



An  
Bord  
Pleanála

## Inspector's Report

### ABP-314995-22

#### Development

The importation of clean and inert soil and stone, for a duration of 8 years, for the purpose of raising the levels of a disused quarry in order to improve the agricultural output of the site, including all associated site enabling works to facilitate the development, including construction of a proposed infiltration basin/pond and an artificial pond. A Natura impact Statement (NIS) submitted with application.

#### Location

Scartbarry, Watergrasshill, Co.Cork

#### Planning Authority

Cork County Council

#### Planning Authority Reg. Ref.

225298

#### Applicant(s)

Greenvalley Transport & Land Reclamation Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant with conditions

#### Type of Appeal

Third Party

<b>Appellant(s)</b>	Patrick O’Keeffe and Joe Philpott
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	27 <sup>th</sup> May 2024
<b>Inspector</b>	Ciara McGuinness

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## **1.0 Site Location and Description**

- 1.1. The appeal site is located approximately 3km to the north of Wartergrasshill and 4.5km to the south of Rathcormack. The site consists of a decommissioned quarry and is not currently in use. The site adjoins the R639 directly to the east, with the M8 Dublin to Cork motorway located c.450m to the east. Access to the site is from a local road (L-5782) from the west. A number of detached houses are located to the south and west of the site. Agricultural land is located directly to the north of the site.
- 1.2. The stated site area is 2.33hectares. The topography of the site is variable due to the excavations for the decommissioned quarry, with grounds levels surrounding the quarry falling south to north. As per drawing No. E1003-1002 'Existing Site Layout and Levels', the highest ground levels are at the southern boundary with levels in the region of +108mOD. The lands at the northern boundary have a ground level of +95mOD. Within the centre of the site at the deepest point of excavation levels are indicated at +88.49mOD.
- 1.3. The River Flesk is located c.75m to the north and west of the subject site. The watercourse is a tributary of the Backwater River. There are a number of open land drains within the quarry floor which discharge to a culvert along the northern embankment of the site, which runs underground before discharging into an open land drain which subsequently discharges to the River Flesk.

## **2.0 Proposed Development**

- 2.1. The proposed development involves the importation of clean inert soil and stone material for the filling of a former quarry in order to improve the agricultural output of the site.
- 2.2. It is proposed to import 124,165sqm (186,247 tonnes) of infill material in total, over 8 years. As such the applicant is proposing to accept an average of approximately 23,250 tonnes per annum. The importation of material will not exceed 25,000 tonnes per annum.
- 2.3. The material will be delivered to the site in tipper trucks, which will deposit the material onto the ground inside the infill area. The total number of loads is estimated at 9,300 for the duration of the works, ie. 1250 per annum (approx. 23 per week).

- 2.4. The existing entrance and internal haul road will be used to provide access to the site. A turning circle of 15m will be provided within the site centrally to allow haulage trucks turn and return along the haul road to the entrance. A stationary wheel wash will be provided on site.
- 2.5. Tracked plant machinery will disperse the material across the site to achieve the proposed topography. Once the site capacity is reached, and the topography as proposed, topsoil will be laid to allow the site develop into an agricultural grassland.
- 2.6. Connection to the River Flesk will be blocked and closed by permanently closing the existing culvert within the northern boundary of the site and infiltrating the surface water to ground via an infiltration area within the site boundary.
- 2.7. It is proposed that the importation of soil and stone shall be carried out via a Waste Facility Permit which shall be applied for should the proposed development be granted.
- 2.8. The application was accompanied by the following;
- Natura Impact Statement & Appropriate Assessment Screening Report
  - Ecological Impact Assessment (EcIA)
  - Construction Environmental Management Plan
  - Technical Assessment Report
  - Surface Water Assessment Report and Management Plan
  - Closure Plan
  - Site Restoration Plan

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

The Planning Authority issued notification of a Grant of permission for the proposed development on 7<sup>th</sup> October 2022 subject to 38 no. conditions.

- Condition 13 requires any spills on the public roads arising from the development to be cleaned.

- Condition 14 requires the wheels of all trucks to be washed prior to their exit from the site in a wheel wash facility.
- Condition 15 requires the any road repair works required shall be carried out by the applicant.
- Condition 19 requires the restoration of the site in accordance with the submitted 'Site Restoration Plan'. Implementation of plan should be carried under the supervisions of an ecologist/ecological clerk of works.
- Condition 20, 21 and 22 requires all works to be implemented in accordance with the mitigation specified in the EclA, NIS and CEMP respectively.
- Condition 23 states that construction and demolition waste will not be permitted to raise the lands levels for agricultural use.
- Condition 25 requires a Temporary Bench Mark (to which the existing and proposed levels relate) to be installed an maintained for the duration of the proposed works.
- Condition 30 requires that adequate measures are taken to prevent dust generation in dry weather periods.
- Condition 33 sets out noise levels to be adhered to.
- Condition 35 requires a noise survey to be undertaken if so directed by the Local Authority.
- Condition 36 requires the carrying out of further investigations and monitoring as required by the Local Authority.
- Condition 27 requires adequate steps to control and eliminate the growth and spread of invasive species such as Japanese Knotweed.
- Condition 28 requires the applicant to submit a Waste Acceptance Procedure within one month of the granting of the planning application.

### **3.2. Planning Authority Reports**

- 3.2.1. Planning Reports - The Planner's Report (dated 26/07/2022) considered the proposed development in the context of the details submitted with the application,

internal technical reports, third party submissions, planning history and the County Development Plan policies and objectives. As the proposed development is close to the threshold for mandatory EIA, it is considered that the development should be screened for a sub-threshold EIA. There are no land use objections to the proposed development, subject to satisfying all normal proper planning and sustainable development considerations.

3.2.2. Further Information was requested in relation to the following;

- Submit a sub-threshold EIA Screening Report.
- Submit a revised Closure Plan.
- Resubmit drawings with clarifications to the legend and cross sections.
- Submit a waste acceptance procedure.

3.2.3. Further Information was received on 16<sup>th</sup> August 2022. The Planners Report (dated 06/10/1022) considered the EIA Screening Report. It is considered that the development due to the nature and characteristics of the project, its location and the characteristics of potential impacts, is not likely to have significant effects on the environment. An EIA is therefore not required. The points of clarity requested by the Environment Section have been addressed. A grant of permission is recommended.

3.2.4. Other Technical Reports

Ecology Report – No objections subject to conditions.

The report notes the content of the AA Screening Report and Stage 2 NIS submitted with the application. The concerns regarding discharge to the river is addressed with surface water now proposed to be contained to the site and not discharging to the river. Providing the strict implementation of mitigation/surface water protection measure proposed, the ecologist is satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Blackwater River SAC or any other European site, in view of the sites Conservation Objectives.

The ecologist is also largely satisfied with the site restoration plan received.

Area Engineer's Report – No objection subject to conditions.



Environment Report – Recommends Further Information for clarity on the drawings and waste acceptance procedure. Further Information received was considered acceptable and conditions recommended.

### 3.3. Prescribed Bodies

An Taisce – Reasons for refusal under PA Reg Ref 21/4048 should be addressed in the subject application. The hydrological connectivity between the water course running through the site and the Flesk stream is noted. The proposal should be fully assessed against the requirements of Article 4 of the WFD.

To protect water quality the following conditions are recommended;

- That a 10m buffer zone be established either side of all watercourses.
- No depositions of material occur immediately before or during periods of heavy rain.
- That any mounting of material prior to deposition occur as far from all watercourses as possible.

Inland Fisheries Ireland – No objection in principle to the proposed development. It is requested that the discharge of polluting matter such as silt is considered in the assessment of the application.

### 3.4. Third Party Observations

A third-party observation was received from Patrick O'Keefe and Joe Philpott (the appellants). The issues raised generally reflect those in the appeal and relate to traffic, noise and dust, waste volumes and environmental concerns.

## 4.0 Planning History

**PA Reg Ref 21/4084** – Refused in October 2021 for the importation of soil and stone for the restoration of a quarry in order to return the quarry to agricultural use. A Natura Impact Statement (NIS) is included with the application.

Reason for Refusal: *Based on the details on file, it appears that there will be a surface water discharge to the nearby River Flesk, which forms part of the*

*Blackwater River Special Area of Conservation. The proposed development has the potential to contribute to adverse effects on the integrity of the Blackwater River Special Area of Conservation and to interfere with the achievement of the Conservation Objectives which apply to the SAC. The granting of permission for this development would be contrary to policy HE 2-1 of the County Development Plan 2014, and contrary to requirements of the Habitats Directive.*

**PA Reg Ref 19/6914** - Refused in November 2020 for the importation of soil & stone for the restoration of a quarry in order to return the quarry to agricultural use. A Natura Impact Statement (NIS) is included with the application.

**Reason for Refusal:**

- 1. The applicant has submitted insufficient information to enable the Planning Authority to complete EIA Screening of the proposed development to determine whether or not the application should be subject to a mandatory Environmental Impact Assessment Report or a sub threshold Environmental Impact Assessment Report. In the absence of this information, the Planning Authority is not satisfied that the application adequately addressed the totality of environmental impacts associated with the proposed development and is contrary to the Ministerial Guidelines in relation to Environmental Impact Assessment and EIA Guidance on Sub-threshold Development. The proposed development is therefore contrary to the proper planning and sustainable development for the area.*
- 2. The information submitted by the applicant does not provide the Planning Authority with sufficient certainty regarding ecological impacts of the proposed development. In the absence of clear and complete information regarding the full extent of the impact of the development in this regard, the Planning Authority is not satisfied that the proposed development does not pose an unacceptable risk to the receiving ecological environment. The proposed development is therefore contrary to the proper planning and sustainable development of the area.*

**PA Reg Ref 17/7423** - Refused in Feb 2018 to restore a quarry to agricultural lands by placing on the site surplus construction materials i.e. inert soil/rock and topsoil.

Reason for refusal: *The proposed development would endanger the public safety by reason of traffic hazard because the road network in the area is inadequate to cater satisfactorily for the extra traffic movements likely to be generated by the proposed development. Furthermore the Planning Authority has concerns that given the siting of the site close to residential properties that the traffic movements likely to be generated by the proposed development would interfere with the safety and free flow of traffic on the public road. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

**PA Reg Ref 06/11006** - Granted in September 2007 for Infill of quarry with soil and stone.

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

Section 15.9.4 of the Development Plan relates to the Importation of Soil. The Plan states that the reuse and recycling of Construction and Demolition (C&D) Waste has resulted in positive outcomes such as diverting this waste stream from Landfill.

However, it is noted that there has been an increase in planning applications for soil importation to marginal farmland of inert C&D waste and that careful consideration needs to be given to the impacts of soil importation to areas with poorer soil and dis-used quarries.

It is stated that any applications will be subject to robust assessment. The following are just some of the details which should be provided as part of any planning application for soil importation.

- details relating to the nature and extent of historical works/filling of the land where appropriate;
- the sources of the materials to be imported;
- quality controls to be employed during the works phase and ongoing monitoring provisions;
- final capping of the site;
- calculations of the estimated volumes of materials for importation;

- the transportation of materials and the likely haul routes;
- a comprehensive drainage management system;
- the duration, phasing and timing of operations;
- end use intent;
- embankment/bund design and stability;
- flooding and leachate management;
- invasive species management; and
- an Ecological Impact Assessment where wetland or sensitive habitats and/or species occur.

The following objectives are also considered relevant;

**Objective EC: 8-15 Agriculture and Farm Diversification** a) Encourage the development of sustainable agriculture and related infrastructure including farm buildings.

**Objectives BE 15-10: Soils** a) Ensure the protection and conservation of the soils in County Cork by encouraging sustainable management practices and the reuse of brownfield lands. b) Identify areas of poorer soil in the County acknowledge their potential value for wildlife, and respect their limitations, particularly in terms of their assimilative properties to prevent pollution.

**Objective BE 15-14: Waste Prevention and Management** a) Support the policy measures and actions outlined in - 'A Waste Action Plan for a Circular Economy Ireland's National Waste Policy 2020-2025', and - Southern Region Waste Management Plan 2015 – 2021, or any successor plans b) Support circular and climate resilient economy principles and associated strategic infrastructure, prioritising prevention, reuse, recycling and recovery, and to sustainably manage all types of waste by ensuring the provision of adequate waste recovery, recycling and disposal facilities for the county.

**Objective BE 15-17: Waste Prevention and Management** (a) Planning applications for infilling of marginal land through soil importation will be supported where it can be demonstrated that the developments accord with proper planning and sustainable development, ensuring that they are compatible with protection of

environmental resources including water quality, Natura 2000 sites, biodiversity, archaeological and landscape resources.

**Objective BE 15-7: Control of Invasive Alien Species** Implement best practice to minimise the risk of spread of invasive alien species, on Council owned or managed land, and require the development and implementation of Invasive Alien Species Management Plans for new developments where required.

## 5.2. Natural Heritage Designations

Blackwater River (Cork/Waterford) SAC (Site Code 002170) – 0.3km to the northeast of the site.

## 5.3. EIA Screening

- 5.3.1. Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended and section 172(1)(a) of the Planning and Development Act 2000, as amended provides that an Environmental Impact Assessment (EIA) is required for infrastructure projects that involve:
- 11. Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.
- 5.3.2. The proposed average annual site throughput of imported waste soil (23,250 tonnes per annum) is less than the EIA threshold for this activity (25,000 tonnes). The applicant states that the importation of material will not exceed 25,000 tonnes per annum. On the basis of the above, the development does not fall within the relevant thresholds for a mandatory EIAR.
- 5.3.3. The Planning Authority concluded that as the proposed development is close to the threshold for a mandatory EIA, it should be screened for sub-threshold EIA. The applicant was requested to submit an EIA Screening in this regard.
- 5.3.4. The application submitted an EIA Screening Report prepared by Byrne Looby. The report has had regard to the criteria set out in in Schedule 7A of the Planning and Development Regulations 2001, as amended.
- 5.3.5. I have completed an EIA screening determination as set out in Appendix 2 of this report. I consider that the location of the proposed development and the

environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency, or reversibility. In these circumstances, the application of the criteria in Schedule 7 and 7A, to the proposed sub-threshold development, demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the information provided in the applicant's report.

- 5.3.6. An assessment of the proposal under the criteria set out in Schedule 7 of the Planning & Development Regulations, 2001 (as amended) is provided in the attached EIA Screening Determination (Appendix 2 of this report).

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

The third-party appeal is summarised as follows;

#### **Traffic, Noise and Dust –**

- Concerns that the noise, dust and other nuisances associated with the proposed activities will impact their quality of life.
- No proposals for routine monitoring checks.
- Condition 33 indicates that works can happen at any hour of the day with no restrictions on operating hours.
- Appellants should not be subjected to works of this longevity.
- It is not possible to achieve 90m sightline in northern direction. The only way to achieve visibility is by removing the entirety of the front curtilage of the appellant's property which is unacceptable.
- No condition has been attached which requires a bond to ensure the repair of the road upon completion of the works.

## **Waste Volumes –**

- The appellants contend that the volumes are deliberately undercalculated to avoid the necessity for a mandatory EIA and the requirement for site monitoring by the EPA.
- The truck movements quoted in both previous application (PA Reg Ref 19/06914 and 21/4084) indicates 11,500 truck movements would be required over 8 years which as a CCC planning officer pointed out in a letter dated 07/02/2020 equates to 230,000 tonnes of material over 8 years.
- Appellants own calculations indicate 215,000 tonnes of material or more would be required as the infill material will need to be rolled and compacted.
- The appellants attach extracts from a planning application made by Cork City Council where a full EIAR and EPA license was required for the infill and rehabilitation of Beaumont Quarry in Co. Cork.

### **6.2. Applicant Response**

None.

### **6.3. Planning Authority Response**

No further comments. The reasons for granting conditional planning are detailed in the Planner's and Senior Executive Planner's reports.

### **6.4. Observations**

None.

## **7.0 Assessment**

### **7.1. Residential Amenity**

- 7.1.1. I note the subject site adjoins a number of residential properties including those of the appellants. The applicant has raised concerns regarding traffic movements, and the noise and dust emissions associated with the proposed development, and the resultant impact on residential amenity.

- 7.1.2. With regard to traffic generated by the proposed development, I have no issue with the quality of the public road, and on the date of my site inspection it appeared to be lightly trafficked. The applicant has indicated that the development will result in a maximum of 5 truckloads arriving at the site per day, equating to a maximum of 10 HGV movements per day. It is anticipated that the majority of vehicles will travel to the site via the R639, from both the north and south direction, connecting to the M8 motorway at either junction 16 or 17. Having regard to the characteristics of the surrounding area, together with the nature of the public road network and proximity to the R639 road and the M8 motorway, I do not consider that the development will give rise to potential traffic safety hazards.
- 7.1.3. I note the appellant has raised concerns over sightlines. Sightline distance in the order of 90m have been demonstrated and are considered adequate. I note the Council's Area Engineer's Report raised no objections to the proposed development. I also note the applicant's intention to erect safety signage warning of access and egress and the presence of HGV traffic. A wheel wash facility has also been incorporated within the site to ensure the trucks are adequately cleaned of dirt prior to re-accessing the public road network. I am satisfied that the issue of traffic impact has been appropriately considered and that the proposed development will not endanger public safety by reason of traffic hazard.
- 7.1.4. The appellant has noted that no condition requiring a bond to ensure the repair of the road upon completion of the works was attached. I note the Planning Authority attached a condition which required any repair works required to be carried out by the applicant. In the event of a grant of permission, I consider that a standard condition can be attached which requires any repairs to the public road and services necessary as a result of the development, to be at the expense of the developer.
- 7.1.5. With regards to noise and dust impacts, I note the applicant has submitted a CEMP. Section 4.4 of the CEMP outlines mitigation measures to prevent and manage likely environmental risks, including noise and dust impacts. I am satisfied that the measures included therein are reasonable and will ensure that the development will not generate excessive noise or dust if adhered to. In the event of a grant of permission, I recommend conditions are attached to control and monitor noise and dust levels within the site.



- 7.1.6. The appellant has queried the hours of operation noting that Condition 33, which relates to noise limits, indicates that works can happen at any hours of the day with no restrictions on operating hours. I consider that a standard condition can be applied to restrict the hours of operation for the infill works, in the event of a grant of permission.
- 7.1.7. Overall, I am satisfied that the development should not be refused on the basis of traffic, dust or noise. I am satisfied that no other issues around residential amenity would arise as a result of the development. Subject to the attachment of appropriate conditions, and given the temporary nature of the infilling and proposal agricultural end-use, I consider that the proposed development would not have any adverse impacts on residential amenities.

## **7.2. Waste Volumes**

- 7.2.1. The appellant has concerns relating to the volume of infill indicated. They contend that the applicant has undercalculated in order to avoid the necessity of a mandatory EIA. The applicant also makes reference to details of the previous applications relating to the site and their own desktop calculations. I would note that the details of the subject application are the only figures of relevance in the consideration of this appeal. The applicant has clearly indicated that it is proposed to import 124,165sqm (186,247 tonnes) of infill material in total, over 8 years. As such the applicant is proposing to accept an average of approximately 23,250 tonnes per annum. The importation of material will not exceed 25,000 tonnes per annum. As outlined in Section 5.3 above the development does not fall within the relevant thresholds for a mandatory EIAR. The application submitted an EIA Screening Report and I have completed an EIA screening determination as set out in Appendix 2 of this report. It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.
- 7.2.2. With regards to the requirements for a waste license, I note the Waste Management Acts 1996 (as amended) requires that any facility which is involved in the recovery or disposal of waste shall hold a Licence, Permit or Certificate of Registration (CoRs) depending on the nature of the activity. Waste Management Licences are issued by the Environmental Protection Agency (EPA) while Waste Facility Permits and CoRs

are granted by Local Authorities for privately-operated waste facilities. The applicant notes that the proposed development will be carried out via a Waste Facility Permit which shall be applied for should the proposed development be granted. I consider this to be acceptable practice and not a cause for refusal.

## **8.0 Appropriate Assessment**

8.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and 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
- Screening the need for appropriate assessment
- The Natura Impact Statement and associated documents
- Appropriate assessment of implications of the proposed development on the integrity each European site

### **8.2. Compliance with Article 6(3) of the EU Habitats Directive**

8.2.1. 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 appropriate assessment 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.

8.2.2. The proposed development, which comprises the infilling of a former quarry to agricultural grassland, is not directly connected to or necessary to the management of any European site and therefore is subject to the provisions of Article 6(3).

### **8.3. Appropriate Assessment Screening**

8.3.1. See Appendix 3 of this report for Appropriate Assessment Screening Determination.

- 8.3.2. In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information I conclude that the proposed development is likely to have a significant effect on the qualifying interests of the Blackwater River SAC 'alone' in respect of effects associated with the deterioration of water quality and spread of invasive species.
- 8.3.3. It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.

#### **8.4. The Natura Impact Statement**

- 8.4.1. The application included a NIS prepared by Byrne Looby which examines and assesses potential adverse effects of the proposed development on the Blackwater River SAC (Site Code: 002170).
- 8.4.2. The applicant's NIS was prepared in line with current best practice guidance and provides a summary of the conclusions of the screening report and a description of the proposed development.
- 8.4.3. The NIS under Section 6 identifies and assesses the potential impacts associated with the proposed development on the Blackwater River SAC. Details of mitigation measures are set out in Section 7 of the NIS.
- 8.4.4. The applicants NIS concluded that;

*'This Appropriate Assessment Natura Impact Statement has been completed in compliance with the relevant European Commission and national guidelines. The potential impacts during the proposed works have been considered in the context of the European Sites potentially-affected, their qualifying Interests, Special Conservation Interests and Conservations Objectives.*

*Robust and effective mitigation measures have been proposed for the avoidance of any impacts affecting water quality.*

*Considering the mitigation measures proposed, and based on the best scientific knowledge available, it is concluded that there will be no significant adverse impact on the integrity of Blackwater River SAC.'*

- 8.4.5. Having reviewed the documentation available to me, I am satisfied that the information allows for a complete assessment of any adverse effects of the

development on the conservation objectives of the Blackwater River SAC, alone or in combination with other plans and projects.

#### **8.5. Summary of consultations and submissions**

- 8.5.1. The AA Screening Report and NIS submitted with the application lists all data sources and guidance documents used in the preparation of the documents.
- 8.5.2. The County Council Ecology report notes agreement with the conclusions of the NIS and considers that there is potential for the proposal to have impacts to the SAC through the risk of release of silt/sediment and contaminants to surface water and the risk of spread of invasive species. It is noted however, that given the proposed mitigation measures to be employed, the Cork County Council Ecologist is satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the Blackwater River or any other SAC or any other European site, in view of the sites Conservation Objectives.
- 8.5.3. Inland Fisheries Ireland also submitted a report in relation to the proposed development noting no objection in principle to the proposed development. It is requested however, that the discharge of polluting matter such as silt is considered in the assessment of the application. A submission by An Taisce also notes the hydrological connectivity between the water course running through the site and the Flesk stream.

#### **8.6. Appropriate Assessment of implications of the proposed development**

- 8.6.1. The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest 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.
- 8.6.2. I have relied on the following guidance;
  - Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. DoEHLG (2009)
  - Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC, EC (2002)

- Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones, EC (2011)
- Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC, EC (2018)

## 8.7. European Sites

8.7.1. The following sites are subject to Appropriate Assessment:

- Blackwater River SAC (Site Code: 002170)

8.7.2. A description of the Blackwater River SAC and its Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in Appendix 3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

### *Aspects of the Proposed Development with Potential Adverse Effect.*

8.7.3. The main aspects of the proposed development that could adversely affect the conservation objectives of European sites include;

- Risk of release of silt/sediment and contaminants to surface waters associated with infilling activities.
- Risk of spread of invasive species namely Winter Heliotrope during infilling activities.

8.7.4. As outlined in the Appendix 3 of this report, given the presence of drains and water courses within the subject site, which feeds into the River Flesk and ultimately the River Blackwater, it is reasonable to conclude that this may act as a conduit for surface water runoff, containing pollutants/sediment, to reach the Natura 2000 site. There is potential, therefore for contaminants/sediment to affect water quality and therefore impact on the water dependent habitats and species within the SAC.

8.7.5. Table 6.2 of the NIS identifies Qualifying Interests and Conservation Objectives for the River Blackwater SAC that could be affected by Water Quality, including the potential impact on the attributes and targets for these Conservation Objectives.

### *Mitigation Measures*

- 8.7.6. Mitigation measures for staged works, surface water retention and silt management are set out in Section 7.2 of the NIS.
- 8.7.7. Once surface water management proposals are implemented there will be no direct pathway from the site to the adjacent River Flesk. The proposal will remove the existing connection to the River and infiltrate the surface water to ground within the site boundary. The feasibility and detailed design of the infiltration pond are outlined in the Surface Water Assessment Report and Management Plan.
- 8.7.8. It is also proposed to provide silt fences to prevent silt run-off into the River Flesk. A silt fence will be constructed along the southern/eastern drainage ditch prior to any works commencing. Stockpiles of material are also to be stored away from any adjacent watercourse.
- 8.7.9. I note further measures are proposed in the EcIA to mitigate against the spread of invasive species. They include the washing of construction machinery, use of the wheel wash facility, boot cleaners for use by staff, and signage to reflect the preceding. Monitoring surveys for new growth will also be undertaken.
- 8.7.10. Mitigation measures are reasonable, practical and enforceable, having regard to the nature and scale of the proposed development. I am satisfied that the mitigation measures outlined fully address the potential effects arising from the proposed development namely, the risk of the release of silt/sediment and contaminants to surface waters and the risk of the spread of invasive species. If implemented in full, I am satisfied that the proposed development would not give rise to adverse effects on downstream water quality or biodiversity.

*In combination Effects*

- 8.7.11. The NIS notes that an assessment of in combination effects was completed at screening stage. The wider area has not been the subject of significant development and the most recent development related to retention of an extension to an existing dwelling.
- 8.7.12. Given the nature of the proposed development, being the importation of soil and stone to a decommissioned quarry site, I consider that any potential for in-combination effects on water quality in the Blackwater River can be excluded. In addition, I would note that all other projects within the wider area which may

influence conditions in the Blackwater River SAC via rivers and other surface water features are also subject to AA.

### *Integrity Test*

- 8.7.13. Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of the Blackwater SAC in view of the sites Conservation Objectives. This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

## **8.8. Appropriate Assessment Conclusion**

- 8.8.1. The proposed development has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.
- 8.8.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Blackwater River SAC (002170). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of this site in light of its conservation objectives.
- 8.8.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, no. 002170, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and proposed mitigation measures and there is no reasonable doubt as to the absence of adverse effects.

## **9.0 Recommendation**

I recommend that permission be GRANTED for the reasons and considerations set out below;

## 10.0 Reasons and Considerations

Having regard to the nature and extent of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on the environment, would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the June 2022, and the 16th day of August 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission shall apply for a period of eight years from the date of this order. Following the expiration of this period, the importation of material to the site and operations on site shall cease, unless prior to the end of the period, planning permission shall have been granted for a further period.

Reason: To enable a review of the effect of the development on the amenities of the area.

3. The mitigation measures contained in the Natura Impact Statement and Construction Environmental Management Plan and Ecological Impact Assessment submitted with the application shall be implemented in full, except where otherwise required by conditions attached to this permission.



Reason: To protect biodiversity and to protect the integrity of the European Sites.

4. The developer shall submit annually to the planning authority for the lifetime of this grant of permission, a record of the quantity of material imported into the site and details, including drawings, which facilitates the planning authority to monitor the progress of the phases of restoration.

Reason: In order to facilitate monitoring and control of the development by the planning authority.

5. The maximum quantities of inert soil and stone to be accepted at the site shall not exceed 186,247 tonnes in total over the period referred to in condition number 2 of this permission and shall not exceed 25,000 tonnes in any one year with the number of deliveries limited to a maximum of 5 number loads per day.

Reason: In the interests of clarity and traffic safety

6. Only clean, uncontaminated soil and stones shall be imported into the site. The final use of the site after completion of the importation of materials shall be for agricultural purposes only and the lands shall be reinstated, and haulage route removed.

Reason: In the interests of clarity and amenity

7. Detailed design of all surface management measures shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health

8. The construction of the development shall be managed in accordance with the Construction and Environmental Management Plan submitted with the application.

Reason: In the interests of public safety and residential amenity

9. The restoration of the site shall be managed in accordance with the Restoration Plan submitted with the application, except where otherwise required by conditions attached to this permission. Implementation of this plan

shall be carried out under the supervisions of an ecologist/ecological clerk of works.

Reason: To ensure the satisfactory restoration of the site, in the interest of biodiversity.

10. Wildflower seed mixes will not be allowed. Wildflower will be allowed generate naturally, with wildflowers occurring within the seed bank encouraged to flourish through a management regime.

Reason: In the interest of biodiversity.

11. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and, if the need arises for cleaning works to be carried out on the adjoining public roads, the cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interest of orderly development.

12. The detailed design of the entrance, signage and any works to the public road network shall be submitted to and agreed in writing with the planning authority prior to commencement of development. All costs incurred by the planning authority, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

Reason: In the interests of public safety and amenity.

13. The importation of inert soil, stone and topsoil and the operation of associated machinery shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays, between 0800 to 1400 hours on Saturdays and not at all on Sundays, bank or public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In the interest of good traffic management and to protect the amenities of the area.

14. All trees and hedgerows on the boundaries of the site shall be retained and maintained. Retained trees and hedgerows shall be protected from damage during construction and infill development works.

Reason: To protect trees and planting during the construction and infill period, in the interest of visual amenity and biodiversity.

15. During the construction phase of the proposed development, the noise level from within the boundaries of the site measured at noise sensitive locations in the vicinity, shall not exceed-

(a) an L<sub>Ar,T</sub> value of 55 dB(A) between the hours of 0800 and 1800 from Mondays to Fridays, between the hours of 0800 and 1400 on Saturdays (excluding public holidays).

(b) an L<sub>Aeq, T</sub> value of 45 dB(A) at any other time.

Reason: To protect the residential amenities of property in the vicinity

16. During the construction stage, dust emissions shall not exceed 350 milligrams per square metre per day averaged over a continuous period of 30 days (Bergerhoff Gauge). The monitoring and mitigation measures outlined within Section 4.4 of the submitted Construction and Environmental Management Plan shall be implemented in full during the construction development.

Reason: To protect the residential amenities of property in the vicinity

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

---

Ciara McGuinness  
Planning Inspector

4<sup>th</sup> June 2024

**Appendix 1 - Form 1**  
**EIA Pre-Screening**  
**[EIAR not submitted]**

<b>An Bord Pleanála Case Reference</b>			
<b>Proposed Development Summary</b>	The importation of clean and inert soil and stone, for a duration of 8 years, for the purpose of raising the levels of a disused quarry in order to improve the agricultural output of the site, including all associated site enabling works to facilitate the development, including construction of a proposed infiltration basin/pond and an artificial pond. A Natura impact Statement (NIS) submitted with application.		
<b>Development Address</b>	Scartbarry, Watergrasshill, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	✓
		<b>No</b>	No further action required
<b>2. Is the proposed development of a class specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) and does it equal or exceed any relevant quantity, area or limit where specified for that class?</b>			
<b>Yes</b>		Class.....	EIA Mandatory EIAR required
<b>No</b>	✓		Proceed to Q.3
<b>3. Is the proposed development of a class specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) but does not equal or exceed a relevant quantity, area or other limit specified [sub-threshold development]?</b>			
		<b>Threshold</b>	<b>Comment (if relevant)</b>
<b>No</b>		N/A	<b>Conclusion</b>  No EIAR or Preliminary Examination required

<b>Yes</b>	✓	Class 11(b) of Part 2 of Schedule 5 (other projects) - Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule - Sub-Threshold		Proceed to Q.4
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4. Has Schedule 7A information been submitted?				
<b>No</b>			<b>Preliminary Examination required</b>	
<b>Yes</b>	✓		<b>Screening Determination required</b>	

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix 2 - EIA Screening Determination**

## A. CASE DETAILS

<b>An Bord Pleanála Case Reference (314995-22)</b>		
<b>Development Summary</b>	The importation of clean and inert soil and stone, for a duration of 8 years, for the purpose of raising the levels of a disused quarry in order to improve the agricultural output of the site, including all associated site enabling works to facilitate the development, including construction of a proposed infiltration basin/pond and an artificial pond at Scartbarry, Watergrasshill, Co. Cork. A Natura impact Statement (NIS) submitted with application.	
	Yes / No / N/A	Comment (if relevant)
<b>1.</b> Was a Screening Determination carried out by the PA?	Yes	
<b>2.</b> Has Schedule 7A information been submitted?	Yes	
<b>3.</b> Has an AA screening report or NIS been submitted?		A Natura Impact Statement and Appropriate Assessment Screening Report was submitted with the application. An Ecological Impact Assessment Report was also submitted with the application.
<b>5.</b> Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried out pursuant to other relevant Directives – for example SEA		SEA and AA were undertaken in respect of the Cork County Development Plan 2022-2028.

B. EXAMINATION	Where relevant, briefly describe the characteristics of impacts ( ie the nature and extent) and any Mitigation Measures proposed to avoid or prevent a significant effect  (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact)	Is this likely to result in significant effects on the environment?  Yes/ No/ Uncertain
<b>1. Characteristics of proposed development</b> (including demolition, construction, operation, or decommissioning)		
<b>1.1</b> Is the project significantly different in character or scale to the existing surrounding or environment?	The proposed development involves the importation of clean inert soil and stone material for the filling of a former quarry in order to improve the agricultural output of the site. There is a clear consistency in the nature of development in the surrounding area, primarily comprising agricultural grassland.	<b>No</b>
<b>1.2</b> Will construction, operation, decommissioning or demolition works causing physical changes to the locality (topography, land use, waterbodies)?	The development involves the importation of clean inert soil and stone material for the filling of a former quarry. The proposed development has been designed to logically address the alterations in topography on site, resulting in minimal change in the locality. Surface water will be managed on site and discharge to ground in accordance with the Surface Water Management Plan and CEMP with standard measures to address potential impacts on surface water and groundwaters in the locality.	<b>No</b>
<b>1.3</b> Will construction or operation of the project use natural resources such as land, soil, water, materials/minerals or energy, especially resources which are non-renewable or in short supply?	The proposed development involves the importation of clean inert soil and stone material for the filling of a	<b>No</b>



	former quarry. The area will be replanted and used for agricultural activity upon completion.	
<b>1.4</b> Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Plant/machinery used will require the use of potentially harmful materials, such as fuels and other such substances. Use of such materials would be typical for construction sites. Any impacts would be local and temporary in nature and the implementation of the standard construction practice measures outlined in a Construction Environmental Management Plan would satisfactorily mitigate potential impacts.	<b>No</b>
<b>1.5</b> Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	The development involves the importation of clean inert soil and stone material only. Construction machinery may give rise to potentially harmful materials, such as fuels and oil leak. Noise and dust emissions during construction are likely. Such construction impacts would be local and temporary in nature, and with the implementation of a Construction Environmental Management Plan would satisfactorily mitigate the potential impacts.	<b>No</b>
<b>1.6</b> Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?	Surface water will be managed on site and discharge to ground in accordance with the Surface Water Management Plan and CEMP. Operation of the standard measures listed in a Construction Environmental Management Plan, will satisfactorily mitigate emissions from spillages.	<b>No</b>
<b>1.7</b> Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	There is potential for construction activity to give rise to noise and vibration emissions. Such emissions will be localised and short term in nature, and their impacts would be suitably mitigated by the operation of standard measures listed in the Construction Environmental Management Plan.	<b>No</b>

<b>1.8</b> Will there be any risks to human health, for example due to water contamination or air pollution?	The development is likely to give rise to dust emissions. Such impacts would be temporary and localised in nature and the application of standard measures within the Construction Environmental Management Plan would satisfactorily address potential risks on human health.	<b>No</b>
<b>1.9</b> Will there be any risk of major accidents that could affect human health or the environment?	No significant risk is predicted having regard to the nature and scale of the development. Any risk arising will be localised and temporary in nature. The site is not at risk of flooding.	<b>No</b>
<b>1.10</b> Will the project affect the social environment (population, employment)	The development would not result in an increase in population/employment in this area.	<b>No</b>
<b>1.11</b> Is the project part of a wider large scale change that could result in cumulative effects on the environment?	<b>No</b>	<b>No</b>
<b>2. Location of proposed development</b>		
<b>2.1</b> Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: a) European site (SAC/ SPA/ pSAC/ pSPA) b) NHA/ pNHA c) Designated Nature Reserve d) Designated refuge for flora or fauna e) Place, site or feature of ecological interest, the preservation/conservation/ protection of which is an objective of a development plan/ LAP/ draft plan or variation of a plan	The Blackwater River (Cork/Waterford) SAC (Site Code 002170) is located 0.3km to the northeast of the site. A surface water pathway has been identified. The application has been accompanied by a NIS: which concludes that the proposed development will not adversely affect the integrity of the European sites.	<b>No</b>
<b>2.2</b> Could any protected, important or sensitive species of flora or fauna which use areas on or around the site, for example: for breeding, nesting, foraging, resting, over-wintering, or migration, be significantly affected by the project?	Surveys information submitted with Schedule 7A information found no evidence of sensitive species on the site or in the vicinity likely to be affected.	<b>No</b>

<b>2.3</b> Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No evidence of historical/archaeological features on the site	<b>No</b>
<b>2.4</b> Are there any areas on/around the location which contain important, high quality or scarce resources which could be affected by the project, for example: forestry, agriculture, water/coastal, fisheries, minerals?	No such resources on or close to the site.	<b>No</b>
<b>2.5</b> Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected by the project, particularly in terms of their volume and flood risk?	A Surface Water Management Plan was submitted with the application. The site is not located within a flood zone.	<b>No</b>
<b>2.6</b> Is the location susceptible to subsidence, landslides or erosion?	<b>No</b>	<b>No</b>
<b>2.7</b> Are there any key transport routes(eg National primary Roads) on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?	The site is served by a local road network. No significant contribution to traffic congestion is anticipated to arise from the proposed development.	<b>No</b>
<b>2.8</b> Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be significantly affected by the project?	The site is not in close proximity to a hospital/schools. There is no negative impact anticipated as a result of the proposal.	<b>No</b>
<b>3. Any other factors that should be considered which could lead to environmental impacts</b>		
<b>3.1 Cumulative Effects:</b> Could this project together with existing and/or approved development result in cumulative effects during the construction/operation phase?	No existing or permitted developments have been identified in the immediate vicinity that would give rise to significant cumulative environmental effects with the subject project.	<b>No</b>
<b>3.2 Transboundary Effects:</b> Is the project likely to lead to transboundary effects?	<b>No</b>	<b>No</b>
<b>3.3</b> Are there any other relevant considerations?	<b>No</b>	<b>No</b>
<b>C. CONCLUSION</b>		
<b>No real likelihood of significant effects on the environment.</b>	<b>Agreed</b> <input checked="" type="checkbox"/>	ElAR Not Required

Real likelihood of significant effects on the environment.	<input type="checkbox"/>	<input type="checkbox"/>
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## D. MAIN REASONS AND CONSIDERATIONS

Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of classes 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001-2023;
- the location of the site in a rural area;
- the nature of the existing site and the pattern of development in the surrounding area;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the Department of the Environment, Heritage and Local Government (2003);
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as revised, and;
- the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified to be provided as part of the Natura Impact Statement, Ecological Impact Assessment, Construction and Environmental Management Plan, Surface Water Management Plan and the Restoration Plan.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an environmental impact assessment report would not, therefore, be required.

Inspector \_\_\_\_\_

Date \_\_\_\_\_

Approved (DP/ADP) \_\_\_\_\_

Date \_\_\_\_\_

## Appendix 3 - AA Screening Determination

### Screening for Appropriate Assessment Screening Determination

#### Step 1: Description of the project

I have considered the proposed importation of clean inert soil and stone material for the filling of a former quarry in light of the requirements of S177U of the Planning and Development Act 2000 as amended.

The subject site is located close to the Blackwater River which is the subject of the Blackwater River SAC (002170). The habitats on site have been surveyed and are described in accordance with standard practice (Fossitt 2000) and comprise earth banks (BL2), Buildings and Artificial Surfaces (BL3), Recolonising Bare Ground (ED2), Drainage Ditches (FW4), Improved Agricultural Grassland (GA1), Dry Meadows and Grassy Verges (GS2), Mixed Broadleaved Woodland (WD1), Hedgerows/Treelines (WL1/WL2) and Scrub (WS1).

The proposed development comprises the importation of clean inert soil and stone material for the filling of a former quarry in order to improve the agricultural output of the site. I have provided a detailed description of the development in my report (Section 2) and detailed specifications of the proposal are provided in the AA Screening Report and other planning documents provided by the applicant.

There are a number of drains within the subject site, which feed into the River Flesk and ultimately the River Blackwater SAC. Therefore, a source-pathway-receptor linkage is present.

#### Step 2: Potential impact mechanisms from the project [consider direct, indirect, temporary/permanent impacts that could occur during construction, operation and, if relevant, decommissioning]

The proposed development will not result in any direct effects such as habitat loss on any European Site.

Sources of impact include;

- Surface water pollution (silt/ sediment/ pollutants) from infilling works resulting in changes to environmental conditions such as water quality/ habitat degradation.
- Spread of Invasive Species such as Winter Heliotrope

Where an ecological pathway exists, these indirect impacts could negatively alter the quality of the existing environment, negatively affecting qualifying interest species and habitats that are dependent on high water quality and that require maintenance of natural vegetation composition.

#### Step 3: European Sites at risk

**Table 1 European Sites at risk from impacts of the proposed project [example]**

Effect mechanism	Impact pathway/Zone of influence	European Site(s)	Qualifying interest features at risk
Deterioration of Water Quality via surface water (silt/sediment/other pollutants)	Hydrological link between appeal site and SAC	Blackwater River SAC	Species: Sea Lamprey, Brook Lamprey, River Lamprey, Salmon, Otter  Habitats: Water courses of plain to montane levels with the Ranunculus fluitantis and Callitriche-Batrachion vegetation,
Spread of Invasive Species	Hydrological link between appeal site and SAC		Habitats: Old sessile oak woods with Ilex and Blechnum in the British Isles, Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)

I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 15km of the development site considered. There is no ecological justification for this, and I have only included those sites with any possible ecological connection or impact in this screening determination.

#### Blackwater River SAC

The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. The portions of the Blackwater and its tributaries that fall within this SAC flow through the counties of Kerry, Cork, Limerick, Tipperary and Waterford. Nearby towns include Rathmore, Millstreet, Kanturk, Banteer, Mallow, Buttevant, Doneraile, Castletownroche, Fermoy, Ballyduff, Rathcormac, Tallow, Lismore, Cappoquin and Youghal. The main threats to the site and current damaging activities include high inputs of nutrients into the river system from agricultural run-off and several sewage plants, dredging of the upper reaches of the Awbeg, over-grazing within the woodland areas, and invasion by non-native species, for example Rhododendron and Cherry Laurel. Overall, the River Blackwater is of considerable conservation significance for the occurrence of good examples of habitats and populations of plant and animal species that are listed on Annexes I and II of the E.U. Habitats Directive respectively.

#### **Step 4: Likely significant effects on the European site(s) 'alone'**

Having reviewed the documentation on file, the Conservation Objectives supporting documents for the above referenced site available through the NPWS website ([www.npws.ie](http://www.npws.ie)), and noting the nature, scale, design, and location of the proposed development, together with the nature of the qualifying interests which will not be in anyway affected, I am satisfied that likely significant impacts on the qualifying interests of the subject European Sites that are not listed in the Tables below can be ruled out and do not require further consideration. As such, the tables below focus

only on the qualifying interest features at risk having regard to the specifics of the proposed development.

**Table 2: Could the project undermine the conservation objectives 'alone'**

European Site and qualifying feature	Conservation objective (summary) [provide link/ refer back to AA Screening Report]	Could the conservation objectives be undermined (Y/N)?	
		Deterioration of Water Quality	Spread of Invasive Species
Blackwater River SAC	<a href="https://www.npws.ie/protected-sites/sac/002170">https://www.npws.ie/protected-sites/sac/002170</a>		
Sea Lamprey	Restore FCS: Greater than 75% of main stem length of rivers accessible from estuary, At least three age/size groups present, Juvenile density at least 1/m <sup>2</sup> , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive,	Y	N
Brook Lamprey	Maintain FCS: Access to all water courses down to first order streams, At least three age/size groups of brook/river lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m <sup>2</sup> , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive.	Y	N
River Lamprey	Maintain FCS: Access to all water courses down to first order streams, at least three age/size groups of river/brook lamprey present, Mean catchment juvenile density of brook/river lamprey at least 2/m <sup>2</sup> , No decline in extent and distribution of spawning beds, More than 50% of sample sites positive.	Y	N
Salmon	Maintain FSC: 100% of river channels down to second order accessible, Conservation Limit (CL) for each system consistently exceeded, Maintain or exceed 0+ fry mean catchment-wide	Y	N

	abundance threshold value, No significant decline in out-migrating smolt abundance, No decline in number and distribution of spawning redds, t Q4 water quality at all sites sampled by EPA		
Otter	Restore FCS: No significant decline in distribution, extent of terrestrial habitat, extent of marine habitat, extent of freshwater habitat, coupling sites and holts and fish biomass available. No significant increase in barriers to connectivity.	Y	N
Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation,	Maintain FCS: Habitat area stable or increasing; no decline in habitat distribution. Maintain/restore appropriate hydrological regimes. Maintain/restore substratum composition, water quality. Typical species should be present. Maintain floodplain connectivity and area/condition of riparian habitat	Y	Y
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles,	Restore FCS: Habitat area stable or increasing; no decline in habitat distribution. Woodland size stable or increasing. Diverse woodland structure. Maintain diversity and extent of community types. Vegetation composition and structure; woodland structure	N	Y
Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)	Restore FCS: Habitat area stable or increasing; no decline in habitat distribution. Woodland size stable or increasing. Diverse woodland structure. Maintain diversity and extent of community types. Appropriate hydrological regime necessary for maintenance of alluvial vegetation Vegetation composition and woodland structure	N	Y

I conclude that the proposed development would have a likely significant effect 'alone' on the above qualifying features of the Blackwater River SAC from effects associated with the deterioration of water quality and spread of invasive species. An appropriate assessment is required on the basis of the effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at this time.

#### Overall Conclusion- Screening Determination



In accordance with Section 177U(4) of the Planning and Development Act 2000 (as amended) and on the basis of objective information.

I conclude that the proposed development is likely to have a significant effect on the qualifying interests of the Blackwater River SAC 'alone' in respect of effects associated with the deterioration of water quality and spread of invasive species.

It is therefore determined that Appropriate Assessment (stage 2) [under Section 177V of the Planning and Development Act 2000] is required on the basis of the effects of the project 'alone'.