



An
Bord
Pleanála

Inspector's Report

ABP317334-23

Development	Construct Extension to existing Whitegate Regional Water Treatment Plant.
Location	Whitegate Regional Water Treatment Plant, Knocknamadderee, Kilva, Cloyne, County Cork.
Planning Authority	Cork County Council.
Planning Authority Reg. Ref.	226829.
Applicant	Irish Water.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party.
Appellant(s)	(1) Margaret Glavin, (2) Richard Glavin.
Observer(s)	John Crean.
Date of Site Inspection	8th December, 2023.
Inspector	Paul Caprani.

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Appendix 1 – Form 1: EIA Pre-Screening

1.0 Introduction

- 1.1. ABP317334-23 relates to 2 no. third party appeals against the decision of Cork County Council to issue notification to grant planning permission for the construction of an extension to the existing Whitegate Regional Water Treatment Plant. The grounds of appeal raise a number of concerns in relation to the intensification of use and its implications for traffic as well as the visual impact arising from the proposed development. It is also suggested that the applicants, Irish Water do not have sufficient legal interest to carry out alterations to the access road.

2.0 Site Location and Description

- 2.1. The appeal site is located in the townland of Knocknamadderee approximately 1.8 kilometres to the north-west of the village of Cloyne in East Cork. The existing municipal water treatment plant is accessed via a narrow local road which branches off the R629 Regional Route, the main road out of Cloyne leading to Midleton on the N25 National Primary Route circa 6 to 7 kilometres further north. The existing water treatment plant is housed within a large shed-like structure located just off the access road. It is surrounded by an area of hardstanding. There are also two lattice type structures accommodating telecommunication equipment in the immediate vicinity of the water treatment plant/reservoir. A further mast is located further to the west at the junction of the access road and the entrance into the water treatment plant. The existing water treatment plant is surrounded on all sides by agricultural fields, currently used for tillage farming. There are 2 dwellinghouses further north along the local access road the closest of which is approximately 120 metres from the boundary of the site. There are a number of dwellings scattered along the access road to the north-west of the site.
- 2.2. The land which is to accommodate the proposed extension to the regional water plant is located to the rear (east) of the existing facility and forms part of the field that currently surrounds the plant. It comprises of relatively flat land approximately 100 metre above Ordnance Datum. It is bounded to the north and the east by adjacent fields. It is roughly rectangular in shape and

occupies an area of 0.692 hectares. The site is not located within or proximate a Natura 2000 site. The nearest Natura 2000 sites include the Great Island Channel SAC and SPA which at its closest point is approximately 2.5 kilometres to the north-west of the site. The Cork Harbour SPA at its closest point is also circa 2.5 kilometres to the west of the site.

3.0 Proposed Development

- 3.1. The existing water treatment plant treats water from the Dower Spring, a large spring in karst limestone and the mouth of a cavern at the head of the Dower River, c.1.5 kilometres to the south-east of Castlemartyr and approximately 8 kilometres north-east of the site. The source of the Dower Spring is considered to be highly vulnerable, particularly with a cryptosporidium risk. The land use in the immediate vicinity of the spring source is agricultural. The existing water treatment plant has a water capacity of approximately 7,000 cubic metres. The raw water pumps normally operate 24 hours per day, 7 days per week. On-site treatment consists of microfiltration followed by UV, fluoridation and chlorination. The planning report submitted with the application indicates that there is inadequate scour facilities on site.
- 3.2. Dirty water as a result of the treatment process is dosed with primers to facilitate coagulation, flocculation and thickening of the dirty filter backwash water. A sludge thickener with a floor scraper to transfer sludge to a central hopper is provided and is removed off-site by tanker.
- 3.3. It is stated that the Whitegate Regional Water Supply Scheme has been subject to boil water notices for lengthy periods on several occasions over the past few years due to elevated turbidity following periods of heavy rain as surface water infiltrates the karst aquifer which provides the water source. There is also a requirement to address the cryptosporidium problem. In order to address these issues, it is proposed that the existing infrastructure on site is to be retained and the site is to be extended in a north-easterly direction to accommodate the following:
 - The installation of a new above ground raw water balancing tank with a total volume of 600 cubic metres.

- The installation of new coagulation, flocculation and clarification and a polymer dosing system.
 - The installation of two above ground tanks with coagulant dosing pumps.
 - The installation of two sulphuric acid above ground tanks and acid dosing pumps to allow for PH correction.
 - The installation of a new primary disinfection unit with UV reactors.
 - The installation of a new single-storey treatment building to house the additional UV reactors.
 - The provision of new water pumps and pipework to transfer the treated water to the reservoir together with fluoridation systems.
 - The installation of recycle pumps and pipework to transfer the supernatant to a raw water balancing tank.
 - The installation of a new above ground sludge thickening tank (90 cubic metres) with feed pumps.
 - The installation of a new underground sludge holding tank with a 7-day storage capacity and feed pumps (circa 72 cubic metres).
- 3.4. The upgraded water treatment plant will be designed with a capacity of 6,000 cubic metres per day with a daily throughput of 6,777.5 cubic metres per day. The treatment plant will have a design treated waterflow rate of 300 cubic metres per hour. There will be no increase to the current water abstraction rate from the Dower Spring. There will be no alterations or works at the existing abstraction point.

4.0 **Planning Authority's Decision**

4.1. **Decision**

Cork County Council issued notification to grant planning permission for the proposed development subject to 27 conditions.

4.2. Documentation submitted with the Application

A Landscape and Visual Impact Assessment. This assessment includes a separate booklet of photomontages. The report notes that one designated scenic view is located within the study area namely Scenic View 51 – County Road from Ballynacra via East Ferry to Whitegate at Roches Point. This route is almost exclusively a coastal route where the scenic amenity is derived from the harbour and sea views to the south and south-west. It is orientated in the opposite direction to the site. Figure 1.9 of the report demarcates areas within the surrounding 5 kilometres in which the structures would be potentially visible. The report also sets out a number of mitigation and restoration measures to reduce the visual impact. The main mitigation measure to be employed relates to the siting of the development adjacent to the existing water treatment plant. Landscaping and screening in the form of hedgerows are also proposed. Post mitigation it is considered that the residual visual impact from the vantage points studied indicates that the proposed development is not considered to give rise to any significant residual visual impacts.

Invasive Alien Species Survey and Management/Biosecurity Plan. This plan sets out details of a survey in relation to invasive alien species. It is noted that no invasive alien species were identified on site or in the area adjacent to the site. A series of protocols and mitigation measures are set out to prevent the introduction of any invasive alien species to the site.

The AA Screening Report identifies two sites that could be potentially impacted upon as a result of the proposed development. The Great Island Channel SAC (001058) and the Cork Harbour SPA (004030). However, it is considered that the proposed upgrade works at the water treatment plant will not have any effect on either of the Natura 2000 sites due to the distance between them, the lack of connectivity via surface pathways and the nature, scale and type of the works proposed. It is therefore concluded that there is no risk of undermining the conservation objectives of either Natura 2000 site.

Ecological Impact Assessment Report. This report identifies potential impacts including disturbance to commuting and foraging bats as a result of lighting during the construction and operation of the proposed upgrades. It is proposed to incorporate standard good environmental practice construction guidelines as part of the proposed development. In addition, the project includes a number of proposed biodiversity enhancement measures. These measures will result in an increase in the ecological connectivity between the site and the surrounding area, increasing nesting habitats available for bird species and provide breeding habitats for amphibians. The report concludes therefore that the proposal will result in a slight increase in the ecological value of the site.

A separate Road Safety Audit was also submitted. It identified a number of potential issues in relation to sightlines, signage and road surface conditions. Recommendations were made in the audit to address each of these issues.

Archaeological Impact Assessment This report notes that there are 9 sites within 1 kilometre of the proposed development. However, no anomalies or features were identified on the subject site during the walkover field survey. It is proposed to carry out a pre-development geophysical archaeological survey of the site to identify any possible subsurface archaeological features. The results of the survey will inform the final development layout.

Flood Risk Assessment The flood risk assessment notes that the Cork County Development Plan and the OPW Flood Risk Mapping indicate that the proposed development lies outside the 0.1% AEP fluvial flood extent. The proposed development therefore lies within fluvial flood zone C. Therefore, a justification test is not required for the proposed development. While the development type is defined as a highly vulnerable development, it is considered appropriate at this location.

Also submitted was an External Lighting Design report which sets out details of the lighting design proposal including measures to reduce light spill from the site.

Finally, a Planning Report is submitted which sets out details of the project description, the environmental assessments, the planning history and the legislative and policy context. The planning report concludes that the proposed

development will reduce the risk of microbiological failure and will significantly reduce risks to public health and will better enable the treatment of potable water. Furthermore, the proposal will provide for better levels of water supply and is fully in compliance with national planning policy.

In addition to the above reports a letter of consent from the landowner was submitted as well as a covering letter from Barry and Partners, Consulting Engineers.

4.3. Planning Authority's Assessment

- 4.3.1. A report from the Environment Department stated that there was objection to the permission on environmental grounds subject to the attachment of 8 conditions.
- 4.3.2. A report from the Engineering Department stated that there was no objection to the proposed development subject to standard conditions.
- 4.3.3. A separate report from the Engineering Department assesses the proposed development in terms of roads and transportation, surface water, water supply and sewage disposal. It is recommended that planning permission be granted subject to 8 conditions.
- 4.3.4. A report from the Irish Aviation Authority advises that it has no observations to make on this application.
- 4.3.5. A report from the County Archaeologist recommends that the geophysical survey and archaeological testing referred to in the archaeological report should be carried out in advance of making the planning application.
- 4.3.6. A public lighting report stated that there is not enough design information submitted and it is recommended that a deferral of the decision subject to further information in respect of lighting being submitted.
- 4.3.7. A report from the Ecology Department expresses general satisfaction with the conclusions set out in the Appropriate Assessment Screening. In relation to the Ecological Impact Assessment submitted, it is agreed that the site is generally not considered to be of high ecological value besides the tree lined

boundaries which are of local value. And that there are no real concerns in relation to the proposal.

- 4.3.8. The Planning Report notes the pre-application consultations which took place together with the policy context of the development plan relating to the area. The details of the various reports on file are noted and it is considered that a Stage 2 NIS or an Environmental Impact Assessment was not required in this instance. The observations from the current to appellants were also noted.
- 4.3.9. In terms of the assessment, the planner's report notes that the proposed development is acceptable in principle and that the proposal is acceptable from a road safety perspective subject to compliance with conditions. In terms of visual impact, it is noted that a detailed landscaping mitigation plan has been provided and includes a proposal to plant approximately 75 metres of new native hedgerow. The landscaping proposals outlined are deemed to be generally acceptable.
- 4.3.10. The report of the archaeologist is noted. In terms of residential amenity, it is noted that predicted noise levels within the processed building are 80dB with an estimated maximum of 40dB at the nearest dwelling, taking account of noise mitigation measures including the external building cladding and landscaping. No odour emissions are anticipated.
- 4.3.11. Overall, the report concludes that in order to enable a full assessment of the development proposal further information is required with regard to archaeological testing, lighting and landscaping proposals.
- 4.3.12. Further information was sought in relation to these issues on the 21st February, 2023.

4.4. Further Information Submission

- 4.4.1. Further information was submitted on the 24th April, 2023.
- 4.4.2. In relation to archaeological concerns, and given the urgency of the project, it is proposed to carry out the requested archaeological testing while the design is being completed and therefore before any mobilisation of machinery

/construction on site. This approach was agreed between the applicants and the County Archaeologist during March 2023.

- 4.4.3. Also enclosed is a new lighting report which demonstrates how the proposed lighting design and specification will comply with the Cork County Council Public Lighting Manual. It is noted that no trees are proposed to be planted within 10 metres of a lighting fixture so as to avoid adversely affecting light distribution.
- 4.4.4. A further landscape mitigation plan is also submitted. It is proposed to remove the existing grass verge along the southern boundary of the access road and replace this with “grasscrete” in order to provide a minimum carriage width of 3.5 metres for emergency services. The landscape mitigation plan also provides details on the planting proposals to supplement the existing vegetation along the internal access road. Permanent fencing will be erected at the start of the project for protection of existing trees/hedgerows/vegetation on the site boundaries.

4.5. Further Assessment by Planning Authority

- 4.5.1. On foot of the additional information submitted, the County Archaeologist concurs with the recommendation contained in the revised testing report and considers that no further archaeological intervention is required as part of the development. On this basis, there is no objection to the development proceeding. Likewise, a report from the lighting department stated that there is no objection to a grant of planning permission subject to 2 conditions being attached to any grant of planning permission.
- 4.5.2. Other internal reports contained on file likewise raise no objection to the proposed development.
- 4.5.3. The planner’s report notes that the response successfully addresses the details requested and the proposed development is now considered to be acceptable. On this basis it is recommended that planning permission be granted for the proposed development.

5.0 Planning History

- 5.1. The planner's report notes that there is no planning history pertaining to the subject site. Reference is made in the local authority's planner's report to three applications (Reg. Ref. 13/5466, Reg. Ref. 07/6734, Reg. Ref. 93/1797), all of which relate to telecommunication masts to the immediate vicinity of the existing water treatment plant.

6.0 Planning Policy Context

6.1. Cork County Development Plan

- 6.1.1. The policies and provisions of the Cork County Development Plan 2022 – 2028 apply. Chapter 11 of the Plan specifically relates to water management.
- 6.1.2. Section 11.8 specifically relates to drinking water. It notes that the availability of drinking water supply is essential for public health and economic growth of the county. Population growth, increasing pressures for new development across the county and changing trends in water use will lead to increased demand for water.
- 6.1.3. Policy WM11-8 relates to water supply. It seeks to:
- (a) *Support the prioritisation of the supply of adequate sustainable drinking water for the resident population and invest and expand the water supply 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 groundwater supplies comply with the requirements of the Surface Water Directive 75/440/EC and the Groundwater 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.*

6.2. National Planning Framework

6.2.1. The National Planning Framework states that investment in water service infrastructures is critical to the implementation of the National Development Plan. Ensuring that water supply and wastewater needs are met by new national projects to enhance the cities of Ireland water supply and increase in wastewater treatment capacity is a key enabler for future growth.

6.2.2. Future growth enablers for Cork include ensuring that water supply and wastewater needs are met by new national projects to enhance Cork's water supply and increase wastewater treatment capacity.

6.3. Regional Policy

6.3.1. In terms of regional policy Objective RPO112 of the Regional Spatial and Economic Strategy for southern region acknowledges that one of the key challenges facing the sustainable growth of the southern region is the need to address significant deficits in water supply. Objective RPO208 seek to support the implementation of Irish Water's investment plans.

7.0 Grounds of Appeal

7.1.1. The decision of Cork County Council to issue notification to grant planning permission was the subject of two separate third party appeals which are summarised below.

7.2. Appeal by Margaret Glavin

7.2.1. The grounds of appeal recognise that a water treatment plant for the area is required. It is questioned however whether the subject site is the correct site for such a facility. It is noted that the existing water treatment plant is located at the highest point in East Cork, and this could give rise to significant visual impacts. It is suggested that the treatment plant can be seen as far away as the Galtee Mountains.

7.2.2. There is nothing indicated in the plans that parking will be provided for construction staff and the storage of machinery etc. The appellant resides in

the nearest house to the proposed development and was not consulted in respect of the proposed development. The existing site gives rise to light pollution. All chemicals stored on site should be 100% bunded and this is not properly reflected in the conditions set out by Cork County Council. The appellants bored well is located in close proximity to the site.

7.2.3. It is suggested that the proposed development will give rise to significant road safety issues and will present a traffic hazard for road users in the vicinity.

7.3. Grounds of Appeal submitted by Richard Glavin

7.3.1. The appellant objects to the widening of the access road. The appellant argues that any such widening of the road requires his consent and this consent will not be forthcoming.

7.3.2. It is also suggested that the proposed wire fence and concrete posts on the northern side of the boundary are located on the appellant's property and as such Irish Water do not have sufficient legal interest to erect this boundary.

7.3.3. No account has been taken in respect of the traffic generated by the adjacent masts in the proposed development.

7.3.4. Heavy goods vehicles have no option but to reverse out of the site at busy times and this can give rise to a traffic hazard. It is noted that there is no traffic management plan submitted with the application. The three roads leading to the site are all country roads with bad bends and pinch points for heavy goods vehicles. No details are provided for parking for construction staff and vehicles.

7.3.5. No details are provided in relation to biodiversity landscaping.

7.3.6. The plant would be a prominent feature on the highest point in east Cork and therefore should be landscaped in the same way as the original reservoir for visual appearance and biodiversity purposes.

The grounds of appeal concludes by asking a number of questions in relation to the following:

- Do Irish Water require permission from the landowner prior to lodging a planning application?

- What authority do Cork County Council have to grant planning permission where it affects third party lands.
- What control do Irish Water have over trees and hedges as marked on the site map including along the norther boundary?
- Do Irish Water own any property or proposed purchased property within the townland of which the site is located?
- How does the proposed widening of the entrance laneway affect the mast site?
- Is it government policy to place a large industrial complex at such a high site in the absence of landscaping and enhancing biodiversity?
- What upgrades will take place to local roads to facilitate traffic?
- What population will this treatment plant serve?
- Can the new water treatment plant be located anywhere else?
- Will the processed building affect the operation of the adjoining masts?
- Have owners and companies leasing sites that use the laneway in question be informed of potential issues?

7.3.7. It is believed that one or all of the above points constitutes an insult to the planning process, an insult to a person's right to objection and therefore a granting of planning permission in this instance should be invalid.

8.0 Appeal Responses

- 8.1. A response to the grounds of appeal was submitted on behalf of Irish Water by JB Barry and Partners Limited.
- 8.2. By way of introduction, it is reiterated that the Whitegate Regional Water Scheme has been the subject of numerous boil notices for extended periods of time since January 2016. It is also listed on the EPA Remedial Action List as such there is a clear and urgent need for the proposed infrastructure to ensure the protection of public health in the East Cork region.

- 8.3. With regard to the location of the proposed plant, it is noted that the National Water Resources Plan (NWRP) comprises of a framework plan and 4 regional water resource plans. These plans have been subject to statutory consultation, Strategic Environmental Assessment and Appropriate Assessment. In the case of the Whitegate Regional Water Supply, the methodology included an 'option screening process' which is set out in detail the appeal response. The various options screened were tested against various criteria and following a complete assessment, the preferred approach was to increase the groundwater abstraction from the Dower Springs to supply the deficit, and provide a new water treatment plant adjacent to the subject site at Kilva.
- 8.4. It is noted that the average ground levels at the proposed site are approximately 103.5 metres which is slightly lower than the average ground level at the existing site. Furthermore in terms of in terms of visual intrusion, it is noted that the landscape character assessment for the area indicates that the subject site is located in an area designated as being of 'medium landscape value and sensitivity', and of local importance. The plan recognises that such landscapes "*can accommodate development pressure but with limitations in the scale and magnitude*".
- 8.5. Furthermore, it is noted that there is an existing water infrastructure utility services at this location and there are no scenic routes identified in the immediate vicinity of the site. A landscape and visual impact assessment including photomontages were submitted as part of the application. This assessment concluded that the proposed development is not considered to give rise to any significant residual visual impacts.
- 8.6. In terms of light pollution, the applicants have taken several measures to limit and control light spill from the upgraded plant. The applicants have carefully selected appropriately sized lights for the facility ensuring that they are not oversized for the intended purpose. Additionally, lighting will be cowled, in order to minimise any potential light spill. The light fixtures have been carefully angled away from the appellant's house in order to protect privacy and amenity. The external lighting design report submitted as part of the request for further information illustrates the extent to which light will dissipate at the

appellant's property resulting in light levels below 1.5 Lux on lands outside the property. Cork County Council have included Conditions 25 and 26 relating to the design and construction of public and street lighting.

- 8.7. In terms of chemical storage reference is made to Condition No. 20 of Cork County Council's notification to grant planning permission which requires a volume equal to 110% of the sum of the volumes of the largest five drums likely to be stored on site. The proposed storage tanks each have their own bunded storage of 110%. Provision has been made in the design for a chemical spill containment chamber with a capacity of 25 cubic metres. A CEMP will be prepared before construction stage to ensure that the risk of pollution of groundwater is managed and minimised during the construction phase.
- 8.8. In terms of parking for construction staff machinery, it is stated that such parking will not be required off-site during the construction or operational phase of the proposed development. When the proposed development is nearing completion parking will be provided for all staff at the existing site away from the public road.
- 8.9. In terms of road safety, a Road Safety Audit was included as part of the planning application. A sweep path analysis is also being conducted to demonstrate that heavy goods vehicles can safely access and manoeuvre within the site. Heavy goods vehicles will not be required or permitted to reverse out of the site at any time. Each of the recommendations contained in the Road Safety Audit submitted with the application will be implemented as part of the development. Following substantial completion of the construction of the treatment plant, further road safety audits (Stages 3 and 4) will be undertaken and recommendations therein will be incorporated into the overall design.
- 8.10. With specific regard to the additional issues raised in the Richard Glavin appeal, Irish Water note the following:
- It is confirmed that the official property registration authority land registry map was used to form the red boundary line indicated on all drawings submitted with the planning application. The applicant does

acknowledge however that the raised sod and stone bank is an actual shared site boundary. It does not propose any development either on or beyond (north) of the sod and stone bank. The fencing for the new development shall be erected in accordance with Uisce Eireann's site security specification and on the site side of the existing hedgerows and proposed planting.

- In relation to the access road widening, it is stated that approval was sought from Uisce Eireann for a dispensation from the requirement to provide a minimum 3.7 metre wide access road. The dispensation allowed for a reduced access road width of 3.5 metres as indicated in the drawings submitted to allow for emergency vehicles. Every effort has been made in this application to comply with all planning and building regulation requirements while at the same time protecting the sod and stone boundary bank. At most 0.1 metres will be removed to widen the narrowest section of the roadway to 3.5 metres in width. A width of 3.5 metres will ensure that fire vehicles can safely access the site in the case of a fire.
- The proposed development will not affect the operation of the mobile phone telecommunication equipment on nearby masts. Existing wayleaves over the property remains valid. It is noted that no submissions/observations or appeal was made by operators of the telecommunication mast sites. The mast heights far exceed the height of the proposed process building.
- A construction stage traffic management plan shall be prepared in advance of the construction to ensure that construction vehicles can access the site in a safe manner.
- It is reiterated that a landscape and visual impact assessment with photomontages were prepared and submitted along with the application. Existing hedgerow will be retained and supplemented with a mixture of native hedgerow species on site. A range of native wetland species to be planted are shown on the landscape mitigation plan.

Hedging is also to be added to the southern boundary of the site with the overall aim to ensure that no net loss of biodiversity occurs.

- The plant is being designed in accordance with Uisce Eireann's standards and building regulation requirements. The proposed plant will serve the same water supply areas as per the existing plant. There are no plans at present to extend the water supply catchment area by the proposed plant. The existing site is owned by Uisce Eireann and wayleave agreements with other lease sites will not be affected by the proposed development.

8.11. Response by Cork County Council

A response dated 7th July 2023 stated that the Planning Authority is of the opinion that all relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation and therefore Cork County Council have no further comment to make on this matter.

8.12. Observations

An observation was submitted by John Crean, Chartered Town Planner. It notes that two parties to the appeal have raised a number of issues which are considered to be valid local concerns. It is noted however that nobody else has objected to the proposal. The Board are requested to expediate the decision as a boil water notice has been imposed on over 9,000 customers in the East Cork area since 2016. These people are likely to have to endure this notice for another 2 to 3 years depending on the speed of the appeal and the construction of the extension to the facility. In total therefore it is likely that the people of East Cork will have had to endure restricted access to clean potable water for a period of 10 years in total. While the concerns of the immediate neighbours are noted, the provision of an expanded water treatment system would no doubt be in the common good. The issue of the common good is clearly referenced in the preamble of the Planning and Development Act. It is requested that the Board expediate the proposed development having regard to the public health concerns associated with the existing water treatment in the area.

The East Cork area is home to many structures and features which some may consider visually obtrusive. These include wind turbines, warehouses, quarries and other agricultural facilities. The proposal in this regard cannot be considered unusual and it is unfortunate that the neighbours in question have objected to the established facility.

9.0 Planning Assessment

9.1. Introduction

9.1.1. I have read the entire contents of the file including the various documentation submitted with the application and the Planning Authority's assessment of the proposal, I have also visited the subject site and its surroundings and have had particular regard to the issues raised in the grounds of appeal and the observation submitted supporting the principle of improving the water treatment facility. It is my considered opinion on reviewing all documentation on file that the principle of development is acceptable having regard to development plan provision which seeks to support the prioritisation of the supply of adequate drinking water and the public health issues which currently surround the Whitegate Regional Water Treatment Plant at present. The Board therefore in my opinion can restrict its deliberations to the following issues raised in both appeals.

- Access arrangements, land ownership issues and suitability of the access road for emergency/servicing vehicles.
- Construction parking/traffic hazard.
- Biodiversity and landscaping issues.
- Chemical storage and bunding on site.
- Other, less critical issues.

9.2. Access Arrangements Land Ownership Issues and the Suitability of the Access Road for Emergency Vehicles

9.2.1. A key issue raised in the appeal by Richard Glavin relates to the proposed widening of the access road. It is argued that a carriageway width of 3.5

metres is insufficient for emergency vehicles and that the applicant in this instance, Irish Water do not have sufficient legal interest in the lands in question to carry out the proposed widening on the basis that lands required for such widening is under the ownership of the appellant and not Irish Water.

9.2.2. In response to this issue, Irish Water state that a property registration authority land registry map was used in delineating the red line boundary. Irish Water acknowledge that the raised sod and stone bank along the northern boundary of the access into the site is inaccurately depicted on the land registry map. However, crucially Irish Water states that it does not propose any development either on or beyond the sod and stone bank. All fencing associated with the new development will be erected within the confines of the land owned by Irish Water.

9.2.3. I am not in a position to verify the extent of landownership issues. However, the Board will be aware that the planning system is not designed as a mechanism for resolving disputes about title to land or rights over lands. Any such disputes are civil matters ultimately for resolution in the Courts. Any landownership issues would not preclude the Board from granting planning permission for the development having particular regard to the provisions of Section 34(13) of the Planning Act which states that *'a person shall not be entitled solely by reason of a permission to carry out the development'*. In this regard Irish Water who clearly state that all works relating to the access road and fencing will be carried out within the confines of lands within its ownership, solely on the basis that there is a dispute pertaining to landownership issues. The Board in my view could grant planning permission having specific regard to the provisions of Section 34(13) of the Planning and Development Act 2000.

9.2.4. With regard to the access for emergency vehicles, the Board will note that the public road leading to the site from the R269 is relatively narrow but capable of accommodating HGV vehicles. The access to the site from the public road while relatively narrow is likewise capable of accommodating a HGV or emergency vehicle. A road safety audit was submitted as part of the planning application and while a number of issues were identified in relation to sightlines and road conditions, access to and from the site was not identified

as an issue. The applicant has also indicated that that a sweep path analysis has been conducted to demonstrate that heavy goods vehicles can safely access and manoeuvre within the site and into the site. Having inspected the site and the entrance into the site, I am satisfied that the road widths and access arrangements are sufficient to allow HGV movements in and around the subject site. I do not accept that any HGV manoeuvres in and out of the site will in anyway give rise to traffic congestion in the area. Having spent over one hour visiting the site and its surroundings, I noted that traffic levels and movements along the road network were very low and the proposed development either during the construction or operational phase will not give rise to any material inconvenience to road users.

9.2.5. Having inspected the site, including the site entrance and having regard to the fact that there is an existing water treatment facility at the site which currently caters for large scale vehicles, albeit infrequently, I am satisfied that the extension to the existing facility will not pose any particular or significant traffic risks for HGVs entering and exiting the site. Furthermore, it is noted that following the substantial completion of the construction of the facility, should it proceed, a road safety audit (Stages 3&4) will be undertaken and any further requirements in respect of road safety and HGV access can be addressed at this stage. On the basis of the information submitted and having inspected the subject site together with the current operations on site, I am satisfied that the proposal will not give rise to any significant adverse issues in terms of access for HGV/emergency vehicles. The applicant has indicated that the Planning Authority permitted a dispensation for the requirement to provide a minimum 3.7 metre width of access road. The reduction of the access road from 3.7 metres to 3.5 metres is in my view sufficient to allow emergency vehicles to access the site.

9.3. **Construction Parking and General Traffic Issues**

9.3.1. Having inspected the site and driven the access road to and from the existing treatment plant I note that traffic volumes along the road are low typical of a rural area accommodating dispersed settlement. As already indicated the proposed development has been subject to a Stage 1 and Stage 2 Road Safety Audit which identified a number of traffic safety issues including

restricting sightlines. Sightlines in a northerly direction when exiting the site are to be improved thereby reducing the potential for traffic hazards. While the roads in question are narrow it is not considered that the proposed development will exacerbate or accentuate the potential for traffic hazards to any material extent. The development in itself is not likely to give rise to significant traffic generation during the operational stage. A construction stage traffic management plan will be prepared in advance of the construction to ensure that the use of local roads by construction vehicles is done in a safe manner.

- 9.3.2. In response to the issue of construction traffic parking the applicant has indicated that parking for construction staff and machinery can be catered for on the site of the existing facility during the construction phase therefore no off-site parking will be required.
- 9.3.3. It is clear from the layout of the drawings submitted that there is sufficient scope to provide on-street surface car parking for staff using the facility during the operational phase. Details of the car parking arrangements can in my view be addressed by way of condition. Ample car parking is available in the yard area associated with the existing facility.

9.4. **Visual Impact**

- 9.4.1. Concerns were expressed in both third party appeals that the proposed development located on an elevated site would have an unacceptable visual impact.
- 9.4.2. The site is located on the boundary of a high value landscape with the northern portion of the site and the existing water treatment plant located within the confines of the designated high value landscape¹. High sensitive landscapes are vulnerable landscapes with the ability to accommodate limited development pressure. Under this designation landscape elements are highly sensitive to certain types of change. The plan notes that if the pressure for development exceeds the landscapes limitations, the character of the

¹ The applicant in the response to the grounds of appeal suggested that the site attracts a medium sensitivity landscape designation in the county development plan. On consulting the development plan, it appears the subject site is partially located within the high value landscape designation.

landscape may change. The remainder of the site is located in an area designated as medium sensitivity which can accommodate development pressure but within limitations in the scale and magnitude. In this rank of sensitivity, landscape elements can accept some changes while others are more vulnerable to change.

- 9.4.3. In terms of scenic routes all scenic routes in the area are coastal routes with the scenic vantage points facing away from the subject site.
- 9.4.4. Notwithstanding the site's partial location within an area designated as 'high sensitivity' the Board will note that there is an existing regional treatment facility in the area and perhaps more importantly there are three separate lattice/monopole telecommunication, masts all of which are located in close proximity to the water treatment plant. Therefore, notwithstanding the sensitivity designation the landscape in question cannot be considered unspoilt or pristine. The proposal in this instance constitutes an extension to an existing treatment facility and therefore will not look out of character or incongruous in the context of the existing baseline environment. The proposed shed in this instance which rises to a height of 6.5 metres is not excessive in terms of height and constitutes a similar, if not lesser height than the various buildings in the immediate vicinity and wider landscape including residential dwellings and agricultural buildings. Furthermore, Having inspected the site I note that due to the extensive presence of mature hedgerows along the roadways surrounding the site, that the cluster of buildings present, and in some instances the telecommunication masts are not readily visible from vantage points along the roadway. Views of this elevated sites are in large part confined to vantage points a greater distance away where any new buildings or structures associated with the proposal will not be readily discernible from vantage points over this distance. Therefore, notwithstanding the elevated nature of the site, together with the landscape designation, I consider that the size and scale of the proposal is acceptable and would not materially impact on the visual amenities of the area having particular regard to the nature and size of adjoining structures. The proposal is therefore acceptable from a visual amenity perspective.

9.5. Other Issues

- 9.5.1. Bundling of hazardous materials. The appeal by Margaret Glavin raises concerns in relation to chemical storage on site and requests that all chemical storage areas are appropriately bunded to contain any potential leakage. The applicant points out that these requirements are reflected in Cork County Council's grant of planning permission as Conditions 20, 21 and 24 refer. It is noted that the proposed storage tank each have their own bunded storage area of 110%. Provision is also being made in the design for a chemical filled containment chamber with a capacity of 25 cubic metres. I consider that the applicant and the Planning Authority have appropriately addressed this issue and that if the Board are minded to grant planning permission a similar condition be attached in relation to chemical storage.
- 9.5.2. With regard to light pollution, I note that at its closest point, the proposed facility is over 80 metres from the boundary of the nearest adjoining dwelling. The issue of lighting was the subject of an additional information request from the Planning Authority which required further detail with regard to LED type lights and public lighting design. The lighting proposal in response to the further information request has been designed to provide the necessary illumination while minimising light spill into adjoining properties. It should be noted that the lighting will be directed away from the nearest dwellinghouse which should further reduce any potential light spill. The applicant states in its response to the grounds of appeal that any lighting associated with the facility will dissipate to a level below 1.5 Lux in the immediate vicinity of the site and away from the appellant's property. The anticipated light spill is depicted in the drawing submitted by way of additional information, it is clear that there will be negligible light spill beyond the confines of the site. Therefore, subject to the implementation of appropriate conditions, I consider the issue of lighting has been successfully addressed in the information submitted and will not give rise to adverse impacts on adjoining residential amenity by reason of light pollution.
- 9.5.3. Impact on Telecommunications: There is no evidence to support the contention that the proposed development will in any way affect or be affected by the operation of telephony equipment associated with the

telecommunication masts. Nor will the proposed development in any way interfere with or exacerbate traffic associated with the masts. The operation of the said masts give rise to infrequent traffic generation. Any trips associated with these developments are for maintenance purposes only and are on the whole infrequent. No staff were recorded visiting any of the telecommunication masts during my site inspection.

9.5.4. In terms of landscape and biodiversity issues, as in the case of public lighting, the applicant was requested to submit further information on this issue prior to the Planning Authority's determination. The applicant submitted further landscape details which indicated the planting of hedgerows along the northern and eastern boundary which ranges from 3 to 6 metres in height. A separate hedgerow will be planted along the southern boundary 3 metres in height. The hedgerow will comprise of hawthorn, blackthorn, holly, hazel, dog rose and spindle. In total it will amount to over 225 metres in length. I consider that the hedgerow will be effective in screening the proposed development and enhancing the biodiversity of the area.

9.5.5. The Board will note that the existing field in which the proposed extension is to be situated is used for intensive arable agriculture and as such is of low ecological value. The enhancement of hedgerows around the perimeter of the field will not only assist in screening the proposed development from a visual perspective but will also enhance the biodiversity corridors for wildlife around the perimeter of the site. I am therefore satisfied that Irish Water have taken appropriate steps to maintain and enhance the receiving environment from a biodiversity perspective.

9.6. **EIAR Screening**

9.6.1. A water treatment facility is not a class of development for which EIA is required. The only other relevant class of development which may be considered applicable under Schedule 5 of the Planning and Development Regulations relates to Class 10(m) - *Works for the transfer of water resources between river basis not included in Part 1 of this Schedule where the annual volume of water abstracted or recharged would exceed 2 million cubic metres.*

9.6.2. In relation to this class of development, the Board will note that it does not appear that the proposed development involves the transfer of water resources between river basins. The Dower Spring and the existing Kilva Water Treatment Plant both appear to be located within the Blackwater River Basin. Furthermore, there will be no increase to the current water abstraction rate from the source at Dower Spring. On this basis I would conclude that Class 10(M) of the 5th Schedule would not apply in this instance. On the basis of the above therefore I would conclude that no EIA or a preliminary examination is required for this development.

9.7. **Appropriate Assessment – Stage 1 Screening**

9.7.1. The application was accompanied by an Appropriate Assessment Screening Report. This report sets out details of the proposed development and identifies the Natura 2000 sites within the zone of influence of the proposed development namely Cork Harbour SPA (Site Code 004030) which at its closest point is located 2.3 kilometres to the south-west and Great Island Channel SAC (Site Code 001058) at its closest point located 2.2 kilometres to the north-west. The screening report goes on to note the qualifying interests and conservation objectives associated with each of the sites in question. The report concludes that there is no risk of direct habitat damage, loss or fragmentation and likewise there will be no landtake or works within the confines of the Natura 2000 sites identified. Furthermore, it is stated that there will be no increase in the existing water abstraction rate from the source at the Dower Spring as a result of the proposed works. The site is sufficiently distanced from the SPA to ensure that there is no risk of visual or noise disturbance on the coastal birds species associated with the SPA. No cumulative impacts are identified in the report. The screening report therefore concludes that the proposed upgrade works at Whitegate will not have any effect on the Cork Harbour SPA or the Great Island Channel SAC due to the separation distance and lack of connectivity via surface water pathways. As such, there is no risk of undermining the conservation objectives of either Natura 2000 site.

9.7.2. I have considered the content of the AA Screening Report for the Whitegate (Kilva) Water Treatment Plan Upgrade in light of the requirements of Section

177U of the Planning and Development Act 2000 as amended. The proposed development comprises of an extension and upgrade of the existing water treatment plant on site and does not involve an increase in the abstraction rate from the Dower Spring. I note that the proposed development is not located within or the immediate vicinity of any designated Natura 2000 site comprising of a special area of conservation or special protection area. I agree with the screening report that the only Natura 2000 sites that fall within the potential zone of influence of the proposal are the Cork Harbour SPA (004030) and the Great Island Channel SAC (001058). Both these sites are in excess of 2 kilometres from the subject site. I note however, that there are no direct or indirect physical, hydrological or ecological linkages connecting the project site with the European sites in question. Having regard to the nature of the proposed development, the separation distance between the proposal and the Natura 2000 sites in question and the fact that no hydrological or other pathway links the subject site with the Natura 2000 sites in question, I consider that there is no risk of direct or indirect habitats damage loss or fragmentation of the Natura 2000 sites in question.

9.7.3. Furthermore, I consider that the separation distance between the subject site and the Natura 2000 sites in question will not result in any visual or noise disturbance of the bird species associated with the Cork Harbour SPA. As there is no increase in the existing water abstraction rate from the source as a result of the proposed upgrade works together with the fact that there is no hydrological connectivity between the site and the Great Island Channel SAC via surface or groundwater therefore, there is no hydrological pathway for potential impacts or effects on the qualifying interests associated with the Great Island Channel SAC. There will be no changes in the ecological functions or features necessary for maintaining the qualifying interests associated with the Great Island Channel SAC namely mudflats and sandflats not covered by sea water at low tide or Atlantic Salt Meadows.

9.7.4. As such, and in accordance with Section 177U of the Planning and Development Act 2000 and on the basis of the objective information considered in this AA screening, I conclude that the proposed development would not result in significant effects on any European site and is therefore

excluded from further consideration. Appropriate Assessment and an NIS therefore is not required. I consider that there is no scientific doubt in respect of this conclusion and no mitigation measures are required to come to this conclusion. This determination is based on the relatively minor scale of the proposed development and the lack of impact mechanism that could significantly affect the European site together with the lack of hydrological connections between the subject site and the Natura 2000 sites and the conclusion that there would be no significant ex situ impacts on any birds associated with the Cork Harbour SPA.

10.0 Conclusions and Recommendation

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

11.0 Reasons and Considerations

It is considered that the proposed development subject to the conditions set out below, would be beneficial in terms of public health, would not seriously injure the amenities of the area or of property in the vicinity 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.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars submitted to the planning authority on the 24 th day of April 2023, 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
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	<p>and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all external finishes to the proposed structures on site shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: in the interest of visual amenity.</p>
3.	<p>The landscaping of the site shall be in accordance with the landscape mitigation plan submitted to the planning authority on the 24th day of April 2023. Details of the implementation of the plan shall be agreed in writing with the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity and to ensure the protection of biodiversity.</p>
4.	<p>Details of all boundary fencing shall be agreed in writing with the planning authority prior to the commencement of development. Any boundary treatments shall not impinge upon the existing sod and stone embankment and the existing vegetation along the access leading to the site. Details shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
5.	<p>All works on site shall be implemented in accordance with a construction environmental management plan which shall include all measures proposed within the ecological impact assessment report and the invasive species management plan submitted with the original documentation to the planning authority. Details of the construction environmental management plan shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of protecting the environmental, ecological and residential amenities of the area.</p>

6.	<p>Details of the proposed entrance including the provision of requisite sightlines for traffic exiting the site shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of traffic safety.</p>
7.	<p>Sight distances of 90 metres shall be provided at the entrance to the site at a point 2.4 metres from the public road edge.</p> <p>Reason: In the interest of traffic safety.</p>
8.	<p>All surface water drainage arrangements shall be agreed in writing with the planning authority prior to the commencement of development. A plan containing details for the management of waste and in particular recyclable materials within the development including the provision of facilities for the storage, separation and collection of waste and in particular recyclable materials shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. Thereafter the waste shall be managed in accordance with an agreed plan.</p>
9.	<p>All chemicals and other hazardous materials shall be securely stored on site. All chemicals shall be contained within bunding with a volume equal to 110% of the sum of the volumes of the largest tank. Details of all bunding arrangements and storage of hazardous materials shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of protecting the environment and public health.</p>
10.	<p>External lighting within the development shall be directed and cowled away from all sensitive receptors. All external lighting arrangements shall be agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity and to reduce light pollution.</p>
11.	<p>The developer shall pay to the planning authority a financial contribution of €11,856 (eleven thousand eight hundred and fifty-six euro) in respect of</p>

public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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.

Paul Caprani,
Assistant Director of Planning.

11th December, 2023.

Appendix 1 - Form 1

EIA Pre-Screening

[EIAR not submitted]

An Bord Pleanála Case Reference				
Proposed Development Summary	Provision of an extension to an existing water treatment plant.			
Development Address	Knocknamadderee, Kilva, Cloyne, Co Cork			
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	Yes	
		No	No further action required	
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?				
Yes		Class.....	EIA Mandatory EIAR required	
No	X		Proceed to Q.3	
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]?				
		Threshold	Comment (if relevant)	Conclusion
No	X	N/A		No EIAR or Preliminary Examination required
Yes		Class/Threshold.....		Proceed to Q.4

4. Has Schedule 7A information been submitted?

No	X	Preliminary Examination required
Yes		Screening Determination required

Inspector: _____

Date: _____