



ATTACHMENT B.3:
PLANNING DOCUMENTATION



ATTACHMENT B.3.1:

BANDON SEWAGE SCHEME – CORK COUNTY COUNCIL PLANNING APPROVAL, AUGUST 2017

CORK COUNTY COUNCIL
Planning & Development Acts 2000 – 2010

**Irish Water,
C/o Atkins,
2nd Floor,
Technology House,
Parkmore Business Park,
Galway.**

Planning Register No: 17/04106

Application by: Irish Water

Of: C/o Atkins, 2nd Floor, Technology House, Parkmore Business Park, Galway

On: 20/01/2017

For: The upgrade of the Cork County Council Waste Water Treatment Plant (access via the Main Cork Road) and Pumping Station (access via Mill Road). The proposed development includes the upgrade and construction of a new control building & welfare facilities, standby diesel generator units, 2 no. ESB substations, storm and foul pumping station, storm screen chambers and stormwater holding tank, the demolition of the existing Pumping Station and sludge dewatering building (total plan area > 100m²) and the installation of new inlet screening and grit removal units, new odour control units and an additional Picket Fence Thickener. The development also includes the replacement of the existing sludge dewatering building, new chemical storage tank, storm separation chamber, as well as all ancillary works including pipework, minor upgrades, drainage, landscaping and all associated site development and site excavation works above & below ground.

At: Cork County Council Waste Water Treatment Plant, Main Cork Road and Mill Road, Ballylängley and Clogheenavodig, Bandon, Co.Cork

Further to Notice dated the 24/07/2017 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 24/07/2017 of its intention to grant **Permission**

Signed on behalf of Cork County Council



Pío Treacy

DATE: 29/08/2017

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:

BANDON SEWAGE SCHEME – CORK COUNTY COUNCIL PLANNERS REPORT, JULY 2017

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

APPLICATION NO.	04106/17
APPLICANT	Irish Water
DESCRIPTION	The upgrade of the Cork County Council Waste Water Treatment Plant (access via the Main Cork Road) and Pumping Station (access via Mill Road). The proposed development includes the upgrade and construction of a new control building & welfare facilities, standby diesel generator units, 2 no. ESB substations, storm and foul pumping station, storm screen chambers and stormwater holding tank, the demolition of the existing Pumping Station and sludge dewatering building (total plan area > 100m ²) and the installation of new inlet screening and grit removal units, new odour control units and an additional Picket Fence Thickener. The development also includes the replacement of the existing sludge dewatering building, new chemical storage tank, storm separation chamber, as well as all ancillary works including pipework, minor upgrades, drainage, landscaping and all associated site development and site excavation works above & below ground.
LOCATION	Cork County Council Waste Water Treatment Plant Main Cork Road and Mill Road Ballylangley and Clogheenavodig, Bandon Co.Cork
DUE DATE	01/08/2017

Senior Executive Planner

This application was deferred for Clarification of Further Information so that the applicant could submit details on the proposals to deal with Invasive Species, particularly Japanese Knotweed, on site.

The applicant has responded (5/7/17). The Cork County Council Ecologist (21/7/17) has some concerns about the quality of the submission, but considers that favourable consideration can be given to the application. It is recommended that conditions be included to (1) ensure that the implementation of the Invasive Species Management Plan would be monitored by a suitably qualified and experienced person with expertise and training in Invasive Species Management and (2) require the submission of a detailed Construction Environmental management Plan (CEMP) prior to the commencement of development.

The response to the further information and clarification request is acceptable and accordingly a Grant of permission is recommended.

No development contributions apply.

NOTE - As mentioned by the Area Planer it is considered a copy of the letter from the National Roads Office dated 14.03.2017 should issue with the decision.

Conclusion

Grant Application

Conditions/Reasons

No.	Condition	Reason
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PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 20.01.2017, 26.05.2017 and 05.07.2017 save where amended by the terms and conditions herein.	In the interests of clarity.
2	Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dBa (15 minute Leq) between 08.00 hours and 20.00 hours, Monday to Saturday inclusive, and shall not exceed 45 dBa (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures". If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)	To safeguard the amenities of the area
3	During demolition and construction the wheels of all trucks shall be washed prior to their exit from the site in a wheel wash facility. Details of the construction, installation and operation of this facility shall be agreed in writing with the Planning Authority prior to commencement of any development.	To safeguard the amenities of the area
4	Following consultation with Inland Fisheries Ireland, and prior to any construction work commencing (including site clearance, grading, levelling etc.), a Surface and Ground Water Management Plan, for both construction and operational phases, shall be	To prevent water pollution

	<p>submitted for approval. This plan will have regard to, but not limited to:</p> <ul style="list-style-type: none"> • Anti vandalism measures • Emergency measures/spill control • Sediment settling ponds • Temporary material storage • Hydrocarbons & chemicals' storage • Refuelling & plant maintenance operations • Cement handling, curing, and washing of readymix lorries • Bunding • Piling operations • Waterproofing structures • Groundwater exclusion measures • Water abstraction measures for dust suppression • Wheel washing <p>The Applicant shall have (minimum) regard to:</p> <ol style="list-style-type: none"> 1. Fisheries Guidelines for Local Authority Works. Dept. of the Marine and Natural Resources, Dublin, 1998 2. Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites. Murphy, D.F., Eastern Regional Fisheries Board, 2004. 3. Guidelines for the crossing of watercourses during the construction of national road schemes. NRA, 2008 	
5	<p>Any and all demolition work shall only be carried out in the period from September to February (inclusive). Prior to demolition, a bat survey shall be carried out by a bat specialist, in respect of ascertaining the presence, if any, of bats or bat habitats within the structure and, in the event of such discovery. Should any bats or bat habitat be found, NPWS shall be</p>	<p>In the interests of sustainable and orderly development, and to protect endangered species.</p>

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

	notified, and appropriate mitigation (removal/roost replacement) measures implemented in accordance with their guidelines and under licence. No demolition shall take place without this survey.	
6	Invasive alien plant species shall be treated and removed from the site by a competent operator, in accordance with the submitted management plan and with recommended best practise. Removal of Japanese Knotweed from this site may only be carried out under license from the National Parks and Wildlife Service.	To control the risk of spread of invasive alien species from this site.
7	A final CEMP shall be submitted for approval by the Planning Authority prior to the commencement of development. The CEMP shall be based on the draft CEMP submitted with the planning documentation, and shall include details of all measures to be implemented on site to provide for the protection of water quality. The plan shall include programmes for environmental and ecological monitoring and supervision, as appropriate to the site. The plan shall be prepared to accord with recognised standard best practice - CIRIA Guidance No C532 - Control of Water Pollution From Construction Sites. All works on site shall be implemented in accordance with the final agreed plan and under appropriate supervision.	In the interests of ensuring the protection of water quality in the receiving environment.
8	All storm water overflows to the Bandon River from the Glasslinn pumping station shall be screened through a 6mm screen, unless otherwise agreed with the Planning Authority.	To prevent water pollution from foul solids
9	Vegetation or any structure shall not exceed 1m in height within the sight distance triangle.	To provide proper sight distance for emerging traffic in the interests of road safety.
10	Surface water shall not be permitted to flow onto the public road from the site.	To prevent the flooding of the public road.
11	(a) The sludge building and control	In the interest of visual amenity.

PLANNER'S REPORT
FURTHER INFORMATION ASSESSMENT

	<p>building shall be finished in smooth plaster or dash with no colour components. Roof slates/tiles shall be blue black or grey in colour and the colour of the ridge tile shall match the roof.</p> <p>(b) The compound shall be secured with green fencing, to a design and of a type to be agreed in writing with the planning authority prior to commencement of development.</p>	
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Greg Simpson
24/07/2017

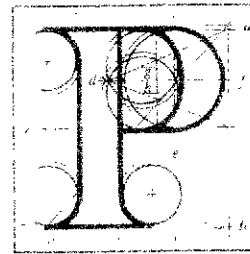


ATTACHMENT B.3.3:

BANDON IDA LARAGH WWTP UPGRADE WORKS – PLANNING APPROVAL, JUNE 2017

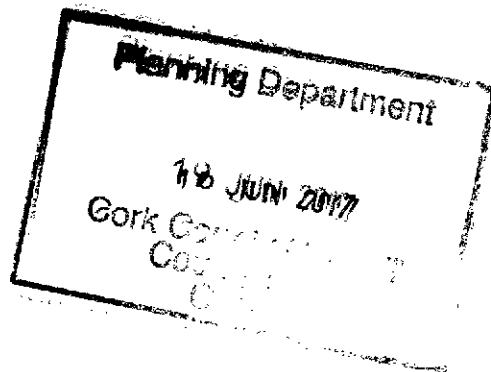
Our Ref: PL 04.247978

P.A.Reg.Ref: 16/5851



An
Bord
Pleanála

Planning Section,
Cork County Council,
County Hall,
Carrigrohane Road,
Cork.



16 JUN 2017

Appeal

Re: Upgrade existing wastewater infrastructure to provide pumping station with septicity dosing kiosk within the boundaries of existing plant.
Bandon IDA, Laragh Industrial Estate, Laragh, Bandon, Co. Cork.

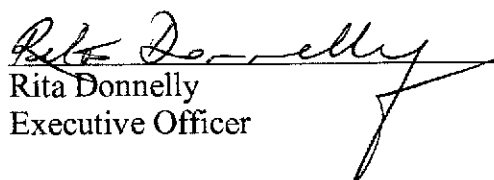
Dear Sir/Madam,

An order has been made by An Bord Pleanála determining the above-mentioned matter under the Planning and Development Acts 2000 to 2016. A copy of the order is enclosed.

In accordance with section 146(5) of the Planning and Development Act 2000, as amended, the Board will make available for inspection and purchase at its offices the documents relating to any matter falling to be determined by it, within 3 days following the making of its decision. The documents referred to shall be made available for a period of 5 years, beginning on the day that they are required to be made available. In addition, the Board will also make available the Inspector's Report, the Board Direction and Board Order in respect of the matter on the Board's website (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.

The Public Access Service for the purpose of inspection/purchase of file documentation is available on weekdays from 9.15am to 5.30pm (including lunchtime) except on public holidays and other days on which the office of the Board is closed.

Yours faithfully,


Rita Donnelly
Executive Officer

Encl:



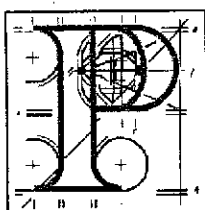
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BP 100n.ltr

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An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Cork County

Planning Register Reference Number: 16/05851

An Bord Pleanála Reference Number: PL 04.247978

APPEAL by Inland Fisheries Ireland of IFI Macroom, Sunnyside House, Macroom, County Cork against the decision made on the 20th day of January, 2017 by Cork County Council to grant subject to conditions a permission to Irish Water care of Nicholas O'Dwyer Consulting Limited of Unit E4, Nutgrove Office Park, Nutgrove Avenue, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of the upgrading of the existing wastewater infrastructure to provide a pumping station with septicity dosing kiosk within the boundaries of the existing treatment plant. Treatment will no longer occur on site. Existing redundant treatment equipment will be decommissioned and left in suitable and safe condition at Bandon IDA Laragh Industrial Estate, Laragh, Bandon, County Cork.

DECISION

GRANT permission 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 regard to the Development Plan objectives for the area and to the pattern of land use in the vicinity, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would not create an unacceptable risk of environmental pollution. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 29th day of September, 2016 and by further plans and particulars submitted on the 20th day of December, 2016, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dB(A) (15 minute Leq) between 08.00 hours and 20.00 hours, Monday to Saturday inclusive, and shall not exceed 45 dB(A) (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures". If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Reference BS 4142 Section 7.2).

Reason: To safeguard the amenities of the area.



3. (a) Chemical storage areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area.
- (b) There shall be no interfering with, bridging, piping, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of the planning authority.

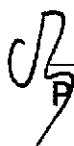
Reason: To safeguard the amenities of the area and prevent accidental spillages.

4. (a) Foul drainage arrangements including odour control shall be in accordance with the plans and particulars submitted, and as modified by the response to clarification of further information dated the 20th day of December, 2016.
- (b) 24-hour emergency storage shall be provided via the adjacent decommissioned wastewater treatment plant.
- (c) Any existing tanks proposed to be used for emergency storage shall be either covered, or provided with arrangements to facilitate periodic emptying to retain 24-hour storage.

Reason: In the interests of orderly development, and to provide for satisfactory drainage.

5. Works shall take place in accordance with the Construction and Environmental Management Plan (CEMP) which shall be prepared prior to the commencement of any construction works onsite. The Construction and Environmental Management Plan shall have regard to standard best practise methods during construction (CIRIA Guidance Number C532 - Control of Water Pollution From Construction Sites). A suitably qualified and experienced person shall be responsible for implementation of the Construction and Environmental Management Plan including environmental protection measures, and for the supervision of the works. A copy of the Construction and Environmental Management Plan shall be kept on site and shall be available for inspection during the construction phase.

Reason: In the interests of environmental protection.



6. (a) No construction materials or waste shall be stored within the Bandon Valley west of Bandon proposed Natural Heritage Area (pNHA 1034) which is located to the south east of the site boundary.
- (b) No machinery shall have access to the Bandon Valley west of Bandon proposed Natural Heritage Area during the construction phases.

Reason: In the interests of protecting the Natural Heritage Area.



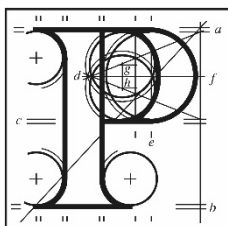
**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 15th day of June 2017.



ATTACHMENT B.3.4:

BANDON IDA LARAGH WWTP UPGRADE WORKS – INSPECTOR’S REPORT, MAY 2017



An
Bord
Pleanála

Inspector's Report PL04.247978

Development	Upgrade existing wastewater infrastructure to provide pumping station with septicity dosing kiosk within the boundaries of existing plant
Location	Bandon IDA, Laragh Industrial Estate, Laragh, Bandon, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	16/5851
Applicant(s)	Irish Water
Type of Application	Permission
Planning Authority Decision	Grant subject to conditions
Type of Appeal	Third Party
Appellant(s)	Inland Fisheries Ireland
Observer(s)	n/a
Date of Site Inspection	11 th May 2017
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.1059ha is located within the Bandon IDA Industrial Estate, off regional road R586 and is located several kilometres to the west of Bandon town a Laragh. A set of photographs of the site and its environs taken during the course of the site inspection is attached. I would also refer the Board to the photographs available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. This is an application for the upgrading of the existing wastewater infrastructure to provide a pumping station with septicity dosing kiosk within the boundaries of the existing treatment plant. A rising main and pumping station is proposed to discharge wastewater to a header manhole on the existing main Bandon network. It is stated that the works also include the construction of c2.8km of rising mains to transfer flows from the IDA estate to existing foul network. I note that the actual proposal to provide a rising main to the Bandon WWTP does not form part of this planning application, no details of same have been submitted and it is not included in the red line boundary of the planning application.
- 2.2. It is stated that treatment will no longer occur on site and the existing redundant treatment equipment will be decommissioned and left in suitable and safe condition. The application was accompanied by a Planning Report including an Appropriate Assessment Screening Report.
- 2.3. In response to a request for **further information** the applicant submitted a Flood Risk Assessment Report that concluded that no flooding has been reported in the location of the proposed works and that having regard to CFRAMs flooding is not expected to occur at the site of the proposed pump station. Further stated that the pump is designed in a manner so that there are no overflows during normal operation of the pump station and during storm events and that conveyance of effluent via pump station and treatment of this effluent will not overload the hydraulic nor organic capacity of Bandon WWTP. In a response to a request for **clarification** the applicant submitted proposals for 24-hour storage, emergency breakdown measures and an outfall.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Cork City Council granted permission subject to 8 no conditions.

3.2. Planning Authority Reports

- 3.2.1. Planning Reports

- 3.2.2. The **Local Authority Planner** in their first report requested **further information** pertaining to the submission of a Flood Risk Assessment and item raised by Inland Fisheries Ireland. In their second report they recommended that **clarification** be sought and that the applicant submit details for reconfiguring the pumping arrangements to ensure a minimum 24-hour emergency storage is provided. The new Case Planner having considered the further information and clarification recommended that planning permission be granted subject to conditions. The notification of decision to grant planning permission issued by Cork County Council reflects this recommendation.

- 3.2.3. Other Technical Reports

- 3.2.4. The **Area Engineer** in their first report requested further information regarding the Flood Risk Assessment which was not included with documentation.

- 3.2.5. The **Environment Section** in their first report have no objection subject to conditions as set out in their report. In their second report they requested that the applicant reconfigure the pumping arrangement to ensure a minimum 24-hour emergency storage is provided by way of clarification. In their third and final report and having considered the further information and clarification they have no stated objection to the grant of permission on environmental grounds subject to conditions as set out in their report.

- 3.2.6. The **Engineering Report** states that they have no objection to the development.

3.3. Prescribed Bodies

- 3.3.1. **Inland Fisheries Ireland (IFI)** have no objection provided there is sufficient capacity in existence so that it does not overload either hydraulically or organically. With

respect to the pumping station the IFI also ask that planning conditions ensure the station is designed in a manner so that there is no overflow discharge to waters.

3.4. **Third Party Observations**

3.4.1. No third party observations are recorded on the planning file.

4.0 **Planning History**

4.1.1. There is no evidence of any previous planning appeal at this location.

5.0 **Policy Context**

5.1. **Development Plan**

5.1.1. The operative plan for the area is the **Cork County Development Plan 2014– 2020**.

5.2. **Natural Heritage Designations**

5.2.1. The site is not located within any designated Natura 2000 site. The relevant European sites are the Courtmacsherry Estuary SAC (Site Code 001230) and the Clonakilty Bay SAC (Site Code 00091)).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. The third party appeal has been prepared and submitted by the Inland Fisheries Board and may be summarised as follows:

- The Bandon River is one of the premier salmon and trout fisheries in the south west and therefore any potential negative impacts associated with this scheme is a concern.
- Currently effluent from the estate is tankered to the Bandon town wastewater treatment plant. Prior to this effluent was treated in an on-site treatment plant

at the estate with varying degrees of success and ultimately discharged to the Bandon river.

- This permission permits the construction of a pumping station to transfer the effluent to Bandon WWTP. The appellant does not object to the transfer of the effluent for treatment as there is sufficient capacity at this plant or the principle to convey effluent vi a pumping station.
- IFI is seriously concerned that the permission granted will allow for an overflow pipe on the pumping station which will facilitate the discharge of this “highly polluted” effluent to the Bandon River in the event of a malfunction at the pumping station.
- IFI feel that the precautionary principle should be applied and permission refused for the overflow element of the pumping station with alternative measures being put in place to cater for anticipated malfunctions such as overflow to adjoining lands where effluent could potentially percolate as opposed to discharging directly to the river in unanticipated emergency situations.

6.2. Applicant Response

6.2.1. The First Party Response to the appeal has been prepared and submitted by Nicholas O’Dwyer on behalf of the applicant Irish water and may be summarised as follows:

6.2.2. The applicant notes that IFI object to the proposal, specifically the proposed outfall to the Bandon River. However, the proposed development is considered to be orderly planning for the following reasons:

- The pumping station has the capacity to accommodate existing and estimated future flows from the industrial estate.
- The pumping station design is based on “Formula A” flow in accordance with the relevant guidance, DoEHLG, Procedures and Criteria in Relation to Storm Water Overflows, 1995.
- A Duty/Standby pump with automatic changeover will be in place should the main pump fail.

- Several additional back-up measures are proposed to manage and alert Irish Water to a pump failure.
- 24hours dry weather flow back-up storage is proposed on site.
- The outfall, if used, will include a solids separation screen to provide primary treatment.
- If the outfall is used the dilution ratios of the overflow into the Bandon River that can be achieved will significantly exceed the limits provided by the DoEHLG 'Procedures and Criteria in Relation to Storm Water Overflows, 1995'.

6.2.3. Based on the unlikely requirement of the outfall, primary treatment provided by the outfall if used and the ability of the Bandon River to dilute the overflow the proposed pumping station and associated outfall is considered appropriate.

6.2.4. Noted that a reasonable consistent approach, as IFI previously undertook in Castlecomer, County Kilkenny, is requested for this proposal. Overall the proposed development is considered to be orderly planning and it is requested that the Board uphold the Grant of Permission from Cork County Council.

6.3. **Planning Authority Response**

6.3.1. There is no response from Cork County Council recorded on the appeal file.

6.4. **Observations**

6.4.1. No third party observations are recorded on the appeal file

6.5. **Further Responses**

6.5.1. No further responses are recorded on the appeal file

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and to my site inspection of the appeal site, I

consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Overflow
- Screening for Appropriate Assessment
- Development Contribution(s)

7.2. Principle / Policy Considerations

7.2.1. As set out previously the proposed pumping station is required to replace a malfunctioning wastewater treatment plant (WWTP) located at the IDA Industrial Estate, Laragh, Bandon, County Cork. The existing IDA WWTP does not comply with the Wastewater Discharge Certificate of Authorisation issued by the EPA on 20th May, 2011. Due to this, waste from the industrial estate is currently collected in the on-site WWTP tanks and five times a week the tanks are emptied by a tanker. The waste is then transferred to Bandon WWTP. It is submitted that the IDA Industrial Estate is currently operational and that several established businesses are located within the industrial estate and are reliant solely on the continued management of wastewater by the existing infrastructure and therefore a wastewater management solution must be achieved.

7.2.2. As set out by the applicant the proposed upgrade works at the wastewater treatment plant will have the following benefits:

- Convey the effluent to a treatment facility without the requirement for tankers
- The conveyance to Bandon will effectively eliminate the impact of “difficult” discharges as the flows will be diluted by scale and
- Highly polluted effluent discharges from the Industrial Estate will be removed, resulting in improvement in water quality in the River Bandon at the existing discharge point

7.2.3. I accept that the existing wastewater treatment plant treating effluent is not functioning as it is overloaded due to poor quality effluent from the food manufacturing process and extreme high and low flows in line with production schedules. Having regard to these deficiencies I consider that in all likelihood the

risk to public health and the environment is much greater in respect of the existing WWTP than from any new proposed upgraded system. Accordingly, I am satisfied that the principle of the development to be acceptable at this location subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Overflow

- 7.3.1. As stated Inland Fisheries Ireland (IFI) has no objection in principle to the proposed development of the pumping station, however it does object to the proposed overflow associated with the pumping station and to the potential of wastewater being discharged to the River Bandon. The IFI has suggested that a percolation area be utilised as an alternative to the proposed emergency outfall.
- 7.3.2. The applicant states that the pumping station is designed with the capacity to pump storm water flows and that during normal operation to the pumping station or during storm events overflows are not expected. However, in addition, existing tanks associated with the existing IDA WWTP are proposed to be retained to provide overflow storage on-site.
- 7.3.3. It is also proposed to convert the existing outfall into the emergency overflow for the proposed pumping station and that this outfall will only be used in the case of a “catastrophic breakdown” of the pumping station in order to control spills from the sump and to avoid flooding of the site and neighbouring land. It is submitted that while these spills would be extremely rare, measures have been included in the design in order to avoid such spills during emergency breakdown events. These measures are in accordance with established best practice and include the following:
- Duty/Standby pump arrangement with automatic changeover.
 - Additional on-site storage capacity in excess of the industry standard 2-hour Dry Weather Flow storage of the pump sump, further details below.
 - Call-out alarm system to notify the caretaker of failure of the pumps/loss of power supply/high water level/overflow.
 - A bauer connection is provided on the rising main in order to facilitate over pumping (whereby a mobile pump could be brought to site as a temporary measure during repair).

- A requirement for a mobile generator connection point is included in the design to facilitate back up power.
- Uninterruptible Power Supply for up to 30 minutes is provided for all instrumentation, controllers, alarms and data storage systems. This ensures alarms are sent in the event of a loss of power.

7.3.4. The proposed storage capacity can provide a minimum of 24 hours future dry weather flow storage and up to 84 hours existing average flow storage. In the context of best practice this volume of storage is considered an extra-large volume of storage for a pumping station, and can be achieved in this instance by using the existing WWTP tanks located on site. A 6mm solids separation screen with a minimum solid capture rate of 80% is to be installed at the overflow point. This will provide primary treatment in the event that effluent spills to the existing WWTP outfall i.e. the proposed emergency outfall.

7.3.5. In the case of pumping station breakdown, the on-site tanks would still provide a 2.6 hours of retention time before the activation of the emergency outfall. This 2.6 hours of storage is larger than the standard of 2-hour DWF storage for pump sump storm storage. It is submitted that any discharge to receiving water which occurs after the 2.6 hours would be significantly diluted by storm water. The applicant submits that an assessment of the proposed pumping station overflow in terms of compliance with the criteria set out in the 'Procedures and Criteria in Relation to Storm Water Overflows' 1995 DoEHLG document found that the overflow to Bandon River bears "Low" significance due to the dilution being over 8:1 and that there is no interaction with other discharges.

7.3.6. The applicant states that, the likelihood of an overflow occurring is small due to the measures in place to prevent it, but that there is always a possibility, albeit highly unlikely, that these measures would fail. However, the IFI's preference is for no outfall to be in place and in the case of a catastrophic breakdown allow the surrounding fields to flood. They suggest a percolation area as an alternative to the outfall. The applicant in considering this option states that this approach would require the construction of a percolation area where overflow from the pumping station would be distributed evenly and uniformly to infiltrate foul water into the subsurface soil and that such a percolation area would require a large footprint and

relatively flat ground to minimise civil work requirements. In addition, land which is not at risk of flooding, is favoured.

7.3.7. Due to the large footprint requirement, the percolation area cannot be accommodated within the existing site. The applicant submits that the private agricultural land further south, where the gradient of the land is sufficiently flat, could be suitable for the installation of a percolation area. However, in order to construct the percolation area and ancillary civil structures, such as access road and diverted overflow pipeline land purchase would be required together with on-site percolation tests would need to be completed to confirm the suitability and proposed design of the sand filter. It is pointed out that this agricultural land is within the flood zone A and B as per the Cork County Municipal District Local Area Plans, therefore prone to flooding and a percolation area would be at risk of flooding and flood damage. Adjoining land to the east and west is generally not considered suitable for a percolation area, due to its distance from the proposed pumping station.

7.3.8. As has been established the existing wastewater treatment plant treating effluent is overloaded and deficient in its function. While the treatment of wastewater can be a complicated process due to the type, flow and load produced I agree with the applicant that the pumping station is the most suitable solution in this case and is necessary to ensure compliance with the EPA Wastewater Discharge Certificate of Authorisation. Having regard to the information available on the appeal file I am also satisfied that the proposal is compliant with all relevant guidelines and is capable of accommodating the existing and future wastewater requirements of the industrial estate. While I note the concerns raised by the IFI in relation to outfall discharge I consider the applicant's arguments to be robust in this case and I agree that the outfall and storage proposals (as amended) are satisfactory in this case. It is recommended that should the Board be minded to grant permission that conditions similar to those set out by Cork County Council be attached.

7.4. Screening for Appropriate Assessment

7.4.1. Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest European site (Courtmacsherry Estuary SAC (Site Code 001230) and the Clonakilty Bay SAC (Site Code 00091)), it is reasonable to conclude on the basis of the information available

including the Appropriate Assessment Screening report submitted with the application, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European site. An Appropriate Assessment (and submission of a NIS) is not therefore required.

7.5. **Development Contribution(s)**

7.5.1. Cork County Council did not attach any S 48 Development Contribution condition.

8.0 **Recommendation**

8.1. Arising from my assessment above, I consider the proposed development to be generally in accordance with the proper planning and sustainable development of the area and I therefore recommend that planning permission be **GRANTED** for the proposed development subject to conditions set out below.

9.0 **Reasons and Considerations**

9.1. Having regard to the Development Plan objectives for the area and the pattern of land use in the vicinity it is considered that, subject to the conditions set out below, the proposed development will not seriously injure the amenities of the area or property in the vicinity and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 **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 submitted on the 25th July 2016, 29th September 2016 and 20th December 2016 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. Noise levels emanating from the proposed development when measured at the site boundaries shall not exceed 55 dBa (15 minute Leq) between 08.00 hours and 20.00 hours, Monday to Saturday inclusive, and shall not exceed 45 dBa (15 minute Leq) at any other time. Measurements shall be made in accordance with I.S.O. Recommendations R.1996/1 "Acoustics - Description and Measurement of Environmental Noise, Part 1: Basic quantities and procedures". If the noise contains a discrete, continuous note (whine, hiss, screech, hum, etc.), or if there are distinct impulses in the noise (bangs, clicks, clatters or thumps), or if the noise is irregular enough in character to attract attention, a penalty of +5 dBA shall be applied to the measured noise level and this increased level shall be used in assessing compliance with the specified levels. (Ref. BS 4142 Section 7.2)

Reason: To safeguard the amenities of the area

3. (a) Chemical storage areas shall be bunded, either locally or remotely, to a volume of 110% of the largest tank within each individual bunded area.

(b) There shall be no interfering with, bridging, piping, draining, or culverting of any watercourse, its banks or bankside vegetation to facilitate this development without the prior approval of the Planning Authority.

Reason: To safeguard the amenities of the area and prevent accidental spillages.

4. Foul drainage arrangements including odour control shall be in accordance with the plans and particulars submitted, and as modified by the response to RFI dated 19/12/16. 24-hour emergency storage shall be provided via the adjacent decommissioned WWTP. Any existing tanks proposed to be used for emergency storage shall be either covered, or provided with arrangements to facilitate periodic emptying to retain 24-hour storage

Reason: In the interests of orderly development, and to provide for satisfactory drainage

5. .Works shall take place in accordance with the Construction and Environmental Management Plan(CEMP) which shall be prepared prior to the commencement of any construction works onsite. The CEMP will have regard to standard best practise methods during construction (CIRIA Guidance No C532 - Control of Water Pollution From Construction Sites). A suitably qualified and experienced person shall be responsible for implementation of the CEMP including environmental protection measures, and for the supervision of the works. A copy of the CEMP will be kept on site and will be available for inspection during the construction phase.

Reason: In the interests of protecting the natural heritage of the area

6. .(a) No construction materials or waste will be stored within the Bandon Valley west of Bandon proposed Natural Heritage Area (pNHA 001034) which is located to the south east of the site boundary.
- .(b) No machinery will have access to the Bandon Valley west of Bandon proposed Natural Heritage Area during the construction phases

Reason: In the interests of protecting the natural heritage area

. **Mary Crowley**

. **Senior Planning Inspector**

. **16th May 2017**