are moderately sensitive to noise stimuli. Wintering bird surveys noted that birds behaved in a habituated manner during several noisy operations as part of the flood defence scheme works. Noise impacts are not expected to be significant. Screening measures would also form an acoustic barrier.</p> <p>Water Quality – As above.</p>	As above.	The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in combination with other plans or projects.	Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects as regards disturbance and as a result of a pollution event can be ruled out.

Wetland and Waterbirds [A999]	To maintain the favourable conservation condition of the wetland habitat as a resource for the regularly occurring migratory waterbirds that utilise it	A pollution event could change the water quality and impact on the food source of the waterbird population. The assessment provided in table 2 applies.	As per table 2.	The NIS considers there is no potential for the proposed development to undermine the integrity of Clonakilty Bay SPA, acting in-combination with other plans or projects.	Yes – The NIS considers that with implementation of the mitigation measures the potential for significant effects as regards pollution can be ruled out.
<p>Overall conclusion: Integrity test</p> <p>Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of Clonakilty Bay SPA in light of the site’s conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.</p>					

Mitigation Measures

- 8.40. A summary of mitigation measures is set out in table 5.4 of the NIS. The table lists the three potential impacts (impacts to QI habitats (pollution) during construction/operation, impacts to SCI birds (disturbance) during construction/operation, and impacts to SCI birds (pollution)), and the mitigation measures. The 'Mitigation Measure' column sets out how these will be achieved. Many of these measures are standard measures. It is noted that an Ecological Clerk of Works will supervise the erection of screening and provide guidance to the contractor.
- 8.41. The planning authority's Ecology/Heritage report requested further information relating to the proposed lighting and landscaping. I consider this is reasonable and could be addressed by way of a compliance condition. I also consider that concern expressed in relation to surface water runoff, as addressed in section 5.4 of the applicant's Flood Risk Assessment (appendix C to the Planning Report), could be dealt with by way of a standard condition requiring detail to be agreed with the planning authority.
- 8.42. I consider that the proposed mitigation measures for water quality impacts and disturbance comprise relatively standard, well proven good practice measures for construction works in the vicinity of watercourses and would maintain the integrity of the adjacent European sites. I consider that the proposed measures are suitably detailed to remove any lack of clarity regarding potential adverse effects and that they are capable of being successfully implemented.

In-Combination Effects

- 8.43. Existing and proposed plans and projects proximal to the site and those which may have an adverse cumulative or in-combination impact are set out by the applicant in section 5.6 of the NIS. No significant planning application has been received in the vicinity of the site since the NIS was prepared that would affect the conclusion that 'there is no potential for in-combination effects to undermine the integrity of Clonakilty Bay SAC/SPA acting in-combination with other plans or projects'.

Integrity Test

- 8.44. Following the AA and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Clonakilty Bay SAC and Clonakilty Bay SPA, in view of the conservation objectives of these sites.

8.45. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

Appropriate Assessment Conclusion

8.46. The proposed satellite dewatering centre has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).

8.47. Having carried out screening for AA of the project, it was concluded that it may have a significant effect on Clonakilty Bay SAC (site code 000091) and Clonakilty Bay SPA (site code 004081). Consequently, an AA was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

8.48. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European site Nos. 000091 or 004081, or any other European site, in view of the sites Conservation Objectives.

8.49. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

8.50. This conclusion is based on:

- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Clonakilty Bay SAC and Clonakilty Bay SPA.
- detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of Clonakilty Bay SAC.
- no reasonable scientific doubt as to the absence of adverse effects on the integrity of Clonakilty Bay SPA.

9.0 Recommendation

- 9.1. I recommend that the planning application be refused for the following reasons and considerations.

10.0 Reasons and Considerations

1. The proposed development is for the use of the existing Clonakilty Waste Water Treatment Plant as a satellite dewatering centre for the importation of liquid sludges. The existing treatment plant site is located immediately adjacent to an area zoned town centre in the Clonakilty Development Plan 2009-2015 (as varied) and a tourist attraction and is accessed through a public park. The nature of the proposed use in combination with the existing use of the site would be likely to give rise, in particular, to significant foul odour, noise, and general nuisance. The proposed development would comprise an inappropriate form of development at this location, would be prejudicial to public health, would seriously injure the amenities of the area, and would, therefore, be contrary to the proper planning and sustainable development of the area.

Anthony Kelly

Planning Inspector

10th May 2022