




1. Mr Robert Hickey, Higher Executive Officer  21/7/2014
2. Ms Joan Murphy, Assistant Principal 
3. Ms Lorraine O'Donoghue, Principal  Minister,
in the border of our priorities
As the WWT has been through
the planning process, effectively
the only a
4. Rual Aire

Foreshore Licence application by Cork County Council in respect of the only a
construction of a new outfall for the discharge of treated effluent from the
new Carrigtwohill Waste Water Treatment Plant (WWTP) at Carrigtwohill,
Co. Cork

File Ref: FS 006120

to use the
State's property
is requested.
Recommended for
approval
21/7/14

Decision Required: The approval of the Minister is sought to grant a Licence to Irish Water under Section 3 of the Foreshore Act 1933. With the establishment of Irish Water, the application is deemed to have transferred from Cork County Council, in accordance with the Water Services (No. 2) Act 2013.

Proposal:

The purpose of the Licence is to occupy an area of the foreshore for the construction of a new outfall for the discharge of treated effluent from the extended Carrigtwohill Waste Water Treatment Plant at Carrigtwohill, Co. Cork and for the discharge of storm water from the new treatment plant. The licence will be for a term of 35 years. A Foreshore Licence Map is attached at **Tab 1**.

Reason for Development:

The existing Carrigtwohill Waste Water Treatment Plant with a design capacity of 8,500 Population Equivalent (PE) is overloaded and the situation will be exacerbated as more developments are connected to the waste water collection system. The proposed new treatment plant has been designed to cater for the expected increase in both domestic and non-domestic waste water arising from on-going developments in the Carrigtwohill area. The upgraded treatment plant will cater for a medium term requirement of 45,000 PE and a long term requirement of 62,000 PE.

Planning Consent under section 226 of the Planning and Development Act

An Bord Pleanála, in its' decision, dated 13 August 2010, granted planning approval to Cork County Council for this project including the proposed outfall under Section 226 of the Planning and Development Acts (2000 to 2011). Attached at **Tab 2** is a copy of the An Bord Pleanála approval (reference 04.YA0006).

Public consultation:

A public notice concerning this application was published in the *Irish Examiner* on 27 December 2013 and the *Southern Star* newspaper on 28 December 2013. The public display documents were made available for inspection at Midleton Garda Station, Midleton, Co Cork for the required period of 21 working days.

No submissions were received during the consultation period.

Prescribed Bodies Consultation: Written submissions on the proposed development were received from this Department's Water Services Inspectorate and the Department of Agriculture, Food and the Marine.

There were no objections to the proposed development.

Screening for Environmental Impact Assessment and Appropriate Assessment

The environmental aspects of this application including an Environmental Impact Statement were considered by An Bord Pleanála. In considering this application the Board carried out an Environmental Impact Assessment and Appropriate Assessment.

This Departments advisory group the Marine Licence Vetting Committee (MLVC) has no role in assessing this proposal as it has already been approved by An Bord Pleanála under Section 226 of the Planning and Development Act 2000.

Recommended Lease/Licence Conditions:

The recommended Licence Conditions are attached at Annex 3.

Financial Considerations:

The applicant has accepted the option of a once-off payment of subject to a fixed peppercorn annual rental of if demanded, in respect of the Licence.

Agreement of applicant The applicant has agreed to the Specific conditions which would be attached to the Licence, if granted.

Recommendation:

Having regard to:

- the application for a Foreshore Licence together with accompanying documents,
- the submissions received from prescribed bodies, and
- the consent conditions to be attached to the Foreshore Licence, if granted

It is recommended that a foreshore Licence be granted subject to the specific conditions and the licence fee set out above.

Notification of Minister's Determination:

If approval is granted by the Minister, Irish Water will be informed accordingly, the appropriate Licence will issue for execution and a Notice of Determination regarding the decision (including the reasons) will be published on the Department's website.

The Notice of Determination will address:

- the outcome of the Minister's determination of the application,
- the main reasons and considerations for the Minister's determination,
- a statement that all relevant documentation on which the determination is based is available for inspection both on the website of the Department and at the Department's Wexford Office, and
- confirmation that a review procedure is available before the High Court whereby the substantive or procedural legality of the Minister's determination may be challenged, together with practical information on the review procedure.

Submitted, please.

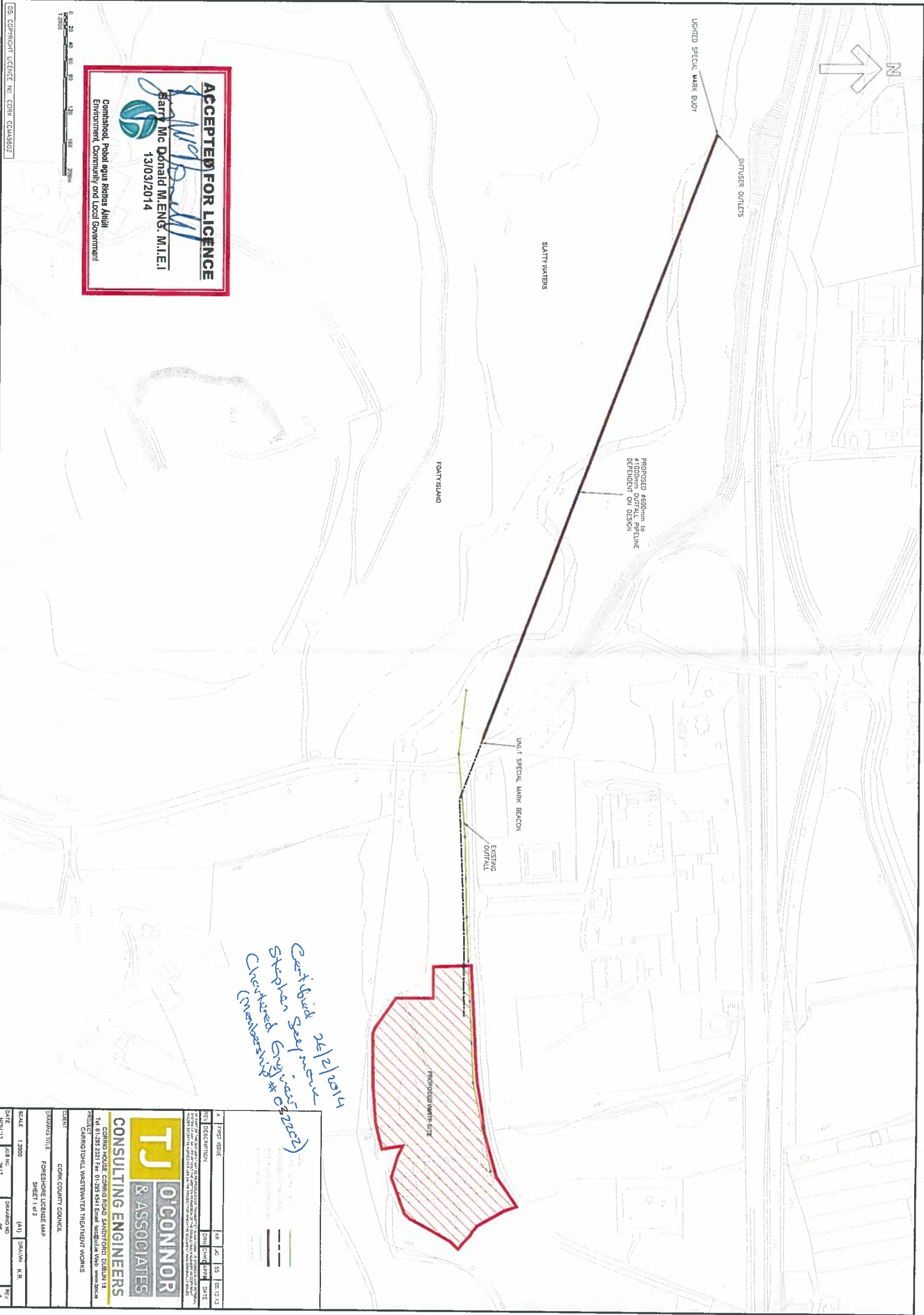
Robert O'Riordan
21/7/14

Seen and approved by the Minister

Signature:

Date:

Alan Kelly 22/7/14



*Certified by me
Stephen Greig #02227
Checked by me
Greig #02227*

REV	DESCRIPTION	DATE
1	First Issue	05/12/13

TJ O'CONNOR & ASSOCIATES

CONSULTING ENGINEERS

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PROJECT: CARRIGTOHILL WASTEWATER TREATMENT WORKS

CLIENT: CORK COUNTY COUNCIL

DRAWING TITLE: FORESHORE LICENSE MAP

SHEET 1 of 2

SCALE: 1:2000 (A1) DRAWN: K.R.

DATE: NOV 13 JOB NO: 2617 DRAWING NO: 06 REV: A

Our Ref: 04.YA0006

Your Ref:

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

16 AUG 2010

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

Dear Sir,

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

In accordance with section 146(3) of the Planning and Development Act, 2000 the Board will make available for inspection and purchase at its offices the documents relating to the decision within 3 working days following its decision. In addition, the Board will also make available the Inspector's Report and the Board Direction on the decision on its website (www.pleanala.ie). 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 attachment contains information in relation to challenges to the validity of a decision of An Bord Pleanála under the provisions of the Planning and Development Act, 2000, as amended.

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

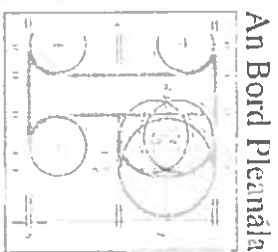
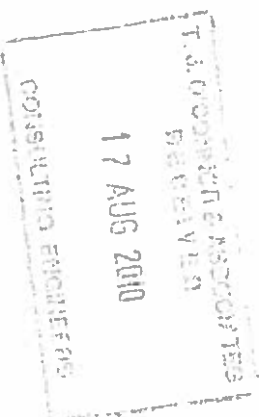
Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,

Executive Officer

DA12.LTR

Handwritten signature



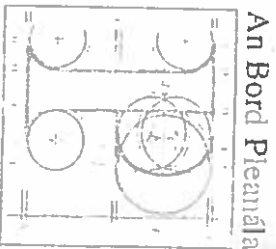
64 Sord Muintiríde
Bailé Átha Cliath 1
Tel: 01 854 6114
Fax: 01 854 6115
Web: www.pleanala.ie
Email: info@pleanala.ie
An Bord Pleanála

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

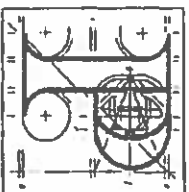
A person wishing to challenge the validity of a Board decision may do so by way of judicial review only. Sections 50 and 50A of the Planning and Development Act, 2000 (as substituted by section 13 of the Planning and Development (Strategic Infrastructure) Act 2006) contain provisions in relation to challenges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

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

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



An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 to 2009

Cork County Council

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

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

DECISION

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

MATTERS CONSIDERED

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

REASONS AND CONSIDERATIONS

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

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

(d) the Cork County Sludge Management Plan,

(e) the mitigation measures proposed in the Environmental Impact Statement,

(f) the requirement for a discharge authorisation under the Waste Water Discharge Regulations, 2007

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

CONDITIONS

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

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

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

Reason: To protect the aquatic environment.

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

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

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


Reason: In the interests of protecting aquatic ecology.

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

Reason: In the interests of protecting habitats.

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

Reason: In the interest of visual amenity.


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

Dated this 13th day of Aug 2010.

Licence Specific Conditions

1. Appropriately graded, sized and designed loose rock armour shall be used in place of the Reno Mattress at diffuser.
2. The outfall pipe shall be buried a minimum of 0.5m below existing bed over its entire length.
3. The diffuser shall be constructed and maintained so as to not impact upon navigation.
4. All works shall be carried out in accordance with Drawing Titled: Foreshore Licence Map Sheet 2 of 2, Drawing No: 07 Rev., Date: 05/12/2013 and Drawing Titled: Outfall and Diffuser, Drawing. No: 13524-C-008 Rev: B. Date 27/09/2013.