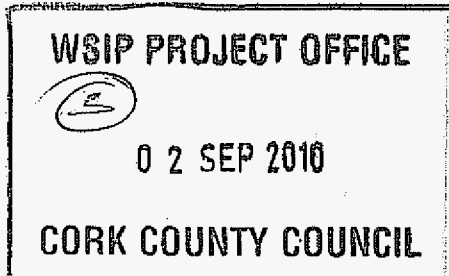


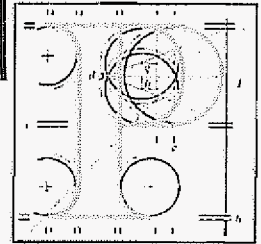
Our Ref: 04.YA0006

Your Ref:



file / c / planal wwp

An Bord Pleanála



*Duane*

Stephen Seymour  
T.J. O'Connor & Assoc.  
Corrig House  
Corrig Road  
Sandyford  
Dublin 18

16 AUG 2010

**Re:** Construction of an extension to an existing wastewater treatment plant at Carrigtohill, County Cork

Dear Sir,

An order has been made by An Bord Pleanála determining the above-mentioned case. A copy of the order is enclosed.

In accordance with section 146(3) of the Planning and Development Act, 2000 the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website ([www.pleanala.ie](http://www.pleanala.ie)). This information is normally made available on the list of decided cases on the website on the Wednesday following the week in which the decision is made.

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The attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

If you have any queries in relation to the matter please contact the undersigned officer of the Board.

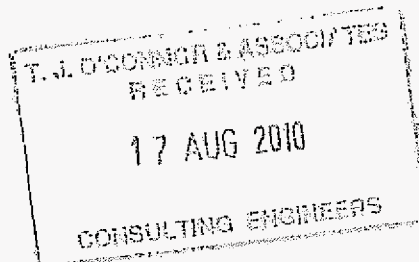
Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

*PP Marcelle Doherty*

Executive Officer

DA12.LTR



64 Sráid Maoilbhríde,  
Baile Átha Cliath 1.

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LoCall: 1890 271 175  
Fax: (01) 872 2604  
Web <http://www.pleanala.ie>  
email [board@pleanala.ie](mailto:board@pleanala.ie)

64 Marlborough Street,  
Dublin 1

Judicial review of An Bord Pleanála decisions under the provisions of the Planning and Development Act, 2000, as amended

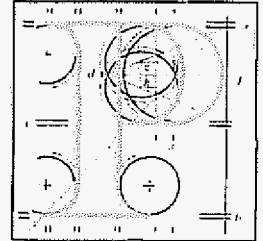
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50 and 50A of the Planning and Development Act, 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006) contain provisions in relation to challenges to the validity of a decision of the Board.

The validity of a decision taken by the Board may only be questioned by making an application for judicial review under Order 84 of The Rules of the Superior Courts (S.I. No. 15 of 1986). Sub-section 50(6) of the Planning and Development Act, 2000 requires that subject to any extension to the time period which may be allowed by the High Court in accordance with subsection 50(8), any application for judicial review must be made within 8 weeks of the decision of the Board. It should be noted that any challenge taken under section 50 may question only the validity of the decision and the Courts do not adjudicate on the merits of the development from the perspectives of the proper planning and sustainable development of the area and/or effects on the environment. Section 50A states that leave for judicial review shall not be granted unless the Court is satisfied that there are substantial grounds for contending that the decision is invalid or ought to be quashed.

Disclaimer: The above is intended for information purposes. It does not purport to be a legally binding interpretation of the relevant provisions and it would be advisable for persons contemplating legal action to seek legal advice.

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An Bord Pleanála

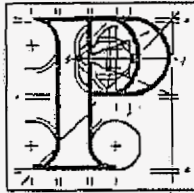


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## An Bord Pleanála



### PLANNING AND DEVELOPMENT ACTS 2000 to 2009

#### Cork County Council

**APPLICATION** by Cork County Council for approval under section 226 of the Planning and Development Act 2000, as amended in accordance with plans and particulars, including an environmental impact statement, lodged with the Board on the 7<sup>th</sup> day of July, 2008.

**PROPOSED DEVELOPMENT:** Construction of an extension to an existing wastewater treatment plant at Carrigtohill, County Cork.

#### DECISION

**GRANT** approval for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

#### MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

#### REASONS AND CONSIDERATIONS

Having considered the submissions and observations made in respect of the proposed development and the Inspector's Report thereon and having regard to

- (a) the existing use of portion of the site as a waste water treatment plant and the need to expand the treatment capacity,
- (b) the current Cork County Development Plan, the Cork Area Strategic Plan and Special Local Area Plan for Carrigtohill (September 2005),
- (c) the requirements of the Urban Wastewater Treatment Directive (91/271/EEC),

- (d) the Cork County Sludge Management Plan,
- (e) the mitigation measures proposed in the Environmental Impact Statement,
- (f) the requirement for a discharge authorisation under the Waste Water Discharge Regulations, 2007

it is considered that, subject to the conditions set out below, the expansion of the wastewater treatment capacity at the Carrigtohill Wastewater Treatment Works would not have significant adverse effects on the environment and would be in accordance with the proper planning and sustainable development of the area.

### CONDITIONS

1. Phase two of the proposed works shall be excluded from this approval in order to allow for further assessment of the environmental impacts when phase one (45,000 population equivalent plant capacity) is in operation.

**Reason:** To protect the aquatic environment and having regard to the letter of the 27<sup>th</sup> of November, 2009 from the local authority's consulting engineer.

2. Storm tanks with a minimum capacity to ensure compliance with the requirements of the DEHLG publication "Procedures and Criteria in relation to Storm Water Overflows" (1995) shall be installed.

**Reason:** To protect the aquatic environment.

3. A suitably qualified Archaeologist shall be engaged to carry out monitoring on the pipeline route during excavation.

**Reason:** To ensure that all archaeologically important items are located and evaluated.

4. The treatment of any watercourses running through the development site shall be agreed with Inland Fisheries Ireland prior to the commencement of construction.

**Reason:** In the interests of protecting aquatic ecology.

5. A comprehensive Construction Environmental Management Plan shall be prepared prior to commencement of construction in consultation with the Department of Environment, Heritage and Local Government (National Parks and Wildlife Service). This shall include the detailed method statement for the laying of the outfall pipeline as referred to in the last paragraph of the conclusions in the report by the Environmental Consultants submitted to An Bord Pleanála on the 25<sup>th</sup> day of February, 2010.

**Reason:** In the interests of protecting habitats.

6. The height of the tallest building shall not exceed 15 metres above existing ground level.

**Reason:** In the interest of visual amenity.

*John J. [Signature]*

Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.

Dated this 15<sup>th</sup> day of Aug 2010.

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