An Bord Pleanála

Inspector's Report

ABP-321972-25

Development	Construction of electric vehicle charging station consisting of 24 electric vehicle charging bays and all associated site works. Natura Impact Statement submitted with the application.
Location	Circle K Service Station, Junction 14 on M8 Motorway, Gortroe and Moorepark West (townland), Fermoy, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	246273
Applicant(s)	Ionity GmbH.
Type of Application	Permission.
Planning Authority Decision	Refuse
Type of Appeal	First Party
Appellant(s)	Ionity GmbH.
Observer(s)	None.

Date of Site Inspection	21st May 2025.
Inspector	Jennifer McQuaid

Contents

1.0 Site Location and Description

1.1. The subject site (0.294ha) is located in the townland of Gortroe and Moorepark West, Fermoy, Co. Cork at Circle K Service Station at Junction 14 off the M8. The site is approximately 2km northeast of Fermoy town, adjacent to the R639 regional road. The subject site is located to the eastern boundary of Circle K Service Station within a greenfield site. The surrounding lands are generally rural with Teagasc Food Research Centre located to the south.

2.0 Proposed Development

2.1. The proposed development consists of construction of a high-power electric vehicle charging station consisting of:

- 24 no. electric vehicle charging bays.
- All associated ancillary development
- 2 no. electricity sub-stations
- 24no. power supply cabinets
- Pedestrian access
- Boundary treatments, landscaping and seating area.

A Natura Impact Statement has been submitted with the application.

3.0 Planning Authority Decision

3.1. Decision

Refused for the following reason:

> The subject site is located on lands designated as “Town Greenbelt 1-1” as identified in the current Cork County Development Plan 2022, wherein the policy of the Planning Authority ((RP 5-19): Greenbelts around Settlements) is to retain the identity of towns and to ensure a distinction in character between built up areas and the open countryside by maintaining a greenbelt around all individual towns, reserving such lands generally for use as agriculture, open

space or recreation uses. The proposed development involving construction of a high-power electric vehicle charging station car park as an extension to the existing Circle K service station encroaches into the greenbelt area. It is considered that such encroachment would result in unnecessary land loss, further eroding the Town Greenbelt area which would materially contravene Policy Objective RP 5-19 (Greenbelts Around Settlements) of the Cork County Development Plan 2024, would set an undesirable precedent for further similar type development and would therefore be contrary to the proper planning and sustainable development of the area.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

- The site is zoned as Greenbelt 1 and section 5.5.4 of the County Development Plan (CDP) is of most relevance. On balance, policy objective RP 5-16 refers to long established uses in the greenbelt.
- Section 13.15.7 of the CDP refers to Renewable Energy in Transport and states that during the lifetime of the Plan, the Council will promote further EV charge point installation across the county to charge EV vehicles.
- The applicant has set out the following justification for the proposal within a greenfield site.
    - Ireland and Cork are currently under-provided in terms of EV charging infrastructure, especially fast chargers, particularly near the motorway.
    - The proposal consists of high-power EV charging stations as an extension to the existing Circle K service station and is a very modest extension.
    - The existing car park within Circle K is solely for the use of the service station and all spaces are regularly in use by customers and staff.
    - Placing the proposed EV facility within the current adjacent carpark would compromise the car parking requirement under planning reference 14/6188.

- In order to accommodate a fast-charging EV facility, a separate, bespoke area is required.
- Simply retrofitting the current parking spaces will not suffice as there is not adequate space to do so and would result in the loss of parking that is currently used by customers for parking.
- The remote location of the proposal away from the general car park creates an EV facility with a separate identity.
- EV customers making a conscious decision to transition away from hydrocarbon wish to be in a clean energy facility.
- The EV charging infrastructure within the existing service station is inadequate and does not meet the needs of EV owners and the subject site is suitable, serviced and available to cater for the proposal.
- The proposal will contribute to Ireland's aim to reduce its overall CO2 emissions and Cork County Council is committed to supporting the Government's Climate Action Plan.
- The subject site has been deemed the most suitable for the proposal as it is sited directly off the M8, little to no visual impact and is modest in nature.

- Cork County Council are committed to supporting Government's Climate Action Plan and support the principles of transitioning to cleaner energy. However, the subject site is located 120m from the existing service station and on lands zoned as Greenbelt. The purpose of the Greenbelt is to seek to retain the identity of towns (such as Fermoy), prevent sprawl, ensure a distinction in character between the built-up areas and the opening countryside and to generally reserve these lands for use as agriculture and open space. It is acknowledged that Policy Objective RP – 5-16 sets out to recognise long established uses in the greenbelt which may make proposals for expansion/intensification of existing uses. However, the Planning Authority are not satisfied with the justification put forward by the applicant for further encroaching into the greenbelt.

- The existing service station is already taking up a significant portion of the greenbelt. The applicant claims consumers prefer “separate, bespoke area for a high-power electric vehicle charging station”, no evidence to support this.
- Based on the documents/information submitted, the justification provided and the sites Greenbelt zoning objective, the proposed development is not open to consideration and it not acceptable in principle.
- The planner notes a separate application for 10no. EV charging spaces and ancillary works was submitted under planning reference 254066 and it is located within the car park for Circle K. The planner queries the reason for two separate sites for charging facilities.
- A Traffic and Transport Assessment, Stage 1 Road Safety Audit and Engineering Design Report was submitted. The Area Engineer has no objection to the proposal however, the report also notes that the Stage 1 Road Safety Audit highlighted recommendations which needed to be undertaken to improve the pedestrian route following the obvious desire line for pedestrians and the applicant has not taken these recommendations on board. The report further notes that an alternative pedestrian route which directs pedestrians out onto the regional road and then back into the existing site again. Area Engineer recommended further information.
- The proposed development has an indirect hydrological connection to the Blackwater River SAC and Blackwater Callows SPA via proposed surface water drain and the Funshion River. The Ecology Officer has no objection once the mitigation measures are implemented.
- It is considered that the proposed development would constitute a form of development that is not compatible with the greenbelt land use zoning objective for the site and would therefore materially contravene Policy Objective RP 5-12 which aims to maintain a Green Belt for the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas. The proposal would materially contravene Policy Objective RP 5-19 which seeks to generally reserve greenbelt lands for use as agriculture, open space

or recreation uses for those lands that lie in the immediate surroundings of towns.

3.2.2. Other Technical Reports

- Area Engineer: There are no objections from an engineering point of view to the vehicular access proposed. Further information requested in relation to justification for why the measures outlined in the road safety audit were not implemented and an alternative pedestrian route, which goes against the obvious pedestrian desire routes, has been favoured. The site layout shows a farm access gate to the Northeast corner adjacent to the proposed site. It is not clear the purpose of this access as it appears to be just a narrow strip of land with no alterative access. The applicant is required to clarify the purpose of this farm access gate. Also, the site layout makes reference to an existing farm road. Clarification is required for this access road and how it is proposed to be access the existing farmlands.

  Attenuation tank proposed discharging to a connection to the existing surface water sewer network. This is acceptable.

- Ecology: No objection subject to conditions.

  Screening carried out and concluded: having read and assessed the submitted documentation, I am of the opinion that Stage 2 Appropriate Assessment is not required. The nature and location of the development, along with the proposed surface water management measures, which are part of the development's general in-built design, and distance from the Blackwater, are sufficient in considering that the proposed development will not lead to significant impacts to the Blackwater River (Cork/Waterford) SAC or the Blackwater Callows SPA. Therefore, AA is not required because it can be excluded on the basis of the latest and best objective scientific information following screening that the plan or project, individually and/or in combination with other plans or projects, will have a significant effect on any European site in view of their conservation objectives and therefore there will be no adverse effects on the integrity of the named European sites.

3.3. Prescribed Bodies

- Transport Infrastructure Ireland: Comments received refer to the Luas Light Rail System.

3.4. Third Party Observations

- None

4.0 Planning History

PA Ref: 254066: Circle K Permission granted for 10 no. electric vehicle charging with 5 no. associated charging units to replace 12 no. existing car parking spaces and all ancillary site works. Granted 29th April 2025.

ABP-308204-20 (PA: Reg: 205358): Permission granted for a drive thru facility and all ancillary site works.

PA Ref: 185144: Retention permission granted for a car wash and permission for a car wash and associated structures, erection of 7no. signs and 10no. flagpoles and all associated site works.

ABP: PL04.244411 (PA Ref: 146188): Permission granted for Motorway Service Area and all associated site works.

ABP- 242495 (PA Ref: 1304399): Refused for Motorway service station and new entrance and roundabout on to the R639 regional route and all associated ancillary development works.

The proposed development is located within the Fermoy Greenbelt Area, wherein it is the policy of the County Development Plan and the Fermoy Electoral Area Local Area Plan that such development will only be allowed where it is of a strategic and exceptional nature. The Spatial Planning and National Roads Guidelines issued by the Department of Environment, Community and Local Government in January 2012, advocate a co-ordinated approach to the provision of off-line motorway service areas as part of the development plan process and indicate that a proliferation of private off-line service area facilities at national road junctions shall be avoided. Having regard to the foregoing and other concurrent proposals for

similar development along the M8 motorway, and notwithstanding the acknowledged requirement for such a facility in this area, it is considered that pending the imminent updating of national Service Area policy by the National Roads Authority and the formulation of an appropriate planning policy approach in this regard, the proposed development would be premature and contrary to the policies of the development plan with regard to development within the Greenbelt and the provision of the Guidelines. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028 (CDP)

The subject site is located within Greater Cork Ring Strategic Planning Area, High Value Landscape and within the Fermoy Town Greenbelt.

RP 5-12 Purposes of a Greenbelt:

(a) Maintain a Greenbelt for Metropolitan Cork with the purposes of retaining the open and rural character of lands between and adjacent to urban areas, maintaining the clear distinction between urban areas and the countryside, to prevent urban sprawl and the coalescence of built-up areas, to focus attention on lands within settlements which are zoned for development and provide for appropriate land uses that protect the physical and visual amenity of the area.

(b) Recognise that in order to strengthen existing rural communities' provision can be made within the objectives of this Plan to meet exceptional individual housing needs within areas where controls on rural housing apply.

RP 5-16 Sets out to recognise long established uses in the greenbelt which may make proposals for expansion/intensification of existing uses.

RP 5-19 (a) Retain the identity of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns.

(b) Reserve generally for use as agriculture, open space or recreation uses those lands that lie in the immediate surroundings of towns. Where Natura 2000 sites, Natural Heritage Areas, proposed Natural Heritage Areas and other areas of biodiversity value occur within Greenbelts, these shall be reserved for uses compatible with their nature conservation designation and biodiversity value.

(c) Prevent linear roadside frontage development on the roads leading out of towns and villages.

Section 5.5 refers to Greenbelts.

Section 5.5.4 refers to Planning Principles for a Greenbelt.

Section 13.15.7 states that during the lifetime of this plan, the council will promote further EV charge point installations across the county to charge EV vehicles.

TM 12-12 refers to EV charging.

Chapter 14 relates to Green Infrastructure and Recreation

GI 14-9 seeks to protect the landscape, the built and natural environment by ensuring that developments meet high quality design standards.

GI 14-10 sets out to ensure that development throughout the County is managed appropriately, having regard for the value of the landscape, its character, distinctiveness, and sensitivity in order to minimize both visual and environmental impacts of the developments proposed, particularly in areas designated as High Value Landscapes.

Chapter 15 relates to Biodiversity and the Environment.

BE 15-1: To support and comply with national and biodiversity protection policies.

BE 15-2: To protect sites, habitats and species.

BE 16-6: Biodiversity and new development.

Chapter 16 relates to Built and Cultural Heritage.

Volume 3 of the CDP refers to North Cork.

Cork County Biodiversity Action Plan (2009-2014)

Objective 1 – to review biodiversity information for County Cork and to prioritise habitats and species for conservation action.

Objective 2 – To collect data and use it to inform conservation action and decision making.

Objective 3 – To incorporate positive action for biodiversity into local authority actions and policy.

Objective 4 – To promote best practice in biodiversity management and protection.

Objective 5 – To facilitate the dissemination of biodiversity information.

Objective 6 – To raise awareness of County Cork's biodiversity and encourage people to become involved in its conservation.

5.2. National and Regional Policy

- National Planning Framework
- Climate and Low Carbon Development Act 2015 as amended.
- Climate Action Plan 20205/2024
- Electric Vehicle Charging Infrastructure Strategy 2022-2025
- Alternative Fuels Infrastructure for Transport in Ireland 2017-2030
- Regional Spatial and Economic Strategy for the Southern Regional (RSES)

5.3. Natural Heritage Designations

The site is not designated as a Natura 2000 site or NHA/pNHA. The nearest protected sites are:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170) is located 1.74km south of the proposed development.
- Blackwater Callows SPA (Site Code: 004094) is located 1.75km south of the proposed development.
- Blackwater River Callows pNHA (site code: 000073) is located 1.75km south of the proposed development.

- Araglin Valley pNHA (site code: 001029) is located 3km northeast of the proposed development.
- Blackwater Valley (The Beech Wood) pNHA (site code: 001797) is located 3.2km to the southwest of the proposed development.
- Blackwater Valley (Cregg) pNHA (site code: 001796) is located 5.5km to the southwest of the proposed development.
- Blackwater Valley (Killathy Wood) pNHA (site code: 001796) is located 7km to the southwest of the proposed development.
- Lower River Suir SAC (site code: 002137) is located 13.8km northeast of the proposed development.

5.4. **EIA Screening**

5.5. The proposed development has been subject to preliminary examination for environmental impact assessment (refer to Form 1 and Form 2 in Appendices of this report). Having regard to the characteristics and location of the proposed development and the types and characteristics of potential impacts, it is considered that there is no real likelihood of significant effects on the environment. The proposed development, therefore, does not trigger a requirement for environmental impact assessment screening and an EIAR is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The grounds of appeal have been received from the applicant and are summarised as follows:

- Principle of development: The proposed development will consolidate and connect to an already established service station. The nature and extent of the proposed use is consistent with that of the existing nature and extent of use associated with this Motorway Service Station and represents a reasonably minor expansion of the operations and functions of this site. Objective RP5-16 of the Cork County Development Plan 2022-2028 states

that it is an objective of this plan to recognise the requirements of long-established commercial uses located within greenbelt areas and proposals for expansion of an appropriate scale will be considered. The proposed development is of national and strategic importance in terms of the State's requirements to meet climate objectives, which is interlinked with the increase in the EV car fleet, which necessitates the provision of EV charging infrastructure.

Local Authority Electrification of Fleet EV charging Guidance Document prepared by feedback from Local Authorities sector on fleet electrification and the installation of fleet and public electric vehicles (EV) charge points. Chapter 5 states that: "make provision that locations which cater for traditional fuelling of vehicles (i.e. filling stations) provide charging facilities for EV's and, where applicable and in line with Government policy, fuelling for other low emission vehicles (LEVs)".

- The "Climate Action Plan 2024", which outlines the State's policy approach to comply with EU climate objectives, commits that 845,000 electric vehicles will make up the car fleet in Ireland by 2030. In order to encourage more people to make the switch to EVs, the appropriate charging infrastructure needs to be in place. The "National Road Network EV Charging Plan 2024/2030" states that Government should encourage private investment in EV charging infrastructure in order to sustain the demand expected in the use of EVs. The Plan notes that it is Government's policy to ensure that dedicated charging poles should be made available on the TEN-T road network (which consists of several categories of roads, including motorways, dual carriageways, and other primary roads) at 60km intervals in both directions by 2025. Doing so is required in order to adhere to EU policy standards and requirements, including the recently agreed Alternative Fuels Infrastructure Regulation (AFIR). This regulation carries specific requirements for EV charge point coverage on the TEN-T road network for light-duty vehicles, including passenger cars, and heavy-duty vehicles. Decisions like that made by Cork County Council will further inhibit the State's requirement to meet these targets.

- Greenbelt: The council have placed a higher weighting on the greenbelt policies, rather than of EV charging. It is contended that in this regard, the Council have not given enough credence to the policies/objectives within their own Development Plan, in the wider context of national and international frameworks.

- Material contravention: The Council have stated that the proposed development would materially contravene Policy Objective RP5-19 (Greenbelts Around Settlements) and was a material contravention of the plan, it is contended that there are grounds for the Board to overturn this decision, in pursuance with Section 37(b) of the PDA. The proposed development is of national importance given the State's commitments of transitioning towards an EV car fleet by 2030, aligning with European Framework requirements. The Climate Action Plan 2024 states that 845,000 vehicles which make up the car fleet will need to be Electric, but the societal change required to enable this is considerable and drivers need to be assured that the EV Charging infrastructure will be plentiful before making this transition. A huge barrier to this transition is the lack of availability of EV spaces and the subsequent "range anxiety" that this creates, as commuters are afraid that they will not be able to find a charging location.

  It is considered that there are conflicting objectives within the Development Plan in this regard, and while there may be unsuitable proposals for such EV charging facilities within greenbelt locations, given the minor encroachment in the case of the development site, and the existing uses in the location, this cannot be applied to the proposed development. On balance, it is contended that the Council have not fairly weighted up the competing objectives and have clearly applied far more weight to the greenbelt policies/objectives to the detriment of objective TM 12-12 of the Plan.

- Lack of EV charging Points in Fermoy and surrounds: The proposed development seeks to introduce high speed EV charging points in a strategically located catchment area where there is a significant amount of trip generation due to proximity of the M8. The availability of charging points in the nearest town of Fermoy is limited and the diversion of vehicles off the M8 at

Junction 14 in search of available points in Fermoy is neither in the interests of drivers, nor the town of Fermoy as it places additional demand on a short supply of charging points. Only noted EV charging point at Mitchelstown, between Cork City and Cashel.

- Climate Action Plan: Justice Humphreys delivered a verdict to quash a decision to refuse by the Board on the grounds that the Board were obligated to "act in conformity with the climate plans and objectives set out in the subsection unless it is impracticable to do so". Detailed consideration of the interpretation of Section 15 of the Climate Action and Low Carbon Development Act, 2015, to carry out function inter alia with Climate Action Plan, 2024

6.2. Applicant Response

- As Above.

6.3. Planning Authority Response

- The Planning Authority is of the opinion that all the relevant issues have been covered in the technical reports already forwarded to the Board as part of the appeal documentation and has no further comment to make in this matter.

6.4. Observations

- None

6.5. Further Responses

- None

7.0 Assessment

7.1. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority, and having inspected the site, and having regard to the relevant

local/regional/national policies and guidance, I consider that the substantive issues in this appeal to be considered as follows:

- Principle of Development
- Material Contravention
- Climate Action Plan
- Appropriate Assessment

7.2. **Principle of Development**

7.3. The subject site is zoned as Greenbelt and located outside the settlement boundary of Fermoy town. Scenic Route S3 which is described as National Primary Route between Moorpark and Mitchelstown is located along the R639 as per CDP which accesses the proposed development. The area is also described as a High Value Landscape as per CDP. The planning authority refused permission as they consider that the proposed development will materially contravene policy objective RP5-19 which seeks to retain a greenbelt between settlements.

7.4. The grounds of appeal outline that the proposed development will consolidate and connect to an already established service station. The nature and extent of the proposed use is consistent with that of the existing Motorway Service Station. Objective RP5-16 of the CDP recognises proposals for expansion of an appropriate scale to existing long established commercial or institutional uses will be considered. The proposed development is of national and strategic importance in terms of the State's requirements to meet climate objectives, which is interlinked with the increase in the EV car fleet, which necessitates the provision of EV charging infrastructure. The Local Authority Electrification of Fleet EV charging Guidance Document provides guidance to provide information and recommendations on both the electrification of the local authority fleet and the provision of public EV charging infrastructure.

7.5. I have reviewed the CDP and in particular section 5.5 in relation to Greenbelts. The main aim of the greenbelt area is to maintain a distinct character between the town and the rural area and restrict development. The overall zoning objective for greenbelt areas is for agriculture, recreation or open space uses. Section 5.5.8 also highlights that there are a certain number of long established commercial or

institutional uses lying entirely within the Greenbelt and it is not the intention of this plan to restrict their continued operation or (subject to maintaining the specific function and character of the Greenbelt in the area) to prevent appropriate proposals for expansion/intensification of the existing uses. Objective RP5-19 relates to the retention of the identify of towns, to prevent sprawl, and to ensure a distinction in character between built up areas and the open countryside by maintaining a Greenbelt around all individual towns, such as Fermoy.

7.6. The subject site is outside the settlement of Fermoy and within an area zoned as Greenbelt as per CDP. In my opinion, having reviewed the objectives outlined above, the proposed development is not in accordance with Objective RP5-19 as per refusal by the Planning Authority as the proposed development is located within an area zoned as Greenbelt 1, the Greenbelt area divides the settlement of Fermoy with the settlement for Kilworth to the northeast. Objective RP5-19 seeks to retain the identity of towns and to prevent urban sprawl and ensure a distinction between built up areas, the proposed development will reduce the Greenbelt area between Fermoy and Kilworth and is located on an agriculture greenfield. However, objective RP5-16 recognises the requirements of long established commercial or institutional uses located entirely within the Greenbelt which may make proposals for expansion/intensification of existing uses. The objective further states such expansion proposals of an appropriate scale will be considered on their merits having regard to the overall function and open character of the Greenbelt and where development would be in accordance with normal proper planning and sustainable development considerations. I note the proposed development relates to the provision of 24no. electric EV charging spaces ancillary to the existing motorway service station in operation which is a long-established commercial use and therefore complies with objective RP5-16 which overrides objective RP5-19. The proposed site area is 0.294ha and therefore relatively small in scale in relation to the overall size of the Greenbelt area and is considered as an expansion to the existing uses of the service station. In my opinion, I do not consider the proposed EV charging points will negatively impact on the overall function of the open character of the Greenbelt zoning. The applicant proposes an extensive landscaping plan in order to reduce the overall visual impact of the proposal and the proposal is relatively small in comparison to the existing service station. Having regard to the principle of

development within a Greenbelt, I consider the proposed development complies with objective RP5-16 and shall be considered subject to other planning considerations. I do not consider that the Planning Authority considered the proposed development in relation to RP5-16 which in my opinion overrides objective RP5-19 as the proposal relates to the expansion/intensification of existing uses within a Greenbelt area.

7.7. During my site visit, I observed the existing car park of the service station is extremely busy with limited car parking for the current customers. Therefore, I do not consider that any further existing car parking spaces can be changed to EV charging points, considering permission has been granted for the change of use of an existing 12 car parking spaces to 10 EV charging points under planning reference 254066. I further note that the Planning Authority had concerns regarding the location of the proposed development which is set approximately 120 metres from the existing service station front door, however, the proposed development is located adjacent to the existing car park to the west and accessed directly off the internal access road. I noted that the existing service station and associated car parks are well screened from the surrounding public roads by mature hedgerows and trees and green areas, the existing car park and proposed development will be divided by an existing mature hedgerow and trees, this green buffer zone is in place and it is in my opinion that the green buffer zone shall remain which will integrate the proposed development into the Greenbelt area. I consider the location of the proposed development is at the best available location and that there is no other suitable site within the existing car park.

7.8. In addition, I note Section 12.15 EV Charging of the CDP and in particular TM 12-12 EV Charging part (a) which outlines that infrastructure for Electric Vehicles will be integrated into developments in line with National requirements. Having regard to the recently permitted change of use of 12 car parking spaces to 10 EV charging points and the lack of available car parking spaces I consider that the applicant has exhausted the opportunity for using the existing car park to provide further EV charging points.

7.9. Having regard to objective RP5-16 which allows for expansion of commercial uses into a Greenbelt area and having regard to objective TM12-12 where infrastructure for EV shall be integrated with developments in line with National requirements, it is in my opinion that the proposed development is acceptable in principle and is

considered as an appropriate expansion of an existing commercial uses located within a Greenbelt area.

7.10. **Climate Action Plan**

7.11. The CDP refers to the Climate Action Plan which outlines that national target to increase EV vehicles to at least 800,000 by 2030 and a target is set to supply infrastructure to stay sufficiently ahead of demand. The Climate Action Plan refers to a range of policies including the National En-Route EV Charging Plan and the Regional and Local EV Charging Network Plan 2024-2030 which envisage a 300% increase in charging capacity by 2025. It will see fast charging stations established for cars and vans every 60km along the main transport corridors, as well as dedicated HGV charging facilities on the TEN-T network and at key urban nodes.

7.12. The grounds of appeal highlight that the proposed development aligns with national and International climate requirements in particular the “Climate Action Plan 2024”, which outlines the State’s policy approach to comply with EU climate objectives, and the “National Road Network EV Charging Plan 2024/2030” which states that Government should encourage private investment in EV charging infrastructure in order to sustain the demand expected in the use of EVs. The Plan notes that it is Government’s policy to ensure that dedicated charging poles should be made available on the TEN-T road network (which consists of several categories of roads, including motorways, dual carriageways, and other primary roads) at 60km intervals in both directions by 2025. Doing so is required in order to adhere to EU policy standards and requirements, including the recently agreed Alternative Fuels Infrastructure Regulation (AFIR). This regulation carries specific requirements for EV charge point coverage on the TEN-T road network for light-duty vehicles, including passenger cars, and heavy-duty vehicles.

7.13. I have reviewed objective TM12-12: EV Charging which under point (a) explicitly states “Infrastructure for Electric Vehicles will be integrated into developments in line with national requirements”. Section 14.2 Actions and Updates of the Climate Action Plan and in particular Section 14.2.4 “Improve” measures clearly outlines that provision of EV charging points are required every 60km along the main transport corridor on the TEN-T network in order to bolster public confidence in transitioning to EVs and is in line with the EU Alternative Fuels Infrastructure Regulation (AFIR). The

proposed development is along a TEN-T network, as the site is located at Junction 14 Service Station off the M8. The proposal will provide an additional 24 no. EV charging spaces along with the recently permitted 10 EV charging spaces under planning reference 254066. Therefore, it is my opinion that the proposed development will adhere with national and county policies in providing the required EV charging spaces.

7.14. Having regard to Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State). I consider the proposed development complies with the Climate Action Plan 2024/2025 and will provide the much-needed EV charging spaces.

7.15. **Material Contravention**

7.16. The Planning Authority have refused permission for the proposed development and have stated material contravention of policy objective RP5-19: Greenbelts around Settlements as the proposed site is designated as “Town Greenbelt 1-1”. The objective is to retain the identity of towns and to ensure a distinction in character between built up areas and the open countryside by maintaining a greenbelt around all individual towns, reserving such lands generally for use as agriculture, open space or recreation uses. The proposed development involving construction of a high-power electric vehicle charging station car park as an extension to the existing Circle K service station encroaches into the greenbelt area. It is considered that such encroachment would result in unnecessary land loss, further eroding the Town Greenbelt area which would materially contravene Policy Objective RP 5-19 (Greenbelts Around Settlements)

7.17. The grounds of appeal contend that there are grounds for the Board to overturn this decision, in pursuance with Section 37(b) of the PDA. The proposed development is of strategic importance given the State’s commitments of transitioning towards an EV car fleet by 2030, aligning with European Framework requirements. The Climate

Action Plan 2024/2025 states that 845,000 vehicles which make up the car fleet will need to be Electric, but the societal change required to enable this is considerable and drivers need to be assured that the EV Charging infrastructure will be plentiful before making this transition. A huge barrier to this transition is the lack of availability of EV spaces and the subsequent "range anxiety" that this creates, as commuters are afraid that they will not be able to find a charging location. In addition, it is considered that there are conflicting objectives within the Development Plan in this regard, and while there may be unsuitable proposals for such EV charging facilities within greenbelt locations, given the minor encroachment in the case of the development site, and the existing uses in the location, this cannot be applied to the proposed development. On balance, it is contended that the Council have not fairly weighted up the competing objectives and have clearly applied far more weight to the greenbelt policies/objectives to the detriment of objective TM 12-12 of the Plan.

7.18. I note that the Planning Authorities reason for refusal which states that the proposed development materially contravenes Policy Objective RP 5-19 (Greenbelts Around Settlements) of the Cork County Development Plan 2022-2028. This policy refers to retaining the identity of towns and to ensure a distinction in character between built up areas and the open countryside by maintaining a greenbelt around all individual towns, reserving such lands generally for use as agriculture, open space or recreation uses and is not in my view, is sufficiently specific so as to justify "materially contravene" in terms of normal planning practice.

7.19. I consider the proposed development is an extension to an existing established service station which was previously permitted within a Greenbelt area to service the users of the M8 motorway. RP5-16 allows for expansion/intensification to long established uses. In addition, point (a) of RP5-19 seeks to retain the identity of towns and prevent sprawl to ensure a distinction in character between built up areas and the open countryside. The existing service station is detached from the urban areas of Fermoy town (the closest settlement) and the proposed extension is small in scale and will not impinge the distinction between urban and countryside. Having reviewed point (b) which states reserve **generally** (my emphasis) for use as agriculture, open space or recreation, generally being the importance word in this sentence, as it is not specific to agriculture, open space recreation, therefore, the proposal does not "materially" contravene, it could be argued that the proposal contravenes policy

objective RP5-19 as the proposed development will be developed within a Greenbelt zoning.

7.20. However, it is my opinion that policy objective RP5-16 overrides policy objective RP5-19 for this specific site due to the nature of the development as an extension to the existing long established and permitted use as a service station.

7.21. I will consider Section 37(2)(b) of the Planning and Development Act, as amended and outline why I consider that the Board may grant permission. Section 37 (2) (b) of the Planning and Development Act, as amended, states that "where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with paragraph (a) where it considers that—

(i) the proposed development is of strategic or national importance,

I consider that the proposed development is of strategic importance as the proposed development aligns with the Climate Action Plan 2024/2025 which outlines that 845,000 vehicles will be electric vehicles and that drivers need to be assured that EV charging infrastructure is available before making the transition. In addition, the "National Road Network EV Charging Plan 2024/2030" states that Government should encourage private investment in EV charging infrastructure in order to sustain the demand expected in the use of EVs. The Plan notes that it is Government's policy to ensure that dedicated charging points should be made available on the TEN-T road network (which consists of several categories of roads, including motorways, dual carriageways, and other primary roads) at 60km intervals in both directions by 2025. The provision of additional EV charging points will adhere to EU policy standards and requirements, including the recently agreed Alternative Fuels Infrastructure Regulation (AFIR).

(ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned,

I also consider that the proposed development shall be considered in terms of policy objective RP5-16 which I believe overrides policy objective RP5-19 for this specific site due to the nature of the development as an extension to the existing long established and permitted use as a service station. It could also be argued that policy RP5-19 conflicts with Objective TM12-12 which outlines Infrastructure for

Electric Vehicles will be integrated into developments in line with national requirements.

or

(iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

Not Applicable in this case.

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan."

In regard to the pattern of development in the area, I have carried out a search on map view of Cork County Council planning website, Moorepark Teagasc Research Centre is located to the south of the subject site. Number extensions and developments have been granted to this facility in recent years which extend into the Greenbelt area, the most recent is planning reference 2504432 which was granted permission for the construction of a new dry storage building and for retention of an existing canopy. Other applications include (PA Reference 254135) for construction of a modular calf agricultural building, (PA Reference 245197) for construction of a 2-storey laboratory building, new animal nutrition building, (PA Reference 226512) for construction of low emissions piggery building and numerous other buildings dating back to 2017. I note this development relates to an agricultural use but it also clearly shows an extensive extension into the Greenbelt and granted by the Planning Authority in accordance with objective RP5-16.

7.22. I note that the Planning Authority's reason for refusal states that the proposed development materially contravenes policy objective RP5-19 of the Cork County Development Plan 2022-2028. This policy refers to retaining the identity of towns and prevent sprawl to ensure a distinction in character between built up areas and the open countryside and is not, in my view, sufficiently specific so as to justify the

use of the term “materially contravene” in terms of normal planning practice. The Board should not, therefore, consider itself constrained by Section 37(2)(a) of the Planning and Development Act having regard to the criteria in section 37(2)(b).

8.0 **AA Screening**

8.1. In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the 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 Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Callows SPA (Site Code: 004094) European Site(s) in view of the sites conservation objectives. Appropriate Assessment is required. Please refer to Appendix A.

This determination is based on:

- The nature, size and location of the proposed works and possible impacts arising from the construction works.
- The Qis and conservation objectives of the European sites.
- The potential for in-combination effects arising from other plans and projects.

8.2. 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 Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA can be excluded in view of the conservation objectives of these sites and that no reasonable scientific doubt remains as to the absence of such effects. Please refer to Appendix B.

My conclusion is based on the following:

- Detailed assessment of construction and operational impacts.

- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA or prevent or delay the restoration of favourable conservation condition for Freshwater Pearl Mussel, Sea Lamprey of Blackwater River (Cork/Waterford) SAC or the wetland and waterbirds of Blackwater Callows SPA.

9.0 Recommendation

I recommend that planning permission should be granted, subject to conditions as set out below.

10.0 Reasons and Considerations

10.1. Having regard to the location of the proposed development ancillary to an existing service station off the M8 although within a Greenbelt as per Cork County Development Plan 2022-2028, the proposal is viewed as a required extension to the existing service station and complies with policy objective RP5-16 which allows for expansion of commercial uses into Greenbelt area and having regard to objective TM12-12 where infrastructure for EV shall be integrated with developments in line with National requirements. Therefore, is it considered that the proposed development would not seriously affect the Greenbelt area outside Fermoy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Having regard to the Planning Authorities refusal for “material contravention” of policy objective RP5-19 which seeks retention of the Greenbelt, The Board should not, consider itself constrained by Section 37(2)(a) of the Planning and Development Act having regard to the criteria in section 37(2)(b) as the proposal is considered as strategic importance.

The Board performed its functions in relation to the making of its decision, in a manner consistent with Section 15(1) of the Climate Action and Low Carbon Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, (consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State).

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 29 day of November 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

   Reason: In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

   Reason: To protect the integrity of European Sites.

3. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

Reason: To prevent flooding and in the interests of sustainable drainage.

4. Public lighting shall be provided in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes. Such lighting shall be provided prior to the making available for occupation of any residential unit.

   Reason: In the interest of amenity and public safety.

5. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

   Reason: In the interests of visual and amenity.

6. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

   Reason: To safeguard the amenity of property in the vicinity.

7. A Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection.

8. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

   Reason: To prevent water pollution.

9. Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.

   Reason: To prevent water pollution.

10. The development shall be carried out and operated in accordance with the recommendations of the Stage 1 Road Safety Audit submitted to the planning authority. Prior to commencement of the development, the applicant shall agree in writing with the Planning Authority, a revised safe pedestrian route from the service station to the proposed development within the confines of the site.

    Reason: In the interest of traffic and pedestrian safety.

11. The landscaping scheme shown on drawing number 24270-2-101 as submitted to the planning authority on the 29th of November 2024 shall be carried out within the first planting season following substantial completion of external construction works.
    All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

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

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

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

_____

Jennifer McQuaid
Planning Inspector
Date:

Form 1: EIA Pre-Screening

Case Reference	ABP-321972-25
Proposed Development Summary	Construction of electric vehicle charging station consisting of 24 electric vehicle bays and all associated site works.
Development Address	Circle K Service Station, Junction 14 on M8 Motorway, Gortroe and Moorepark West, Fermoy, 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 involving the extraction of mineral resources)	☒ Yes, it is a 'Project'. Proceed to Q2. ☐ No, No further action required.
2. Is the proposed development of a CLASS specified in Part 1, 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.**	
☒ 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**	**State the Class and state the relevant threshold.**
☒ 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)**	Class 10 Infrastructure Projects. (b) (ii) Construction of a carpark providing more than 400 spaces, other than a carpark provided as part of, and incidental to the primary purposes of, a development.

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 2 - EIA Preliminary Examination

Case Reference	ABP-321972-25
Proposed Development Summary	Construction of electric vehicle charging station consisting of 24 electric vehicle bays and all associated site works.
Development Address	Circle K Service Station, Junction 14 on M8 Motorway, Gortroe and Moorepark West, Fermoy, Co. Cork.
This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.	
Characteristics of proposed development (In particular, the size, design, cumulation with existing/ proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	The proposed development consists of the provision of 24 no. electrical vehicle charging bays and all ancillary site works. The site area is 0.294ha and is an extension to the existing Circle K service station of the M8 Motorway. The development will consist of typical construction and related activities and site works. This will not result in the production of significant waste, emissions or pollutants. Surface water will be treated, and SuDs measures will be implemented. There will be no wastewater as a result of the development.
Location of development (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).	The location is an extension to an existing service station and within a greenfield site, zoned as Greenbelt, the proposal will not require a connection to public waste or water and a surface water management plan will be implemented. The subject site is not located within a designated or protected area. The closest sites are: • Blackwater River (Cork/Waterford) SAC (Site Code: 002170) is located 1.74km south of the proposed development. • Blackwater Callows SPA (Site Code: 004094) is located 1.75km south of the proposed development. • Blackwater River Callows pNHA (site code: 000073) is located 1.75km south of the proposed development.

	• Araglin Valley pNHA (site code: 001029) is located 3km northeast of the proposed development. • Blackwater Valley (The Beech Wood) pNHA (site code: 001797) is located 3.2km to the southwest of the proposed development. • Blackwater Valley (Cregg) pNHA (site code: 001796) is located 5.5km to the southwest of the proposed development. • Blackwater Valley (Killathy Wood) pNHA (site code: 001796) is located 7km to the southwest of the proposed development. • Lower River Suir SAC (site code: 002137) is located 13.8km northeast of the proposed development. The existing surface water network drains into the Funshion River post treatment, which continues in a southeastern direction before discharging into the Blackwater (Munster) river system. Therefore, a Natura Impact Statement was carried out. The NIS concluded the proposed development will have no significant adverse effects on the Qis, SCIs and on the integrity and extent of Blackwater River (Cork/Waterford) SAC (site code: 002170) and Blackwater Callows SPA (site code: 004094). Please refer to Appendix A & B for further details. The subject site is not located within a flood zone.
Types and characteristics of potential impacts (Likely significant effects on environmental parameters, magnitude and spatial extent,	The site size is 0.294 and is not exceptional in the context of the existing service station and the adjacent Moorepark Research Centre (Teagasc). The site is zoned as Greenbelt, however the relatively small scale and nature of the proposal

nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).	ancillary to an existing Service Station will not significantly impact the location. There is an existing business park opposite the proposed development. The proposal is relatively small in this context. There is no real likelihood of significant cumulative effects within the existing and permitted projects in the area.

Conclusion	
Likelihood of Significant Effects	**Conclusion in respect of EIA**
There is no real likelihood of significant effects on the environment.	**EIA is not required.**

Inspector: _____Date: _____

DP/ADP: _____**Date**: _____

(only where Schedule 7A information or EIAR required)

Appendix A – AA Screening.

Screening for Appropriate Assessment Test for likely significant effects	
Step 1: Description of the project and local site characteristics	
Brief description of project	The proposed development consists of construction of a high-power electric vehicle charging station consisting of: • 24 no. electric vehicle charging bays. • All associated ancillary development • 2 no. electricity sub-stations • 24no. power supply cabinets • Pedestrian access • Boundary treatments • Landscaping • Seating area • Access via the existing access and roundabout
Brief description of development site characteristics and potential impact mechanisms	The proposed development area is c.0.294ha. The construction period is expected to last for 4 months. The surface water drainage infrastructure has been designed in accordance with "Greater Dublin Strategic Drainage Study (GDSDS), and "The SuDs Manual, C697" published by CIRIA. Hydrological Pathways - The subject site is located appropriately 400m south and west of the Funshion River and flows in a southeasterly direction for approximately 3.4km before discharging to the Blackwater River (Cork/Waterford) SAC (site code: 002170) and Blackwater Callows SPA (site code: 004094). There is a hydrological pathway between the proposed development and the Natura 2000 sites via potential surface water runoff to the Funshion River during the Construction and the Operational Phases. Hydrogeological pathways – the site is located above the Mitchelstown groundwater body (GWB), and the groundwater vulnerability is "high". The Blackwater River (Cork/Waterford) SAC (site code: 002170) has groundwater dependent habitats downstream of or sharing surface water pathways with the proposed development within the Mitchelstown GWB. There is a potential for hydrogeological pathways between the proposed development and these sites.

	Air and land pathways – The construction phase could introduce dust and noise impacts, as well as increased lighting and human activity of site. The site is located appropriately 1.74km to Blackwater River (Cork/Waterford) SAC and 1.75km to Blackwater Callows SPA, however this is not close enough to be impacted on by lighting, noise or human activities.
Screening report	Yes (Prepared by Enviroguide Consulting)
Natura Impact Statement	Yes (Prepared by Enviroguide Consulting)
Relevant submissions	None

Step 2. Identification of relevant European sites using the Source-pathway-receptor model

Two European sites were identified as being located within a potential zone of influence of the proposed development as detailed in Table 1 below. I note that the applicant included a greater number of European sites in their initial screening consideration with sites within 40km of the development site considered. There is no ecological justification for such a wide consideration of sites, and I have only included those sites with any possible ecological connection of pathway in this screening determination.

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) SAC (site code: 002170)	Estuaries, mudflats and sandflats not covered by seawater at low tide, perennial vegetation of stony banks, salicornia and other annuals colonising mud and sand, Atlantic salt meadows, water courses of plant to montane levels with the ranunculion fluitantis and callitricho-batrachion vegetation, old sessile oak woods with llex and Blechnum in the British Isles, alluvial forests with alnus	c. 1.74km south of proposed development	The site occurs 350metres west of the Funshion River, which drains into the Blackwater River SAC. A direct hydrological, hydrogeological pathway therefore exists between the site and this SAC, owing to the proximity between the two.	Yes

	glutinosa and Fraxinus excelsior. Freshwater pearl mussel, white-clawed crayfish, sea lamprey, brook lamprey, river lamprey, twaite shad, salmon, otter, killarney fern. Blackwater River (Cork/Waterford) SAC | National Parks & Wildlife Service Date: 15th May 2025			
Blackwater Callows SPA (site code: 004094)	Whooper swan, wigeon, teal, black-tailed godwit, wetland and waterbirds. Blackwater Callows SPA | National Parks & Wildlife Service Date: 15th May 2025	c. 1.75km south of proposed development	The site occurs 350 metres west of the Funshion River, which drains into the Blackwater Callows SPA. A direct hydrological, hydrogeological and air pathway therefore exists between the site and this SPA, owing to the proximity between the two.	Yes
Lower River Suir SAC (Site Code: 002137)	Lower River Suir SAC | National Parks & Wildlife Service Date: 15th May 2025	c. 13.8km northeast of proposed development	No pathways identified.	No
Blackwater Estuary SPA (Site Code: 004028)	Blackwater Estuary SPA | National Parks & Wildlife Service Date: 15th May 2025	c. >40km southeast of proposed development	No pathways identified.	No

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

The proposed development will not result in any direct effects on either the SAC or SPA as it relates to the Blackwater River (Cork/Waterford) and Blackwater Callows. However, due to the proximity of the proposed development to the River Funshion (approximately 400m north and east of the subject site) impacts generated by the construction and operation of the 24 no. EV charging spaces require consideration.

Sources of impact and likely significant effects are detailed in the Table below.

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 pathway to SAC: Release of silt and sediment during site work. Release of construction related compounds including hydrocarbons to surface water. Surface water containing potential pollutants that discharge into the local groundwater (which may also reach surface water bodies that connect to European designated sites) Ex-situ disturbance of SCI and QI species. Waste generation during the Construction phase comprising soils, construction and demolition wastes. Increased noise, dust, and/or vibrations as a result of construction activity. Increased dust and air emissions from construction traffic. Increased lighting in the vicinity as a result of construction activity. Increased lighting at the site Increased human presence.	Potential hydrological pathway via potential surface water runoff to the Funshion River which flows for a distance of 3.4km to the Blackwater River. Potential hydrogeological pathways as the QI habitats (alluvial forests with alnus glutinosa and Fraxinus excelsior) depend on the groundwater body (Mitchelstown, vulnerability "high"). Due to the distance at 1.74km from the SAC, there Is no direct impact via air and land for lighting, noise or human activity.
Yes	**Likelihood of significant effects from proposed development (alone): Yes**	
Yes	**Possibility of significant effects (alone) in view of the conservation objectives of the site.**	
	Impacts	**Effects**
Blackwater Callows SPA (site code: 004094) QI list Wetland and Waterbirds Conservation Objective: To maintain	**Direct pathway to SPA:** Release of silt and sediment during site work. Release of construction related compounds including hydrocarbons to surface water. Surface water containing potential pollutants that discharge into the local groundwater (which may also reach	Potential hydrological pathway via potential surface water runoff to the Funshion River which flows for a distance of 3.4km to the Blackwater River. Potential hydrogeological pathways as the groundwater

the favourable conservation condition of this QI habitat in the Blackwater Callows SPA. Wetland and Waterbirds Conservation Objective: To restore the favourable conservation condition of this QI habitat in the Blackwater Callows SPA.	surface water bodies that connect to European designated sites) Ex-situ disturbance of SCI and QI species. Waste generation during the Construction phase comprising soils, construction and demolition wastes. Increased noise, dust, and/or vibrations as a result of construction activity. Increased dust and air emissions from construction traffic. Increased lighting in the vicinity as a result of construction activity. Increased lighting at the site Increased human presence. **Indirect Pathway** Given the size and location of the proposed development relative to the existing busy petrol station that is subject to high level of disturbance, it is unlikely for the site to be an ex-situ for SCI species associated with the SPA.	body (Mitchelstown, vulnerability "high"). Due to the distance at 1.74km from the SPA, there Is no direct impact via air and land for lighting, noise or human activity.
No	**Likelihood of significant effects from proposed development (alone): Yes**	
No		
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 significant effects on Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Callows SPA (Site Code: 004094) from effects associated with changes in water quality and resource. 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 the screening stage. **Proceed to AA.**		

Appendix B – Appropriate Assessment Determination

Appropriate Assessment
The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177V 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 development of 24 no. electric vehicular charging bays and all associated site works in view of the relevant conservation objectives of Blackwater River (Cork/Waterford) SAC (Site Code: 002170) and Blackwater Callows SPA (Site Code: 004094) 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 Enviroguide Consulting. 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 The Ecology Section of Cork County Council determined that a Stage 2 Appropriate Assessment is not required. This is due to the nature and location of the proposed development, along with the proposed surface water management measures, which are part of the developments' general inbuilt design, and distance from the Blackwater River.
NAME OF SAC/ SPA (SITE CODE): • Blackwater River (Cork/Waterford) SAC (Site Code: 002170) • Blackwater Callows SPA (Site Code: 004094) **Summary of Key issues that could give rise to adverse effects (from screening stage):** **(i) Water quality degradation (construction and operation)** **(ii) Spread of invasive species** **(iii) Waste generated** **(iv) In-combination effects** **See Table 5 of the submitted NIS**

Qualifying Interest features likely to be affected	**Conservation Objectives Targets and attributes (summary-inserted)**	**Potential adverse effects**	**Mitigation measures (summary)** **NIS Section, Table 5**	
Blackwater River (Cork/Waterford) SAC				
Watercourses of plain to montane levels with the Ranuncilion fluitantis and Callitribcho-Batrachion vegetation	Maintain favourable conservation condition. The QI habitat is not currently mapped in the conservation objective documents. However, the site synopsis states that floating river vegetation is found along much of the freshwater stretches within the site, but particularly on the Awbeg River (near Buttevant town), which drains into the Blackwater River (Muster) downstream of the Site. The site synopsis only references the presence of floating river vegetation occurring along much of the freshwater stretches within the SAC. The conservation attributes and targets for this habitat relate to water quality and the limiting of nutrients in the water column; the maintenance of the characteristic floral species composition	Hydrological connection exists. . It is deemed that the proposed development does not have the potential to adversely affect any of the above conservation attributes/targets, due to the nature and scale of the development. A precautionary approach to the potential for reductions in water quality downstream of the site will be addressed with appropriate mitigation measures	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operation Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River. Mitigation measures include on-site attenuation tank, and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design. (note: the measures do not constitute mitigation measures, included	

	typical of the habitat sub-type; and the maintenance of floodplain connectivity throughout the SAC		within these are avoidance measures).	
Freshwater Pearl Mussel	restore the favourable conservation condition. The QI species has a mapped catchment area and distribution that encompasses the Blackwater River and many of its tributaries which occur at Mallow, Fermoy and further upstream of the proposed site.	Hydrological and hydrogeological connection exists. Potential for reductions in water quality within the Blackwater River south of the site, including downstream stretches. Populations of the FWPM which occur upstream would be significantly affected if host fish were impacted by the project (during construction/operational phases) via the previously identified impact pathways. Dust and vibrations during construction phase could potentially affect FWPM. FWPM or their host fish may be sensitive to impacts arising from construction phase vibration, while construction phase activities particularly associated with development of large sites can be a source of dust or other airborne contaminants which can impact on water quality if deposited or washed into waters as a result of rainfall events. In the case of roads, the transport of certain materials can also lead to airborne dust and	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied. Operational Phase Management and design measures to ensure no change in chemistry of overland surface water or groundwater. Avoidance by Design While the below do not constitute mitigation measures, included within this are avoidable measures embedded in the project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the	

		particulates. This can be especially significant if such a deposition is allowed to take place over long periods of time.	design of the proposed development.	
Sea Lamprey	Restore favourable conditions. This QI species has been recorded downstream of Funshion River. The conservation target relates to avoidance of instream and/or artificial barriers that restrict or can block or cause difficulties to lampreys' upstream migration; the extent and distribution of spawning habitat; the availability of juvenile habitats; and the number of age groups in, and density of juvenile populations.	Hydrological connection exists. It is unlikely that the proposed development would lead to any significant reduction in lamprey distribution or spawning/juvenile habitats.	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River. **Avoidance by Design** While the below do not constitute mitigation measures, including within are avoidance measures embedded in the project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this	

			includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
Brook Lamprey	Maintain the favourable conservation condition. This QI species has been recorded downstream of Funshion River. The conservation target relates to avoidance of instream and/or artificial barriers that restrict or can block or cause difficulties to lampreys' upstream migration; the extent and distribution of spawning habitat; the availability of juvenile habitats; and the number of age groups in, and density of juvenile populations.	Hydrological connection exists. It is unlikely that the proposed development would lead to any significant reduction in lamprey distribution or spawning/juvenile habitats. Impacts on water quality.	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River. **Avoidance by Design** While the below do not constitute mitigation measures, including within are avoidance measures embedded in the project design which will serve to protect water quality of the Funshion River and	

			Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
River Lamprey	Maintain the favourable conservation condition. This QI species has been recorded downstream of Funshion River. The conservation target relates to avoidance of instream and/or artificial barriers that restrict or can block or cause difficulties to lampreys' upstream migration; the extent and distribution of spawning habitat; the availability of juvenile habitats; and the number of age groups in, and density of juvenile populations.	Hydrological connection exists. It is unlikely that the proposed development would lead to any significant reduction in lamprey distribution or spawning/juvenile habitats. Impacts on water quality	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River. **Avoidance by Design** While the below do not constitute mitigation measures, including within are avoidance measures embedded in the	

			project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
Twaite Shad	Maintain the favourable conservation condition. This QI species is largely confined to the estuary of the Blackwater River. King and Linnane (2004) reported a fish caught at Fermoy; notably 25km upstream of the head of the tide at Cappoquin. The limited nature of records of adult fish along the Blackwater was noted by Rooney et al. (2004), and focused netting surveys employed by Inland Fisheries Ireland (IFI) in 2013 recorded no fish from the river during a 2013 survey effort. Acoustic tracking of tagged fish showed usage of a location	Hydrological connection exists. It is unlikely that the proposed development would lead to any significant reduction with regards to the conservation attributes and targets for Twaite Shad. Impacts on water quality.	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River. **Avoidance by Design** While the below do not constitute	

	between Lissmore and Cappoquin as a spawning ground (Rooney et al. 2004).		mitigation measures, including within are avoidance measures embedded in the project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
Salmon	Maintain the favourable conservation condition. The main channel of the River Blackwater is a designated Salmonid Water under the European Communities (Quality of Salmonid Waters) Regulations of 1988 (SI. No. 293 of 1988) and some of its tributaries are important for salmon spawning and nursery (NPWS, 2016). The conservation attributes relate to spawning fish and their habitats, as well as water quality. The conservation target	Hydrological connection exists. Impacts to water quality including sedimentation of spawning gravels. A suite of mitigation measures is recommended.	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby Funshion River and by extension, Blackwater River.	

	for water quality is the achievement of Q-values of 4 at EPA monitoring locations.		**Avoidance by Design** While the below do not constitute mitigation measures, including within are avoidance measures embedded in the project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
Otter	Restore the favourable conservation condition. The Munster River Blackwater remains an important habitat for the otter in Southern Ireland, with evidence of presence throughout the entire catchment ranging from the sea to small feeder streams in the uplands and including all the major tributaries. The stretch of the Blackwater River that occurs south of the	Hydrological connection exists. Impacts on water quality. The stretch of the Blackwater River that occurs south of the site, has the potential to support Otter, and, as such, a suite of mitigation measures are recommended.	**Construction Phase** Best practice measures for the protection of watercourses from hydrological, hydrogeological and air/land pathways will be applied and specific mitigation measures for the protection of this species are detailed below. **Operational Phase** Management and design measures to ensure no change in chemistry of overland surface water or groundwater from the site into the nearby	

	site, has the potential to support Otter, and, as such, a suite of mitigation measures are recommended.		Funshion River and by extension, Blackwater River. **Avoidance by Design** While the below do not constitute mitigation measures, including within are avoidance measures embedded in the project design which will serve to protect water quality of the Funshion River and Blackwater River, ensuring no impacts to hydrological regime occur (this includes the on-site attenuation tank and a class-2 by-pass oil/fuel separator to be constructed as part of the proposed development and all SuDs measures that have been incorporated into the design.	
Other QIs				
Estuaries, Mudflats and sandflats not covered by seawater at low tide, Perennial vegetation of stony banks, sakucornia and other annuals colonising mud and sand, Mediterranean salt meadows, white-clawed crayfish, Killarney fern,	Maintain the favourable conservation condition. Restore favourable conservation conditions.	A weak hydrological connection exists; however, it is considered insignificant due to the significant hydrological distance and the buffering capacity of the waters.	None	

Old sessile oak woods with llex and Blechnum in the British Isles. Alluvial forests with Alnus glutinosa and Fraxinus excelsior, Yew woodland**,**		None – while this QI habitat is mapped both upstream and downstream, is it mapped as occurring in the Blackwater River tributaries and so does not occur directly downstream of the site as these tributaries flow into the Blackwater River. A weak hydrological connection exists; however, it is considered insignificant due to the significant hydrological distance and the buffering capacity of the waters. None – these habitats were not recorded within, or within close proximity to the site and as such will not be adversely affected by the same.		
Blackwater Callows SPA				
Wetlands and Waterbirds	Maintain the favourable conservation condition. Restore favourable conservation conditions.	A weak hydrological connection exists; however, it is considered insignificant due to the significant hydrological distance and the buffering capacity of the waters. A weak hydrological connection exists; however, it is considered insignificant due to the significant hydrological distance and the buffering capacity of the waters.		

The above table is based on the documentation and information provided on the file 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 view of conservation objectives **(i) Water quality degradation** Water quality of SAC remains vulnerable. Good quality water is necessary to maintain the freshwater pearl mussel, sea lamprey, brook lamprey, river lamprey, twaite shad, salmon and otter which are listed as qualifying interests of the SAC. Water quality degradation is the main risk from unmanaged site works where silt laden surface water reaches the Funchion River. Decrease in water quality would compromise conservation objectives for Annex II species listed and increase sedimentation could alter habitat quality for spawning or nursery grounds. **Mitigation measures and conditions** The mitigation measures will treat the source (e.g. Refuelling of plant to be carried out at designated refuelling station locations on site) or remove the pathway (e.g. No release of wastewater generated on-site into nearby drains or to ground during the Construction Phase). All works will comply with all Statutory Legislation including the Local Government (Water Pollution) Acts, 1977 and 1990. Personnel working on the site will be trained in the implementation of environmental control and emergency procedures. Procedures and relevant documents will include but not limited to: - CIRIA, (2001), Control of Water Pollution from Construction Sites, Guidance for Consultants and Contractors. - Construction Industry Research and Information Association (CIRIA) Environmental Good Practice on Site (C650), 2005. - BPGCS005, Oil Storage Guidelines. - UK Pollution Prevention Guidelines (PPG) UK Environment Agency, 2004. - Construction Industry Research and Information Association CIRIA C648: Control of water pollution from linear construction projects: Technical guidance (Murnane et al. 2006); and - Inland Fisheries Ireland (2016). Guidelines on Protection of Fisheries during Construction Works in and adjacent to Waters. Standard best practice measures will be implemented and these include: - any drains or sewers which could act as pathways for contamination from the site will be blocked where required. - Location of any stilling/settling ponds will take into account groundwater vulnerability at the site and will be located in suitable areas.	

- discharge water generated during placement of concrete will be stored and removed off site for treatment and disposal.
- there will be no washing out of any concrete trucks on site. Any washing of chutes will be carefully collected in a designated container which will be subsequently sent off site for compliant waste management.
- Specific areas for storage, delivery, loading/unloading of materials will be designated, which will have appropriate containment/spill protection measures where required.
- Leachate generation from stockpiles or waste receptacles will be prevented by using waterproof covers.
- Prolonged exposure of contaminated soils or groundwater to the atmosphere will be avoided where practical or unnecessary.
- Appropriate bunding, storage and signage arrangements for all deleterious substances will be used.
- Robust and appropriate Spill Response Plan and Environmental Emergency Plans will be included within the Contractor's CEMP and the details of which will be communicated, resourced and implemented for the duration of the works.
- Control measures and spill clean-up equipment adequate to treat spills at the site will be available and staff will be trained and experienced in using said equipment.
- A register will be kept of all hazardous substances either used on site or expected to be present. The register shall be available at all times and shall include as a minimum: valid safety sheets; Health & Safety, environmental controls to be implemented when storing, handling, using and in the event of spillage of materials; emergency response procedures/precautions for each material; the Personal Protective Equipment (PPE) required when using the material.
- All existing services will be mapped, and a plan will be put in place to decommission/divert and manage any drains or sewers which are associated with the site.
- A plan for dealing with any unknown drains or services which may be encountered during the works will be set out and implemented.
- any surface water inflow into the main areas of excavation will be minimised where possible.
- Constructing buildings and roads above flood level to ensure that backflows through the surface water outfalls will not occur.
- Any impermeable road surface will be finished with tarmac or asphalt surface which will discharge runoff to a piped drainage system, and surface water drains will be installed in roads and streets and in pre-determined wayleaves adjacent to building structures.
- all car parking and refuel areas at the site will be located on substrate underlain with an impermeable liner to prevent contaminant leaching to groundwater.

Earthworks migration include:

- Mud spillages on roads and footpaths outside the site will be cleaned regularly and not be allowed to accumulate. A street sweeper will attend site regularly to clean the road when there are truck movements in and out of the site.
- Hard surface roads will be regularly swept to remove mud and aggregate materials from their surface.
- Public roads outside the site will be regularly inspected for cleanliness and cleaned using a road sweeper or handheld dust vacuums as necessary.
- Material handling systems and site stockpiling of materials will be designed and laid out to minimise exposure to wind and
- Water misting or sprays will be used on stockpiles as required if particularly dusty activities are necessary during dry or windy periods.

Storage and Use of Fuels, Oils, and Chemicals

- Appropriate bunding, storage and signage arrangements for all deleterious substances (e.g. Fuels, oils, and chemicals will be used.
- Fuels, lubricants, and hydraulic fluids for equipment used on the construction site will be carefully handled to avoid spillage, properly secured against unauthorised access or vandalism, and provided with spill containment according to best codes of practice.
- Waster oils and hydraulic fluids will be collected in appropriate receptables, stored in designated areas and removed from the site for disposal or recycling.
- Diesel tanks, used for store fuel for the various items of machinery, will be self-contained and double-walled.
- Spillage and leaks of oil from cars parked in the development during the construction phase are unavoidable. To reduce the potential impacts, oil interceptors will be incorporated into the site drainage design.
- Any spillage of fuels, lubricants or hydraulic oils will be immediately contained and the contaminated soil removed from the site and properly disposed of.
- Where onsite fuelling facilities are used there will be a bunded filling area with a double bunded steel tank at a minimum.
- Plant will not be left running when not in use (i.e. No idling) and plant with dust arrestment equipment will be used where practical.

Monitoring

During construction phase, the following monitoring will be carried out by the appointed construction contractor (appointed by the proposed development and not by Enviroguide) to ensure the implemented mitigation measures are maintained effectively:

- Surface water and groundwater protection measures (Mitigation 1) will be checked weekly to ensure they remain effective, and more often during moderate to heavy rainfall events as appropriate.
- All mitigation measures outlined will be monitored and adhered by the designated persons.

Operational Phase

Surface water management approach

- Surface water discharge rates will be controlled by a vortex flow control devices (Hydrobrake or equivalent) and associated attenuation tanks.

- Surface water discharge will pass via a full retention fuel/oil separators (sized in accordance with permitted discharge from the site).
- Surface water runoff will be collected through the permeable paving from the site via a perforated piped network with individual gravity system prior to discharging off site via the underground attenuation tanks, flow control devices and a class-2 by-pass oil/fuel separator arrangement.
- Surface water runoff from impermeable hard standing areas will be directed to the proposed pipe network constructed on site and collected in a fully sealed underground attenuation tank, from where the water will pass through the class-2 by-pass separator and drain into an existing surface water manhole located west of the proposed development, on the adjacent Circle K.
- A Stormwater Management Plan will be applied to surface water discharges into adjacent watercourses.
- The maximum permitted surface water outflow from the new development is to be restricted to that of the existing Greenfield site by the usage of attenuation storage. Control of runoff by attenuation methods requires a hydraulic control to restrict the magnitude of flows passing downstream, together with an upstream storage capacity to contain the volume of runoff held back by the hydraulic control. The flows are proposed to be attenuated in the surface water system by adopting a flood storage attenuation tank. The storage volume required has been designed used the computer aided design package Windes 10.4. The attenuation strategy for the Site is for the detention of flows in interlinked attenuation tanks. The capacity of the attenuation tanks will be designed to cater for the capacity required for a 1 in 100-year ARI event.

I am satisfied that the preventative measures which are aimed at interrupting the source-pathway-receptor are targeted at the key threats to protected aquatic species and by arresting these pathways or reducing possible effects to a non-significant level, adverse effects can be prevented. Mitigation measures related to water quality are captured in Planning condition 2, 3 & 7 of the Inspectors Report.

(ii) Spread of invasive species

During site clearance, where relevant, invasive flora species (particularly 3rd schedule listed species, such as Japanese Knotweed),

Mitigation measures and conditions

Site clearance will be carried out in accordance with Health and Safety Legislation.
Vegetation clearance will include the removal of all weed growth and large root systems, which will be grubbed up and disposed without significant disturbance of the soil.
Weed species to be cleared on site will not be removed with the use of herbicides, but if required, will be administered as per the instructions of a registered professional user.
Where relevant, invasive flora species (particularly 3rd schedule listed species, such as Japanese Knotweed), clearance will be undertaken after an invasive species management plan is prepared and submitted to the Department of Environment.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing the spread of invasive species.

iii) Waste generated

Potential for any waste generated on site to contaminate soils and nearby water.

Mitigation Measures and conditions

Waste management and disposal will comprise the following:

- In the event of any fugitive solid waste escaping the site, it will be collected immediately and removed to storage on-site and subsequently disposed of in the appropriate manner.
- Portaloo's and/or containerised toilets and welfare units will be used to provide facilities for site personnel. All associated waste will be removed from the proposed development site by a licenced waste disposal contractor.
- Mixer washings are not to be discharged into ground or drainage ditches and will be collected and disposed of at a suitably licenced facility.
  In addition, a minimal waste approach of reduction, reuse and recycling will be utilised where practicable/appropriate. Where this cannot be carried out, all wastes will be disposed of at licenced waste facilities.

I am satisfied that the measures proposed can be implemented, supervised effectively and will be effective in preventing waste contamination.

iv) In combination effects

Number extensions and developments have been granted to this Moorepark Teagasc Research Centre in recent years which extend into the Greenbelt area, the most recent is planning reference 2504432 which was granted permission for the construction of a new dry storage building and for retention of an existing canopy. Other applications include (PA Reference 254135) for construction of a modular calf agricultural building, (PA Reference 245197) for construction of a 2 storey laboratory building, new animal nutrition building, (PA Reference 226512) for construction of low emissions piggery building and numerous other buildings dating back to 2017.The proposed developments are approximately 1.1km northwest of the Blackwater River SAC and the Blackwater Callows SPA. It is proposed to discharge operational stage surface water to the Funshion. According to current WFD monitoring data (2016-2021), this section of the Funshion (Funshion_080) is at Moderate status and is At Risk of failing to meet its objectives under the Water Framework Directive. This development shares a direct hydrological and hydrogeological pathway with the proposed development via the Funshion River and Blackwater River (Munster).
The proposed developments did not require an NIS due to the distance from the Blackwater Callows SPA, the scale and nature of the proposed development, the absence

of suitable habitat in or proximal to the development, and lack of disturbance to foraging or nesting habitats of SCI birds. The combination of surface water inputs to Funshion River, and by extension Blackwater River (Munster) from this development and the proposed development is envisaged to cause significant impacts on the downstream European sites, namely Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA. Therefore, in-combination effects cannot be ruled out. **Mitigation Measures and conditions** The mitigation measures are outlined in part i) water quality degradation.	
In-combination effects I am satisfied that in-combination effects has been assessed adequately in the NIS. The proposed development has been assessed as part of the overall project and no other plans and projects could combine to generate significant effects when mitigation measures are considered. I am satisfied that the applicant has demonstrated that no significant residual effects will remain post the application of mitigation measures.	

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) SAC and Blackwater Callows SPA. 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. Monitoring measures are also proposed to ensure compliance and effective management of measures. 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) SAC and Blackwater Callows SPA. 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 Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA in view of the conservation objectives of those sites and that Appropriate Assessment under the provisions of S177U was required.

Following an examination, analysis and evaluation of the NIS all associated material submitted, I consider that adverse effects on site integrity of the Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA can be excluded in view of the conservation objectives of these sites 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.
- Effectiveness of mitigation measures proposed including supervision and monitoring and integration into CEMP ensuring smooth transition of obligations to eventual contractor.
- Application of planning conditions to ensure application of these measures.
- The proposed development will not affect the attainment of conservation objectives for the Blackwater River (Cork/Waterford) SAC and Blackwater Callows SPA or prevent or delay the restoration of favourable conservation condition for Freshwater Pearl Mussel, Sea Lamprey of Blackwater River (Cork/Waterford) SAC or the wetland and waterbirds of Blackwater Callows SPA.