

Comhairle Contae Chorcaí Cork County Council

Met Eireann,
C/O Conor Frehill,
HW Planning,
5 Joyce House,
Barrack Square,
Ballincollig,
Cork.

29th March, 2023

REF: D/217/23
LOCATION: Ballinwillin, Co. Cork.

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000**

Dear Sir/Madam,

On the basis of the plans and information submitted by you on the 2nd March, 2023 the Planning Authority having considered whether the erection of a mobile weather radar unit at **Ballinwillin, Co. Cork** is or is not development and is or is not exempted development has declared that it **is development and is not exempted development.**

Reason for Decision

The Planning Authority in considering this referral had particular regard to:

- The particulars received by the Planning Authority on the 2nd March, 2023.
- Sections 2, 3, 4 and 5 of the Planning and Development Act 2000, as amended.
- Article 9 of the Planning and Development Regulations 2001, as amended.
- Schedule 2, Part 1, Class 31(d) of the Planning and Development Regulations 2001 as amended.

And Whereas Cork County Council has concluded that –

The proposed extension to the erection of a mobile weather radar unit by Met Eireann at Ballinwillin, Co. Cork **is development and is not exempted development.**

Please note that under Section 5 Subsection 3(a) where a declaration is issued under this section, any person issued with a declaration under subsection 2(a) may, on payment to the Board of such fee as may be prescribed, refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.

Pleanáil agus Forbairt,
Halla an Chontae,
Bóthar Charraig Ruacháin,
Corcaigh T12 R2NC.
Fón: (021) 4276891 • Faics: (021) 4276321
R-phost: planninginfo@corkcoco.ie
Suíomh Gréasáin: www.corkcoco.ie
Planning & Development,
County Hall,
Carrigrohane Road, Cork T12 R2NC.
Tel (021) 4276891 • Fax (021) 4276321
Email: planninginfo@corkcoco.ie
Web: www.corkcoco.ie



Yours faithfully,



KEVIN O'REGAN,
SENIOR EXECUTIVE OFFICER,
PLANNING DEPARTMENT

In order to process your query, it may be necessary for Cork County Council to collect Personal information from you. Such information will be processed in line with our privacy statement which is available to view at <https://www.corkcoco.ie/privacy-statement-cork-county-council>

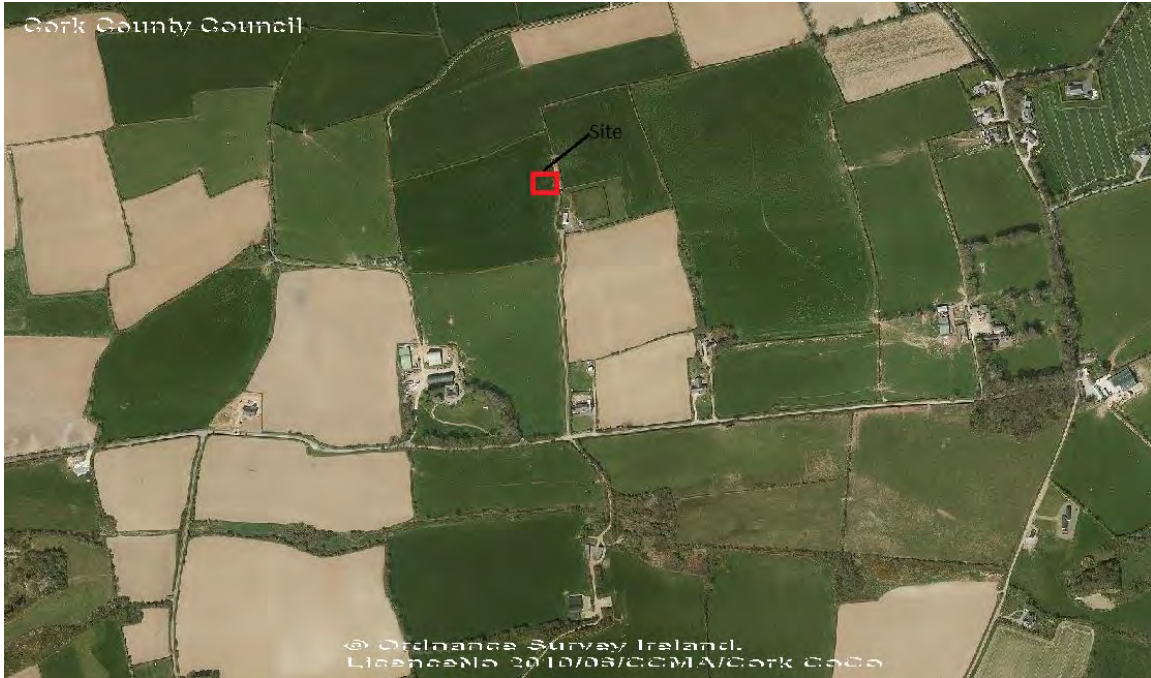
Reference Number	D 217/23
Applicant's Name	Met Éireann
Section 5 question	Whether the erection of a mobile weather radar unit at Ballinwillin, Co. Cork.
Location	Ballinwillin, Co. Cork.

Section 5 Request

HW Planning on behalf of the applicants (Met Éireann) are requesting a declaration of exemption in accordance with Section 5 of the Planning and Development Act (2000, as amended), querying whether the erection of a mobile weather radar unit at Ballinwillin, Co. Cork.

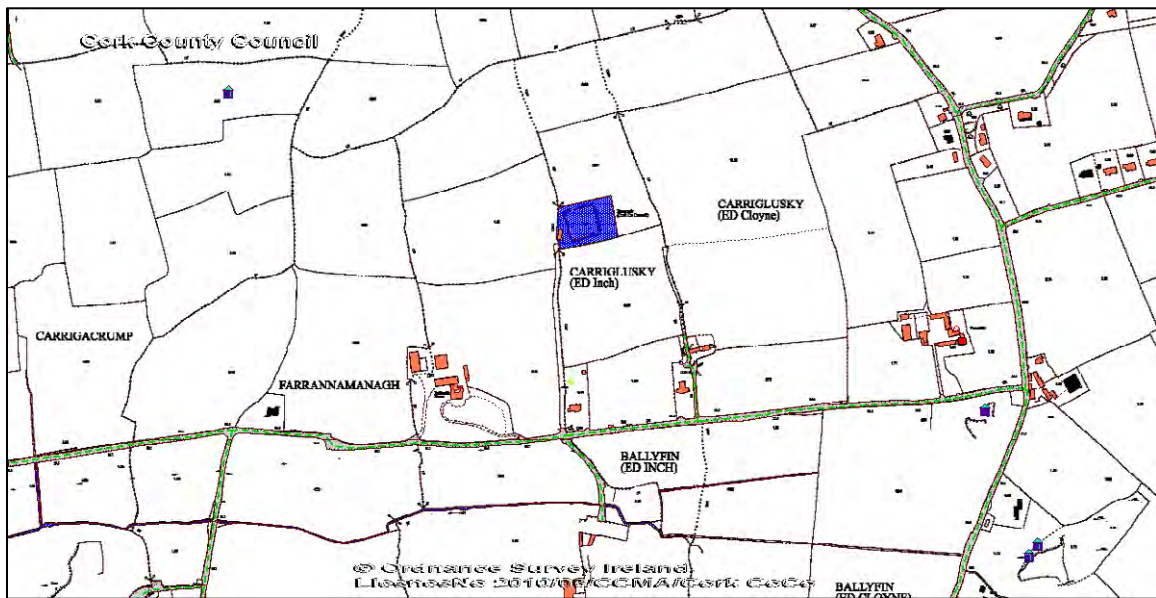
Site Description (see Appendix A: Site Photographs)

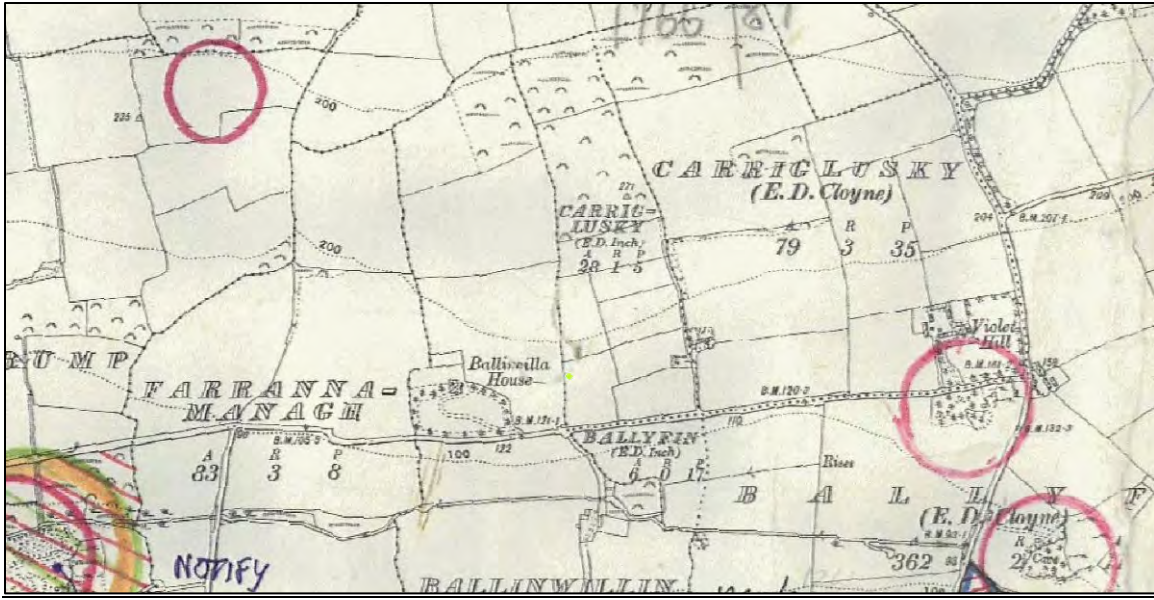
The subject site is located in a rural area within the townland of Ballinwillin approximately 1.8km south of Cloyne. It forms part of a larger field in agricultural use adjacent to the Carriglusky Water Treatment plant. The site is located on elevated lands with the area of the proposed mobile weather radar unit located c.280m back from the public road to the north of an established internal access road serving the Water Treatment plant.



I inspected the site on the 14/03/23 and noted that part of the development in question was in place, namely a stone base and two steel containers. It was also noted that there are some existing satellite dishes/antennae in close proximity to the subject development. Following consultation with the internal Water Services section on the 14/03/2, I confirmed that aforementioned satellite dishes/antennae are in use as part of the Scada monitoring system for the neighbouring Water Treatment Plant.

Planning History





Site History

No recent history on record.

Relevant An Bord Pleanála Referrals

No relevant An Bord Pleanála Referrals.

Legislation Context

Planning and Development Act (2000, as amended)

Section 2 defines ‘works’ includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles, or other material to or from the surfaces of the interior or exterior of a structure.

Under Section 2 a “**statutory undertaker**” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to –

- a) Construct or operate a railway, canal, inland navigation dock, harbour or airport;
- b) Provide, or carry out works for the provision of, gas, electricity or telecommunications services, or;
- c) Provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking"

Section 3 (1) of the Act states:

In this Act “Development” means, except where the context otherwise requires, the carrying out of any works on, in, over, or under land or the making of any material change in the use of any structures or other land.

Section 4 of the Act sets out developments which shall be exempted development for the purposes of the Act.

Section 5 (1) sets out definitions in the context of interpreting Exempted Development. Under this section “*telecommunications service*” means services which consist wholly or partly in the transmission or routing of signals on a telecommunications network or both transmission and routing;

Planning and Development Regulations (2001, as amended)

<i>Description of Development</i>	<i>Conditions and Limitations</i>
CLASS 31	
The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of - (d) equipment for transmitting or receiving signals from satellites in space,	<ol style="list-style-type: none">1. No such equipment shall exceed 10 metres in height.2. The diameter of any antenna shall not exceed 2 metres.3. No such equipment shall be situated within 10 metres of the curtilage of any house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom or any other structure

Article 9 sets out restrictions on exemption to which article 6 relates. It states that development to which article 6 relates shall not be exempted development for the purposes of the Act in a number of specific instances.

Consultees

Ecology – no report/comment returned at the time of drafting.

EIA

An EIA Screening document has been submitted with the Section 5 documentation. It describes the nature of the development proposal, extent of associated works proposed and specifies that the development is temporary in nature. The Screening document ultimately concludes the project is not considered to be a project within the meaning of the EIA Directive and EIA is not required.

Having reviewed the documentation submitted (including the points set out in the EIA Screening document I am satisfied that an EIA is not required having regard to the nature/scale of development proposed and relevant provisions set out under Schedules 5 and 7 of the Planning and Development Regulations (2001, as amended).

Appropriate Assessment

An AA Screening report has been prepared and submitted with the Section 5 documentation. The relevant European sites for consideration are the Cork Harbour SPA (Site Code 004030)(c.3km to the west), the Great Island Channel SAC (site code 001058)(c.5km to the north-east) and Ballycotton Bay (site code 004022)(c6.5km to the east). Carrigacrump Caves, a pNHA is situated approximately km south-west of the site. The Screening Report incorporates an assessment of likely significant effects on European Sites within an identified Zone of Influence taking account of potential ecological links via a shared hydrological catchment and potential displacement of waterbird SCI. It contends that the development will not have a significant displacement or habitat impact on SCI's associated with Natura 2000 sites and runoff arising will not reach either SPA. The Screening Report ultimately concludes there is no likelihood of significant effects arising from the development proposal which would undermine the conservation objectives of Cork Harbour SPA or Ballycotton SPA.

Having regard its nature, scale and location I am satisfied that the proposed development would not affect the integrity of the Natura 2000 sites referred to and a Stage 2 AA is not required in this case.

Assessment

This section 5 declaration queries whether the querying whether the erection of a mobile weather radar unit by Met Éireann at Ballinwillin, Co. Cork is or is not development and is or is not exempted development.

Description of Proposed Works

The rationale for and details of the proposed development have been outlined in the documentation submitted. It is stated that the applicant, Met Éireann, is planning to replace its existing weather station at Shannon Airport which provides rainfall monitoring information for the south west of Ireland. During the construction period (August – October 2023) it is proposed to deploy a temporary back-up radar unit on the subject site to ensure continuity of service.

Outlined proposed development works include the provision of temporary surfacing (i.e. 804 crushed rock), placing the mobile weather units on top of two steel containers with an indicated approximate height of 6.9m, erection of agricultural stock proof fencing around the site perimeter and running a temporary power supply from the adjacent Water Treatment Plant. It is stated that post operations the containers/hardcore will be removed and area re-seeded for continued agricultural use. An example of the form of the unit proposed has been provided as illustrated in Figure 1 below.



Figure 1: Photograph example of erected mobile weather unit

Is the Proposal Development?

On the basis of the information submitted it is considered that the proposal amounts to 'works' as defined by Section 2 (1) of the Planning and Development Act (2000, as amended) and therefore the comes within the meaning of 'development' in accordance with Section 3 of the Planning and Development Act 2000 (as amended). The question at hand, therefore, is whether the development is exempted development.

Is the Proposal Exempted Development

I have reviewed the proposal against potential relevant legislative provision in the Planning and Development Regulations (2001, as amended). The only explicit reference to developments relating to weather monitoring is set out under Schedule 2, Part 1, Class 20 of the regulations which relates to the erection of a mast for mapping meteorological conditions which is not applicable to this case.

It is therefore considered that the key legislative provision for determining the query raised is set out under Schedule 2, Part 1, Class 31 (d) of the Planning and Development Regulations (2001, as amended) as put forward by the applicant, see extract below.

Class 31

The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of -

(d) equipment for transmitting or receiving signals from satellites in space,

On the basis of the definition of a “*statutory undertaker*” as set out in the Planning and Development Act (2000, as amended) I am satisfied that Met Éireann as a state body and Ireland’s National Meteorological Service comes under the scope of subsection c) of said definition as they provide a service connected with a public undertaking.

With regard to applicability of Class 31 and specifically the provision of a telecommunications service, the applicants have described the radar system which emits radio waves/signals and collects and routes meteorological data via satellites on a telecommunications network. Following online research and consultation with the Senior Planner and Senior Executive Planner it is concluded that there are clear differences between telecommunication and radar technologies in the context of assessment of the question at hand.

While the applicant can be considered to be a “*statutory undertaker*” as set out in the Planning and Development Act (2000, as amended) in that they provide a service connected with a public undertaking, it is considered that this does not specifically relate to the provision of a telecommunications service. Met Éireann, as the National Meteorological Service, are not an authorised body for the provision of a telecommunications service which is explicitly referenced in Class 31. Therefore Class 31 (d) does not apply to this case and the applicants cannot avail of same as an exemption for the proposed works. Having reviewed other relevant potential exemptions it is considered that there are no other exemptions or available relevant precedent cases (none put forward by in the documentation submitted) applicable to this case.

Restriction on Exemption

In the documentation submitted the applicant has set out potential restrictions on exemption applicable to Class 31.

I have reviewed the proposal against potential restrictions on exemption as set out under Article 9 of the Planning and Development Regulations (2001, as amended) and am satisfied that no restriction on exemption applies in this case.

Recommendation

Accordingly, whereas a question has been raised regarding the erection of a mobile weather radar unit by Met Éireann at Ballinwillin, Co. Cork is or is not development and is or is not exempted development and having had regard to:

- Sections 2, 3, 4 and 5 of the Planning and Development Act (2000, as amended)
- Schedule 2, Part 1, Class 31 (d) of the Planning and Development Regulations (2001, as amended)
- Article 9 of the Planning and Development Regulations (2001, as amended)

it is concluded by the Planning Authority that:

- 1) the proposed extension to the erection of a mobile weather radar unit by Met Éireann at Ballinwillin, Co. Cork **is development and is not exempted development.**
The Planning Authority had regard to the following;

- Sections 2, 3, 4 and 5 of the Planning and Development Act (2000, as amended)
- Schedule 2, Part 1, Class 31 (d) of the Planning and Development Regulations (2001, as amended)
- Article 9 of the Planning and Development Regulations (2001, as amended)

John Lalor
Executive Planner
28/03/2023

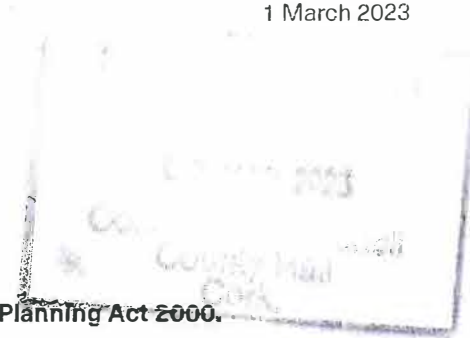
Appendix A: Site Photographs





The Secretary
Planning Department
Cork County Council
County Hall
Carrigrohane Road
Cork

1 March 2023



Re: Request for Declaration under Section 5 of the Planning Act 2000.

Whether the erection of a mobile weather radar unit at Ballinwillin, County Cork, constitutes development and is or is not exempted development.

HW Planning
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P31 KP84

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+353 (0)21 487 3250

Directors:
Harold Walsh
Conor Frehill

Company Reg. No.
486211

Accreditations
ISO 9001:2015
ISO 14001:2015
ISO 45001:2018

Dear Sir/Madam,

We act on behalf of Met Éireann who request a declaration from Cork County Council on '*Whether the erection of a mobile weather radar unit at Ballinwillin, County Cork, constitutes development and is or is not exempted development*'. The following plans and particulars accompany this request.

- Cover Letter prepared by HW Planning
- Section 5 Request Application Form prepared by HW Planning
- Site Location Maps (1:10,560 and 1:2,500) prepared by HW Planning
- Site layout plan and elevations prepared by MET Éireann
- Appropriate Assessment Screening Report and EIA Screening Statement prepared by KaneWilliams
- Cheque for the appropriate fee (€80)

01. Background

Met Éireann, a Division of the Department of Housing, Local Government and Heritage (DHLGH), is the National Meteorological Service (NMS) of Ireland. It has the primary task of helping to safeguard life and property by performing effective monitoring, analysis and prediction of Ireland's weather and climate, and provision of a range of high-quality meteorological services to serve national and international requirements.

Met Éireann currently operates two weather radars in Ireland, one at Dublin Airport and one at Shannon Airport (Figure 1). This radar network provides critical information on real time precipitation over Ireland to the Irish public and business community and data from the network is a key input to the weather forecasting and warning production processes in Met Éireann.

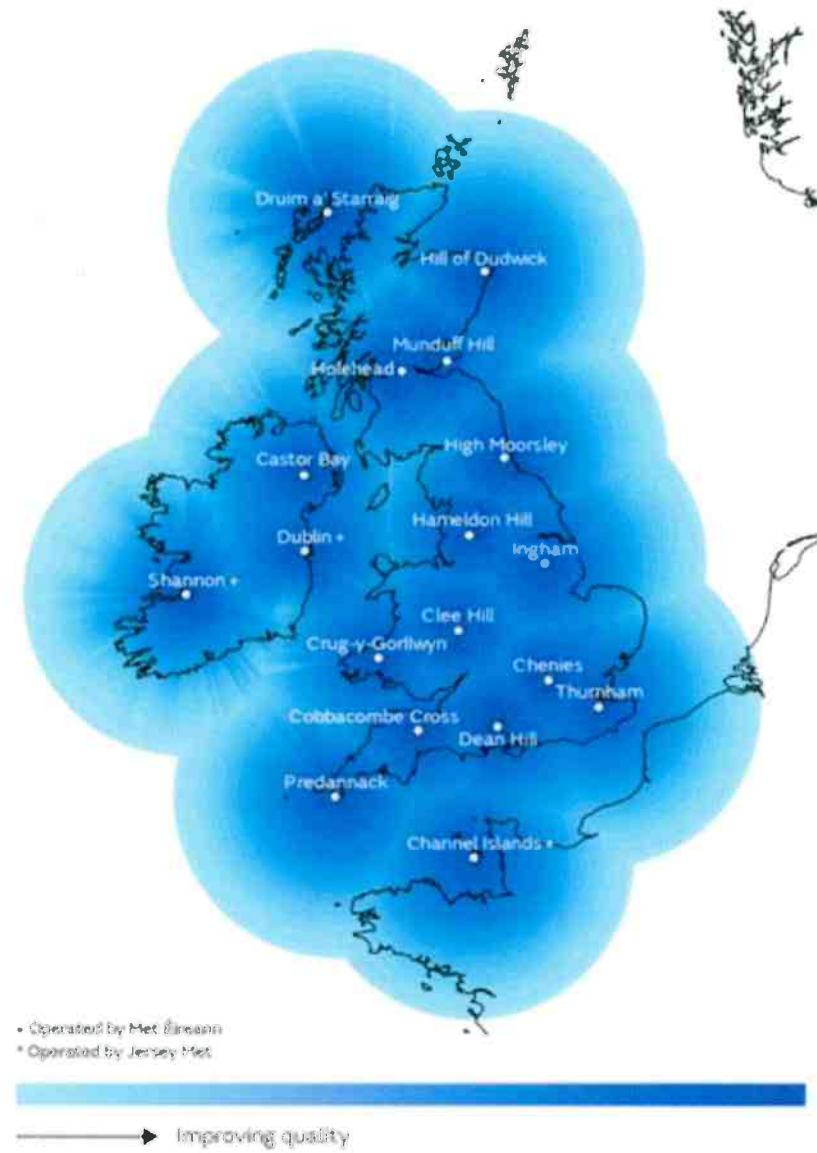


Figure 1 Weather Radar Network Serving Ireland and the United Kingdom. (Source: UK Met Office)

Met Éireann is planning to replace its weather radar at Shannon Airport this year with works commencing in April and scheduled to complete in October. The Shannon weather radar covers the south west of Ireland and provides vital rainfall information to weather forecasters.

During this works period the Shannon radar will be offline and Met Éireann plans to deploy a temporary back-up radar at Ballinwillin, Co. Cork to provide the weather radar data for the south west region. The location in question is optimal from a technical operations perspective. It will be located in a flat field next to the Carriglusky Water Treatment Plant (WTP). The subject site is set back c.400 metres from the L-7667 local road to the south and there will be no visibility of the radar equipment from this road for the period of its temporary erection.

Planning Department
02 MAR 2023
Cork County Council
County Hall
Cork



Figure 2 Site Context – Subject Lands (Top) Facing South and Adjacent WTP Infrastructure

02. Description of Works

The back-up radar is a mobile equipment unit accommodated on a trailer, as illustrated in Figure 3. As per the submitted drawings, the mobile radar unit will be placed on top of two temporary steel containers to provide the necessary elevation for the radar to function. The total height of containers and equipment will be approximately 6.9 metres. The containers will be delivered to site installation ready and will house supporting operational equipment for the radar. A temporary gantry stair will provide for safe access to the radar for the purposes of inspection (refer to enclosed drawings). The mobile radar unit is unmanned equipment and will be subject to a low level of infrequent monitoring/maintenance visits.





Figure 3 Mobile Radar with Radome Fitted

The works to accommodate the mobile radar unit are non-invasive in nature. The soil encompassing the footprint of the containers will be stripped to a depth of c.200mm and clause 804 crushed rock will be laid as a temporary surface to accommodate the container units. Post operations, the containers will be removed, hardcore taken up and grass reseeded for continued agricultural use. It is envisaged that the mobile radar unit will be enclosed with post driven agricultural stock-proof fencing to exclude sheep in the field. A temporary power supply will be run from the adjacent Water Treatment Plant.



Figure 4 Photograph of Erected Mobile Radar Unit

02-11-2023
Cork County Council
County Hall
Cork. 4

03. Planning Context

PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)

Under Section 2(1) of the Planning and Development Act 2000 (the Act), the definition of 'works' includes *"any act or operation of construction, excavation, demolition, extension, alterations, repair or renewal and"*

Under Section 3(1) of the Act the definition of 'development' means, *"except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land"*.

The Act defines 'statutory undertaker' as follows:

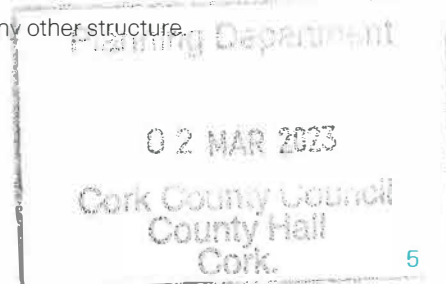
"means a person, for the time being, authorised by or under any enactment of instrument under an enactment to –

- a) Construct or operate a railway, canal, inland navigation dock, harbour or airport;*
- b) Provide, or carry out works for the provision of, gas, electricity or telecommunications services, or;*
- c) Provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking".*

PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED)

Schedule 2, Part 1, Class 31 (d) of the Planning and Development Regulations 2001 specifies that the following development carried out by statutory undertakers to provide telecommunications services is exempted development:

Description of Development	Conditions and Limitations
<p>The carrying out by a statutory undertaker authorised to provide a telecommunications service of development consisting of the provision of –</p> <p>(d) equipment for transmitting or receiving signals from satellites in space,</p>	<ol style="list-style-type: none"> 1. No such equipment shall exceed 10 metres in height. 2. The diameter of any antenna shall not exceed 2 metres. 3. No such equipment shall be situated within 10 metres of the curtilage of any house save with the consent in writing of the owner or occupier thereof, or within 10 metres of the window of a workroom of any other structure.



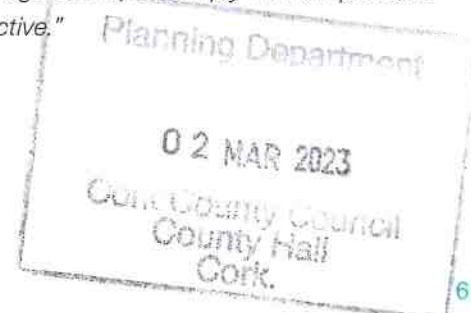
Under Article 5, Part 2 of the regulations, 'telecommunications service' means "services which consist wholly or partly in the transmission or routing of signals on a telecommunications network or both transmission and routing".

Article 6(1) of the regulations states that:

"Subject to Article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in Column 2 of the said Part 1 opposite the mention of that class in the said Column 1".

Article 9(1) establishes restrictions on exemptions stating that "Development to which Article 6 relates shall not be exempted development for the purposes of the Act" - (a) if the carrying out of such development would, inter alia:

- "consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaces carriageway of which exceeds 4 metres in width;
- endanger public safety by reason of traffic hazard or obstruction of road users;
- consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest their preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan;
- comprise of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12(1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No 2 of 1930) as amended;
- comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site;
- if it is development to which Part 10 applies, unless the development is required by or under any statutory provision (other than the Act or these regulations) to comply with the procedures for the purposes of giving effect to the Council Directive."



Assessment

Based on a review of governing legislation, we consider that the following are the principal issues when assessing whether the proposed development complies with Class 31(d) of Schedule 2, Part 1 of the Planning and Development Regulations 2001:

1. Do the proposed works fall within the definition of development under the Planning and Development Act 2000 (as amended)?;
2. Does the proposed development fall within the qualifying criteria of Class 31(d), including any associated conditions/limitations under the Planning and Development Regulations 2001 (as amended)?;
3. Do any restrictions apply which would de-exempt Class 31(d) in this case?

DO THE PROPOSED WORKS FALL WITHIN THE DEFINITION OF DEVELOPMENT UNDER THE PLANNING AND DEVELOPMENT ACT 2000 (AS AMENDED)?

Based on the nature and description of works involved which include the shallow stripping of topsoil, laying of hardcore and erection of containers/mobile radar equipment, it is clear that the proposed works constitutes 'development' for planning purposes as defined broadly under Section 2(1) and 3(1) of the Planning and Development Act 2000 (as amended).

DOES THE PROPOSED DEVELOPMENT FALL WITHIN THE QUALIFYING CRITERIA OF CLASS 31(D), INCLUDING ANY ASSOCIATED CONDITIONS/LIMITATIONS UNDER THE PLANNING AND DEVELOPMENT REGULATIONS 2001 (AS AMENDED)?;

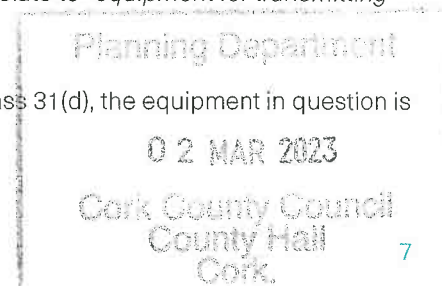
Met Éireann, a state body, is a line division of the Department of Housing, Local Government and Heritage with responsibility for, inter alia, the collection and production of high-quality meteorological data and the communication of authoritative weather and climate services to protect life and property, and to promote wider societal and economic wellbeing. It is therefore a statutory undertaker for the purposes of carrying out services, or works for activities, connected with public undertakings. These activities include telecommunications services as defined under the Planning and Development Regulations 2001 (as amended), namely services which consist wholly or partly in the transmission or routing of signals on a telecommunications network or both transmission and routing.

'Telecommunications' is further defined within the Collins Dictionary as follows:

Telecommunications is the technology of sending signals and messages over long distances using electronic equipment, for example by radio and telephone.

A radar system has a transmitter that emits radio waves known as radar signals in predetermined directions, which in this specific case collects and routes meteorological data via satellites on a telecommunications network. The subject works therefore relate to "equipment for transmitting or receiving signals from satellites in space".

In respect of the prescribed conditions and limitations of Class 31(d), the equipment in question is less than 10 metres in height (6.9 metres).



The proposal includes provision of a 1.8 metre width antenna, and therefore does not exceed the 2 metre diameter limit under Class 31(d).

No equipment will be situated within 10 metres of the curtilage of any house in compliance with Condition no. 3. The nearest residential property is located approximately 330 metres away to the southwest.

DO ANY RESTRICTIONS APPLY WHICH WOULD DE-EXEMPT CLASS 31 IN THIS CASE?

Under Section 4(4) of the Planning and Development Act 2000 (as amended), projects that require Environmental Impact Assessment (EIA) or Appropriate Assessment are restricted in terms of development exemptions.

Part 1 and Part 2 Schedule 5 of the Planning and Development Regulations, 2001 defines the categories and thresholds of developments requiring EIA. The proposed equipment is not a prescribed class of development for such purposes. The scale and limited nature of the works related to the proposed works is not likely to have significant effects on the environment, having regard to Schedule 7 of the Regulations. This position is supported by established precedent on such matters.

To inform this Section 5 request, KaneWilliams have prepared an Appropriate Assessment Screening. The enclosed statement confirms that there is no likelihood of significant effects arising from the installation, operation, decommissioning and reinstatement of the temporary mobile weather radar unit that would undermine the conservation objectives of Cork Harbour SPA or Ballycotton Bay SPA.

The proposed grid connection has also been reviewed in the context of relevant potential Article 9 de-exemptions as follows:

- The subject lands are serviced by an existing access to the Carrigluskey WTP. It will not result in the widening of a means of access to a public road [Article 9(1)(a)(ii)].
- The delivery of two small containers and the mobile radar unit itself will not endanger public safety by reason of traffic hazard [Article 9(1)(a)(iii)];
- The proposed works do not consist of works to a site or object of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area [Article 9(1)(a)(vii)]. There are no material subsurface works or foundations required as part of the erection of the equipment;
- The nearest recorded monument is located c.550 metres to the northwest¹. The works will not consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994 [Article 9(1)(a)(viiA)].

¹ NMS Reference CO088-02 B



Conclusion

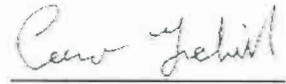
Met Éireann is authorised as the leading provider of meteorological information and services in the State. The uninterrupted operation of Met Éireann's meteorological services is of national importance and is in the interest of the nation's public health and safety.

For the reasons outlined above we consider that the proposed erection of a mobile weather radar station at Ballinwillin County Cork, constitutes development and is exempted development having regard to the provisions of:

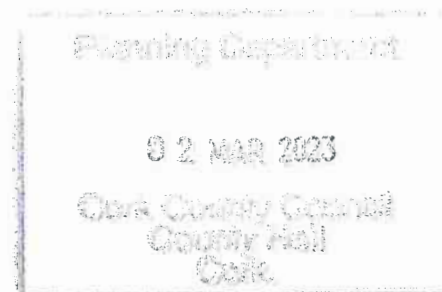
- a) Section 2 of the Planning and Development Act, 2000 (as amended)
- b) Class 31 of Part 1 of Schedule 2 of the Planning and Development Regulations, 2001

We would be grateful for an acknowledgement of this request. Please do not hesitate to contact us if you have any queries.

Yours Sincerely



Conor Frehill
HW Planning





CORK COUNTY COUNCIL APPLICATION FOR SECTION 5 DECLARATION OF EXEMPTION

APPLICANT CHECKLIST

(Please tick ✓)

- 4 No. Copies of Application Form:
- 1 No. Copy of Contact Details:
- 4 No. Copies 6" O.S. Maps:
- 4 No. Copies 25" O.S. Maps:
- 4 No. Copies of Site Layout Plan:
- 4 No. Copies Scaled Drawings of Development:
- €80 Application Fee:

✓
✓
✓
✓
✓
✓
✓

FOR OFFICE USE ONLY

Receipt No.	
Cash/Cheque/ Credit Card	
Date	
Declaration Ref. No.	

DATE STAMP HERE

You should make sure that you are satisfied that any information/documentation that you submit is appropriate to be viewed by the public. Please do not submit any information that you do not want 3rd parties to view.

In the case of a Declaration of Exemption for Land Reclamation, the following additional information is required:

- A copy of the details submitted to the Council's Environment Department (Inniscarra) for a Waste Licence Permit
- Correspondence from Teagasc (detailing how the land reclamation would benefit the land in question for agricultural purposes)
- Details of existing and proposed levels
- Details of fill material and duration of fill.

DATA PROTECTION

The planning process is an open and public one. In that context, all applications for Declarations of Exemption are made available for public inspection.

Personal information collected by Cork County Council is done so in order for us to process your application for a Section 5 Declaration of Exemption. Legally we can process this information as it is necessary for us to comply with our statutory/legal obligations. The protection of our personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at

<http://www.corkcoco.ie/Privacy-Policy> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork, Ireland. Should you have any questions about our privacy policy or the information we hold about you, please contact us by email to dpo@corkcoco.ie or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork, Ireland.



1. NAME OF APPLICANT: (ADDRESS TO BE SUPPLIED AT QUESTION A – CONTACT DETAILS)

Met Eireann

2. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION OF EXEMPTION IS SOUGHT:

Identified lands at Ballinwillin, County Cork.

3. QUESTION/DECLARATION DETAILS:

Please state the specific question for which a Declaration of Exemption is sought
Note: Only works listed and described under this section will be assessed under the Section 5 Declaration of Exemption

Whether the erection of a mobile weather radar unit at Ballinwillin, County Cork, constitutes development and is or	
is not exempted development.	
	Planning Department
	02 MAR 2023
	Cork County Council County Hall Cork.

4. APPLICATION DETAILS:

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square metres (m²)

(a) Floor area of existing/proposed structure(s):	N/A
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A If yes, please provide floor areas (m ²) and previous planning reference(s) where applicable:
(c) If a change of use of land and/or building(s) is proposed, please state the following: Existing/previous use Agricultural Lands	Proposed use Temporary mobile weather radar unit
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please state relevant reference number(s):

5. LEGAL INTEREST OF APPLICANT IN THE LAND/STRUCTURE:

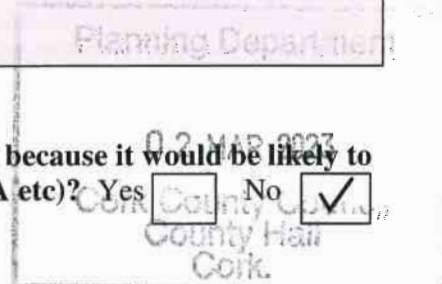
Please tick appropriate box to show applicant's legal interest in the land or structure:	A. Owner <input type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Lease Agreement	
If you are not the legal owner, please state the name of the owner/s (address to be supplied at Question C in Contact Details):	Richard Jeffery	

6. PROTECTED STRUCTURE DETAILS / ARCHITECTURAL CONSERVATION AREA:

Is this a Protected Structure/Proposed Protected Structure or within the curtilage of a Protected Structure: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
If yes, please state relevant reference No. _____
Is this site located within an Architectural Conservation Area (ACA), as designated in the County Development Plan? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

7. APPROPRIATE ASSESSMENT:

Would the proposed development require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site (SAC, SPA etc)? Yes No



8. DATA PROTECTION DECLARATION:

In order for the Planning Authority to process the personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <http://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

Processing of your Declaration of Exemption application by the Planning Authority

I give permission for my personal information to be processed for the purpose stated above

Signed (By Applicant Only)	Charley Ghan
Date	21/02/2023

GDPR Special Categories of data / Sensitive Personal data - Explicit Consent

Where Special Categories of personal data / sensitive personal data are provided as part of / in support of a declaration application, **explicit consent** to the processing of the special categories of data must be given by the person to whom the data refers, namely the Data Subject.

Special Categories of data / Sensitive Personal data include:

- Race
- Ethnic origin
- Political opinions
- Religion
- Philosophical beliefs
- Trade union membership
- Genetic data
- Biometric data
- Health data
- Concerning a natural person's sex life
- Sexual orientation

In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council's Privacy Policy available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or in hardcopy from any Council office; and to having your information processed for the following purposes:

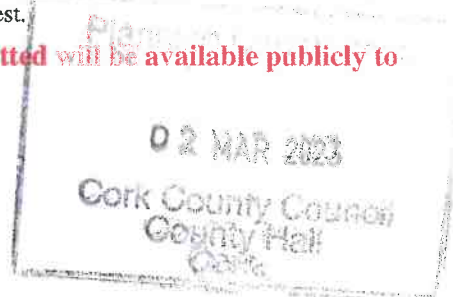
Sensitive personal data being submitted in support of Declaration of Exemption Application

I give permission for my sensitive personal data submitted to the Planning Authority to be processed for the purpose stated above.

Signed	Charley Ghan
Date	21/02/2023

You have the right to withdraw your consent by contacting the Planning Department, Ground Floor, County Hall, Carrigrohane Road, Cork. Tel: (021) 4276891 Email: planninginfo@corkcoco.ie or by contacting the Planning Department, Norton House, Cork Road, Skibbereen, Co. Cork. Tel: (028) 40340 Email: westcorkplanninginfo@corkcoco.ie However if consent to the use of personal data is withdrawn during the declaration of exemption decision-making process this information cannot be considered as part of the decision making process. Once a decision has been made, an applicant is not entitled to withdraw consent, as the right of erasure does not apply to a situation where processing is required for compliance with a legal obligation or for the performance of a task carried out in the public interest.

Please note that all information / supporting documentation submitted will be available publicly to view at the Planning Authority offices.




ADVISORY NOTES:

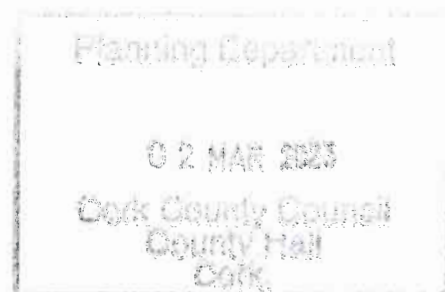
The application must be accompanied by the required fee of €80
The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.
The application should be sent to the following address:
The Planning Department, Cork County Council, Floor 2, Co. Hall, Carrigrohane Road, Cork, T12 R2NC; or for applications related to the Western Division, The Planning Department, Cork County Council, Norton House, Cork Road, Skibbereen, Co. Cork, P81 AT28.

- The Planning Authority may require further information to be submitted to enable the authority to issue a decision on the Declaration of Exemption application.
- The Planning Authority may request other person(s), other than the applicant; to submit information on the question which has arisen and on which the Declaration of Exemption is sought.
- Any person issued with a Declaration of Exemption may on payment to An Bord Pleanála refer a Declaration of Exemption for review by the Board within 4 weeks of the date of the issuing of the Declaration of Exemption decision.
- In the event that no Declaration of Exemption is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a Declaration of Exemption was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork County Council for the purpose of advising the type of information which is normally required to enable the Planning Authority to issue a Declaration of Exemption under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations, 2001, as amended.

9. I hereby declare that, to the best of my knowledge and belief, the information given in this form is correct, accurate and fully compliant with the Planning and Development Acts 2000, as amended and the Regulations made thereunder:

Signed (Applicant or Agent as appropriate)	
Date	28/02/2023





Screening for Appropriate Assessment Report

Met Éireann

Temporary Mobile Weather Radar Unit

February 2023

Project No.	2302
Ref.	B

Planning Department
02 MAR 2023
Cork County Council
County Hall
Cork.

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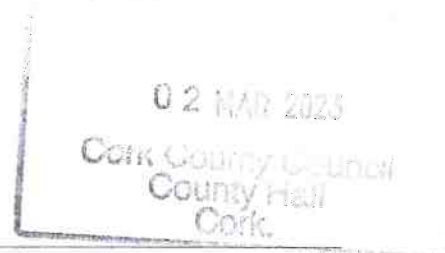
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1 Introduction

The proposed project consists of the erection of a temporary X-band mobile weather radar unit at a site in the townland of Ballinwillin approximately 1.7km south of the village of Cloyne in east Co. Cork.

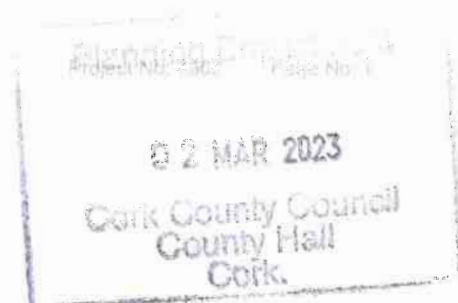
This screening for appropriate assessment determines whether the temporary mobile weather radar unit, either on its own or in combination with other plans and projects, is likely to have a significant effect on a Natura 2000 site, also referred to as a European site, in view of the sites conservation objectives.

2 Legislative context

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and of wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (79/409/EEC) seeks to protect birds of special importance by the classification of Special Protected Areas (SPAs). It is the responsibility of each member state to designate SPAs and SACs, both of which will form part of Natura 2000, a network of protected sites throughout the European Community. One of the measures which protects these areas is the requirement that every project must undergo an assessment, referred to as an appropriate assessment, of its implications for any European site before consent for the project is given. Consent for a project can only be given after it has been determined that it will not adversely affect the integrity of the site(s). The requirements for appropriate assessment are set out in Article 6 of the Habitats Directive and Part XAB of the Planning and Development Act 2000, as amended.

The screening for appropriate assessment will determine whether an appropriate assessment of the project is required if it cannot be excluded, on the basis of objective information, that the project, individually or in combination with other plans or projects, will have a significant effect on a Natura 2000 site, in view of the site's conservation objectives. The information presented in this screening for appropriate assessment will be used by the competent authority to assist them to complete their screening exercise.

If it is determined that an appropriate assessment is required in respect of the project, a Natura Impact Statement (NIS) must be prepared. The NIS will assist the competent authority to conduct the appropriate assessment.



3 Methodology

3.1 Guidance

This screening for appropriate assessment (AA) has been undertaken with regard to the following publications:

- European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2001),
- European Commission (2019) Guidance 'Managing Natura 2000 the provisions of Article 6 of the Habitats Directive 92/43/EEC,
- Appropriate Assessment of Plans & Projects - Guidance for Planning Authorities prepared by the NPWS (DoEHLG, 2009 (rev. 2010).
- Office of the Planning Regulator (2021) Appropriate Assessment Screening for Development Management

3.2 Desk study

A desk study was completed to inform the report and included the following sources:

- OSI mapping and aerial photography
- Aerial imagery from Bing Maps and Google Maps
- Geological Survey Ireland (GSI)
- Teagasc Irish Soil Information System
- Environmental Protection Agency (EPA)
- National Parks and Wildlife Service (NPWS)
- CSO AgriMap
- Cork County Development Plan 2022

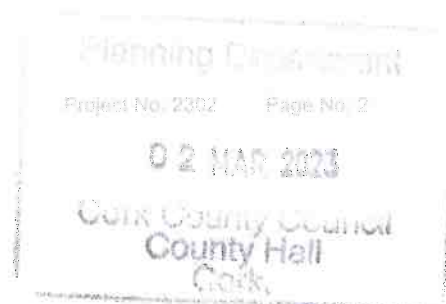
3.3 Field survey

A site visit was completed on 20th February.

3.4 Screening process

Screening for AA determines the need for a full AA and consists of several steps, each of which is addressed in the following sections of this report:

1. Description of the project and the local site characteristics;
2. Identification of Natura 2000 sites potentially affected and associated Qualifying Interests (QI) for SACs and Special Conservation Interests (SCI) for SPAs within the zone of influence (Zoi) of the project;



3. Examination of the likely significant direct and indirect effects on conservation objectives in relation to the project alone, and in-combination with other plans and projects using the following key indicators:
 - Habitat loss
 - Disturbance and displacement of species, or indirect habitat loss of functionally linked land
 - Habitat or species fragmentation
 - Water and air quality
4. Screening conclusion on whether the project could undermine the conservation objectives of a SAC or SPA and give rise to likely significant effects.

3.5 Statement of authority

This report has been undertaken by Monica Kane BSc MSc MCIEEM of KWA, an Ecologist and Environmental Consultant, who has over 18 years' experience working in the environmental consultancy. During this time, she has completed and reviewed many screening for appropriate assessment reports and Natura Impact Statements for a variety of projects.

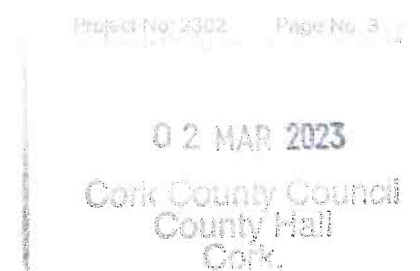
4 Description of project and site characteristics

4.1 The project

Met Éireann, a Division of the Department of Housing, Local Government and Heritage (DHLGH), is the National Meteorological Service (NMS) of Ireland. Met Éireann currently operates two weather radars in Ireland, one at Dublin Airport and one at Shannon Airport. This radar network provides critical information on real time precipitation over Ireland to the Irish public and business community, and data from the network is a key input to the weather forecasting and warning production processes in Met Éireann.

Met Éireann is planning to replace its weather radar at Shannon Airport this year with works commencing in April and scheduled to complete in October. The Shannon weather radar covers the southwest of Ireland and provides vital rainfall information to weather forecasters.

During this works period the Shannon radar will be offline and Met Éireann plans to deploy a temporary back-up radar at Ballinwillin, Co. Cork to provide the weather radar data for the southwest region. The location in question is optimal from a technical operations perspective. It will be located in a field next to the Carriglusky Water Treatment Plant (WTP). The subject site is set back from the L-7667 local road.



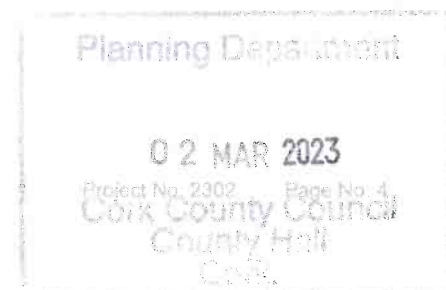
The temporary platform for the radar will be similar to the example presented in **Figure 1**. The back-up radar is a mobile unit accommodated on a trailer, as illustrated. The mobile radar unit will be placed on top of two temporary steel containers to provide the necessary elevation for the radar to function. These containers will house supporting operational equipment.



Figure 1. X-band weather radar unit¹

The site, which measures approximately 9m x 9m totalling 81m², is currently an agricultural field used for grazing sheep and cattle. The topsod will be carefully cleared and set aside followed by the removal of approximately 200mm of soil and the placement of crushed stone upon which the containers will sit. Soil will be temporarily stockpiled along the eastern boundary and the topsod placed on top to minimise any runoff during poor weather conditions. Given the good natural drainage of the site, evident by the absence of field boundary land drains, any runoff generated will quickly go to ground and not leave the field.

¹ source: <https://www.imk-tro.kit.edu/english/5438.php>



Each steel container will measure 2.59m high(H) x 2.44m wide(W) x 6.10m long(L). The X-band mobile radar unit including trailer will measure 4.3m in width and 3.9m without. The total height of the radar and container will be 7m including a lightning conductor. The two containers will be placed alongside one another. A temporary pre-fabricated gantry stairs and associated handrail will be installed alongside the containers for safe access. A pre-fabricated handrail will be installed on top of the containers. Refer to the elevation and site layout drawings submitted with the Section 5 request for declaration documentation for details. The radar will be hoisted onto the containers using a teleporter.

A temporary electrical supply unit will connect to the existing WTP comprising a mini pillar (1.62m(H) x 0.62m(L) x 0.28m(W)) mounted on a solid base. This will require a small volume (approximately 200kg) of hand mixed concrete mixed on a board at the WTP carpark. Temporary electrical cabling will be buried in the field up to 600mm deep and 300mm wide and backfilled immediately with the separated soil and topsod.

The radar will be fenced with post-driven agricultural stock-proof fencing to protect from livestock and for security purposes. All works will be fully completed within 2-3 days at most.

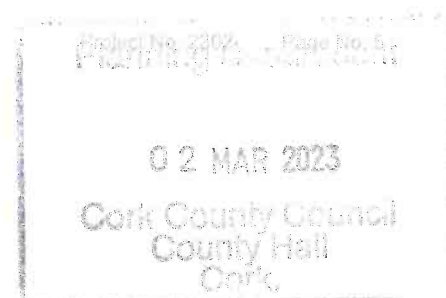
Once operational the radar will emit electromagnetic waves into the atmosphere to measure precipitation data. The mobile radar unit will be unmanned and subject to a low level of infrequent monitoring/maintenance visits. No oils or chemicals will be stored at the site.

After October 2023 the temporary radar will be decommissioned and removed. Temporary fencing, gravel and concrete will be removed to an authorised waste facility, as appropriate, and the site will be reinstated for agricultural purposes.

4.2 Site characteristics

As noted, the proposed project consists of the temporary placement of a temporary X-band mobile weather radar unit at a site in the townland of Ballinwillin approximately 1.7km south of the village of Cloyne in east Co. Cork. Ballinwillin townland lies within the electoral division of Inch, Co. Cork and the Municipal District of East Cork. Access to the site is via the local road (L-7667-0) before turning north onto a private road for approximately 320m before turning west into an agricultural field. The site is about 60m north of the field entrance with a site elevation of 79m (site coordinates: 51° 50' 43.964798, -8° 7' 44.387658).

The proposed development site measures 0.0081ha and comprises agricultural grassland as evidenced in **Figure 2**. An Irish Water WTP immediately east of the site is part of the



Cloyne-Aghada Public Water Supply (PWS) and consists of a covered service reservoir and a treatment plant, control room and surfaced carpark.



Figure 2. Site photographs

The site of the temporary radar lies on the southern ridge of the Cloyne valley. According to the GSI, the site is underlain by sandstone described as Flaser-bedded sandstone and mudstone. Waulsortian Limestones occur in the valleys to the north and south. Subsoil at the site is characterised as bedrock at surface indicating shallow soils with the land beyond characterised as sandstone till. Soil at the site is described as coarse loamy drift with siliceous stones. Karst landforms exist in the valleys to the north and south of the site. Land use at the site and surrounds is dominated by agriculture.

The site lies within the Whitegate groundwater body (GWB) described as a locally important aquifer with moderately productive rock in local zones only. The sandstone and mudstone are generally considered to have relatively low permeability. The site is encompassed within the Cloyne-Aghada PWS outer Source Protection Area and the vulnerability of the groundwater is characterised as extreme, which is an indication of the potential for groundwater contamination.

In terms of surface hydrology, the site lies within the Farrannamanagh_SC_010 Water Framework Directive (WFD) sub-catchment. At its position on top of a ridge, the site borders two river catchment areas, or sub basins, namely Farrannamanagh_010 to the south and Ardnahinch_010 to the north. The 1st order stream to the south (refer to **Figure 3**) rises in Ballyfin, is 0.5km at its closest point, and drains the valley then turns northwest to join the Whitewell stream before reaching the sea at Rostellan. The catchment to the north flows into Ballycotton Bay northeast of Shanagarry and the nearest stream lies 2.3km to the east-northeast.

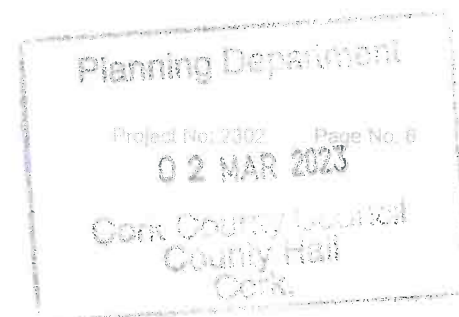




Figure 3. Photographs of the stream that drains the valley to the south of the site; both locations are downgradient of the site

Carrigacrump Caves proposed Natural Heritage Area (pNHA) lies approximately 1km southwest of the site. This is a cave system which is located in an area of outcropping limestone. The site supports an unusual calcareous flora including locally rare plants. Rostellan Lough, Aghada Shore and Poul nabibe Inlet pNHA lies 2.5km to the west and is roughly contiguous with Cork Harbour SPA though extending further inland at Rostellan and Knockanemorney. Ballycotton, Ballynamona and Shanagarry pNHA lies 5km to the east and roughly overlaps with Ballycotton Bay SPA with the clear exception of the river and associated wetlands Ballybraher.

The land in the surrounding fields, valleys and ridges is intensively farmed for cereal tillage and grassland pasture for dairy cows and sheep. The site itself supports improved agricultural grassland used for grazing sheep and cattle surrounded by hedgerow of gorse (*Ulex europeaus*) with bramble (*Rubus fruticosus*). With the exception of localised ponding north of the site in an area likely used on an ongoing basis to feed animals, the land underfoot was dry and solid at the time of the site visit. No land drains were evident in the field indicative of the sites relatively high elevation and good drainage.

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5 Identification of relevant European sites (SAC/SPA)

5.1 Zone of influence (Zoi)

The identification of relevant European sites was undertaken using the Source-Pathway-Receptor approach to establish ecological connections or links between the proposal site and SAC's/SPA's or European sites. The source refers to the proposal and the consideration of its nature, size and location together with potential ecological impacts. The receptor is the SAC or SPA. The pathway is how the impact or pollution travels and it links the source (proposed radar site) to the receptor (SAC/SPA); examples include pollution transport via water bodies and air, or barriers to movement of a species. A site will only be at risk from a likely significant effect where a pathway or link exists between the radar site and the SAC/SPA.

Due to the distance of 3km between the nearest European site and the temporary radar site, no loss of habitat to, or direct disturbance of species will occur within, a SAC or SPA. Potential sources of ecological impacts that could theoretically arise from the proposal include:

- Displacement of species resulting in indirect loss of habitat outside a SAC/SPA
- Water and airborne pollution to a SAC/SPA

On this basis, **Table 1** lists the sites potentially considered to be within the zone of influence (Zoi) of the proposal whose conservation objectives² may potentially be undermined.

Table 1. List of European sites (SAC/SPA) potentially within the Zoi

Site name	Site code	Proximity and direction of European site to radar site
Cork Harbour SPA	004030	3km west
Ballycotton Bay SPA	004022	6.5km east
Great Island Channel SAC	001058	5km northwest

² <https://www.npws.ie/protected-sites>

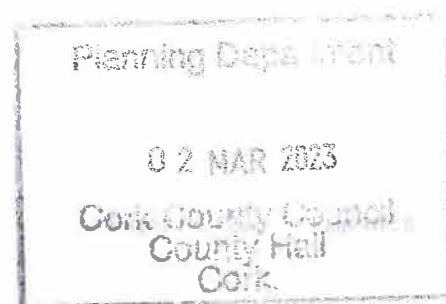




Figure 4. European sites in the region of the radar site

5.2 European site(s) not selected for screening

The following site, Great Island Channel SAC, **has not** been selected for consideration for screening based on the nature of the proposal, proximity to site, lack of ecological pathways, and/or the characteristics and vulnerability of the qualifying interests (QI) and the sites conservation objectives. The QI, i.e. habitats in this case, of the European site and rationale for excluding it from further consideration is detailed in the following table.

Table 2. Rationale for exclusion of Great Island Channel SAC from further consideration

Great Island Channel SAC (site code 001058)	
Qualifying Interests (QI)	Rationale for exclusion from further consideration
Habitats: <ul style="list-style-type: none"> Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) 	<ul style="list-style-type: none"> Great Island Channel SAC lies 5km northwest of the site "as the crow flies". It is designated for two habitats, mudflats and salt marsh. No direct habitat loss or damage will occur within the SAC. Great Island Channel SAC is theoretically situated 9 river/coastal kilometres, which refers to the distance along the rivers length as opposed to a linear measure such "as the crow flies", from the radar site. This includes roughly 4 river and 5 coastal water kilometres.

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	<ul style="list-style-type: none"> Given the small scale and nature of the works, and the huge dilution and tidal flushing effect on any possible pollution that might arise from the site and enter Cork Harbour, no significant water pollution effects are anticipated. Therefore, it is reasonable to conclude that the Great Island Channel SAC is outside of the ZoI of the project and will not be considered further in this report.
--	--

5.3 European site(s) selected for screening

The following sites, Cork Harbour SPA and Ballycotton Bay SPA, **have** been selected for consideration for screening based on proximity to the site, ecological pathways (river catchments, etc.), the characteristics and vulnerability of the Special Conservation Interests (SCI) and/or the sites conservation objectives. The SCI, i.e. waterbirds and wetland, of the SPA's and rationale for selection are detailed in the following tables.

Table 3. Rationale for inclusion of Cork Harbour SAC for further consideration

Cork Harbour SPA (004030)	
Species of Conservation Interest (SCI)	Rationale for inclusion for further consideration
<ul style="list-style-type: none"> Little Grebe (<i>Tachybaptus ruficollis</i>) Great Crested Grebe (<i>Podiceps cristatus</i>) Cormorant (<i>Phalacrocorax carbo</i>) Grey Heron (<i>Ardea cinerea</i>) Shelduck (<i>Tadorna tadorna</i>) Wigeon (<i>Anas Penelope</i>) Teal (<i>Anas crecca</i>) Pintail (<i>Anas acuta</i>) Shoveler (<i>Anas clypeata</i>) Red-breasted Merganser (<i>Mergus serrator</i>) Oystercatcher (<i>Haematopus ostralegus</i>) Golden Plover (<i>Pluvialis apricaria</i>) Grey Plover (<i>Pluvialis squatarola</i>) Lapwing (<i>Vanellus vanellus</i>) Dunlin (<i>Calidris alpina alpina</i>) Black-tailed Godwit (<i>Limosa limosa</i>) Bar-tailed Godwit (<i>Limosa lapponica</i>) 	<ul style="list-style-type: none"> Cork Harbour SPA lies 3km to the west of the site. The southern side of the site drains west towards Cork Harbour SPA via a 1st order stream and thus there is potential for indirect water quality effects. Potential for waterbird SCI to use the site so indirect ecological displacement effects to SCI cannot be ruled out. Thus, the SPA requires further consideration in this report.

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<ul style="list-style-type: none"> • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa tetanus</i>) • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • Common Gull (<i>Larus canus</i>) • Lesser Black-backed Gull (<i>Larus fuscus</i>) • Common Tern (<i>Sterna hirundo</i>) • Wetlands 	
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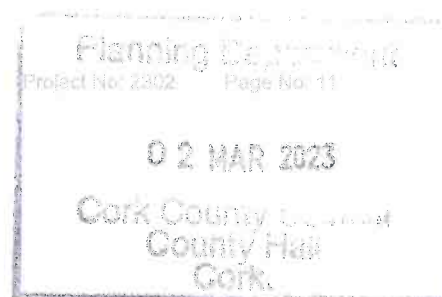
Table 4. Rationale for inclusion of Ballycotton Bay SPA for further consideration

Ballycotton Bay SPA (004022)	
Species of Conservation Interest (SCI)	Rationale
<ul style="list-style-type: none"> • Teal (<i>Anas crecca</i>) • Ringed Plover (<i>Charadrius hiaticula</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Lapwing (<i>Vanellus vanellus</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Turnstone (<i>Arenaria interpres</i>) • Common Gull (<i>Larus canus</i>) • Lesser Black-backed Gull (<i>Larus fuscus</i>) • Wetlands 	<ul style="list-style-type: none"> • Ballycotton Bay SPA lies 6.5km to the east of the site. • The northern part of the site drains east towards Ballycotton Bay SPA and thus there is potential for indirect water quality effects. • Potential for waterbird SCI to use the site so indirect ecological displacement effects to SCI cannot be ruled out. • Thus, the SPA requires further consideration in this report.

6 Assessment of the likely significant effects

6.1 European sites within the ZOI selected for screening

In the previous section, it was established that there was potential ecological links between two European sites, namely Cork Harbour SPA (004030) and Ballycotton Bay SPA (004022), and the proposed radar site primarily on the basis of a shared hydrological catchment but also potential for indirect ecological effects such as displacement of waterbird SCI that may potentially use the site.



The conservation objectives for Cork Harbour SPA and Ballycotton Bay SPA set down by NPWS can be summarised³ as follows:

- maintenance or increase in the population trend, and no significant decrease in the distribution, of non-breeding SCI listed in **Tables 3 and 4**, above, for both SPA's;
- maintenance of the current habitat area of wetland in both SPA's; and
- no significant decline of the breeding Common Tern population or its productivity rate, distribution, prey biomass, no significant increase in barriers to connectivity, and no disturbance at breeding sites in Cork Harbour SPA only.

An examination of the likely significant direct and indirect effects of the radar proposal on the site's conservation objectives alone, and in-combination with other plans and projects, using the key indicators (see **Section 3.4**) is carried out in the following sections.

6.2 Habitat loss

The radar will require the temporary use of land, which is at a remove of 3km from Cork Harbour SPA and 6.5km from Ballycotton Bay SPA. As noted, no direct loss or damage of habitat including wetland within either SPA will occur as a result.

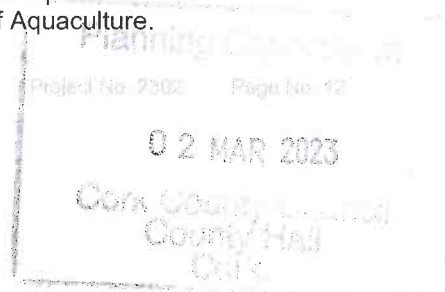
6.3 Disturbance and/or displacement of species

Cork Harbour SPA is classified for a host of waterbirds Species of Conservation Interest (SCI). Many of these SCI are made up of wintering waterbird populations travelling from northern latitudes to feed in the harbour during late summer, winter and spring months before returning to breeding grounds in spring/early summer. They typically forage on intertidal mudflats with some wader and gull foraging on nearby fields around the harbour.

According to a report by the Marine Institute⁴, field areas around the harbour that are particularly important for these SCIs are: the Bloomfield House field in the Inner Harbour; the Harper's Island and Slatty Pool fields in the Fota Channel; the Ballintubbrid fields in the North Channel and fields on the western side of Lough Beg in the West Harbour. These areas are all immediately adjacent to tidal habitats/lagoons. According to the report, the field feeding waders and gulls will also range more widely away from the harbour and make opportunistic use of fields over a buffer of several kilometres around the harbour. The temporary radar site lies at a distance of 3km inland from the nearest point to Cork Harbour SPA so could potentially be used on an opportunistic basis by feeding waders

³ Full details of conservation objectives are available at <https://www.npws.ie/protected-sites>

⁴ Marine Institute (2020). Cork Harbour SPA: Appropriate Assessment of Aquaculture.



and gulls from this SPA; and to a lesser extent from Ballycotton Bay SPA given the greater intervening distance.

The permitted M28 motorway between Cork and Ringaskiddy passes through grassland and tillage fields west of Cork Harbour. The findings of field feeding surveys carried out for the M28 EIS⁵ conducted in agricultural fields to the north of Lough Beg suggested that occasional and sporadic occurrence of gulls and waders were attributed to opportunistic feeding following heavy rainfall periods that made prey more readily available.

According to a report by Natural England⁶, habitat which lies outside of a SPA but that is regularly used by significant numbers of SCI of that SPA can be considered as functionally linked land; such land would be connected to the life and reproduction and viability of the species population.

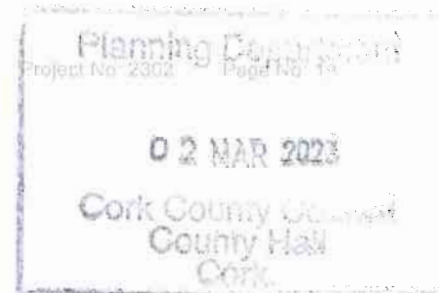
On the basis of the intervening distance between the site and either SPA, the opportunistic nature of the feeding habitats of gull and wader SCI in fields located several kilometres from Cork harbour, and the almost continuous coverage of available agricultural fields between the SPAs and the radar site for potential feeding opportunities, it is considered that any SCI that would feed at the radar site would be opportunistic, not regular, and in small numbers. It is reasonable to therefore conclude that the site is not considered to be functionally linked to either Cork Harbour SPA or Ballycotton SPA.

Furthermore, the area of the radar site is small at 0.0081ha with an abundance of alternative agricultural fields in the surrounding lands for any opportunistic waders and gulls. No waterbirds were recorded on the day of the site visit. Finally, the radar will be operational mostly during summer months when the migrating waterbird SCI will have returned to breeding grounds in northern latitudes. In summary, the temporary radar will not result in a significant displacement, or indirect habitat loss, effects on the SCI of an SPA.

Displacement may also include barrier effects in which birds are deterred from using normal routes to feeding or roosting grounds. Given the distance from the SPA's, the lack of functionally linked habitat at the site, and the small scale and size of the project, the operation of the temporary radar unit will not result in any barrier effect to SCI for either Cork Harbour SPA or Ballycotton Bay SPA.

⁵ RPS (2017). M28 Cork to Ringaskiddy Project EIS

⁶ Natural England (2021). Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England



Habitat fragmentation happens when part of a habitat is destroyed leaving behind smaller unconnected areas. The proposal to erect a temporary mobile weather radar unit will not result in the direct or indirect loss of any important SCI habitat, and thus habitat fragmentation of such habitat will not occur.

It is thus reasonable to conclude that the temporary radar will not have a significant displacement, or indirect habitat loss, barrier, disturbance, or habitat fragmentation, effects on the SCI's for which Cork Harbour SPA or Ballycotton SPA have been classified.

6.4 Water and air quality

The site of the temporary radar lies on elevated well drained ground. The main sources of potential water emissions or pollutants will be from the relatively shallow excavation of a small area, 81m², required to level the site to facilitate the containers. Once the excavation is complete crushed stone will be placed on top thus minimising the risk of any runoff. It is considered that rain falling on the site will be contained and go to ground quickly and thus run-off from the site is not expected. Excavated soil will be temporarily stockpiled next to the eastern field boundary and the excavated topsoil placed on top to minimise any source of run-off. No land drains for natural run-off exist on the field boundaries in the vicinity of the site, indicative of its good drainage. It is considered that any run-off arising from the site will be minimal, contained within the agricultural field that encompasses the site and will not reach the small streams that drain the valleys to the north or south, which are at a remove of 2.3km and 0.5km, respectively, from the radar site. As a consequence, any run-off arising from the site will not reach either SPA.

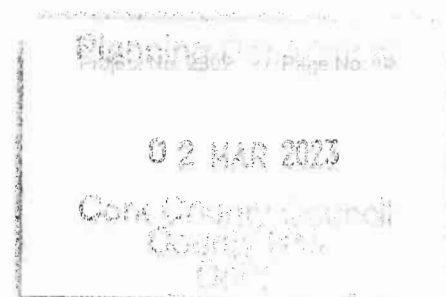
While soils at the site are shallow, given the small scale nature of the excavation and the low permeability of the bedrock, works will not result in significant ingress to groundwater.

The radar will not result in any direct air emissions. The use of construction equipment over the period of 2-3 days to erect the radar and the use of an electricity source to power it during its six month operational period will result in the production of indirect air emissions including GHG's. However, the level of emissions will be so low as to be considered inconsequential in terms of any ecological effects.

It is reasonable to conclude that the temporary radar will not have significant water or air quality effects on the SCI's for which Cork Harbour SPA or Ballycotton SPA have been classified.

6.5 Cumulative Effects

A cumulative, or in-combination effect, can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a



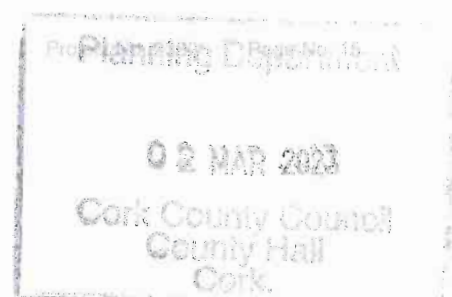
location⁷. The main land use and cumulative pressure in this area of East Cork is agriculture, which results in ecologically low value habitats and increases nutrient and sediment loading to streams and rivers. Other pressures on the water environment arise from WWTP's and industrial emissions. Given that the temporary radar will not result in any emissions to the local streams or groundwater body, significant cumulative effects will not occur on the water environment as a result of the proposal.

The site could potentially be used by small numbers of irregularly occurring opportunistic SCI from Cork Harbour SPA and Ballycotton Bay SPA, however, given the site is not considered functionally linked to either SPA, its small size, and the abundance and uninterrupted coverage of similar agricultural fields in this part of East Cork, significant cumulative displacement or disturbance effects are not expected to arise from the proposal.

7 Screening Conclusion

It can be objectively concluded that there is no likelihood of significant effects arising from the installation, operation, decommissioning and reinstatement of the temporary mobile weather radar unit that would undermine the conservation objectives of Cork Harbour SPA or Ballycotton Bay SPA.

⁷ CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland





Review of the Need for EIA Screening

Mei Éireann

Temporary X-Mobile Weather Radar Unit

February 2023

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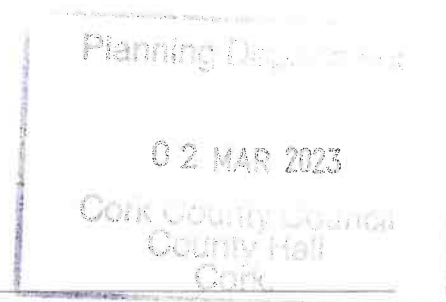
Planning Department

02 MAR 2023

Cork County Council
County Hall
Cork.

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4	The Proposal	1
5	Need for EIA Screening	3
6	Conclusion	4



1 Introduction

The proposed project consists of the erection of a temporary X-band mobile weather radar unit at a site in the townland of Ballinwillin approximately 1.7km south of the village of Cloyne in east Co. Cork.

The EIA Directive aims to ensure a high level of protection for the environment and human health. It requires that an assessment of the likely significant effects a project will have on the environment is carried out, where relevant, before development consent is given. An EIA screening is carried out to determine whether a proposal is likely to have a significant effect on the environment and whether an EIA must be carried out.

The purpose of this report is to establish whether the temporary mobile weather radar unit requires screening for EIA.

2 Statement of authority

This report has been undertaken by Monica Kane BSc MSc MCIEEM of KWA, an Ecologist and Environmental Consultant, who has over 18 year's experience working in environmental consultancy. During this time she has managed and contributed to EIS/EIAR for a variety of infrastructure projects, and has completed and reviewed EIA screening reports.

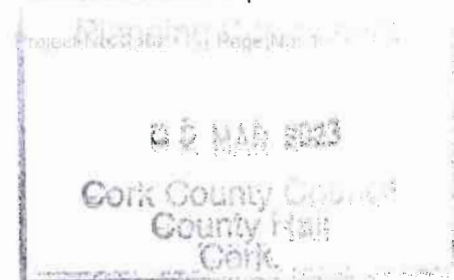
3 Methodology

A description of the nature of the proposal is first undertaken followed by an examination of the need for EIA screening. During the preparation of the report, regard was had to the following legislation and guidance:

- EIA Directive 2011/92/EU
- EIA Directive 2014/52/EU
- Planning and Development Regulations 2001, as amended
- European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011
- OPR (2021) Environmental Impact Assessment Screening

4 The Proposal

Met Éireann, a Division of the Department of Housing, Local Government and Heritage (DHLGH), is the National Meteorological Service (NMS) of Ireland. Met Éireann currently operates two weather radars in Ireland, one at Dublin Airport and one at Shannon Airport.



The radar network provides critical information on real time precipitation over Ireland to the Irish public and business community, and data from the network is a key input to the weather forecasting and warning production processes in Met Éireann.

Met Éireann is planning to replace its weather radar at Shannon Airport this year with works commencing in April and scheduled to complete in October. The Shannon weather radar covers the southwest of Ireland and provides vital rainfall information to weather forecasters.

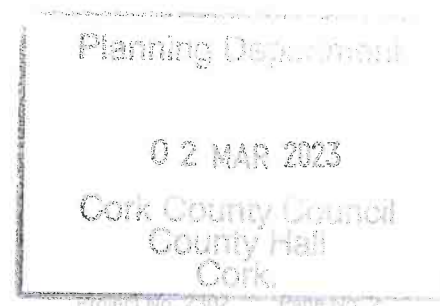
During this works period the Shannon radar will be offline and Met Éireann plans to deploy a temporary mobile X-band radar at Ballinwillin, Co. Cork to provide the weather radar data for the south west region. The location in question is optimal from a technical operations perspective. It will be located in a field next to the Carriglusky Water Treatment Plant. The subject site is set back from the L-7667 local road.

The temporary platform for the radar will be similar to the example presented in **Figure 1**. The mobile X-band radar is a mobile unit accommodated on a trailer, as illustrated. The mobile radar unit will be placed on top of two temporary steel containers to provide the necessary elevation for the radar to function. These containers will house supporting operational equipment. The radar will be fenced with post-driven agricultural stock-proof fencing to protect from livestock and for security purposes.



Figure 1. X-band weather radar unit¹

¹ source: <https://www.imk-tro.kit.edu/english/5438.php>



The soil encompassing the footprint of the containers will be stripped to a depth of c.200mm and clause 804 crushed rock will be laid as a temporary surface to accommodate the container units.

A temporary electrical supply unit will be required to power the radar unit during its six month operational period. This will require a small volume (approximately 200kg) of hand mixed concrete mixed to mount a temporary mini-pillar. Temporary electrical cabling will be buried in the field up to 600mm deep and 300mm wide.

Once operational the radar will emit electromagnetic waves into the atmosphere to measure precipitation data. The mobile radar unit will be unmanned and subject to a low level of infrequent monitoring/maintenance visits. No oils or chemicals will be stored at the site.

After October 2023 the temporary radar will be decommissioned and removed. Temporary fencing, gravel and concrete will be removed to an authorised waste facility, as appropriate, and the site will be reinstated for agricultural purposes.

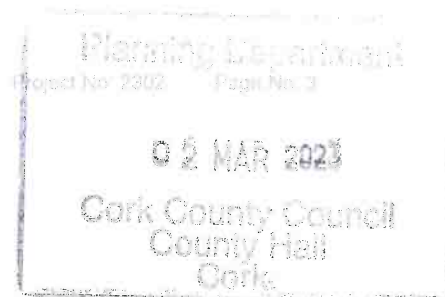
The Screening for Appropriate Assessment report accompanying the documentation submitted on behalf of the Request for Declaration under Section 5 has objectively concluded that there is no likelihood of significant effects arising from the temporary mobile weather radar unit that would undermine the conservation objectives of Cork Harbour SPA or Ballycotton SPA.

To summarise, the project is temporary and of small scale and size in nature and is not located in an ecologically sensitive area.

5 Need for EIA Screening

EIA legislation sets out the types of projects that may require EIA. Annex I and II to the Directive list the projects that fall under its scope. Annex I of the Directive 2014/52/EU defines mandatory projects that require EIA on the basis that these project types will always have significant environmental effects. With regard to Annex II projects, they do not necessarily have significant effects on the environment in every case and Member States can choose to apply thresholds or use case by case examination or a combination of both to assess whether these projects require EIA.

In Irish legislation, the annexes are broadly transposed by way of the Planning and Development Regulations 2001, as amended, in Schedule 5, Parts 1 and 2, with national thresholds added to many of the Part 2 classes of development.



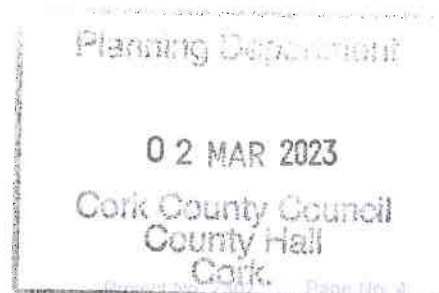
Part 1 developments meeting or exceeding the thresholds set out therein require mandatory EIA and, as such, there is no screening determination required. The proposal does not fall under any class of development listed under Annex I of the EIA Directive or Part 1 of Schedule 5 of the Planning and Development Regulations 2001. Therefore, mandatory EIA is not required.

The proposed development does not fall under any other classes of development listed in Annex II of the EIA Directive or is not a project listed in Schedule 5, Part 2, of the Planning and Development Regulations 2001. Thus, screening for EIA is not required.

Therefore, the proposal as described in the previous section is not considered to be a project within the meaning of the EIA Directive and screening for EIA is not required.

6 Conclusion

In conclusion, the proposal as described in the previous section is not considered to be a project within the meaning of the EIA Directive and screening for EIA is not required.



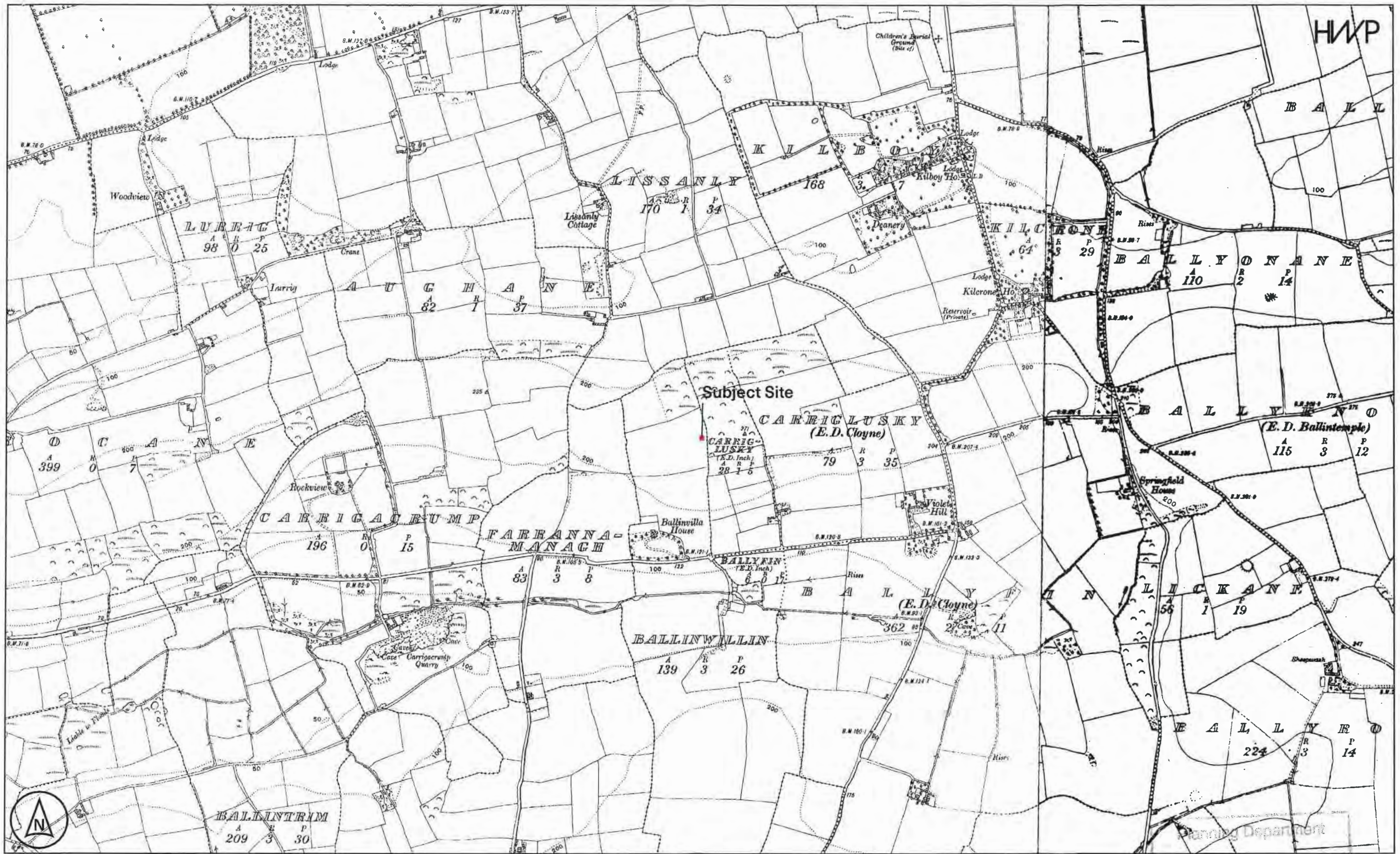


Figure Title: Site Location Map I
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 Map Projection & Series: ITM - OSI 6" Series | ITM X,Y: 591059, 565966
 Scale: A3 - 1:10,560
 Date/Version: 27/02/2023

Subject Site

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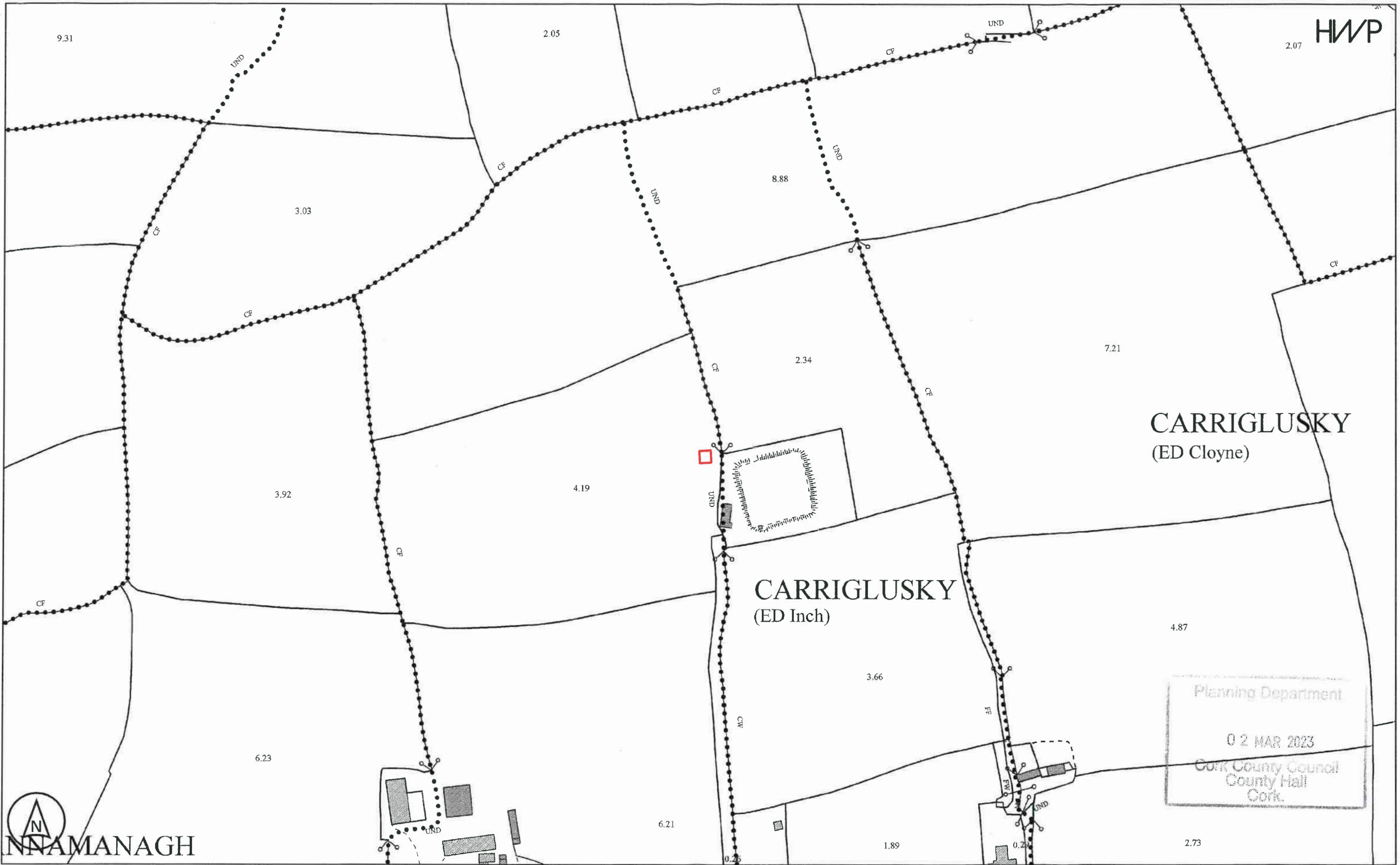


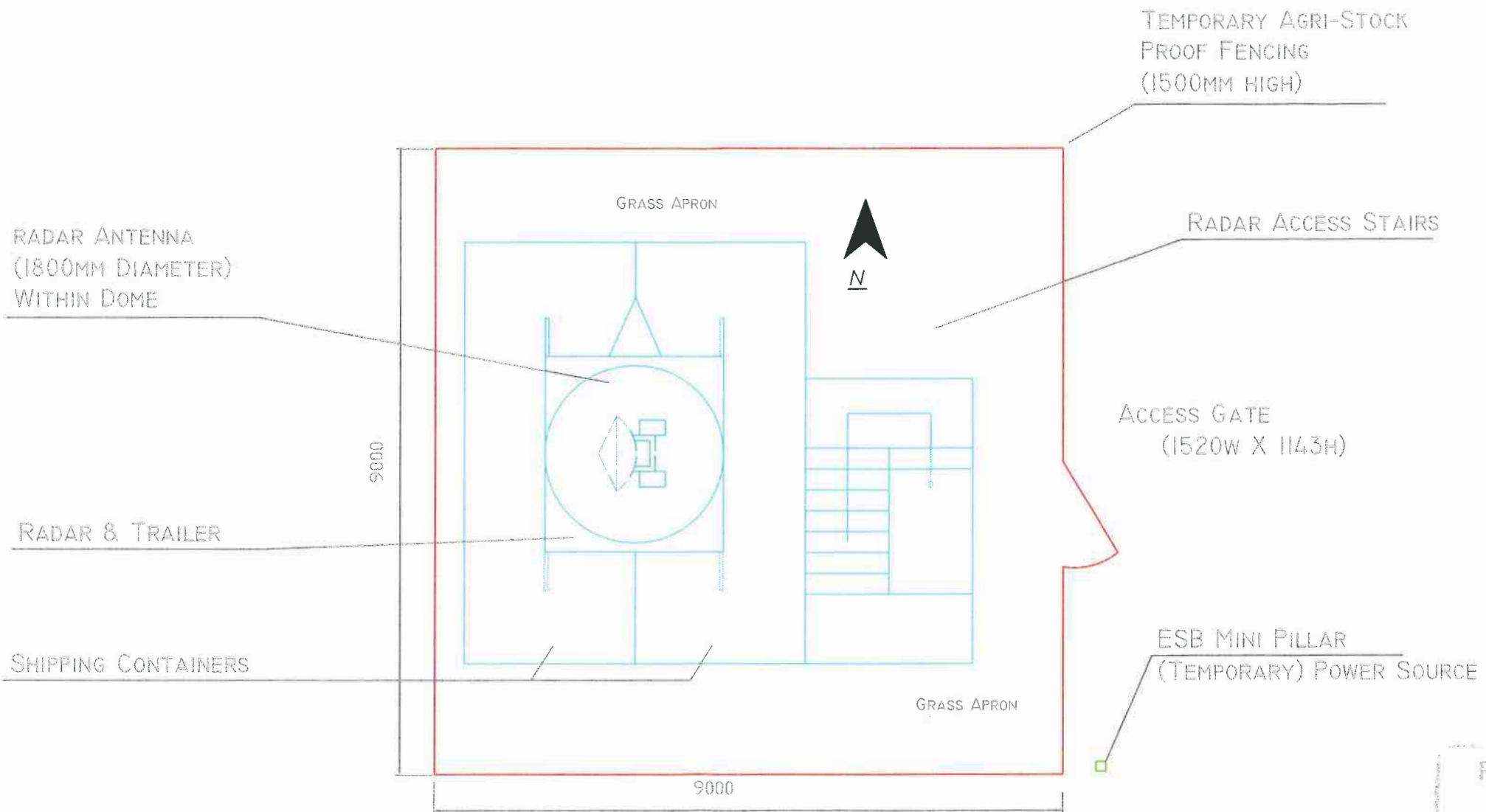
Figure Title: Site Location Map II
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 Map Projection & Series: ITM - OSI 1:2,500 Series 6475-C | ITM X,Y: 591059, 565966
 Scale: A3 - 1:2,500
 Date/Version: 27/02/2023

Subject Site

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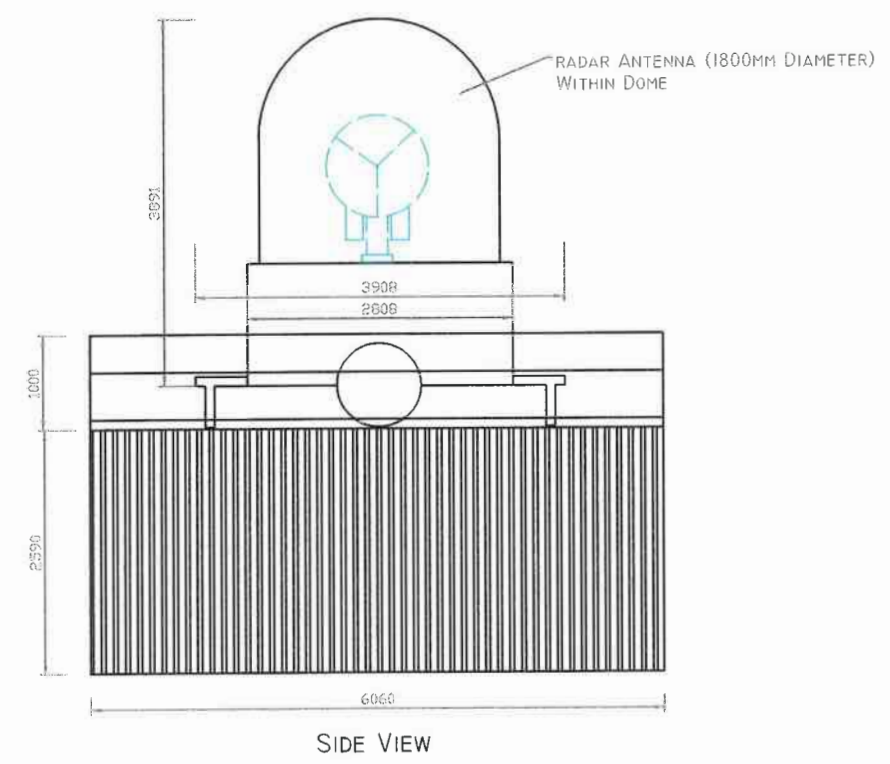
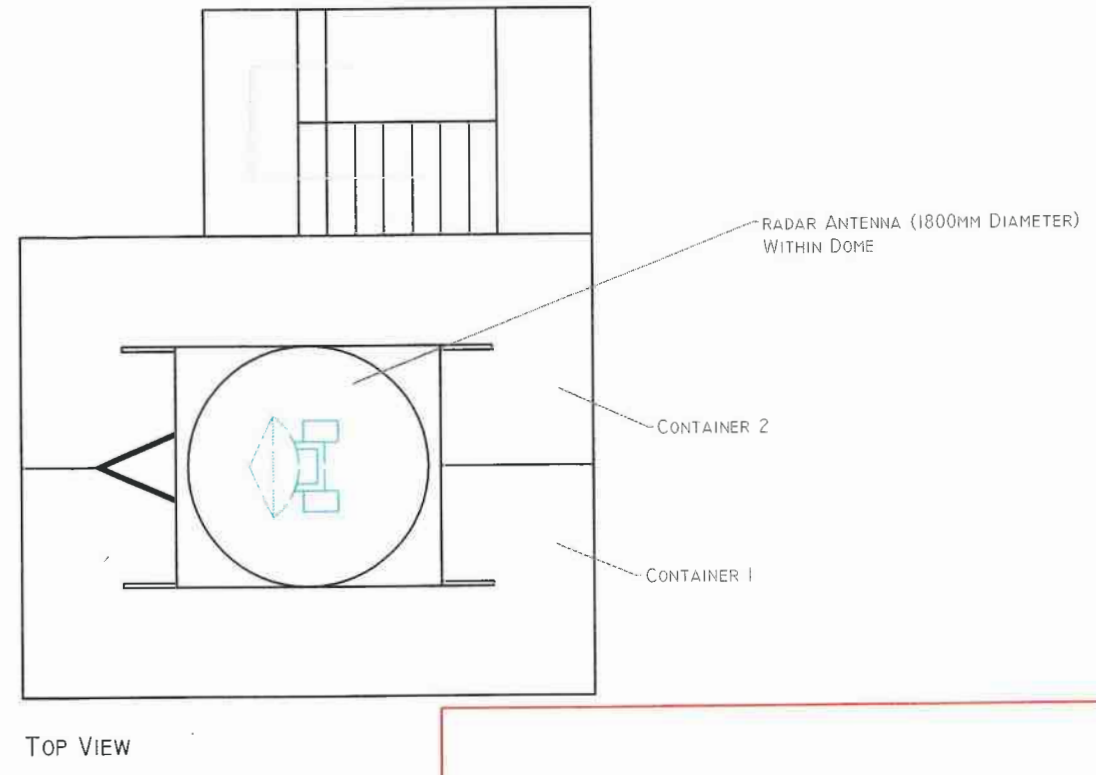
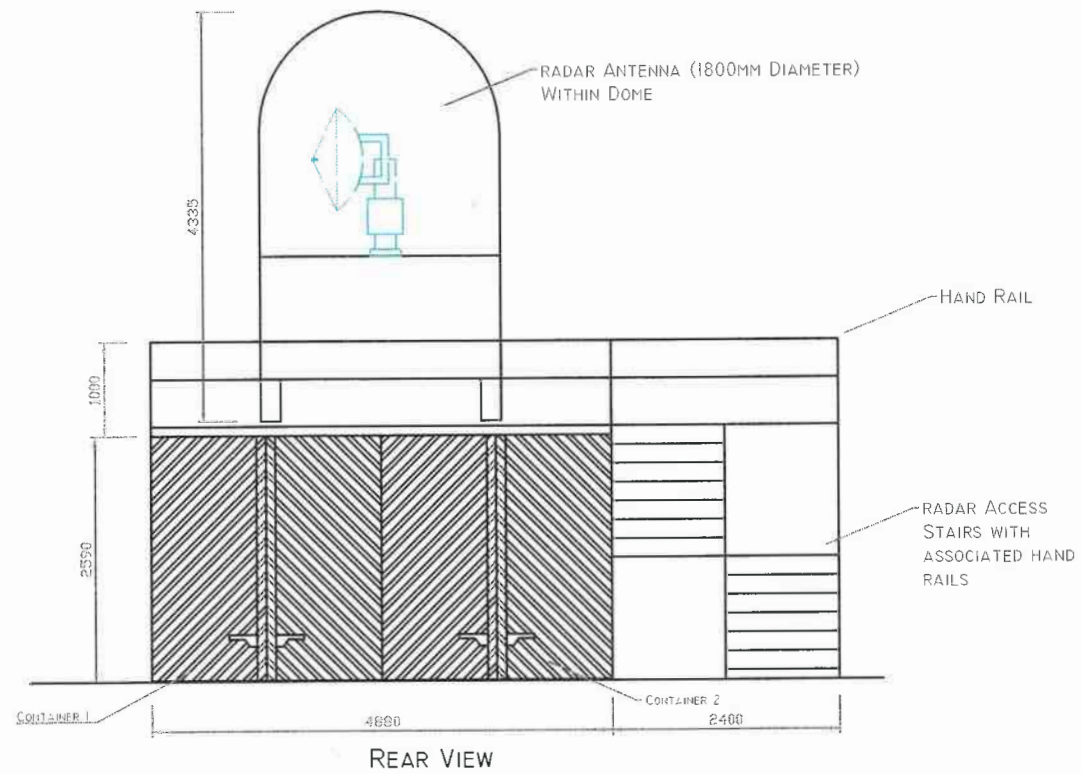
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EXISTING GROUND
LEVELS TO BE
MAINTAINED

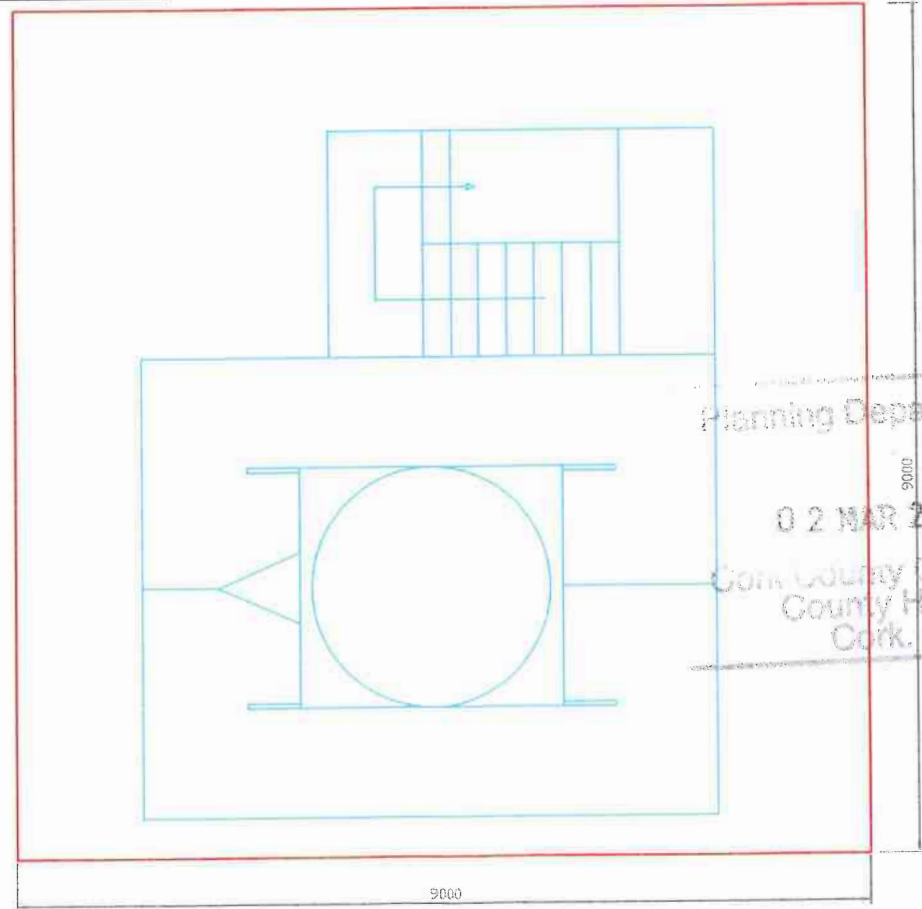


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A	A3	Comments:	Site Layout	DRAWN	DATE	CHECKED	APPROVED	X-BAND RADAR	VERSION	SCALE	SHEET	DWG NO.
REV	PRINT ON			Joe Carey	27/02/23	J.D.			1.5	1:80	1 OF 1	



SITE LAYOUT



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A	A3	Comments: Elevations	DRAWN	DATE	CHECKED	APPROVED	X-BAND RADAR	VERSION	SCALE	SHEET	DWG NO.
	REV		Joe Carey	23/02/23	J.D.						