

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

Irish Water
C/O Niall McIntyre
c/o Glan Agua Ltd
Railway House
Station Road, Loughrea
Co.Galway

Planning Register No: 21/07443

Application by: Irish Water

Of: C/O Niall McIntyre, c/o Glan Agua Ltd, Railway House, Station Road, Loughrea, Co.Galway
On: 21/12/2021 & amended on 23/12/21
For: (1)Construction of new inlet works, new storm overflow and flow splitting chamber, new aeration tanks, new settlement tanks, and cloth filter structure, new storm tank, new sludge drying reed beds, new outfall pipeline together with associated tanks, chambers, pipelines, provisions of new admin and welfare modular kiosk, upgrade to boundary treatment to include 2.4m high weld mesh fence, new internal access road, public lighting and all associated site development works (2) Construction of new admin/welfare modular building. (3) decommissioning of the existing wastewater treatment plant, equipment and associated structures as part of the upgrade works. (4) Construction of 150kW photovoltaic (PV) solar panels on ground mounted frames on the south-east area of the site. The grid connected to PV panels will be arranged in 5 no. rows with an overall panel area of 745sqm approximately. Provision of a kiosk/modular unit for associated electrical equipment. (5) All associated site development works above and below ground.
At: Laharan West, Boherbue, Co.Cork,

Further to Notice dated the 23/02/2022 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 23/02/2022 of its intention to grant **Permission**

Signed on behalf of Cork County Council



Peter Varian

DATE: 29/03/2022

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.

Please note that all points of detail to be agreed are to be submitted in writing. These are to be submitted in hard copy to the Compliance Section (Norton House or County Hall as appropriate). All correspondence must include the planning application reference number and condition number to which the document(s) relate.

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 North, 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.

APPLICATION NO. 21/07443

APPLICANT: - Irish Water

DESCRIPTION: - (1)Construction of new inlet works, new storm overflow and flow splitting chamber, new aeration tanks, new settlement tanks, and cloth filter structure, new storm tank, new sludge drying reed beds, new outfall pipeline together with associated tanks, chambers, pipelines, provisions of new admin and welfare modular kiosk, upgrade to boundary treatment to include 2.4m high weld mesh fence, new internal access road, public lighting and all associated site development works (2) Construction of new admin/welfare modular building. (3) decommissioning of the existing wastewater treatment plant, equipment and associated structures as part of the upgrade works. (4) Construction of 150kW photovoltaic (PV) solar panels on ground mounted frames on the south-east area of the site. The grid connected to PV panels will be arranged in 5 no. rows with an overall panel area of 745sqm approximately. Provision of a kiosk/modular unit for associated electrical equipment. (5) All associated site development works above and below ground.

LOCATION: - Laharan West Boherbue Co.Cork

DECISION DUE DATE: 23/02/2022

Assessment

I note the reports on the application file including from the Area Planner, Area Engineer, Environment Dept and Ecologist.

The submitted plans and particulars are also noted. The submitted planning report states that:

“The Boherbue WwTP is located approximately 250 metres from the public road. Wastewater from the village gravitates to the plant where it undergoes secondary treatment. Currently treated effluent discharges to constructed wetlands north of the plant as an additional treatment process prior to discharging to the Brogeen River. There is no excess influent management at the existing WwTP. The key findings of an Irish Water Asset Survey Report dated January 2019 for Boherbue WwTP noted:

- *The existing process units have insufficient capacity to treat the estimated current winter population equivalent load in compliance with the Urban Wastewater Treatment Directive (UWWTD) and the EPA Wastewater Discharge License (WDDL) Emission Limit Values (ELV).*
- *Recent discharge sampling analysis shows that Boherbue WwTP is not achieving the WDDL ELV for ammonia and ortho-phosphate.*

The plant is failing to meet the treatment standards specified in the current Wastewater Discharge License. The proposed upgrade to Boherbue WwTP will provide for increased treatment capacity and for improved treatment to meet relevant standards.”

In principle, having regard to submitted details and objectives including WS3-1 of the Cork CDP 2014 there is no objection to the proposed development for the upgrade of the existing Boherbue WWTP. There is an urgent need to upgrade the plant to comply with EU directives. The proposed works will

ensure a more efficient system for the existing populations and will facilitate the future growth for Boherbue and its environs.

The Area Engineer and Environment Officer are both satisfied and recommend conditions. The Environment Officer states that:

“It is proposed to increase capacity from 800PE to 1200PE and provide a higher standard of treatment. Project Background and Need from the Planning Report is particularly relevant:

The works shall meet the following project drivers:

- *Compliance with the Environmental Protection Agency (EPA) Wastewater Discharge (Authorisation) Regulations, 2007 (S.I. No. 684 of 2007).*
- *Compliance with the Urban Wastewater Treatment Regulations, 2001 (S.I. No. 254/2001).*
- *Environmental Objectives (Surface Waters) Regulations, 2009 (S.I. No. 272 of 2009).*

Current water chemistry of receiving waters is GOOD. The proposed process design and treatment stages associated with this plant upgrade are modified to achieve those ELVs and to be consistent with the conditions in the Wastewater Discharge Licence.

These ELVs are not compatible with achieving HIGH status, should this be required to achieve a water quality standard to support the conservation objectives for the Freshwater Pearl Mussel (FWPM). A reduction of the ELVs for BOD, PO4 and NH3 may be required. However, the Planning Authority is explicitly precluded from prescribing ELVs on a facility subject to EPA authorization.

Prior to commencement of application, the applicant should ensure that any changes to ELVs to achieve FWPM conservation objectives can be accommodated within the design of the proposed development.”

With regard to EIA, the submitted EIA screening report is noted and it concludes that:

“...the proposed project will not have significant effects on the environment alone or in combination with other projects or plans and that an Environmental Impact Statement (EIS) is not required under the Planning and Development Act 2000, as amended and incorporating the Planning and Development Regulations 2001, as amended.”

Having regard to the criteria in Schedule 7, the information provided in accordance with Schedule 7A of the Planning and Development Regulations 2001, as amended. It is considered that the proposed development would not be likely to have significant effects on the environment and the preparation and submission of an EIAR is therefore not required.

In term of AA, an NIS has been submitted and the Council's Ecologist notes the following in his assessment:

“I have reviewed the relevant supporting documents that were submitted with this application and find the mitigations set out in the NIS and CEMP to prevent significant impacts to the Brogeen and SAC to be acceptable. I note the Environment Report regarding the achievement of High status. Given there are no population of FPM in the Brogeen and the remote distance from the main Blackwater River channel, I consider that, although high status is the preferred achievement, good ecological status (Q4) is sufficient in this regard as it is unlikely to impact Freshwater Pearl Mussel conservation objectives.”. Conditions are recommended.

A third party submission has been received. This submission supports the application however highlights opportunity for Irish Water to deliver a formal dedicated pedestrian walkway along the western extents of the site (i.e. 2m wide paved footpath) to serve as a community amenity and serve as a useful way to advertise the positive environmental work being undertaken by Irish Water. It is suggested that the proposed fence line would cut off locals from accessing and observing the natural habitats which exist in Boherbue. However, as noted by the Area Planner proposed development will not impede access from a public perspective along the existing track. The third party/local community could approach Irish Water in this regard. It would be a separate development proposal from that proposed in this application.

The proposal also includes;

- Decommissioning of the existing wastewater treatment plant, equipment and associated structures as part of the upgrade works.
- Construction of 150kW photovoltaic (PV) solar panels on ground mounted frames on the south-east area of the site. The grid connected to PV panels will be arranged in 5 no. rows with an overall panel area of 745sqm approximately. Provision of a kiosk/modular unit for associated electrical equipment.
- Construction of new admin/welfare modular building.

The submitted planning report accompanying the application notes that:

“The generation of clean, renewable energy will lead to a reduction in imported electricity at the site, reducing overall running costs and greenhouse gas emissions. It will also provide a backup source of energy in the event of power outages, further improving the resilience of the plant. This proposal reflects Irish Water’s commitment to improving energy efficiency, reducing its carbon footprint and in becoming a sustainable water utility. While Irish Water are committed to becoming a sustainable water utility, the proposed solar panels are ancillary to the proposed upgrade at the plant. The main purpose of this application is to comply with Waste Water Discharge Authorisation requirements”.

I have no objection to the decommissioning of the existing treatment plant and associated infrastructure nor the proposed solar panels and associated infrastructure.

Conditions relating to removal of existing welfare steel container and external appearance of proposed new admin/welfare building are recommended.

Development Contributions – not applicable.

Recommendation

Grant subject to conditions set out.

Conclusion

Grant Application

Conditions/Reasons

No.	Condition	Reason
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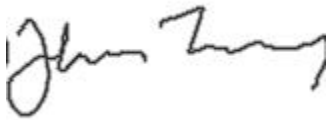
1	The proposed development shall be carried out in accordance with plans and particulars lodged with the Planning Authority on 21/12/2021 save where amended by the terms and conditions herein.	In the interests of clarity.
2	The external materials and finishes of: 1. admin/welfare building and 2. battery storage and transformer container, shall incorporate to the satisfaction of the Planning Authority a dark green coloured finish on external walls and roof unless otherwise agreed in writing by the Planning Authority. These buildings shall be maintained to the satisfaction of the Planning Authority.	In the interests of visual amenity.
3	The existing welfare kiosk steel container shall be removed from the site prior to commissioning of the upgraded treatment plant and the lands reinstated to the satisfaction of the Planning Authority unless otherwise agreed in writing with the Planning Authority.	In the interests of orderly development and to protect the rural landscape character and visual amenities.
4	The developer shall consult with the County Council in regard to any proposed off site disposal of excavated soil or other construction and demolition waste and shall submit details of proposed disposal sites prior to commencement of construction activities on site. This plan shall inter alia, include the information recommended in sections 3.2, 3.3, 3.4 of the document titled "Best Practise Guidelines on the preparation of Waste Management Plans for Construction and Development projects" published by the Department of Environment, Heritage, and Local Government in September 2004. Recyclable materials will be segregated and made available for recovery where possible.	In the interests of orderly development and to prevent unauthorised dumping.
5	All tank and drum storage areas shall be rendered impervious to the materials stored therein. In addition,	For the Protection of Groundwater, Surface Water and soil.

	<p>tank and drum storage areas shall, as a minimum be bunded, either locally or remotely, to a volume not less than the greater of the following;</p> <p>(i) 110% of the capacity of the largest tank or drum within the bunded area</p> <p>(ii) 25% of the total volume of substance which could be stored within the bunded area.</p> <p>Drainage from bunded areas shall be diverted for collection and safe disposal. The integrity and water tightness of all the bunding structures and their resistance to penetration by water or other materials stored therein shall be tested and demonstrated to the satisfaction of the Planning Authority</p> <p>The loading and unloading of materials shall be carried out in designated areas protected against spillage and leachate run - off. While awaiting disposal, all materials shall be collected and stored in designated areas protected against spillage and leachate run - off.</p>	
6	<p>Prior to any construction work (including site clearance, grading, well boring, levelling etc.) at the proposed development site, appropriate surface water management controls shall be in place to prevent the discharge of sediment contaminated water to adjacent water courses. Unvegetated slopes shall be temporarily scarified during construction to minimise runoff velocities.</p>	To prevent water pollution
7	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise, dust and water management measures, and off-site</p>	To safeguard the amenities of the area.

	disposal of construction/demolition waste.	
8	<p>A wastewater treatment plant shall be provided at the location indicated in plans and particulars which accompanied the application, capable of producing an effluent quality as prescribed by the Environmental Protection Agency.</p> <p>This wastewater treatment plant shall be designed, constructed and operated as to ensure that it avoids causing nuisance through odours or noise.</p>	In the interests of orderly development.
9	All pumping station overflow pipes or weirs shall be fitted with mechanical self-cleaning screens and/or baffle plates to retain floating material, debris, etc. within the collection network. Storage capacity of sumps and aperture size of any overflow screen shall comply with the Urban Wastewater Treatment Directive (91/271/EEC), Procedures and Criteria in relation to storm water overflows (DoE, 1993).	To limit water pollution.
10	Existing inlets or drains taking surface water from the public road into the site shall be preserved and maintained.	To prevent flooding of the public road.
11	No dust, mud or debris from the site shall be carried onto or deposited on the public road/footpath. Public roads and footpaths in the vicinity of the site shall be maintained in a tidy condition by the developer during the construction phase.	To protect the amenities of the area and in the interests of road safety.
12	No polluting matter, soiled water, silt or gravel shall be allowed to drain from the site into any watercourse	To prevent water pollution.
13	Any damage to the public road during construction of the dwelling by machinery or otherwise, the repairs of same shall be carried out by Cork County Council and all costs incurred shall be paid for by the applicant	In the interest of orderly development

14	Any structure shall not exceed 1m in height within the sight distance triangle. The applicant shall discuss with adjacent landowner to reduce the height of the existing pier within the sightline triangle.	To provide proper sight distance for emerging traffic in the interests of road safety.
15	No parking allowed on public footpath during construction Any cost incurred to Cork Council County in repairing footpath as a result of damage caused will be levied on to the applicant.	In the interest of an orderly development and public safety.
16	All works shall be implemented in accordance with mitigation measures specified in Section 7.2 of the Natura Impact Statement received by the Planning Authority on the 21/12/2022 and as updated by conditions of planning herein.	To ensure there will be no adverse effects on the integrity of any Natura 2000 site.
17	No stockpiling shall take place within 10m of any open drain, watercourse	In the interests of ensuring the protection of water quality in the receiving environment.
18	A wheel wash shall be installed at the entrance to the construction site for the extent of the construction stage of development. The contractor shall also be required to adhere to the Guidelines on The Management of Invasive Alien Plant Species on National Roads – (December 2020).	To prevent the introduction and spread of invasive species on site.
19	<p>Works shall take place in accordance with a Construction and Environmental Management plan (CEMP) which shall be prepared prior to the commencement of any construction works onsite. It shall have regard to the outline CMP and NIS submitted with the planning application along with standard best practice methods during construction (CIRIA Guidance No C532 - Control of Water Pollution from Construction Sites).</p> <p>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. It shall include details of all measures to</p>	To ensure there will be no environmental impacts on the surrounding area during the construction and operational phases of development.

	<p>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.</p> <p>A copy of the CEMP will be kept on site and will be available for inspection during the construction phase.</p>	
20	<p>Silt fencing will be installed as per locations specified in the proposed site layout submitted to the Planning Authority. Silt fencing will be installed prior to the commencement of development and will be regularly maintained and cleaned during the course of the construction period.</p>	<p>To ensure no surface water impacts on the receiving environment.</p>



John Tierney
A/Senior Executive Planner
22/02/2022