



**ATTACHMENT B.3:  
PLANNING APPROVAL**



**ATTACHMENT B.3.1:**  
**PLANNING CONSENT, JANUARY 2020**

**CORK COUNTY COUNCIL**  
**Planning & Development Acts 2000 – 2010 as amended**

**Irish Water,  
C/o T.J. O'Connor & Asso.,  
Corrig House,  
Corrig Road,  
Sandyford,  
Dublin F.A.O Diarmuid Cahalane.**

**Planning Register No: 19/05078**

**Application by: Irish Water**

**Of: C/o T.J. O'Connor & Asso, Corrig House, Corrig Road, Sandyford,  
Dublin F.A.O Diarmuid Cahalane**

**On: 30/04/2019, 17/05/2019, 22/05/2019 and 11/10/2019**

**For: The alteration of Mallow Sewerage Scheme to remove combined sewer overflows from the network. The proposed scheme will include: 1. The alteration of Mallow Wastewater Treatment Plant to provide for wastewater treatment capacity for 22,000pe (increased from 18,000pe) at Ballyellis, Mallow. The WWTP upgrade will comprise construction of new local pumping station, refurbishment/replacement of inlet works, distribution chambers, alteration of existing tanks, construction of plinths and kiosks, sludge import acceptance unit, sludge tanks, chemical storage tanks, associated pumps, replacement of sludge presses in existing sludge building with centrifuges, all with associated odour control facilities, electrical control panels and kiosks, standby power generation equipment and diesel tank, extensions to existing access roads and all associated site development and site excavation works above and below ground. 2. Construction of a new pump station at Bearforest Lower, Mallow, to transfer flows from the network to the WWTP at Ballyellis. The development will contain a foul sump, storm sump, valve chamber, lifting gantries, access stairs, control house with MV Substation, storm tank, interconnecting pipework and chambers, overflow pipework and chambers from storm tank to river Blackwater, twin rising mains to WWTP at Ballyellis, flow meter chambers, odour control equipment, 2.4m high boundary fence, access gate, access roads, hardstanding areas, landscaping and all associated site development and site excavation works above and below ground. Existing pump station to be decommissioned and above ground structure demolished on completion. 3. Upgrade of sections of the sewer network in Mallow comprising construction of pipelines and chambers in fields, public open spaces, roads and footpaths in the townlands of Ballyellis, Bearforest Lower, Ballydahin, Carhookeal, Quartertown Lower, Castlelands, Mallow, Annabella, Lackanalooha, Kilknockan and Spa Glen. Pipelines will include a crossing of the river Blackwater between Castlelands and Bearforest Lower east of Mallow Bridge. A Natura Impact Statement (NIS) will be submitted to the Planning Authority with this application.**

**At: Mallow WWTP, Mallow Bridge Pump Station, Mallow, Ballyellis,  
Bearforest Lwr, Ballydahin, Spa Glen, Carhookeal, Quartertown Lower,  
Castlelands, Annabella, Lackanalooha, Kilknockan**

Further to Notice dated the 04/12/2019 Cork County Council hereby conveys a grant of **Permission** for the application described above subject to the conditions set out in the schedule attached to the said Notice dated 04/12/2019 of its intention to grant **Permission**

Signed on behalf of Cork County Council



---

Pio Treacy

**DATE:** 13/01/2020

---

**NOTE FOR GUIDANCE OF DEVELOPERS**

**A grant of Planning Permission or Permission Consequent on the grant of Outline Permission does NOT of itself empower a person to carry out a development unless that person is otherwise legally entitled to do so. Unless otherwise stated or unless it is revoked a Permission or Permission Consequent on the Grant of Outline Permission is valid for a period of five years.**

**Any development which takes place prior to the payment of a financial contribution required by any of the conditions attached to a Permission or Permission Consequent on the grant of Outline Permission will be unauthorized until compliance with the condition or conditions.**

**Please note that there is an onus on developers to ensure that there is no danger to the public as a result of the proposed development.**

## Important Notice for Developers – Conditions Precedent

**The enclosed grant of permission may not automatically entitle you to commence the authorised development.** This is because many permissions contain “Conditions Precedent” i.e. conditions which must be complied with before development commences. (Such conditions usually contain the phrase ‘before development commences’ and may require further details to be submitted to and agreed with the Planning Authority). If there are such conditions on your permission please read on.

### 1) **Early Submission Of Details**

Where compliance proposals are required by condition you should make them as far in advance of your anticipated commencement date as possible. This is to enable adequate time for the Planning Authority to consider and, when satisfactory, agree the details. Such proposals may need to be revised before agreement can be reached or, in the absence of agreement, may need to be referred to An Bord Pleanala. These potential delays to starting a development can be mitigated by early submission of proposals in the first instance.

There is no statutory timeframe for responding to such compliance proposals and on an ongoing basis the Planning Authority will be dealing with other priorities including current Planning Applications with statutory decision deadlines. **Therefore, submit as early as possible and do not commence development until agreement of the Planning Authority has issued in writing.**

### 2) **Development Commenced In Advance of Compliance Proposals/Agreements**

Any development commenced in advance of full compliance with such conditions (including conditions requiring financial contributions, bonds, securities) is unauthorised and leaves a developer liable to **enforcement proceeding and heavy penalties**. Simply submitting a proposal may not in itself be sufficient compliance if the condition also requires the Agreement/Approval of the Planning Authority. This will also apply where the Planning Authority becomes aware that a development is about to start (e.g. Commencement Notice) and conditions precedent have not been complied with.

### 3) **Submission Should Be Addressed As Follows:**

Compliance with Conditions  
Planning Department, County Hall, Carrigrohane Road, Cork.

**The above information is intended for your assistance and guidance in avoiding a situation of unauthorised development and the Planning Authority wishes you every success with the development.**



## **ATTACHMENT B.3.2:**

### **PLANNERS REPORT, JUNE 2019**

PLANNER'S REPORT

PRIMARY

APPLICATION NO.	19/05078
APPLICANT	Irish Water
DESCRIPTION	<p>The alteration of Mallow Sewerage Scheme to remove combined sewer overflows from the network. The proposed scheme will include: 1. The alteration of Mallow Wastewater Treatment Plant to provide for wastewater treatment capacity for 22,000pe (increased from 18,000pe) at Ballyellis, Mallow. The WWTP upgrade will comprise construction of new local pumping station, refurbishment/replacement of inlet works, distribution chambers, alteration of existing tanks, construction of plinths and kiosks, sludge import acceptance unit, sludge tanks, chemical storage tanks, associated pumps, replacement of sludge presses in existing sludge building with centrifuges, all with associated odour control facilities, electrical control panels and kiosks, standby power generation equipment and diesel tank, extensions to existing access roads and all associated site development and site excavation works above and below ground. 2. Construction of a new pump station at Bearforest Lower, Mallow, to transfer flows from the network to the WWTP at Ballyellis. The development will contain a foul sump, storm sump, valve chamber, lifting gantries, access stairs, control house with MV Substation, storm tank, interconnecting pipework and chambers, overflow pipework and chambers from storm tank to river Blackwater, twin rising mains to WWTP at Ballyellis, flow meter chambers, odour control equipment, 2.4m high boundary fence, access gate, access roads, hardstanding areas, landscaping and all associated site development and site excavation works above and below ground. Existing pump station to be decommissioned and above ground structure demolished on completion. 3. Upgrade of sections of the sewer network in Mallow comprising construction of pipelines and chambers in fields, public open spaces, roads and footpaths in the townlands of Ballyellis, Bearforest Lower, Ballydahin, Carhookeal, Quartertown Lower, Castlelands, Mallow, Annabella, Lackanalooha, Kilknockan and Spa Glen. Pipelines will include a crossing of the river Blackwater between Castlelands and Bearforest Lower east of Mallow Bridge. A Natura Impact Statement (NIS) will be submitted to the Planning Authority with this application.</p>
LOCATION	<p>Mallow WWTP, Mallow Bridge Pump Station, Mallow Ballyellis, Bearforest Lwr, Ballydahin, Spa Glen Carhookeal, Quartertown Lower, Castlelands, Annabella Lackanalooha, Kilknockan</p>

DECISION DUE DATE	24/06/2019
-------------------	------------

## THE DEVELOPMENT AND ITS PLANNING CONTEXT

Irish Water are seeking permission to alter and upgrade the Mallow Sewerage Scheme within Mallow town.

### Planning Designations

In terms of planning designations, the site is located within the boundary of Mallow town, as set out in the Mallow Town Development Plan 2010.

The site overlaps Architectural Conservation Areas ACA-1 and ACA-2, as set out in the TDP. There are a number of Protected Structures and building listed on the NIAH along sections of the route.

The TDP indicates that the site overlaps the zone of archaeological potential and an area identified as a suspected area of medieval town within the town centre.

Parts of the site overlap the 100 year and 1000 year event indicative fluvial flood risk zones, as set out in the draft Preliminary Flood Risk Assessment data, prepared by the OPW. The site overlaps the flood risk zone, as set out in the TDP and flood risk zones A and B, as set out in the Kanturk Mallow LAP 2017.

The site is located within a screening assessment zone for the Blackwater River SAC (site code: 001720)

### The primary planning issues in this case would appear to be as follows:

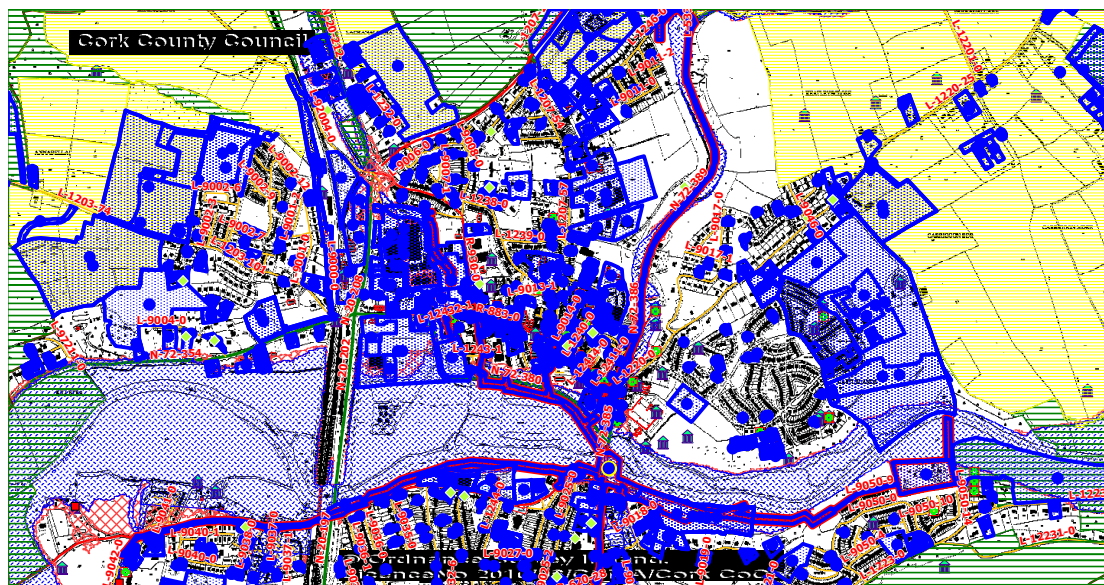
- Whether the proposed development can be satisfactorily accommodated without adversely affecting amenity/heritage.
- Whether the proposal is acceptable in terms of environmental/engineering impacts.
- Whether there would be a significant impact on the integrity of the Natura 2000 site.

### Other Considerations

A check of the planning history in the area indicates the following;



PLANNER'S REPORT  
PRIMARY



09/55023: Cork County Council. Construction of leachate acceptance and storage facilities within the confines of the existing Mallow Wastewater Treatment Plant site for subsequent treatment in the existing wastewater treatment plant at Ballyellis. Granted.

The key points from the other technical reports on file include:

- Area Engineer (report dated 20/06/19): The Area Engineer recommends that the application should be deferred to address a number of engineering issues.
- Archaeologist (report dated 31/05/19): Further information is required.
- Ecologist (report due):
- Environmental Officer (report dated 31/05/19): Conditional permission is recommended.

A report was received from Gas Networks Ireland on 24/05/19. Conditions attached.

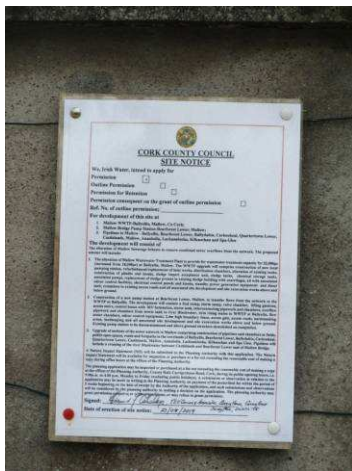
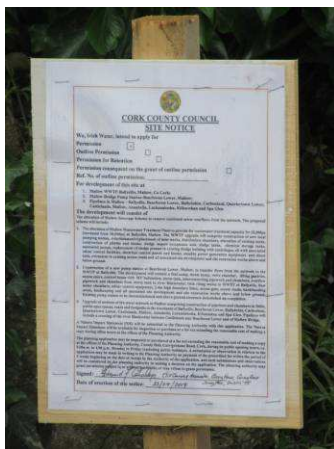
In a report dated 30/05/19, TII states that the authority will rely on the PA to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities 2012.

The HSA states the authority does not advise against the granting of permission in the context of Major Accident Hazards.

To date, no third party submissions / observations have been referred to me.

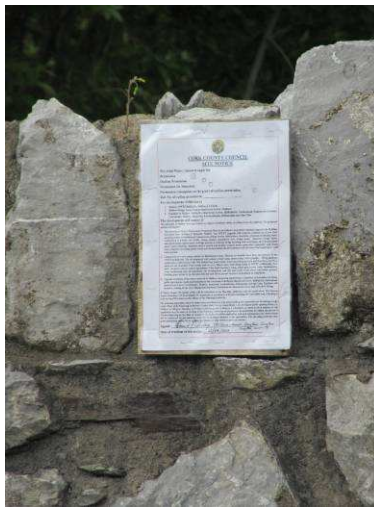
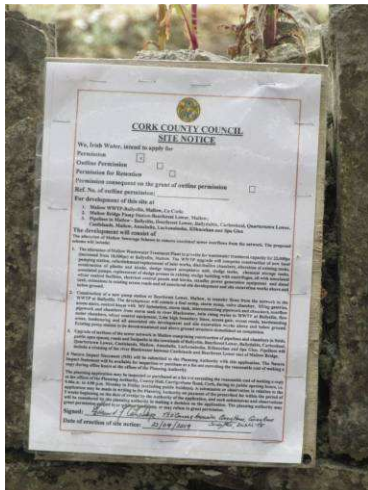
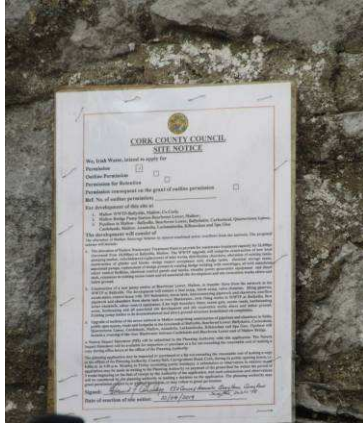
The site notices were displayed correctly on 30/05/19, which was within the statutory period.

PLANNER'S REPORT  
PRIMARY

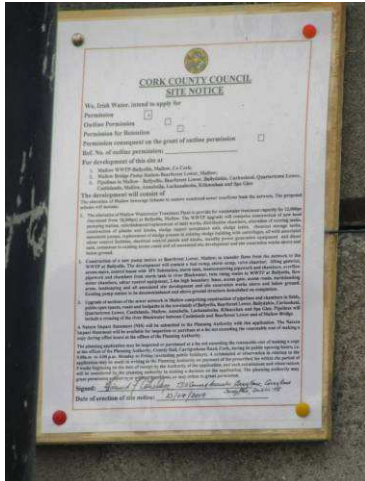




PLANNER'S REPORT  
PRIMARY

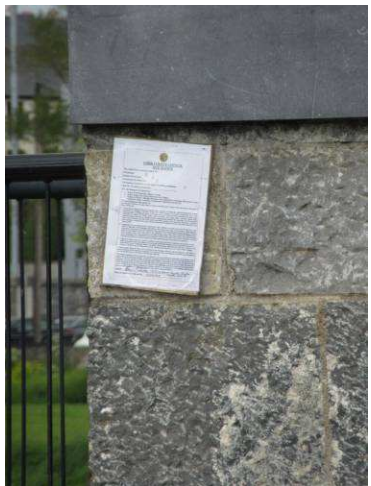
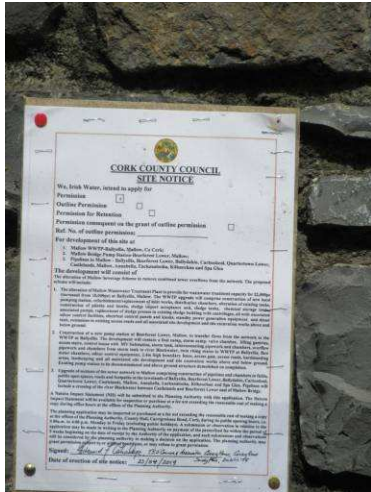


PLANNER'S REPORT  
PRIMARY





PLANNER'S REPORT  
PRIMARY



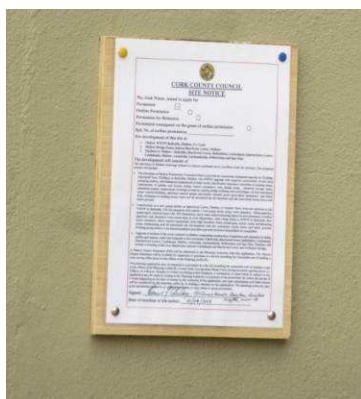


PLANNER'S REPORT  
PRIMARY



## PLANNER'S REPORT

### PRIMARY



## ASSESSMENT & RECOMMENDATION

### *Proposed Development*

The existing sewerage system in Mallow town is a combined sewer network. The wastewater flows from the northern side of the Blackwater River to a pumping station on the southern side, downstream of Mallow Bridge. The WwTP is located in Ballyellis, to the south east of the town. The WwTP has a Waste Water Discharge Licence from the EPA.

Irish Water propose to alter and upgrade the Mallow Sewerage Scheme within the town. The alterations will remove combined sewer overflows from the network. The proposal involves upgrading the sewer network and the wastewater treatment facilities.

The proposed development comprises the following;

1. The alteration of Mallow Wastewater Treatment Plant to provide for wastewater treatment capacity for 22,000pe (increased from 18,000pe) at Ballyellis, Mallow. The WWTP upgrade will comprise construction of new local pumping station, refurbishment/replacement of inlet works, distribution chambers, alteration of existing tanks, construction of plinths and kiosks, sludge import acceptance unit, sludge tanks, chemical storage tanks, associated pumps, replacement of sludge presses in existing sludge building with centrifuges, all with

associated odour control facilities, electrical control panels and kiosks, standby power generation equipment and diesel tank, extensions to existing access roads and all associated site development and site excavation works above and below ground.

2. Construction of a new pump station at Bearforest Lower, Mallow, to transfer flows from the network to the WWTP at Ballyellis. The development will contain a foul sump, storm sump, valve chamber, lifting gantries, access stairs, control house with MV Substation, storm tank, interconnecting pipework and chambers, overflow pipework and chambers from storm tank to river Blackwater, twin rising mains to WWTP at Ballyellis, flow meter chambers, odour control equipment, 2.4m high boundary fence, access gate, access roads, hardstanding areas, landscaping and all associated site development and site excavation works above and below ground. Existing pump station to be decommissioned and above ground structure demolished on completion.

3. Upgrade of sections of the sewer network in Mallow comprising construction of pipelines and chambers in fields, public open spaces, roads and footpaths in the townlands of Ballyellis, Bearforest Lower, Ballydahin, Carhookeal, Quartertown Lower, Castlelands, Mallow, Annabella, Lackanalooha, Kilknockan and Spa Glen. Pipelines will include a crossing of the river Blackwater between Castlelands and Bearforest Lower east of Mallow Bridge.

The existing network contains a number of combined sewer overflows which discharge untreated wastewater to the Blackwater River in the absence of any stormwater storage. The system does not comply with Irish Water's flood design criteria for a 1:20 year period storm event. It is stated that the Mallow WwTP is currently overloaded in respect of the existing population equivalent. Mallow WwTP has a design capacity of 18,000 PE. However, some of the existing treatment units are no longer operational and require refurbishment and/or replacement.

The proposed development seeks to address these issues and to comply with the requirements of the EPA Wastewater Discharge Licence, through the removal of the combined storm overflows, development of stormwater storage, increased gravity sewer network capacity, increased pumping capacity to the WwTP and increased treatment capacity at the WwTP to cater for a 10 year design period. IW is obliged by the European Court of Justice and the EPA to eliminate the CSOs to ensure compliance with the Water Framework Directive objective of maintaining sensitive water status in the Blackwater River.

The total site area is 13.27ha. The development will involve the following key elements;

- Replacement sewers on the foul/combined sewer network to provide for increased flows, arising from the elimination of the combined sewer overflows and to cater for future growth;
- 
- Stormwater storage and interconnecting pipework and overflow to the Blackwater River;
- 
- A new pumping station to replace the existing Mallow Bridge pumping station at Bearforest Lower;
- 
- New rising mains to connect this pumping station to the sewer network at Cois na hAbhainn, Ballyellis;
-



- An increase in treatment capacity at Mallow WwTP to 22,000 PE;
- 
- Upgrade of sludge import facilities at Mallow WwTP to provide for sludge import volumes in line with National Wastewater Sludge Management Plan; and
- 
- Provision for Standby power generation at Mallow WwTP and Mallow Bridge pumping station.

The existing Mallow Bridge PS Control House (89.5 sq m) will be demolished and replaced with a new control house with a floor area of 83 sq m.

There are a number of changes within the WwTP in Ballyellis. The air blower building, with a floor area of 25.3 sq m, will be removed. The new buildings include an air blower kiosk ( 30 sq m), a sludge kiosk (30 sq m) and an inlet works kiosk (18 sq m).

Larger trunk sewers will be provided to increase capacity. The replacement sewer beneath the river will be 1400mm in diameter. Given the constraints associated with Mallow Bridge, the new sewer sill be located c. 20-30m downstream of the bridge.

A Natura Impact Statement accompanied the application. A Planning and Environmental Report, an EIAR screening assessment report, an outline construction methodology report for the pipe crossing beneath the Blackwater River and technical reports were also attached.

With regard to consent, a CPO for wayleaves and land acquisition was approved by ABP (PL04.301515) in 2018.

#### *Principle of Development*

Mallow is identified as a hub town in the County Development Plan, with the purpose of supporting the gateway of Cork city. The site is predominantly located within the boundary of the Mallow Town Development Plan 2010. The Kanturk Mallow Municipal District Local Area Plan 2017 relates to the town environs of Mallow.

The projected population figure in the CDP and the LAP is 20,000 for Mallow town and environs. Upgrading of the Mallow WwTP and upgrading/extension of the sewer networks will be required to deliver the target population of Mallow. The LAP states that the WwTP has a design capacity of 18,000PE and provides tertiary treatment for 14,000PE. The plan states that there are ongoing issues with the plant and that further development in Mallow will require additional nutrient reduction measures to comply with Articles 3 and 5 of the EU Urban Wastewater Treatment Directive. Upgrading of the WwTP is also identified in the TDP.

There is no objection to the proposed development in principle, subject to appropriate safeguards. The benefits of the scheme are acknowledged.

#### *EIAR Screening*

A screening report was submitted with the application.

Schedule 5 of the Planning and Development Regulations 2001, as amended, sets out the prescribed classes of development for the purposes of EIA.

Class 13, Part 1, Schedule 5 of the Regulations refers to 'Wastewater treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2, point (6) of Directive 91/271/EEC5. The capacity of the WwTP would not exceed this threshold.

Class 11c, Part 2, Schedule 5 of the Regulations refers to 'Wastewater treatment plants with a capacity greater than 10,000 population equivalent, as defined in Article 2, point (6), of Directive 91/271/EEC not included in Part 1 of this Schedule'.

The existing WwTP has a capacity of 18,000PE. Class 11c is not applicable.

Section 13, Part 2 of the Planning and Development Regulations 2001, as amended states that;

- (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:-
- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
  - (ii) result in an increase in size greater than –  
25% or  
an amount equal to 50% of the appropriate threshold,  
whichever is the greater.

An increase in the capacity of the WwTP from 18,000PE to 22,000PE, equates to 4,000PE or 22.2%. The increase amounts to 40% of the appropriate threshold. Also, the additional floor area would not exceed the limit.

The demolition works would not trigger a mandatory EIAR under Class 14.

Class 15

#### *Sub threshold Development*

Sub-threshold development means development of a type set out in Schedule 5 which does not exceed a quantity, area or other limit specified in that Schedule in respect of the relevant class of development.

Schedule 7 of the Planning and Development Regulations 2001, as amended, sets out the criteria for determining whether a development would or would not be likely to have significant effects on the environment;

- Characteristics of the proposed development
- Location of the proposed development
- Characteristics of potential impacts

The nature, size and scale of the development, the sensitivity of the geographical area potentially affected and the potential degree and extent of the impact are noted.

In light of the above, it is considered that a mandatory or a sub-threshold EIAR would not be required in this case.

### *Site Context/Amenity/Heritage*

The proposed development extends over a substantial part of the sewer network in Mallow on the northern and southern sides of the Blackwater River.

The Mallow WwTP is located in Ballyellis, to the south east of the town. The site is zoned for utilities/infrastructure in the Town Development Plan. The site is sited at the end of a private access lane, off the L1223. The site lies to the south of the Blackwater River. The well screened site is bounded by residential housing to the south and southwest. There are a number of structures within the facility associated with the treatment of wastewater and dewatering of wastewater sludge. The air blower building will be removed. The proposed buildings include an air blower kiosk (30 sq m), a sludge kiosk (30 sq m) and an inlet works kiosk (18 sq m). The bulk of the structures will be sited to the north of the site. A backup generator and a fuel storage tank will be sited adjacent to the administrative building to the southwest of the site. It is noted that the Environmental Officer is satisfied with the proposal. Given the nature of the development and the site context, it is considered that there would not be significant adverse impacts on amenity.

The pipework lies to the west of the plant on the southern side of the river. Mallow Bridge Pumping Station is located in the townland of Bearforest Lower, to the south east of the bridge. There are residential properties to the south. The control house, comprising 89.5 sq m, will be demolished and replaced with a new control house with a floor area of 83 sq m. The maximum height is c. 5.3m. The stormwater holding tank is shown to the east of the pumping station. This area forms part of the Blackwater Amenity Area, as identified in the LAP. A section of the site also forms part of the Special Development Area in Bearforest Lower.

Mallow Bridge is a Recorded Monument (CO 033 094) and a Protected Structure (reg. no. 129). To the west of the pumping station, the Quay wall is also a Protected Structure (reg no. 130). A new pipeline will traverse the river to the east of Mallow Bridge.

Also, new pipelines are proposed to the north, south and south west of the bridge. The pipework will extend within the Town Park, identified as part of the Blackwater Amenity Corridor, to the south of the N72. Three no. transverse crossings of the N72 are shown.

The route also covers the L1242 (St. James Avenue) which connects with the (R883) Davis Street within the town centre. The site includes the road, adjacent footpath to the east and the full width of Davis Street. St. James Church, listed on the NIAH and the RPS (reg no.79). The eastern boundary wall and the adjoining corner building are also listed on the RPS (reg. no. 29). The building is also listed on the NIAH. The former Mallow Park Hotel (reg no. 30) adjoins the western side of the road. This area forms part of ACA 1.

The corridor includes the road and footpath on Davis Street at the West End and the road and both footpaths along Emmet Street, including Barrack Street, within Mallow town centre. There are predominantly residences along this road. This road is also within ACA 1.

Further to the west, the route extends from the R883 southwards along the L12432 cul-de-sac, which serves Westbrook Court housing development. This area is located within the town centre and ACA 1. The site includes the road, adjacent footpaths and a part of area of public open space.

The pipeline will extend from the L9005 (Lower Beecher Street), through a large area of the Dairygold site, north of the R883. The site will traverse a garden area associated with a

dwelling adjoining Lower Beecher Street. Through the Dairygold site, the pipeline will be positioned to the east of the stream. The site will extend to the full width of Lower Beecher Street and it will be a maximum of 20m further south. This area is located within the designated town centre and outside the ACA. There have been a number of applications relating to the redevelopment of the Dairygold site. The most recent permission was reg. no. 18/4946.

The pipeline works will also extend from the Lidl carpark within the town centre, along sections of the R883 and the N72, in the Spa Glen. The site extends from the junction with the L5331 across the agricultural land to the L1246, with a further extension in to the field, to the east of Beechwood Park. The works overlap ACA1 and ACA 2.

To the south of the Blackwater River, the site extends southwards along the R620 in the townlands of Ballydaheen and Carhookeal, within a mixed use zone.

The route also extends on the southern bank of the river, in Ballydaheen and Quartertown. There are trees and grassland within the route along the Blackwater Amenity Corridor. There are residential and commercial uses to the north of the R619. The route connects with the regional road through an area of open space to the west of the Mallow Search and Rescue Unit premises. Dano's Supervalu and Bellevue House, which is a Protected Structure (ref nos. 124 – 127) are sited further to the west. The site connects with the R619 close to Blackwater Drive and ultimately on to the L9012, to the west of Clyda Court in Quartertown. The wall along a substantial section of the R619 is listed for protection in the TDP.

There are concerns about the potential impact of the works on buildings/walls, some of which are listed for protection. This issue requires further assessment. I concur with the recommendation of the Area Engineer in this regard. In a conversation with Pierangelo Cacciotti, Architect, he had no further issue with regard to the conservation aspects, apart from the provision of sufficient screening to the north of the pumping station building. Also, an assessment of potential impacts on historic street furniture, as noted by the Archaeologist, would be required. Details of the surface finished should be submitted.

Also, the impact on the trees within the entire site, particularly along the Blackwater River and in the Town Park would require a full assessment. It is noted that a Tree Report was submitted which states that three no. trees have the potential to be impacted by the development. A comprehensive survey report, with accompanying maps for the site, would be required. Proposals to mitigate impacts, tree protection plans, along with a re-instatement/landscape plan would also be required.

#### *Archaeological Impact*

The TDP indicates that the site overlaps the zone of archaeological potential and an area identified as a suspected area of medieval town within the town centre.

An Archaeological and Architectural Impact Assessment report and an Underwater Archaeological Impact Assessment report were submitted.

The Archaeologist notes that the Archaeological Impact Assessment was desk based and a field survey was carried out. Given the nature and scale of the development, she recommends that a field survey/site inspection is carried out to (a) establish that there is no surface archaeology in the green field sites (b) to identify any historic street furnishings within the line of the proposed development and (c) establish that no heritage feature or building will be impacted by the proximity of the development such as historic wall, street paving etc. It is also recommended archaeological testing is carried out in the large

greenfield site to be developed in proximity to Castlegar CO033-004. Also, details of the finished surfaces should be supplied especially in areas where cultural heritage features are identified.

### *Engineering Issues*

The Area Engineer supports the proposal. However, he requires further information in relation to a number of issues. He requires further details to assess the impact of excavation work in respect of buildings, boundaries and trees. He also requires details of a Section 9 application to the OPW under the Arterial Drainage (Amendment) Act, 1995 with regard to the flood defence scheme in Mallow.

### *Environmental Impact*

The Environmental Officer has no objection. He recommends that conditional permission should be granted.

### *Flood Risk*

Parts of the site overlap the 100 year and 1000 year event indicative fluvial flood risk zones, as set out in the draft Preliminary Flood Risk Assessment data, prepared by the OPW. The site overlaps the flood risk zone, as set out in the TDP and flood risk zones A and B, as set out in the Mallow Environs LAP.

A flood risk assessment report was submitted. In a telephone conversation with the Area Engineer on 20/06/19, he stated that he had no objection in this regard, subject to the applicant satisfactorily addressing a request for further information in respect of an application under section 9 of the Arterial Drainage (Amendment) Act, 1995.

### *Appropriate Assessment*

The site is located within the screening zone for the Blackwater River SAC (Site Code 2170). Parts of the site adjoin and overlap the SAC.

A Natura Impact Statement accompanied the application. A report is due from the Ecologist. The final recommendation should be updated on receipt of this report.

### *Recommendation*

While the benefits of the scheme are noted, further information is required to address a number of concerns, as set out.

**Note:** This recommendation should be updated on receipt of the Ecologist's report.

On the basis of the above assessment, I recommend DEFERRAL of further information as set out below.

1. It is noted that an application was submitted to the OPW in January 2019 to the OPW under section 9 of the Arterial Drainage Act, 1945 as amended by the Arterial Drainage (Amendment) Act, 1995 in respect of the flood defence scheme in Mallow.

Please submit full details of this application, along with details of a grant, if issued and a copy of any comments/conditions that may have been imposed as part of this process.

2. There are concerns about the potential impact of excavations in close proximity to buildings and boundary walls within the site. This includes impacts on buildings and stone walls which are listed on the Record of Protected Structures, the National Inventory of Architectural Heritage and located within an Architectural Conservation Area. A section of the wall along the R619 is also listed for protection in the Mallow Town Development Plan 2010.

You are required to demonstrate that there would not be potential adverse impacts on the structural integrity of these buildings/walls.

Please submit details of proposals to mitigate against any damage being caused to these structures.

Details shall also be submitted in relation to all surveys that shall be undertaken prior to the excavations in each area. These surveys shall include, but not limited to, topographical, visual and photographic surveys.

3. You are required to engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930–2004) to carry out the following:
  - (i) a field survey/site inspection of the proposed development site in particular
    - (a) all green field sites to establish there is no surface archaeology,
    - (b) historic streets/lanes to identify any historic street furnishings within the line of the proposed development and
    - (c) identify any historic/ heritage feature or building that may be impacted by the proposed development due to the proximity of the development such as historic wall, street paving etc.
  - (ii) pre-development licenced archaeological testing of the green field site in proximity to Castlegar CO033-004.

The archaeologist shall excavate test trenches at locations chosen by the archaeologist, having consulted the proposed development plans. Where archaeological material is shown to be present the archaeologist shall contact the Local Authority Archaeologist to agree an appropriate mitigation strategy such as avoidance, preservation in situ, preservation by record (excavation) and/or monitoring.

**It is advised the appointed archaeologist shall liaise with Mary Sleeman the Local Authority Archaeologist prior to commencing the field survey and testing.**

4. Submit full details of the proposed finished surfaces, especially in areas where cultural heritage features are identified. Details of the existing and the replacement surface finishes, including materials and colour, should be submitted. A full materials specification should be submitted.
5. You are requested to submit full details in relation to pipelines crossing beneath road side boundaries, e.g. hedgerows, fencing or walls within the site area. Details plans/sections should be submitted accordingly, showing the extent of the impacts.

You are required to submit proposals to mitigate the impacts in this regard and to submit a comprehensive re-instatement plan upon completion of the works. Temporary measures should also be included. This should include detailed landscaping proposals, with an associated timescale, where relevant. Replacement planting should comprise predominantly native species and varieties.

6. You are required to address concerns about the impact on trees within the site area. There are concerns about sections of the pipeline running through or adjacent to woodlands (e.g. along the Blackwater river bank, adjacent to College Wood housing estate, Town Park etc). The impact on trees within the entire site, including the town centre, should be assessed.

You are required to submit a detailed survey of all the trees along the entire route of all the works.

You are required to submit revised detailed plans, showing the extent of the excavation/cutting works in the context of the tree survey, along the entire route. The plan should clearly identify the trees to be removed and retained.

You are advised to submit proposals to mitigate the impact on the trees and to submit tree protection measures accordingly.

Where trees/hedging will be removed, a detailed and comprehensive re-instatement/landscape plan should be submitted, along with a programme for implementation of the scheme. Replacement planting should comprise native species and varieties. Screen planting would be also required in the vicinity of the pumping station site.

The tree survey and accompanying report should be prepared by a qualified arborist.



7. Sections of the proposed works within the town park and along Park Road may impact upon improvement plans proposed by Cork County Council.

You are requested to consult with John O'Dell, Area Engineer, who can advise you of the Local Authority's requirements in this regard. Full details should be submitted accordingly.

8. Works within the Blackwater river impact upon a naturally forming island within the river.

You are requested to consult John O'Dell, Area Engineer, in relation to the potential impacts the works will have on this island and submit details as to the measures that can be put in place to meet the requirements of the local authority and other agencies which the local authority act for.

9. Please clarify the hours of operation to undertake the works. Certain sections of the proposed works will have to be undertaken out of hours, with no works permitted within the town centre or approach roads to same in the month of December. You are requested to outline the routes within which you intend to carry works during normal working hours and during out of hours.

This request for further information is without prejudice to any decision the Council may make, either to refuse or to grant permission, with or without conditions. It should be noted that the appropriate period for determining the application will only commence from the date that this request for further information is complied with. Please also note that your application will be deemed to be withdrawn if all the further information as requested above is not submitted within 6 months of the date of this letter.

Defer Application



PLANNER'S REPORT  
PRIMARY



---

Patricia Goulding  
Executive Planner  
21/06/2019