Inspector's Report

ABP-320784-24

Development	Raising of ground levels with inert soil and stone to improve the agricultural potential of the field. It is proposed to import and recover inert soil and stone under permit, and as a product under article 27. The site will be accessed from an existing entrance off regional road R639 (former N8). It will include upgrade of the existing field entrance, construction of temporary haul roads, installation of surface water management measures, site signage, installation of a site office and wheelwash for the duration of the works, and all ancillary site works. A 10-year planning permission is sought. A Natura Impact Statement (NIS) has been prepared and will be submitted to the Planning Authority with the application.
Location	Curraghprevin, Rathcormac, Co. Cork.

Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24/5171
Applicant(s)	Mallow Contracts Limited
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Mallow Contracts Limited
Observer(s)	None.
Date of Site Inspection	2nd April, 2024
Inspector	Robert Speer

1.0 Site Location and Description

1.1. The proposed development site is located in the rural townland of Curraghprevin, Co. Cork, approximately 3.2km southwest of Rathcormac and 5.0km north-northeast of Watergrasshill, where it occupies a position to the west of the M8 Motorway. The surrounding landscape is typically rural in character and dominated by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings.

1.2. The site itself has a stated site area of 6.8 hectares, is irregularly shaped, and forms part of a larger agricultural field set as grassland with access obtained directly from the R639 Regional Road (the former N8 National Road) via an existing field gate situated alongside a vacant / uninhabited dwelling house. It is bounded to the west by mature hedgerow and a field drain which flows northwards while a mature tree line and drainage ditch define the northern site boundary with the remainder of the site perimeter not physically defined. The site topography is characterised by a gentle rise on travelling north / northwest from the public road before falling towards the northern site boundary (with a pronounced dip in the north-western corner of the wider site area) while a series of field drains within the northern extent of the site area suggest poor underlying ground / drainage conditions. Adjacent lands are in agricultural use.

1.3. The R639 Regional Road has a posted speed limit of 100kph and is generally in a good condition with both the northbound and southbound lanes well defined by a continuous white centreline and hard shoulders while road improvement works, including resurfacing and relining, would appear to have been completed comparatively recently in the vicinity of the proposed development site.

2.0 Proposed Development

2.1. The subject application has sought a ten-year permission for the importation and recovery of 111,290m^3 / c. 166,395 No. tonnes of inert soil and stone (uncontaminated) under permit and as a product under Article 27 of the European Communities (Waste Directive) Regulations, 2011, as amended, for the purposes of raising ground levels and the agricultural improvement of the land. It will include for the re-grading of the site to achieve a more even surface and the infilling of an

existing depression within the north-western corner of the site (fill levels of up to 3m are proposed with an average fill depth of c. 2m over an area of approximately 5.45 hectares). The material will be deposited over an 8 – 10 No. year period with the work undertaken in six phases. It is anticipated that the annual intake will be between 17,000 and 20,000 No. tonnes which will generate up to 1,333 No. loads per annum or c. 26 No. (15-tonne) loads per week on average (although it is expected that this will fluctuate depending on the level of construction activity).

2.2. The permit holder will operate a waste acceptance procedure to ensure that only clean / inert soil and stone is deposited at the site while biosecurity protocols will also be put in place to prevent the transfer or mobilisation of non-native invasive species. Topsoil stripping will be carried out in phases with clean soil and stone placed onto the *in-situ* subsoil to the permitted depth before the topsoil is reinstated. A minimum of 0.5m of subsoil and 0.3m of topsoil will be required with the land then treated using a mole plough / ripper to a depth of 0.8m prior to sowing. Grass will be sown in the first 2 years post recovery and any crop thereafter with the lands progressively restored to allow return to agricultural use.

2.3. The proposal also includes for the provision of a site office (floor area: 14.6m^2), wheelwash, concrete apron, an upgraded splayed access arrangement with a new entrance gate, the erection of 1.8m high security fencing, drainage works, signage, temporary gravel access / haul road, and all ancillary site works. Site infrastructure will be removed upon completion of the filling works or the closure of the facility in accordance with the submitted Closure Plan.

2.4. It is not proposed to provide running water on site and potable water will be supplied in bottles. A water bowser will be used for topping up the wheelwash and dust suppression. Staff welfare and sanitary facilities have been shown as part of the site office although the application form also makes reference to the provision of a 'Portaloo' on site.

2.5. Amended proposals were subsequently submitted with the grounds of appeal which include for the provision of a 'left-in / left-out' access arrangement to be enforced through the provision of a hatched central median with 'Keep Left' flexible bollards along the public road (replacing the central solid white line for a distance of c. 70m either side of the proposed entrance). Road signage is also to be provided in

advance of the entrance to inform drivers of the no-overtaking area. In addition, the entrance to the site will be resurfaced with HRA (Hot Rolled Asphalt) or an approved equivalent from the edge of the carriageway to the proposed gate location and extending 1m outside the wheel-track of vehicles using the site. It is further proposed to provide a quarantine area (5m x 10m) within the southwestern corner of the fill area where loads can be inspected, and quarantined if necessary.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. On 15th August, 2024 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following reason:

- Having regard to the location of the site access off a busy regional road, it is considered that the proposed development would endanger public safety by reason of traffic hazard as the traffic that would be generated by the proposed development would interfere with the safety and free flow of traffic on that road. It is considered that the proposed development would contravene Objectives TM 12-8 and TM 12-13 of the Cork County Development Plan, 2022, would set an undesirable precedent for similar future development in the area, and would be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The report of the case planner details the site context, planning history, and the relevant policy considerations before stating that the overall principle of the proposed development is open for consideration, subject to adherence to the requirements of Objective BE 15-17(a) of the Development Plan. It subsequently notes that the proposed development is of a type identified for the purposes of Environmental Impact Assessment in Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended (i.e. Class 11(b): '*An installation for the disposal of waste with an annual intake greater than 25,000 tonnes'*), and that while it has been

submitted the volume of material to be imported to the site will not exceed 25,000 tonnes per annum, given the nature and scale of the development proposed, the timeframe involved (i.e. a 10-year duration of permission), and the location of the site proximate to a watercourse which is hydrologically connected to the Blackwater River SAC, there is significant and realistic doubt regarding the likelihood of significant effects on the environment. It is then stated that the applicant should be requested to submit the information specified in Schedule 7A of the Regulations for the purposes of a screening determination should a grant of permission be under consideration.

With respect to the issue of Appropriate Assessment, the report reiterates the analysis undertaken by the Council's Ecology Unit and concludes that the measures outlined in Section 6 of the Natura Impact Statement will be sufficient to mitigate any significant adverse effects to the integrity of the Blackwater River (Cork / Waterford) Special Area of Conservation.

In terms of the potential traffic impact of the proposal, the report notes that while a definitive haul route has not been identified, the application refers to loads arriving from construction sites in and around Cork City with the result that the site will be accessed from the south (via the M8 as far as Watergrasshill and the R639 thereafter). It subsequently reiterates the concerns of the Area Engineer as regards the traffic turning movements generated by HGVs approaching the site from the north and the suggested need for a dedicated turning lane to ensure safe access before noting the recommendation that permission be refused.

The report notes that the proposed development site is not located within a high value landscape and that there are no scenic routes in proximity while the area to be filled is set back significantly from the public road. Accordingly, no adverse visual impacts are anticipated as a result of the proposed filling operations.

No concerns are raised as regards residential amenity and it is stated that the implementation of the submitted Construction Environmental Management Plan (and the mitigation measures detailed therein) can be secured by way of condition in the event of a grant of permission.

Given the nature and large scale of the proposed development, it is reiterated that an Archaeological Impact Assessment will be required in accordance with Objective Nos. HE 16-9 & HE 16-134 of the Development Plan.

The remainder of the report considers issues such as surface water drainage, flood risk, servicing, and the closure plan, before concluding that permission should be refused for the reason stated.

The recommendation to refuse permission on traffic safety grounds is subsequently endorsed by further reports prepared by the Senior Executive Planner and Senior Planner.

3.2.2. Other Technical Reports

Archaeologist: Notes that while the site is not within any statutory Zone of Notification around any Recorded Monument, it is considered to be large in scale (i.e. in excess of 0.5 hectares) and, therefore, the proposed development should be subjected to archaeological assessment in accordance with Objective HE 16-9: *'Archaeology and Infrastructure Schemes'* of the Cork County Development Plan, 2022-2028. It subsequently states that although the planning application was not accompanied by an archaeological assessment, the submitted 'Assessment Report' broadly addresses how in-situ topsoil will be dealt with prior to the introduction of materials to the site. In this regard, it was considered that the proposal to remove and store topsoil on site prior to the filling works could impact on subsurface archaeology (if present) and that these concerns would need to be addressed in advance of a planning decision. The report concludes by recommending that an Archaeological Impact Assessment be sought by way of further information so as to allow for an assessment of the potential impact, if any, on archaeological remains within the area of the proposed development and the formulation of an informed archaeological recommendation before a planning decision is taken. It was also recommended that the applicant be requested to carry out a geophysical survey of the site as part of an archaeological testing strategy to be agreed with the Planning Authority.

Environment: Recommends that further information be sought in relation to a number of issues, including details (and locations) of the proposed silt fencing, the inclusion of a quarantine area on site, the need for the 'Waste Acceptance Docket' to include

the corresponding Waste Collectors Docket Number, and the provision of a procedure for the acceptance and inspection of Article 27 clean and inert soil & stone fill material for the proposed facility.

Area Engineer: Refers to the site location along a very busy Regional Road (R639), which carries a significant volume of traffic that avoids the toll on the M8 Motorway between Watergrasshill and Fermoy, and notes that the available sightlines are generally acceptable (although no vegetation or structure should be permitted to exceed 1m in height within the sight distance triangle). It proceeds to reference the absence of a Road Safety Audit and raises particular concerns that trucks approaching the proposed development from the north would have to stop on the carriageway and await a gap in the northbound traffic lane in order to enter the site. It is further considered that the proposed entrance would need to be resurfaced with HRA (Hot Rolled Asphalt) or an approved equivalent from the edge of the carriageway to the gate location (extending to a point 1m outside the wheeltrack of vehicles entering and exiting the site). The report continues by stating that a combined Road Safety Audit Stage 1 & 2 will be required to address road safety issues related to the proposed development and that any recommendations / observations contained in this audit should be addressed by way of further information and included in updated drawings, where appropriate. However, it has been suggested that the works required to satisfy the safety concerns arising (i.e. the provision of extensive auxiliary lane turning movements as evident at other junctions along this roadway) would likely be cost prohibitive while the required lands would not appear to be available. Following further commentary as regards water services and drainage requirements, the report concludes by recommending that permission be refused as follows:

- The proposed development would endanger public safety by reason of traffic hazard because it would involve the making of a further access point onto a road where the traffic movements likely to be generated by the development would interfere with the safety and free flow of traffic on that road.

Ecology: States that the northern site boundary is delineated by a treeline and a drainage ditch which is hydrologically connected to the Bride River to the north which in turn forms part of the Blackwater River (Cork / Waterford) Special Area of Conservation. In its assessment of the applicant's Natura Impact Statement,

consideration is given to the potential for connectivity with the Blackwater River (Cork / Waterford) SAC and any impacts arising. It proceeds to state that qualifying interests which could be impacted by the project include freshwater habitats and species known to occur within the Bride River and areas downstream, including Atlantic Slamon, Brook Lamprey, River Lamprey, Sea Lamprey and Watercourses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetataion (Floating River Vegetation), due to impacts on water quality and impacts to suitable riverine habitats and hydrological processes. Impacts to Otter are also identified as including a decline in water quality and disturbance. It is subsequently concluded that the measures outlined in Section 6 of the NIS will be sufficient to mitigate any significant adverse effects to the integrity of the Blackwater River (Cork / Waterford) SAC.

With respect to other ecological matters, it is recommended that further information be sought as regards the identification of those trees proximate to the proposed entrance arrangement which are to be removed or retained along with details of root protection zones, tree protection measures, and the incorporation of compensatory planting (if trees are to be removed) into a landscaping programme for the site.

3.3. Prescribed Bodies

3.3.1. *Transport Infrastructure Ireland:* Requests the planning authority to have regard to the provisions of official policy for development proposals as follows: Proposals impacting national roads, to the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities and relevant TII publications, and proposals impacting the existing light rail network, to TII's "*Code of engineering practice for works on, near, or adjacent the Luas light rail system"*.

3.4. Third Party Observations

None.

4.0 Planning History

4.1. On Site:

None.

4.2. **On Adjacent Sites:**

None.

4.3. **Other Relevant Files:**

4.3.1. (On lands c. 1.2km to the south-southwest):

PA Ref. No. 225298 / ABP Ref. No. ABP-314995-22. Was granted on appeal on 24th July, 2024 permitting Greenvalley Transport and Land Reclamation Limited permission for the importation of clean and inert soil and stone, for a duration of eight 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, all at Scartbarry, Watergrasshill, Co. Cork.

PA Ref. No. 214084. Was refused on 21st October, 2021 refusing Greenvalley Transport and Land Reclamation Ltd. permission 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) was prepared and submitted to the authority with this application). All at Scartbarry, Watergrasshill, Co. Cork.

- 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 this 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 Ref. No. 196914. Was refused on 11th November, 2020 refusing Greenvalley Transport & Land Reclamation Ltd. permission 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) was prepared and submitted to the authority with this application). All at Scartbarry, Watergrasshill, Co. Cork.

- 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 addresses 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 of the area.
- The information submitted by the applicant does not provide the Planning Authority with sufficient certainty regarding the 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 Ref. No. 177423. Was refused on 23rd February, 2018 refusing John Crowley permission to restore a quarry to agricultural lands by placing on site surplus construction materials i.e. inert soil/rock and topsoil. All at Scartbarry, Watergrasshill, Co. Cork.

- The proposed development would endanger 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 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 Ref. No. 0611006. Was granted on 7th August, 2007 permitting John Crowley permission for the infilling of quarry with soil and stone. All at Scartbarry, Watergrasshill, Co. Cork.

4.3.2. (On lands c. 730m to the south):

PA Ref. No. 049386. Was refused on 22nd February, 2005 refusing Pat O'Connell permission for the importation of fill to regrade agricultural land at Blackstone Bridge, Watergrasshill, Co. Cork:

- The proposed development would result in an unacceptable traffic hazard given the substantial vehicular movements which would be necessitated onto and off a national primary route during the construction phase of the proposed development. It is held that such vehicular movements would result in a serious risk to traffic safety on a national primary route, contrary to the interests of the common good and therefore contrary to the proper planning and sustainable development of the area.

5.0 Policy and Context

5.1. Cork County Development Plan, 2022-2028:

Chapter 12: Transport and Mobility:

Section 12.11: *Traffic / Mobility Management and Road Safety:*

TM 12-8: Traffic/Mobility Management and Road Safety:

a) Where traffic movements associated with a development proposal have the potential to have a material impact on the safety and free flow of traffic on National, Regional or other Local Routes, the submission of a Traffic and Transport Assessment (TTA) and Road Safety Audit will be required as part of the proposal. Where a Local Transport Plan exists, it will inform any TTA.

d) Ensure that all new vehicular accesses are designed to appropriate standards of visibility to ensure the safety of other road users.

e) Improve the standards and safety of public roads and to protect the investment of public resources in the provision, improvement and maintenance of the public road network.

f) Promote road safety measures throughout the County, including traffic calming, road signage and parking.

Section 12.16: *Strategic Road Infrastructure Investment:*

TM 12-13: National, Regional and Local Road Network:

d) Support the following projects identified in the RSES as strategic regional priorities to achieve NSO Enhanced Regional Accessibility:

- Cork Northern Transport Project.
- Improvements to the N71, N72, N73, inter regional and intra regional corridors,
- Access to Monard SDZ.
- N27 Cork-Cork International Airport.

h) Promote the improvement of strategic Regional and Local Roads throughout the County in accordance with the strategies identified for the main settlements in this plan.

k) Limit access to regional roads where appropriate so as to protect the carrying capacity of the network and have regard to safety considerations, particularly where access to a lower category road is available.

o) Ensure that in the design of new development adjoining or near National, Regional or Local Roads, account is taken of the need to include measures that will serve to protect the development from the adverse effects of traffic noise for the design life of the development.

p) Control the proliferation of non-road traffic signage on and adjacent to national roads having regard to TII's 'Spatial Planning and National Roads Guidelines'.

Chapter 14: Green Infrastructure and Recreation:

Section 14.7: *Landscape*

Section 14.8: *Landscape Character Assessment of County Cork*

(The proposed development site is located within the '*Valleyed Marginal Middleground Landscape Character Type'*).

Chapter 15: Biodiversity and Environment:

Section 15.7: *Biodiversity Considerations for New Development or Other Activities:*

BE 15-6: Biodiversity and New Development:

Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities by:

a) Providing ongoing support and guidance to developers on incorporating biodiversity considerations into new development through preplanning communications and the Council's guidance document 'Biodiversity and the Planning Process – guidance for developments on the management of biodiversity issues during the planning process' and any updated versions of this advice;

b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;

c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;

d) Fulfilling Appropriate Assessment and Environmental Impact Assessment obligations and carrying out Ecological Impact Assessment in relation to development and activities, as appropriate;

e) Ensuring that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds,

watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats;

f) Ensuring that the implementation of appropriate mitigation (including habitat enhancement, new planting or other habitat creation initiatives) is incorporated into new development, where the implementation of such development would result in unavoidable impacts on biodiversity - supporting the principle of biodiversity net gain.

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.

Section 15.9: *Soil:*

Section 15.9.4: *Importation of Soil:*

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, there has been an increase in planning applications for soil importation to marginal farmland of inert C&D waste. Careful consideration needs to be given to the impacts of soil importation to areas with poorer soil and dis-used quarries. This process needs to be carefully managed to limit impacts to the environment. Any applications will be subject to robust assessment which will be managed through the development management process. 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.

Section 15.12: *Waste:*

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.

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

b) Support will be provided for locating suitable sites within the county for the safe disposal of construction and demolition waste in conjunction with the Southern Waste Region.

Chapter 16: Built and Cultural Heritage:

Section 16.2: *Archaeological Heritage:*

HE 16-9: Archaeology and Infrastructure Schemes:

All large scale planning applications (i.e. development of lands on 0.5 ha or more in area or 1km or more in length) and infrastructure schemes and proposed roadworks are subjected to an archaeological assessment as part of the planning application process which should comply with the Department of Arts, Heritage and the Gaeltacht's codes of practice. It is recommended that the assessment is carried out following pre planning consultation with the County Archaeologist, by an appropriately experienced archaeologist to guide the design and layout of the proposed scheme/development, safeguarding the archaeological heritage in line with Development Management Guidelines.

HE 16-13: Undiscovered Archaeological Sites:

To protect and preserve previously unrecorded archaeological sites within County Cork as part of any development proposals. The Council will require preservation in situ to protect archaeological monuments discovered. Preservation by record will only be considered in exceptional circumstances.

5.2. Natural Heritage Designations

5.2.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170), approximately 160m southeast and 510m northwest of the site.
- Bride / Bunaglanna Valley Proposed Natural Heritage Area (Site Code: 000079), approximately 6.1km west of the site.

- Blackwater Valley (The Beech Wood) Proposed Natural Heritage Area (Site Code: 001797), approximately 9.0km north of the site.
- Blackwater Valley (Cregg) Proposed Natural Heritage Area (Site Code: 001796), approximately 9.5km north of the site.
- Cregg Castle Proposed Natural Heritage Area (Site Code: 002050), approximately 9.9km north of the site.
- Blackwater Valley (Killathy Wood) Proposed Natural Heritage Area (Site Code: 001795), approximately 10.1km north-northwest of the site.
- Blackwater River Callows Proposed Natural Heritage Area (Site Code: 000073), approximately 10.3km north-northeast of the site.
- Blackwater Callows Special Protection Area (Site Code: 004094), approximately 10.8km north-northeast of the site.

5.3. EIA Screening

5.3.1. Please refer to the pre-screening and EIA screening (Forms 1 and 3) appended to this report.

5.3.2. The proposed development is sub-threshold for the purposes of Part 10 of the Planning and Development Regulations, 2001, as amended, by reference to Classes 1(c) and 11(b) of Part 2 of Schedule 5 of those Regulations.

- Class1(c): Development consisting of the carrying out of drainage and / or reclamation of wetlands where more than 2 hectares of wetlands would be affected.
- Class 11(b): Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.

5.3.3. The grounds of appeal have been accompanied by the information set out in Schedule 7A and Article 103 of the Regulations.

5.3.4. An EIA screening determination has been carried out and it is concluded that the proposed development would not be likely to have a significant effect on the environment and that an environmental impact assessment report is not required as follows:

5.3.5. Having regard to:

a) the nature and scale of the proposed development, which is below the thresholds in respect of Classes 1(c) and 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended,

b) the nature of the existing site and the pattern of development in the vicinity,

c) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations, 2001, as amended,

d) 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),

e) the criteria set out in Schedule 7 of the Planning and Development Regulations, 2001 (as amended), and

f) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the Natura Impact Statement.

5.3.6. It is concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

6.0 The Appeal

6.1. Grounds of Appeal

- The report of the Area Engineer has raised particular concerns as regards the need for southbound HGVs having to stop on the carriageway in order to wait for a gap in northbound traffic to enter the development site. It proceeds to state that there are solutions to these safety concerns such as the provision of turning lanes as seen at other junctions along the R639 Regional Road before recommending that permission be refused on the basis that any such works would be cost prohibitive for the applicant.

The appeal period does not allow sufficient time to prepare a Stage 1 & 2 Road Safety Audit (with the closure of schools and colleges over the summer break not being conducive to the carrying out of reliable traffic counts), however, this could have been prepared had the Planning Authority sought further information.

It is acknowledged that this is a busy section of regional road and that a site-specific traffic management solution is required (while the provision of turning lanes for the temporary facility proposed would likely be cost prohibitive). Therefore, on behalf of the applicant, MHL Consulting Engineers (specialising in traffic management) have designed an alternative approach as follows:

- The proposed development will utilise a 'left-in / left-out' access arrangement to be enforced through the provision of a hatched central median with 'Keep Left' flexible bollards (replacing the central solid white line for a distance of c. 70m either side of the proposed entrance). Additional road signage will be provided in advance of the entrance to inform drivers of the no-overtaking area. With this approach, only northbound vehicles will be able to enter the facility. Southbound vehicles will not be permitted to turn right into the site. This will avoid any interaction between traffic travelling in opposite directions. Vehicles leaving the site will have to turn left and head north along the R639 where they can either proceed to the motorway at Rathcormac or use the roundabout to turn and head south along the R639 (this roundabout is only c. 700m from the site entrance and thus is not an imposition on the applicant).
- Sightlines of up to 350m are available in both directions at the junction from a point set back 3.0m from the carriageway (in excess of the required 215m).
- It is not proposed to provide deceleration or acceleration lanes at the new entrance with the hard shoulder being hatched. If necessary, these can be provided, however, in line with current thinking, primarily relating to cyclists, they have been omitted.

- The entrance will be resurfaced with HRA (Hot Rolled Asphalt) or an approved equivalent from the edge of the carriageway to the proposed gate location and extending 1m outside the wheel-track of vehicles using the site. A wheelwash will be installed to ensure no material is brought onto the public road.
- The proposed facility will only operate during daylight hours.
- The facility will be temporary (c. 8-10 No. years in duration) at which time the road layout will revert to the current layout.

- It is noted that the lining of this section of the R639 was recently changed (August / September, 2024) with a solid white centreline replacing the former dashed white line in front of the application site. The provision of flexible bollards and a hatched central median to prevent overtaking will not impinge on other road users as this section of road should no longer be used for overtaking.
- It is considered that the proposed development can be delivered without contravening Objective Nos. TM 12-8 & TM 12-13 of the Cork County Development Plan. The proposal will involve:
  - The upgrading of an existing entrance onto the regional road and not the opening of a new entrance.
  - The carrying capacity of the roadway will not be affected.
  - The proposed 'left-in / left-out' arrangement (to be enforced through the provision of a hatched central median with 'Keep Left' flexible bollards) and appropriate signage will provide for the safe use of the entrance for both the facility's users and other road users.
- The accompanying Schedule 7A Environmental Impact Assessment Screening Report (included as Attachment 3) has concluded that the proposed development is subthreshold for the purposes of EIA i.e. the annual intake will not exceed 25,000 tonnes.

  The total volume of soil to be imported to the site will be less than 200,000 tonnes (i.e. 166,935 tonnes), which will include the recovery of inert soil and stone under permit, and product under article 27. It will not, alone or in

combination with other projects, have a significant effect on the environment. Therefore, an EIA is not required.

- In response to the concerns raised in the report of the County Ecologist that trees at the site entrance could be impacted by the proposed entrance upgrading works, the Board is referred to the accompanying tree survey data (Attachment 4) wherein it is indicated that 1 No. immature ash tree will be removed. The branches of immature sycamore trees on the eastern side of the hedgerow will also be pruned back to maintain sightlines – these sycamore trees are of poor quality, having been lopped off at approximately 3.2m above ground to provide clearance for telephone wires.

  Compensatory native tree planting will be carried out at the north-western corner of the site as per Drg. No. 4.1. Trees will be 8-10 No. years old (20 No.) and planted in two staggered rows 4m apart.

- In response to the concerns raised in the report of the Environmental Officer:

  1) Drg. Nos. 4.1 & 4.2 (Attachment 5) have been revised to show the location of silt fencing. This will be placed at the toe of the berm to be constructed along the western, northern and eastern perimeters of the site. Silt fencing is also proposed near the active fill area which will be moved as the filling advances through the site. Further short sections of silt fencing will be erected along the northern berm to slow and filter surface water flows.

  2) Drg. No. 7.4 (Attachment 5) provides a section through the berm and silt fencing which shows details of the typical arrangements.

  3) Drg. No. 4.2 has been revised to show the location of the quarantine area (an area measuring 5m x 10m in the southwest corner of the fill area where loads can be inspected and quarantined when necessary).

  4) A revised Waste Acceptance Docket is provided in Attachment 6.

  5) The Environmental Protection Agency published its *'National by-product criteria for greenfield soil & stone BP-N002/2024'* in July, 2024 with the accompanying Explanatory Notes following in August, 2024.

     Prior to acceptance of Article 27 material, the applicant will require a 'Statement of Conformity' from the material producer (pursuant to National

By-Product Criteria BP-N002/2024 and the accompanying Explanatory Notes). Once this has been received the applicant will produce an 'End User's Declaration', a signed copy of which will be transferred to the producer (please refer to the sample End User Declaration provided as Attachment 7).

The Explanatory Notes outline that the end user is required to maintain a system to record each load accepted from the source development. This record keeping system will remain on site and will be available for inspection at the facility. The Explanatory Notes require that the record keeping should include but not be limited to:

a) Completed chain of custody with a copy of the statement of conformity including unique load reference number.

b) Time and date of transfer from source development.

c) Vehicle type and registration number.

d) Actual or estimated tonnage.

The site will operate in compliance with the requirements set out above and will introduce a docketing system specifically for Article 27 material. Records will be maintained for a minimum of five years. A sample docket for Article 27 material is provided in Attachment 6.

- In response to the concerns raised by the County Archaeologist:
  - Geophysical testing and test trenching would have to be carried out under licence from the National Monuments Service. These would have to be applied for in series and would take several months to secure. Therefore, it is not possible to address any such requirement as part of the subject appeal.
  - There are no known archaeological features on or near the site – no sites listed in the Sites and Monuments Record or the National Inventory of Architectural Heritage. The nearest SMR site is 430m to the east where a 'Burnt Mound' is recorded (Ref. No. CO004-070---).
  - The applicant is amenable to the imposition of a condition requiring the completion of a geophysical survey to identify any potential undiscovered

archaeology. In addition, the applicant will accept conditions requiring the appointment of a licensed archaeologist to monitor topsoil stripping such that testing of 10-12% of the site would be redundant; the recording of any archaeology found; and the preservation of any finds *in situ*.

- The nature of the works proposed does not require excavation into the subsoils where archaeology might be present.

- The proposed development will have a relatively short, finite lifespan, contributing a relatively low volume of HGV traffic to the regional road network. Traffic management measures can be implemented to ensure a left-in / left-out arrangement for all traffic using the facility, ensuring no interaction with south-bound traffic. HGVs will approach the site from the south and head north on exit. The roundabout located 700m to the north on the R639 can be used to access the motorway or to head south on the R639.

6.2. Planning Authority Response

- Having reviewed the appeal and the revised entrance proposals, the proposed development is not acceptable to the office of the Area Engineer for the following reasons:

  - The left in / left out movement cannot reasonably be controlled or enforced.

  - Facilities such as that proposed tend to regularly have drivers access the site who have not previously done so. Despite the best efforts of the facility to educate and direct drivers, they will not be able to control these movements.

  - This is a high speed / high volume section of road and the flexible “keep left” bollards are unsuitable.

  - The introduction of slowing trucks on the main through lane running north is also a significant concern.

  Despite the proposed 8-10 year lifespan of the facility, for the reasons set out above, the additional risk proposed to traffic cannot be adequately mitigated and is not acceptable for any period of time.

- The applicant has referred to recent lining changes at the frontage of the site, however, this section of roadway was actually the subject of full road surface renewal as the road surface was in poor condition. This road has been progressively resurfaced as part of annual programs for the past number of years and into future years.
- It is the opinion of the Area Engineer's Office that the only safe option for the proposed use at this location is to provide proper turning lane arrangements, which the applicant has acknowledged would likely be cost prohibitive for the operation in question.

6.3. **Observations**

None.

6.4. **Further Responses**

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Traffic implications
- Appropriate assessment
- Water Framework Directive screening

These are assessed as follows:

7.2. **The Principle of the Proposed Development:**

7.2.1. It is not uncommon in rural areas for landowners to seek to improve the quality of their agricultural lands by way of raising the level of same through the importation and re-grading of suitable inert material. In this respect, the subject proposal seeks permission to import 111,290m^3 / c. 166,395 No. tonnes of inert (uncontaminated)

soil and stone under permit, and as a product under Article 27 of the European Communities (Waste Directive) Regulations, 2011, as amended, from construction projects in the wider area (including in and around Cork City) in order to raise ground levels for the purpose of recontouring the lands and improving their agricultural use. In support of the proposed development, the application has been accompanied by a 'Site Assessment Report' prepared by Ceres Consulting (Consultants in Agriculture) which states that the lands in question are of limited agricultural use at present and would benefit from improvement to bring them into greater agricultural productivity. Reference is also made to the raising of ground levels and recontouring as providing for a greater underlying soil structure and improved drainage along with increased productivity and safer agricultural practices / usage.

7.2.2. Having conducted a site inspection, and following a review of the available information, it is clear that while much of the application site presently comprises well-drained improved grassland that is suitable as pasture, the presence of wet grassland and a series of field drains within the northern extent of the site suggests poor underlying ground / drainage conditions as is supported by reference to the available subsoil mapping (GSI & EPA) which records poorly drained Sandstone till (Devonian) underlying these lands. In addition, the pronounced dip in the north-western corner of the wider site serves to inhibit more productive use of these lands for agricultural purposes and thus the re-grading / re-contouring of this area to achieve a more even surface would likely be of benefit. It is of further relevance to note that the Planning Authority appears to have been satisfied that the subject site comprises 'marginal' agricultural land and thus the principle of improving same in the manner proposed would be open for consideration pursuant to Objective BE 15-17(a) of the County Development Plan.

7.2.3. Accordingly, on the basis of the submitted plans and particulars, and subject to the further assessment of the potential impact of the proposal on traffic considerations, I would accept that the importation of suitable clean inert soil and stone as proposed, in combination with the appropriate re-grading of the lands, would benefit the site's overall agricultural use and would accord with the provisions of Section 15.9.4 and Objective BE 15-17(a) of the Development Plan. The proposed development is, therefore, acceptable in principle at this location.

7.3. **Traffic Implications:**

7.3.1. The proposed development involves the importation of 111,290m^3 / c. 166,395 No. tonnes of inert (uncontaminated) soil and stone to the site via the R639 Regional Road (the former N8 National Road) over an 8 – 10 No. year period. It is envisaged that the annual intake will be between 17,000 and 20,000 No. tonnes which will generate up to 1,333 No. loads per annum or c. 26 No. (15-tonne) loads per week on average (although it is expected that this will fluctuate depending on the level of construction activity). Therefore, it can be inferred that the proposed development will generate up to 2,666 No. HGV movements to / from the site per annum or c. 52 No. such movements per week (exclusive of any trip generation attributable to staff or other movements to / from the site which would likely be comparatively minor and / or negligible), although realistically I would expect a variable number of vehicles to access the site at any given time during the works period due to fluctuations in the demand for the disposal of material arising from construction projects in the wider area (including in and around Cork City).

7.3.2. From a review of the available information, it is apparent that the pertinent issue from a traffic safety perspective concerns the potential impact of the traffic turning movements consequent on the proposed development on the safety and free flow of traffic along this section of the R639 Regional Road which has a posted speed limit of 100kph. In this regard, I would advise the Commission that the decision to refuse permission has been informed in large part by the report of the Local Authority Area Engineer which states that the existing road carries a significant amount of traffic (which avoids the toll on the M8 Motorway between Watergrasshilll and Fermoy) before raising particular concerns as regards the need for HGVs / trucks approaching the site from the north having to stop on the carriageway and await a gap in the northbound traffic lane in order to enter the facility. The report further states that a combined Road Safety Audit (Stage 1 & 2) would be required to address the road safety issues arising with the probable requirement for the provision of extensive auxiliary turning treatments to facilitate traffic turning movements at the site entrance (as is evident at other junctions along the roadway) likely proving to be cost prohibitive (while also noting that the necessary landtake may not be available to accommodate any such works). Although the subsequent recommendation to refuse permission is based on the assumption that the works

required to make the road safe for the anticipated traffic turning movements would likely be cost prohibitive, the Area Engineer's report actually recommends that permission be refused on the basis that the proposed development would endanger public safety by reason of traffic hazard as it would involve the making of a further access point onto a road where the traffic movements likely to be generated would interfere with the safety and free of traffic on that road. In this regard, it could perhaps be inferred that the Area Engineer would not be amenable to permitting the proposed development in the absence of the identified auxiliary turning treatments for reasons of traffic safety. Upon consideration of the foregoing, the rationale for the decision to refuse permission was refined further and can be summarised as stating that the proposed development would endanger public safety by reason of traffic hazard as the associated trip generation would interfere with the safety and free flow of traffic along a busy regional road contrary to the provisions of the Development Plan.

7.3.3. In an effort to address the Planning Authority's concerns, the grounds for appeal have been accompanied by amended proposals which include for a 'left-in / left-out' access arrangement to be enforced through the provision of a hatched central median with 'Keep Left' flexible bollards along the public road (replacing the central solid white line for a distance of c. 70m either side of the proposed entrance). Road signage is also to be provided in advance of this entrance arrangement to inform drivers of the no-overtaking area. By way of elaboration, it has been submitted that this arrangement will ensure that only northbound traffic is able to enter the site as southbound traffic will be prevented from making a right-hand turn off the road (thus negating the possibility for traffic approaching the proposed development from the north and any associated requirement for vehicles having to stop on the carriageway to await a gap in the northbound lane in order to enter the site). The aforementioned measures will also have the effect of avoiding interaction between traffic travelling in opposite directions along this section of roadway.

7.3.4. In response to the first party appeal, the Planning Authority has reiterated its objection to the proposed development and has further indicated that the revised entrance proposals continue to be unacceptable to the Area Engineer. It has been submitted that the proposed left-in / left-out arrangement cannot reasonably be controlled or enforced and that the flexible "keep left" bollards are unsuitable for this

high speed / high volume section of roadway. Further concerns are raised as regards the introduction of slowing trucks along the main northbound carriageway. In the opinion of the Area Engineer, the traffic risk arising cannot be adequately mitigated and is not acceptable for any period of time with the only safe option for the proposed use at this location considered to be the provision of proper turning lane arrangements (which would likely be cost prohibitive for the operation in question).

7.3.5. With respect to the proposal as initially submitted to the Planning Authority, it is of relevance at the outset to note that this section of the R639 Regional Road (the former N8 National Road) is subject to a speed limit of 100kph and has been described as carrying a significant amount of traffic which seeks to avoid the toll on the M8 Motorway between Watergrasshilll and Fermoy. The roadway itself is in good condition with both the northbound and southbound lanes well defined by a continuous white centreline and hard shoulders while road improvement works, including resurfacing and relining, have been completed comparatively recently. In this regard, while I would acknowledge that the R639 Regional Road appears to be heavily trafficked and is subject to high traffic speeds, it is my opinion that it has sufficient carrying capacity to accommodate the additional traffic volumes and trip generation consequent on the proposed development. However, given the scale, nature and duration of the proposed development, concerns arise as regards the number of traffic turning movements expected to be generated onto and off the main carriageway, with particular reference to those attributable to slow-moving Heavy Goods Vehicles. The access arrangement as initially proposed would allow both northbound and southbound traffic to enter / exit the site without restriction thereby providing for right-hand turning movements by HGVs onto and off the carriageway. This would entail vehicles having to slow down within the traffic lane to enter the site while HGVs approaching the site from the north would have to stop on the carriageway and await a gap in northbound traffic in order to enter the facility thereby interfering with the free flow of traffic along this regional route. Similarly, caution would have to be exercised by road users as regards slower moving traffic exiting the site onto the public road. The absence of a Road Safety Audit is this instance is regrettable, however, the Planning Authority is of the opinion that the nature of the proposed development would require the provision of extensive auxiliary lane turning

treatments at the site entrance (likely comprising a deceleration (northbound) lane and a dedicated right hand turning lane (southbound) crossing the divide).

7.3.6. At this point, I would draw the Commission's attention to its determination of ABP Ref. No. ABP-314995-22 wherein it approved the importation of up to 186,247 No. tonnes of inert soil and stone, for a duration of eight years, for the purpose of raising the levels of a disused quarry in order to improve the agricultural output of that land, all at Scartbarry, Watergrasshill, Co. Cork, approximately 1.2km southwest of the subject site. In that instance, access to the development was to be obtained directly from Local Road No. L-5782 via its junction with the R639 Regional Road, a short distance away. Notably, that junction arrangement includes a deceleration lane off the northbound carriageway in addition to a dedicated right-hand turning lane (with hatching) off the main roadway for vehicles approaching from the north. In my opinion, it is the presence of these 'auxiliary lane turning treatments' which serve to safely accommodate the traffic turning movements (with particular reference to HGVs) while preserving the free-flow of traffic along this section of busy regional road.

7.3.7. For comparison purposes, a deceleration lane is also in place at the junction of Local Road No. L90802 with the R639 Regional Road at Curraghprevin, approximately 500m northeast along the main road from the proposed site entrance.

7.3.8. In contrast, it is of note that an earlier proposal lodged under PA Ref. No. 049386, which sought permission for the importation of c. 10,000m^3 of fill to regrade agricultural land at Blackstone Bridge, Watergrasshill, Co. Cork, approximately 1km southwest of the subject site, was refused permission by the Planning Authority (in 2005) on the basis that the proposed development *"would result in an unacceptable traffic hazard given the substantial vehicular movements which would be necessitated onto and off a national primary route during the construction phase of the proposed development".* In that case, the proposed development was to have been accessed via a minor roadway which extended from its junction with the then N8 National Road in the absence of any deceleration or right-hand turning lanes off the main carriageway. While I would acknowledge that the primary roadway has since been downgraded to regional status (R639), it nevertheless remains a heavily trafficked route subject to a speed limit of 100kph.

7.3.9. On balance, I am inclined to concur with the assessment by the Planning Authority that the traffic turning movements expected to be generated by the proposed development (as originally submitted) onto and off this heavily trafficked section of regional road where a speed limit of 100kph applies would interfere with the safety and free flow of traffic thus endangering public safety by reason of traffic hazard. In this respect, I refer to the scale and extended duration of the proposed works (8-10 No. years) along with the volume of HGV traffic arising and note that comparable developments in the immediate locality have only been permitted where the junction layout on the regional road includes for dedicated turning lanes off the main carriageway onto the minor service road. Given the potential for traffic conflicts at the site entrance due to northbound and southbound traffic having to slow or stop on the main carriageway in order to enter the facility, and in the absence of any proposals supported by a Road Safety Audit for the provision of auxiliary turning lanes at the junction with the proposed site access, I am not satisfied that the proposed development would not give rise to a traffic hazard.

7.3.10. Notably, the applicant is not entirely dismissive of the desirability of providing dedicated turning lanes but has rather suggested that any such works would likely be cost-prohibitive given the temporary nature of the infilling project, although the Planning Authority has also queried whether the land is available for any such temporary traffic management measures.

7.3.11. With respect to the amended proposals submitted with the grounds of appeal which provide for a ‘left-in / left-out’ access arrangement to be enforced through the provision of a hatched central median with ‘Keep Left’ flexible bollards along the public road thereby negating southbound traffic from performing a right hand turn into the facility, I would concur with the Planning Authority as regards the inappropriateness of such works given the high traffic volumes and high speeds along this section of roadway. Furthermore, it appears that the newly proposed traffic management measures have not taken account of the implications for the existing agricultural entrance located directly across from the site access on the opposite side of the roadway. More specifically, the proposed installation of the central median and ‘Keep Left’ bollards would prevent right-hand turning movements into and out of this existing entrance thereby interfering with the agricultural use of the affected lands (which are outside of the applicant’s control).

7.3.12. In my opinion, it would not be appropriate to allow either the installation of new turning lanes (the preferred option of the Planning Authority) or the temporary traffic management measures proposed in the grounds of appeal without first affording third parties the opportunity to make submissions / observations in respect of same. Neither of these options was proposed as part of the application determined by Cork County Council nor are they supported by an adequate level of road safety assessment. They have not been subjected to a suitable level of scrutiny by either interested third parties or the Planning Authority itself.

7.3.13. Therefore, in the absence of a satisfactory access arrangement, I am not satisfied that the traffic turning movements generated by the proposed development would not interfere with the safety and free flow of traffic along this heavily trafficked section of the R639 Regional Road, which is subject to a speed limit of 100kph, and would not endanger public safety by reason of traffic hazard contrary to Objectives TM 12-8 and TM 12-13 of the Cork County Development Plan, 2022.

7.4. **Appropriate Assessment:**

7.4.1. **Screening Determination:**

Finding of likely significant effects:

In accordance with Section 177U of the Planning and Development Act, 2000 (as amended) and on the basis of information considered in this AA screening, I conclude that it is not possible to exclude that the proposed development alone [or in combination with other plans and projects] will give rise to significant effects on the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170) in view of the site's conservation objectives. Appropriate Assessment is required.

7.4.2. This determination is based on:

- The information presented in the 'Screening Report for Appropriate Assessment' and the Natura Impact Statement submitted with the application;
- The zone of influence of potential impacts;
- The Qualifying Interests and Conservation Objectives of the European Site;

- The hydrological pathway connecting the project site to the River Bride and the SAC to the north; and
- The requirement for mitigation measures to avoid / reduce potential harmful effects on the Qualifying Interests of the European Site.

7.4.3. **Stage 2 Appropriate Assessment:**

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork / Waterford) Special Area of Conservation in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U / 177AE was required.

7.4.4. Following an examination, analysis and evaluation of the NIS and all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Blackwater River (Cork / Waterford) Special Area of Conservation can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

7.4.5. My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork / Waterford) Special Area of Conservation.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures if permission is granted.

7.5. **Water Framework Directive Screening:**

7.5.1. I have concluded, on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its

WFD objectives and consequently can be excluded from further assessment (refer to form in attached appendix for details).

8.0 Recommendation

8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be upheld in this instance and that permission be refused for the proposed development for the reasons and considerations set out below:

9.0 Reasons and Considerations

1. Having regard to nature, scale and duration of the proposed development, and the location of the site access off a heavily trafficked section of the R639 Regional Road at a point where a speed limit of 100km/h applies, it is considered that the traffic turning movements generated by the proposed development would interfere with the safety and free flow of traffic on the public road and thus the proposed development would endanger public safety by reason of traffic hazard. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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.

Robert Speer
Senior Planning Inspector

25th August, 2025

Form 1 - EIA Pre-Screening

Case Reference	ABP-320784-24
Proposed Development Summary	The importation and recovery of inert soil and stone under permit, and as a product under article 27, to raise ground levels in order to improve the agricultural potential of the land with access from an existing entrance off Regional Road R639 (the former N8). The proposed development includes for the upgrading of the existing field entrance, construction of temporary haul roads, installation of surface water management measures, site signage, installation of a site office and wheelwash for the duration of the works, and all ancillary site works.
Development Address	Curraghprevin, Rathcormac, Co. Cork
	In all cases check box /or leave blank
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.

involving the extraction of mineral resources)	
2. Is the proposed development of a CLASS specified in <u>Part 1</u>, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
☐ Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here.
☒ No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
☐ No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. **No Screening required.**	
☐ Yes, the proposed development is of a Class and meets/exceeds the threshold.	

EIA is Mandatory. No Screening Required	
☒ Yes, the proposed development is of a Class but is sub-threshold. **Preliminary examination required. (Form 2)** **OR** **If Schedule 7A information submitted proceed to Q4. (Form 3 Required)**	Class1(c) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended: - Development consisting of the carrying out of drainage and / or reclamation of wetlands where more than 2 hectares of wetlands would be affected. The proposed development involves the importation and recovery of 111,290m^3 / c. 166,395 No. tonnes of inert soil and stone (uncontaminated) for the purposes of raising ground levels and the agricultural improvement of land. The extent of any potential wetlands affected is less than 2 hectares at approximately 1.5 hectares. Class 11(b) of Part 2 of Schedule 5 of the Planning and Development Regulations, 2001, as amended: - *Installations for the disposal of waste with an annual intake greater than 25,000 tonnes not included in Part 1 of this Schedule.* The proposed development involves the importation and recovery of 111,290m^3 / c. 166,395 No. tonnes of inert soil and stone (uncontaminated) under permit and as a product under Article 27 of the European Communities (Waste Directive) Regulations, 2011, as amended, for the purposes of raising ground levels and the agricultural improvement of land. The material will be deposited over an 8 – 10 No. year period and it is anticipated that the annual intake will be between 17,000 and 20,000 No. tonnes. It has not been categorically confirmed that all material imported will be done so under an Article 27

	declaration and therefore the proposal may involve the disposal of waste. *N.B.* The provisions of Class 1(a) of Part 2 of Schedule 5 of the Regulations (i.e. Projects for the restructuring of rural land holdings, undertaken as part of a wider proposed development, and not as an agricultural activity that must comply with the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011, where re-contouring is above 5 hectares) do not apply as the proposed development is intended for agricultural purposes. Although the development exceeds a threshold for EIA under the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 (as amended) as it is >5ha in area, the Commission is not the competent body as regards same (the competent body instead being the Department of Agriculture, Food and the Marine).

4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes ☒	**Screening Determination required (Complete Form 3)**
No ☐	**Pre-screening determination conclusion remains as above (Q1 to Q3)**

Inspector: _____ **Date:** _____

Form 3 - EIA Screening Determination

A. CASE DETAILS		
An Bord Pleanála Case Reference	ABP-320784-24	
Development Summary	The importation and recovery of inert soil and stone under permit, and as a product under article 27, to raise ground levels in order to improve the agricultural potential of the land with access from an existing entrance off Regional Road R639 (the former N8). The proposed development includes for the upgrading of the existing field entrance, construction of temporary haul roads, installation of surface water management measures, site signage, installation of a site office and wheelwash for the duration of the works, and all ancillary site works.	
	Yes / No / N/A	**Comment (if relevant)**
1. Was a Screening Determination carried out by the PA?	No.	The report of the case planner recommends that the applicant be requested to submit the information specified in Schedule 7A of the Planning and Development Regulations, 2001, as amended, for the purposes of a screening determination.
2. Has Schedule 7A information been submitted?	Yes.	Provided with the grounds of appeal (Attachment 3: 'Schedule 7A EIA Screening Report').
3. Has an AA screening report or NIS been submitted?	Yes.	Screening Report for Appropriate Assessment and Natura Impact Statement.
4. Is a IED/ IPC or Waste Licence (or review of licence) required from the EPA? If YES has the EPA commented on the need for an EIAR?	No.	
5. Have any other relevant assessments of the effects on the environment which have a significant bearing on the project been carried	Yes.	Cork County Development Plan, 2022-28 was subject to: - Strategic Environmental Assessment - Strategic Flood Risk Assessment - Appropriate Assessment Screening Report & Natura Impact Report

out pursuant to other relevant Directives – for example SEA		- Appropriate Assessment Final Report & Appropriate Assessment Conclusion Statement	
B. EXAMINATION	**Yes/ No/ Uncertain**	**Briefly describe the nature and extent and Mitigation Measures (where relevant)** (having regard to the probability, magnitude (including population size affected), complexity, duration, frequency, intensity, and reversibility of impact) **Mitigation measures** –Where relevant specify features or measures proposed by the applicant to avoid or prevent a significant effect.	**Is this likely to result in significant effects on the environment?** **Yes/ No/ Uncertain**
This screening examination should be read with, and in light of, the rest of the Inspector's Report attached herewith			
1. Characteristics of proposed development (including demolition, construction, operation, or decommissioning)			
1.1 Is the project significantly different in character or scale to the existing surrounding or environment?	No.	The proposed development involves the importation and recovery of inert soil and stone (uncontaminated) for the purposes of raising ground levels and agricultural improvement. Upon completion of the filling activities, the lands will be sown with grass and allowed to return to agricultural use. There is a clear consistency in the nature of development in the surrounding area, primarily comprising agricultural grassland.	No.
1.2 Will construction, operation, decommissioning or demolition works cause physical changes to the locality (topography, land use, waterbodies)?	Yes.	The proposed development involves the importation and recovery of inert soil and stone (uncontaminated) for the purposes of raising ground levels and agricultural improvement. It includes for the re-grading of the site to achieve a more even surface and the infilling of an existing depression within the north-western corner of the site (fill levels of up to 3m are proposed with an average fill depth of c. 2m over an area of approximately 5.45 hectares).	No.

		Standard surface water management measures will be used to prevent silt-laden surface water runoff from reaching adjacent watercourses / drains. These include the establishment of buffer zones, the construction of an earthen berm between the fill area and the drains / stream, the use of silt fencing, the phasing of the works, and the diversion of surface water to the low point of the site where it will be trapped and allowed to percolate into the soil. Underlying groundwaters will be separated from the surface by the deposited inert soil material and existing underlying soil layers which will provide a significant buffer for the attenuation and natural treatment of any surface waters percolating to ground.	
1.3 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?	Yes.	The proposed development involves the importation of clean inert soil and stone for the purposes of raising ground levels and agricultural improvement. The lands will be sown with grass and returned to agricultural use upon completion.	No.
1.4 Will the project involve the use, storage, transport, handling or production of substance which would be harmful to human health or the environment?	Yes.	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 the activities proposed. Any impacts would be local and temporary in nature and the implementation of standard best practice construction measures as outlined would satisfactorily mitigate potential impacts. Fuel will not be stored on site with plant & machinery refuelled from road tankers in a designated area with an appropriate spill apron and spill kits provided on site.	No.
1.5 Will the project produce solid waste, release pollutants or any hazardous / toxic / noxious substances?	No.	The proposed development involves the importation of clean inert soil and stone only. The permit holder will operate a waste acceptance procedure to ensure that only clean / inert soil	No.

		and stone is deposited at the site while biosecurity protocols will be put in place to prevent the transfer or mobilisation of non-native invasive species. The operation of plant & machinery will require the use of potentially harmful materials such as fuels and similar substances. Use of such materials would be typical for the activities proposed. Noise and dust emissions during the works are likely. Any impacts would be local and temporary in nature and the implementation of standard best practice construction measures as outlined would satisfactorily mitigate potential impacts.	
1.6 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?	No.	Standard surface water management measures will be used to prevent silt-laden surface water runoff from reaching adjacent watercourses / drains. These include the establishment of buffer zones, the construction of an earthen berm between the fill area and the drains / stream, the use of silt fencing, the phasing of the works, and the diversion of surface water to the low point of the site where it will be trapped and allowed to percolate into the soil. The implementation of standard best practice construction measures as outlined, including refuelling within a designated area with an appropriate spill apron, the use of spill kits and drip trays, and dust suppression, would satisfactorily mitigate potential impacts. Underlying groundwaters will be separated from the surface by the deposited inert soil material and existing underlying soil layers which will provide a significant buffer for the attenuation and natural treatment of any surface waters percolating to ground.	No.

1.7 Will the project cause noise and vibration or release of light, heat, energy or electromagnetic radiation?	Yes.	The on-site activities are likely to give rise to noise and dust emissions. Such emissions will be localised and short term in nature and their impacts can be suitably mitigated through adherence to standard practice construction practices as outlined.	No.
1.8 Will there be any risks to human health, for example due to water contamination or air pollution?	No.	The surface water management and best practice pollution prevention measures will satisfactorily mitigate any potential impacts on water quality. The development is likely to give rise to noise & dust emissions. Such impacts would be temporary and localised in nature and the application of standard measures to control same would satisfactorily address potential risks on human health.	No.
1.9 Will there be any risk of major accidents that could affect human health or the environment?	No.	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.	No.
1.10 Will the project affect the social environment (population, employment)	No.	The development would not result in an increase in population but may marginally increase employment in the area.	No.
1.11 Is the project part of a wider large scale change that could result in cumulative effects on the environment?	No.		No.
2. Location of proposed development			
2.1 Is the proposed development located on, in, adjoining or have the potential to impact on any of the following: - European site (SAC/ SPA/ pSAC/ pSPA) - NHA/ pNHA - Designated Nature Reserve - Designated refuge for flora or fauna	Yes.	The nearest natural heritage designations are listed in Section 5 of this report with European Sites considered further in the 'Report for Appropriate Assessment' and 'Natura Impact Statement'. The proposed development would not result in significant impacts to any protected sites, including those downstream.	No.

- 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			
2.2 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 affected by the project?	No.	The proposed development would not result in significant impacts to protected, important tor sensitive species. Habitats within the project site are dominated by pasture and wet grassland. Surveys have not identified any field signs indicating the presence of otters either on site or along adjacent drains / watercourses. The drains on site were choked with vegetation and not considered representative of optimal foraging habitat for otters.	No.
2.3 Are there any other features of landscape, historic, archaeological, or cultural importance that could be affected?	No.	No evidence of historical / archaeological features on the site.	No.
2.4 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.	No other such resources not already outlined by the submitted AA Screening Report & NIS are on or close to the site. Article 5(1) of the Planning and Development Regulations, 2001, as amended, defines "Wetlands" as '*natural or artificial areas where biogeochemical functions depend notably on constant or periodic shallow inundation, or saturation, by standing or flowing fresh, brackish or saline water'*. The area of 'wet grassland' proposed to be infilled would not appear to accord with the aforementioned definition while the extent of the lands involved is noticeably below the applicable threshold.	No.
2.5 Are there any water resources including surface waters, for example: rivers, lakes/ponds, coastal or groundwaters which could be affected	Yes.	The site is bounded by a field drain to the west and a drainage ditch / stream to the north which ultimately drain to the River Bridge to the north.	No.

by the project, particularly in terms of their volume and flood risk?		The surface water management and best practice pollution prevention measures will satisfactorily mitigate any potential impacts on water quality. The Flood Risk Assessment has established that the development will not change the runoff characteristics of the lands and will not result in any increased flood risk downstream.	
2.6 Is the location susceptible to subsidence, landslides or erosion?	No.		No.
2.7 Are there any key transport routes (e.g. 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?	No.	The site is served by the R639 Regional Road (the former N8 National Road) west of the M8 Motorway. The increase in HGV traffic along the regional road consequent on the development is expected to be minor.	No.
2.8 Are there existing sensitive land uses or community facilities (such as hospitals, schools etc) which could be affected by the project?	No.		No.
3. Any other factors that should be considered which could lead to environmental impacts			
3.1 Cumulative Effects: Could this project together with existing and/or approved development result in cumulative effects during the construction/ operation phase?	No.	A further soil recovery project is located approximately 1.2km to the south at Scartbarry, however, no significant cumulative environmental effects are considered likely.	No.
3.2 Transboundary Effects: Is the project likely to lead to transboundary effects?	No.		No.
3.3 Are there any other relevant considerations?	No.		No.
C. CONCLUSION			
No real likelihood of significant effects on the environment.	**Agreed**	EIAR Not Required	
Real likelihood of significant effects on the environment.	☐	EIAR Required	

D. MAIN REASONS AND CONSIDERATIONS

Having regard to:

a) the nature and scale of the proposed development, which is below the thresholds in respect of Classes 1(c) and 11(b) of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended.
b) the nature of the existing site and the pattern of development in the vicinity,
c) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001, as amended,
d) 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),
e) the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended), and
f) the features and measures proposed by the applicant that are envisaged to avoid or prevent what might otherwise be considered significant effects on the environment, including measures identified to be provided as part of the Natura Impact Statement,

The Board concluded that the proposed development would not be likely to have significant effects on the environment, and that an environmental impact assessment report is not required.

Inspector _____ **Date** _____

Approved (DP/ADP) _____ **Date** _____

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics **Case File: ABP-320784-24**	
Brief description of project	Normal Planning Appeal (First Party v. Decision). The importation and recovery of inert soil and stone under permit, and as a product under article 27, to raise ground levels in order to improve the agricultural potential of the land with access from an existing entrance off Regional Road R639 (the former N8). The proposed development includes for the upgrading of the existing field entrance, construction of temporary haul roads, installation of surface water management measures, site signage, installation of a site office and wheelwash for the duration of the works, and all ancillary site works. Please refer to Section 2.0 of the Inspector's Report.
Brief description of development site characteristics and potential impact mechanisms	The proposed development site is located in the rural townland of Curraghprevin, Co. Cork, where the surrounding landscape is dominated by a rolling patchwork of agricultural fields interspersed with intermittent instances / groupings of one-off rural housing, farmyards and associated outbuildings. It has a stated site area of 6.8 hectares and forms part of a larger agricultural field set as grassland (comprising improved grassland and some wet grassland) with access obtained directly from the R639 Regional Road (the former N8 National Road) via an existing field gate. It is bounded to the west by mature hedgerow and a field drain which flows northwards while a mature tree line and drainage ditch define the

	northern site boundary with the remainder of the site perimeter not physically defined. The site topography is characterised by a gentle rise on travelling north / northwest from the public road before falling towards the northern site boundary (with a pronounced dip in the north-western corner of the wider site area) while a series of field drains within the northern extent of the site area suggest poor underlying ground / drainage conditions. Adjacent lands are in agricultural use. The development includes for the importation and recovery of 111,290m^3 / c. 166,395 No. tonnes of inert soil and stone (uncontaminated) under permit and as a product under Article 27 of the European Communities (Waste Directive) Regulations, 2011, as amended, for the purposes of raising ground levels and the agricultural improvement of the land. This will entail the re-grading / re-contouring of the site to achieve a more even surface and the infilling of an existing depression within the north-western corner of the site (fill levels of up to 3m are proposed with an average fill depth of c. 2m over an area of approximately 5.45 hectares). The material will be deposited over an 8 – 10 No. year period with the work undertaken in six phases. It is anticipated that the intake will be between 17,000 and 20,000 No. tonnes per annum. The drainage ditches along the western and northern site boundaries are hydrologically connected via land drains to the Bride River to the north which forms part of the Blackwater River (Cork / Waterford) Special Area of

	Conservation (Site Code: 002170), approximately 160m southeast and 510m northwest of the site.
Screening report	Yes.
Natura Impact Statement	Yes.
Relevant submissions	*Ecology Unit (Cork County Council):* Following a review of the 'Screening Report for Appropriate Assessment' and the Natura Impact Statement submitted with the application, it has been concluded that the measures outlined in the NIS will be sufficient to mitigate any significant adverse effects to the integrity of the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170).

The planning application was accompanied by the following documentation:

- Screening Report for Appropriate Assessment
- Natura Impact Statement
- Closure Plan
- Flood Risk Assessment Report
- Environmental Risk Management
- Accident Prevention & Emergency Response Procedures
- Biosecurity Procedures
- Site Assessment Report

The grounds of appeal include the following:

- Schedule 7A EIA Screening Report
- Traffic Management Measures
- Tree Survey Data

Step 2. Identification of relevant European sites using the Source-Pathway-Receptor model

The site is not located within or directly adjacent to any designated European sites.

The applicant's 'Screening Report for Appropriate Assessment' has identified European Sites within the zone of influence of the project as a result of indirect connections by using the Source-Pathway-Receptor model. It has been determined that the Blackwater River (Cork / Waterford) Special Area of Conservation is the only European Site within the zone of influence on account of indirect hydrological pathways between the project site and the SAC arising from surface water discharges during the construction and operation phases.

There is no hydrological pathway connecting the project site to the Blackwater Callows Special Protection Area or any other European Site.

European Site (code)	**Qualifying interests Link to conservation objectives (NPWS, date)**	**Distance from proposed development (km)**	**Ecological connections**	**Consider further in screening Y/N**
Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	c. 160m southeast and 510m northwest of the site.	Indirect surface water connectivity. There is a hydrological pathway connecting the project site to the River Bride and the SAC to the north. There is no hydrological pathway connecting the project site to	Yes.

	Mediterranean salt meadows (Juncetalia maritimi) [1410] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0] Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096]		those sections of the SAC to the south.	

	Lampetra fluviatilis (River Lamprey) [1099] Alosa fallax fallax (Twaite Shad) [1103] Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Vandenboschia speciosa (Killarney Fern) [6985] Site_specific_cons_obj			

Ecological / field surveys found the project site to be dominated by a Wet Grassland (GS4) habitat and did not record the presence of any waterbirds associated with either the Blackwater Callows SPA or any other SPA in the wider geographical area surrounding the project site. Given the high swards occurring on site and its ungrazed nature, the site is not considered to provide suitable habitat for waterbirds of SPAs that are known to use grassland habitat for foraging and, therefore, the potential for a mobile species pathway between the proposed site and SPAs has been ruled out.

Surveys of the site and the stream to the north have not identified any field signs of otter activity while the water features within the site (field drains) are recorded as being choked with vegetation and not representative of optimal foraging habitat for otters. Accordingly, a mobile species pathway between the proposed site and the otter population of the Blackwater River SAC is not considered to occur.

The project site is hydrologically connected via land drains to the Bride River to the north which forms part of the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170), approximately 510m northwest of the site. There is no hydrological pathway connecting the project site is those sections of the SAC to the south.

It is anticipated that the existing underlying soil layers and the deposited inert material will provide a significant buffer for the attenuation and treatment of any surface waters percolating

to ground with the result that there will be no potential for the migration of pollutants (represented by sediment) to the groundwater body.

Although noise and vibration emissions have the potential to negatively impact biodiversity up to a distance of 300m, given the separation distances involved, the proposed works will not result in any noise or vibration disturbance of otters or any other qualifying species of the SAC.

Due to the separation distance between the SAC and the source of any dust emissions generated during the construction and operational phases, the potential for an air emission pathway connecting the project site to European sites can be ruled out.

The proposed development does not include for any night-time lighting and as such there will be no potential for light emission pathways to European Sites.

Given the separation distance between the project site and European Sites, and the presence of intervening hedgerow habitats, the proposed development will be screened from the SAC and will not give rise to any potential visual emissions / impact to qualifying species.

Step 3. Describe the likely effects of the project (if any, alone or in combination) on European Sites

There is no potential for direct effects.

However, given the indirect hydrologically connectivity identified by way of the Source-Pathway-Receptor model of risk assessment, impacts generated during the construction & operation phases of the proposed development require consideration.

The stretch of the River Bride to the north of the project site has not been mapped as containing 'suitable habitat' for Freshwater Pearl Mussel by the Conservation Objectives for the SAC and lies outside the catchment for that qualifying species.

AA Screening matrix

Site name **Qualifying interests**	**Possibility of significant effects (alone) in view of the conservation objectives of the site***	
	Impacts	**Effects**
Blackwater River (Cork / Waterford) SAC (Site Code: 002170)	Direct: None.	Sedimentation and the uncontrolled release of contaminated surface water

Blackwater River (Cork/Waterford) SAC | National Parks & Wildlife Service	Indirect: The presence of drains and streams draining the project site and conveying surface waters north to the River Bride establishes a hydrological pathway via surface waters to the Blackwater River (Cork / Waterford) SAC. In the absence of suitable design and control measures, the proposed development has the potential to result in emissions to surface waters. Potential impact mechanisms are the discharge of contaminated surface drainage waters / runoff during the construction works resulting in a deterioration in downstream surface water quality.	could result in the contamination of instream benthic fauna and epifauna which function as a prey resource for Atlantic Salmon, Lamprey species and White-Clawed Crayfish. The release of excessive sediment could have deleterious effects on spawning habitat for Annex II fish species. The toxic effect of contaminants, particularly hydrocarbons should they be released as a result of accidental spills during works, on feeding, growth, development and reproduction is known to cascade and bioaccumulate throughout the food chain affecting benthic fauna, fish, birds and mammals. In the event of discharge of pollutants from the project to the River Bride, there is the potential for in-combination effects with other approved

		projects in the surrounding area or other land uses (e.g. fertilization) to result in negative impacts to the SAC.
	Likelihood of significant effects from proposed development (alone): Yes.	
	Possibility of significant effects (alone) in view of the conservation objectives of the site* Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following are likely significant effects on European sites: - Surface water runoff during the construction & operation phase.	
Step 4 Conclude if the proposed development could result in likely significant effects on a European site		
It is not possible to exclude the possibility that proposed development alone would result in significant effects on the Blackwater River (Cork / Waterford) SAC (Site Code: 002170) from effects associated with the release of contaminated surface water during the proposed development activities and any consequential water quality deterioration. An appropriate assessment is required on the basis of the possible effects of the project 'alone'. Further assessment in-combination with other plans and projects is not required at screening stage.		

Stage 2: Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V [or S 177AE] of the Planning and Development Act 2000 (as amended) are considered fully in this section.
Taking account of the preceding screening determination, the following is an appropriate assessment of the implications of the proposed importation and recovery of inert soil and stone to raise ground levels in order to improve the agricultural potential of land in view of the relevant conservation objectives of the Blackwater River (Cork / Waterford) SAC (Site Code: 002170) based on scientific information provided by the applicant and considering expert opinion set out in observations on nature conservation. The information relied upon includes the following: • Natura Impact Statement prepared by Doherty Environmental Consultants Ltd. • Screening Report for Appropriate Assessment prepared by Doherty Environmental Consultants Ltd. • Site Assessment Report prepared by Ceres Consulting, Consultants in Agriculture • Closure Plan prepared by the applicant (Mallow Contracts Ltd.) • Flood Risk Assessment Report prepared by Keohane Geological & Environmental Consultancy • Environmental Risk Management (prepared on behalf of the applicant) • Accident Prevention & Emergency Response Procedures (prepared on behalf of the applicant) • Biosecurity Procedures prepared by Keohane Geological & Environmental Consultancy • Schedule 7A EIA Screening Report prepared by Keohane Geological & Environmental Consultancy • Tree Survey Data prepared by Keohane Geological & Environmental Consultancy I am satisfied that the information provided is adequate to allow for Appropriate Assessment. I am satisfied that all aspects of the project which could result in significant effects are considered and assessed in the NIS and mitigation measures designed to avoid or reduce any adverse effects on site integrity are included and assessed for effectiveness.

Submissions / Observations

Ecology Unit (Cork County Council): Following a review of the 'Screening Report for Appropriate Assessment' and the Natura Impact Statement submitted with the application, it was concluded that the measures outlined in the NIS would be sufficient to mitigate any significant adverse effects to the integrity of the Blackwater River (Cork / Waterford) Special Area of Conservation (Site Code: 002170).

Blackwater River (Cork / Waterford) SAC (Site Code: 002170):

Summary of Key issues that could give rise to adverse effects (from screening stage):

i. **the release of contaminated surface water during the proposed development activities and consequential water degradation (construction and operation)**

See Tables 3.1 & 5.1 of the NIS.

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary- inserted)**	**Potential adverse effects**	**Mitigation measures (summary) Section 6.1 of the NIS**
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	Maintain the favourable conservation condition. Habitat distribution: No decline, subject to natural processes. Habitat Area: Area stable or increasing, subject to natural processes.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation. Adverse effects on water quality in the River Bride have the potential to result in a reduction in the extent of the habitat occurring along watercourse in the wider vicinity of the project site. Adverse effects on water quality in the River Bride have the potential to result	Construction works to adhere to best practice guidance, including CIRIA guidance document C532 Control of water pollution from construction sites. Implementation of measures to avoid / minimise accidental spills. Implementation of emergency response planning procedures. Adherence to the Good Agricultural Practice Regulations, 2023 to mitigate the potential impact of nutrient applications associated with the agricultural use of the lands following completion of the infilling works.

		in a decline in the distribution of the habitat downstream along the River Bride.	
	Substratum composition: particle size range: The substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type (typically sands, gravels and cobbles).	The release of silt during the operation phase to the River Bride has the potential to combine with existing sources of excessive siltation to undermine the target for this attribute.	
	Water quality: Nutrients: The concentration of nutrients in the water column should be sufficiently low to prevent changes in species composition or habitat condition.	The inappropriate application / loss of nutrients upon completion of the works to seeded grassland / pasture could elevated nutrient concentrations within the River Bride.	
	Vegetation composition: typical species: Typical species of the relevant habitat sub-type should be present and in good condition.	The emission of pollutants to the River Bride as a result of the project has the potential to undermine this target.	
Austropotamobius pallipes (White-clawed Crayfish) [1092]	Maintain the favourable conservation condition.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation.	
	Distribution: No reduction from baseline.	Pollution to the River Bride could undermine the status of these waterbodies to support the species.	
	Population structure: recruitment: Juveniles and/or females with eggs in at least 50% of positive samples.	Pollution to the River Bride consequent on the proposed works or during the subsequent agricultural use of the site has the potential to undermine the population structure of the species occurring within these waterbodies downstream.	

	Water quality: At least Q3-4 at all sites sampled by EPA. Habitat quality: heterogeneity: No decline in heterogeneity or habitat quality	Pollution to the River Bride has the potential to adversely affect downstream water quality. Any discharge of silt-laden water downstream to the River Bride consequent on the proposed works or during the subsequent agricultural use of the site has the potential to undermine the species habitat heterogeneity.	
Petromyzon marinus (Sea Lamprey) [1095]	Restore the favourable conservation condition. Population structure of juveniles: At least three age/size groups present Juvenile density in fine sediment: Juvenile density at least 1/m²	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation. The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential to adversely affect the population structure of juvenile lamprey likely to occur along the River Bride. The emission of such pollutants to the River Bride will also have the potential to combine with other pressures (as set out in Section 4.2 of the NIS) to undermine the targets of the CO attribute. The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon	

		completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decrease in the density of juveniles in fine sediments along the River Bride downstream.	
	Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the extent and distribution of spawning beds.	
	Availability of juvenile habitat: More than 50% of sample sites positive	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a change to the availability of juvenile habitat.	
Lampetra planeri (Brook Lamprey) [1096]	Maintain the favourable conservation condition.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation.	

	Population structure of juveniles: At least three age/size groups of brook / river lamprey present	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential to adversely affect the population structure of juvenile lamprey likely to occur along the River Bride. The emission of such pollutants to the River Bride will also have the potential to combine with other pressures (as set out in Section 4.2 of the NIS) to undermine the targets of the CO attribute.	
	Juvenile density in fine sediment: Mean catchment juvenile density of brook / river lamprey at least 2/m²	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decrease in the density of juveniles in fine sediments along the River Bride downstream.	
	Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the extent and distribution of spawning beds.	

	Availability of juvenile habitat: More than 50% of sample sites positive	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a change to the availability of juvenile habitat.	
Lampetra fluviatilis (River Lamprey) [1099]	Maintain the favourable conservation condition.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation.	
	Population structure of juveniles: At least three age/size groups of brook / river lamprey present	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential to adversely affect the population structure of juvenile lamprey likely to occur along the River Bride. The emission of such pollutants to the River Bride will also have the potential to combine with other pressures (as set out in Section 4.2 of the NIS) to undermine the targets of the CO attribute.	
	Juvenile density in fine sediment: Mean catchment juvenile density of brook / river lamprey at least 2/m²	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application /	

		loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decrease in the density of juveniles in fine sediments along the River Bride downstream.	
	Extent and distribution of spawning habitat: No decline in extent and distribution of spawning beds.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the extent and distribution of spawning beds.	
	Availability of juvenile habitat: More than 50% of sample sites positive	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a change to the availability of juvenile habitat.	
Salmo salar (Salmon) [1106]	Maintain the favourable conservation condition.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation.	

	Adult spawning fish: Conservation Limit (CL) for each system consistently exceeded.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the numbers of adult spawning fish supported by the River Bride.	
	Salmon fry abundance: Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the mean catchment wide abundance value of salmon fry /5 min sampling supported by the River Bride.	
	Out-migrating smolt abundance: No significant decline.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the numbers of out-migrating smolt.	
	Number and distribution of redds: No decline in number and distribution of spawning redds due to anthropogenic cause.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the	

		inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in the number and distribution of redds.	
	Water quality: At least Q4 at all sites sampled by EPA.	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to result in a decline in water quality along the River Bride that would depress the Q-value of the watercourse.	
Lutra lutra (Otter) [1355]	Restore the favourable conservation condition.	The project site is hydrologically linked to the SAC via surface waters. There is the potential for the discharge of contaminated surface drainage waters / runoff to result in a deterioration in downstream surface water quality during both construction and operation.	
	Distribution: No significant decline.	The continued discharge of contaminated surface water to the River Bride could lead to a decline in otter prey species downstream of the surface water discharge point and lead to an effective decline in the distribution of otters along the stretch of river downstream.	
	Extent of freshwater (river) habitat: No significant decline. Length mapped	The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during	

	and calculated as 599.54km. Fish biomass available: No significant decline.	works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to undermine this target. The emission of pollutants to the River Bride downstream, such as silts and hydrocarbons, during works, and the inappropriate application / loss of nutrients upon completion of works to the seeded grassland, have the potential, in combination with other existing pressures to water quality, to undermine this target.	
Other QIs			
Estuaries [1130]	Not at risk.	Outside the zone of influence.	
Mudflats and sandflats not covered by seawater at low tide [1140]	Not at risk.	Outside the zone of influence.	
Perennial vegetation of stony banks [1220]	Not at risk.	Outside the zone of influence.	
Salicornia and other annuals colonising mud and sand [1310]	Not at risk.	Outside the zone of influence.	
Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]	Not at risk.	Outside the zone of influence.	
Mediterranean salt meadows (Juncetalia maritimi) [1410]	Not at risk.	Outside the zone of influence.	
Old sessile oak woods with Ilex and Blechnum in	Not at risk.	Outside the zone of influence & no pathway.	

the British Isles [91A0]		
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Not at risk.	Outside the zone of influence & no pathway.
Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]	Not at risk.	Outside the zone of influence & no pathway.
Alosa fallax fallax (Twaite Shad) [1103]	Not at risk.	Outside the zone of influence.
Vandenboschia speciosa (Killarney Fern) [6985]	Not at risk.	Outside the zone of influence & no pathway.

The above table is based on the documentation and information provided on the file, as well as information contained on the NPWS website, and I am satisfied that the submitted NIS has identified the relevant attributes and targets of the Qualifying Interests.

Assessment of issues that could give rise to adverse effects:

The discharge of contaminated surface drainage waters / runoff with a deterioration in downstream surface water quality during both construction and operation:

Given the hydrological link from the project site via land drains to the Bride River which forms part of the Blackwater River (Cork / Waterford) Special Area of Conservation, the potential arises for the discharge of contaminated surface waters / runoff to result in a deterioration in surface water quality downstream during both the construction and operation phases. Good water quality is necessary to maintain the Annex I habitat and the populations of Annex II animal species listed. Water quality degradation is the main risk from unmanaged site works where silt-laden water reaches surrounding drainage ditches and / or streams and flows into the main channel of the River Bride downstream. Decrease in water quality would compromise conservation objectives for the Annex I habitat and the populations of Annex II species listed above.

Following completion of the construction phase and the reversion of the site to agricultural use, the potential also arises for the inappropriate landspeading activities / application of

nutrients to seeded grassland / pasture to elevate nutrient concentrations within the River Bride thereby resulting in a deterioration in downstream surface water quality within the SAC.

Mitigation Measures:

Measures to control pollution & protect surface water quality:

Site Operations:

Adherence to best practice guidance during the construction phase of the project, with particular reference to the Construction Industry Research and Information Association (CIRIA) guidance document 'C532: Control of water pollution from construction sites'. During site operations, key requirements for the control of pollution risk will include measures for the safe storage of potentially polluting materials and the collection filtration and treatment of surface water runoff, including the following:

- Silt & Fines: A silt fence to be installed along the northern site boundary beyond the proposed boundary berm (and in advance of the creation of berm). The installation of this silt fence will accord with the specifications detailed in Section 18.6.2 of CIRIA guidance document 'Control of Water Pollution from Linear Construction Projects, Technical Guidance (C648)'. The geotextile / fabric membrane will be buried in a trench (measuring 100mm x 100mm) to ensure that water does not flow under the silt fence. The purpose of this membrane is to prevent any sediment discharge from draining north towards the drainage ditch. The presence of the silt fence prior to the creation of the berm and the subsequent presence of the silt fence and the berm will ensure no loss of silts and fines to adjacent water features. Additional silt fencing will be erected near the active fill area to remove silt near source.
- Silt & Fines: A minimum buffer distance of 10m will be provided between the works area and all surface water drainage ditches and watercourses.
- Silt & Fines: The silt fence will be maintained throughout the duration of the site operations (c. 8 No. years). Site management will be required to routinely monitor the integrity of the site fence and to make all necessary repairs and replacements such that its integrity and effectiveness is sustained throughout the duration of the project.

- Following installation of the silt fence and berm, the existing shallow drains extending into the project site will be blocked so there is no connectivity with the northern stream thereby eliminating this hydrological pathway.
- Fuel storage: No fuel to be stored on site. Plant and machinery will be refuelled from refuelling trucks.
- Refuelling of vehicles and machinery will be carried out on an impermeable surface (concrete pad) away from any surface water drain. The refuelling area will have an appropriate spill apron and spills will be provided on site.
- Vehicles and refuelling: Standing machinery will have drip-trays placed underneath to prevent oil and fuel leaks causing pollution.

Measures to avoid / minimise accidental spills:

- No potentially contaminating aqueous materials to be stored on site.
- Spill kits and oil absorbent material to be provided on site and personnel trained in their use.
- In the event of a spillage the following procedures will be implemented:
  - Assess the situation.
  - Check for ignition sources.
  - Use a spill kit to contain the spill.
  - Once the spill is contained remove all contaminated material to an impermeable plastic membrane liner.
  - Cover the contaminated material with the plastic membrane liner.
  - Store in a designated contaminated waste material area until the material can be disposed of off-site by an appropriately licenced waste contractor.

Emergency response planning:

Procedures for 'Environmental Emergency and Preparedness and Response' will be developed prior to commencement of construction. These will be implemented by the Contractor in order to minimise the potential for an environmental emergency incident to occur (such as the discovery of a fire within the site boundary, an uncontained spillage or loss of containment, or a discharge concentration of potential pollutants in excess of environmental trigger levels). General required emergency response actions will be posted at strategic locations across the site.

An accident investigation will be performed in accordance with procedures and an incident report will be logged.

Measures to control nutrient loss:

The potential impact of nutrient applications associated with the agricultural use of the site upon completion of the works will be mitigated through adherence to the Good Agricultural Practices Regulations, 2023. These regulations outline a range of measures to prevent water pollution arising as a result of the spread of approved quantities of organic nutrient on agricultural land. Measures include the establishment of buffer distances between areas receiving nutrient application and surface water bodies (e.g. a buffer distance of 10m is required between any surface watercourse and areas where nutrients are to be applied where the slope towards the watercourse exceeds 10%). Further requirements place restrictions on the manner of fertiliser application. For example, fertiliser cannot be applied to land that is:

- waterlogged;
- flooded or likely to flood;
- snow cover or frozen;
- where a heavy rain forecast is predicted within 48 hours of proposed landspreading; or
- where the ground slopes steeply and taking into account factors such as proximity to waters, soil condition, ground cover and rainfall there is a significant risk of causing water pollution.

The Regulations also restrict the method of fertiliser application with the intended aim of ensuring that only environmentally sensitive methods are used.

Upon completion of the works, the landowner will be required to install stock-proof fencing a minimum distance of 2m back from all drains and streams bounding the site. This is in line with the farming practices set out in the publication *'A Guide to Farming with Nature'* prepared as part of the Bride Project EIP Farm Habitat Management Guidelines.

All landspreading of digestate and soil conditioner will be subject to any future changes associated with future cycles of the Nitrates Directive and associated practices that will be required to be implemented as part of future Nitrates Regulations.

Having reviewed the mitigation measures set out in Section 6 of NIS, I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected habitats and species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented.

In-combination effects

I am satisfied that in-combination effects has been assessed adequately in the NIS. The applicant has demonstrated satisfactorily that no significant residual effects will remain post the application of mitigation measures and there is therefore no potential for in-combination effects.

Findings and conclusions

The applicant determined that following the implementation of mitigation measures the construction and operation of the proposed development alone, or in combination with other plans and projects, will not adversely affect the integrity of this European site.

Based on the information provided, I am satisfied that adverse effects arising from aspects of the proposed development can be excluded for the Blackwater River (Cork / Waterford) Special Area of Conservation. No direct impacts are predicted. Indirect impacts would be temporary in nature and mitigation measures are described to prevent ingress of silt laden surface water and other construction-related pollutants. The potential indirect impact of nutrient applications associated with the agricultural use of the site upon completion of the works will be mitigated through adherence to the Good Agricultural Practices Regulations, 2023. I am satisfied that the mitigation measures proposed to prevent adverse effects have been assessed as effective and can be implemented and conditioned if permission is granted.

Reasonable scientific doubt

I am satisfied that no reasonable scientific doubt remains as to the absence of adverse effects.

Site Integrity

The proposed development will not affect the attainment of the Conservation objectives of the Blackwater River (Cork / Waterford) Special Area of Conservation. Adverse effects on

site integrity can be excluded and no reasonable scientific doubt remains as to the absence of such effects.

Appropriate Assessment Conclusion: Integrity Test

In screening the need for Appropriate Assessment, it was determined that the proposed development could result in significant effects on the Blackwater River (Cork / Waterford) Special Area of Conservation in view of the conservation objectives of that site and that Appropriate Assessment under the provisions of S177U/ 177AE was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, and taking into account observations on nature conservation, I consider that adverse effects on site integrity of the Blackwater River (Cork / Waterford) Special Area of Conservation can be excluded in view of the conservation objectives of that site and that no reasonable scientific doubt remains as to the absence of such effects.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork / Waterford) Special Area of Conservation.
- Effectiveness of mitigation measures proposed.
- Application of planning conditions to ensure these measures if permission is granted.

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Bord Pleanála ref. no.	ABP-320784-24	**Townland, address**	Curraghprevin, Rathcormac, Co. Cork.
Description of project		The importation and recovery of inert soil and stone under permit, and as a product under article 27, to raise ground levels in order to improve the agricultural potential of the land with access from an existing entrance off Regional Road R639 (the former N8). The proposed development includes for the upgrading of the existing field entrance, construction of temporary haul roads, installation of surface water management measures, site signage, installation of a site office and wheelwash for the duration of the works, and all ancillary site works. A Natura Impact Statement (NIS) has been prepared and submitted with the application.	
Brief site description, relevant to WFD Screening,		The proposed development site is located in the rural townland of Curraghprevin, Co. Cork, approximately 3.2km southwest of Rathcormac and 5.0km north-northeast of Watergrasshill. It forms part of a larger agricultural field which is drained via a series of drainage ditches and minor watercourses to the River Bride to the north. Field drains within the northern extent of the site area suggest poor underlying ground / drainage conditions. The underlying soils are characterised by Sandstone till (Devonian) with the southern part of the site 'Well drained' and the more northerly section 'Poorly drained'.	
Proposed surface water details		Percolation to ground with some runoff to field drains / drainage ditches.	

Proposed water supply source & available capacity	Potable water will be supplied in bottles. A water bowser will be used for topping up the wheelwash and dust suppression.
Proposed wastewater treatment system & available capacity, other issues	Not applicable.
Others?	Not applicable.

Step 2: Identification of relevant water bodies and Step 3: S-P-R connection

Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
River Waterbody		BRIDE (BLACKWATER)_020 IE_SW_188050320	Good	Under review	None identified on EPA catchment map.	Yes – hydrological pathway via surface water runoff

Groundwater waterbody	Underlying site	Glenville IE_SW_G_037	Good	Not at risk.	No pressures	Poorly drained Sandstone till (Devonian) to the north Well drained Sandstone till (Devonian) to the south. Underlying groundwaters will be separated from the surface by the deposited inert soil material and the existing soil layers which provide a significant buffer for the attenuation and natural treatment of any surface waters percolating to ground.
Step 4: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.						
CONSTRUCTION PHASE						

No.	Component	Water body receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	**Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.**
1.	Surface	BRIDE (BLACKWATER)_020 IE_SW_188050320	Existing drainage ditches & watercourses.	Siltation & sediment, spillages & accidental release of hydrocarbons	Standard best practice construction	Yes – Proximity to monitoring station and Special Area of Conservation.	Screened in.
3.	Ground	Glenville IE_SW_G_037	Percolation to ground	Spillages & accidental release of hydrocarbons	Standard best practice construction	No.	Screened out.
OPERATIONAL PHASE							
3.	Surface	BRIDE (BLACKWATER)_020 IE_SW_188050320	Existing drainage ditches & watercourses.	Inappropriate landspeading activities / application of nutrients to seeded grassland / pasture giving	Adherence to the Good Agricultural Practices Regulations, 2023	No.	Screened out.

				rise to elevated nutrient concentrations			
4.	Ground	Glenville IE_SW_G_037	Percolation to ground	Inappropriate landspeading activities / application of nutrients to seeded grassland / pasture giving rise to elevated nutrient concentrations	Adherence to the Good Agricultural Practices Regulations, 2023	No.	Screened out.
DECOMMISSIONING PHASE							
5.	NA						

STAGE 2: ASSESSMENT					
Details of Mitigation Required to Comply with WFD Objectives – Template					
Surface Water					
Development/Activity e.g. culvert, bridge, other crossing, diversion, outfall, etc	**Objective 1:Surface Water** **Prevent deterioration of the status of all bodies of surface water**	**Objective 2:Surface Water** **Protect, enhance and restore all bodies of surface water with aim of achieving good status**	**Objective 3:Surface Water** **Protect and enhance all artificial and heavily modified bodies of water with aim of achieving good ecological potential and good surface water chemical status**	**Objective 4: Surface Water** **Progressively reduce pollution from priority substances and cease or phase out emission, discharges and losses of priority substances**	**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	**Describe mitigation required to meet objective 2:**	**Describe mitigation required to meet objective 3:**	**Describe mitigation required to meet objective 4:**	
Excavation, infilling and regrading works.	Best practice construction mitigation methods as set out in the submitted plans and particulars e.g. buffer zones from watercourses, installation of silt fencing & berms	Best practice construction mitigation methods as set out in the submitted plans and particulars e.g. buffer zones from watercourses,	N/A	N/A	Yes.

		installation of silt fencing & berms			
Agricultural use.	Adherence to the Good Agricultural Practices Regulations, 2023	Adherence to the Good Agricultural Practices Regulations, 2023	N/A	N/A	Yes.
Details of Mitigation Required to Comply with WFD Objectives – Template					
Groundwater					
Development/Activity e.g. abstraction, outfall, etc.	**<u>Objective 1: Groundwater</u> Prevent or limit the input of pollutants into groundwater and to prevent the deterioration of the status of all bodies of groundwater**	**<u>Objective 2 : Groundwater</u> Protect, enhance and restore all bodies of groundwater, ensure a balance between abstraction and recharge, with the aim of achieving good status***	**<u>Objective 3:Groundwater</u> Reverse any significant and sustained upward trend in the concentration of any pollutant resulting from the impact of human activity**		**Does this component comply with WFD Objectives 1, 2, 3 & 4? (if answer is no, a development cannot proceed without a derogation under art. 4.7)**
	Describe mitigation required to meet objective 1:	Describe mitigation required to meet objective 2:	Describe mitigation required to meet objective 3:		
	N/A	N/A	N/A		N/A