

Cork County Council
Comhairle Contae Chorcaí
Coastal Management and Flood Projects Department



Ballyvourney and Ballymakeera Flood Relief Scheme Interim Works

Part 8 Planning Application Report

Development under Section 179 of the Planning and Development Act 2000 (as amended)
and Part 8 of the Planning and Development Regulations 2001 (as amended)

March 2021

Table of Contents

Table of Contents	2
1. Introduction	3
2. Requirements of the Planning and Development Regulations	3
3. General Description of the Project	4
4. Environment	4
4.1. Environmental Impact Assessment Screening Determination	4
4.2. Appropriate Assessment Screening Report	5
4.3. Ecological Impact Assessment (EclA)	5
5. Conclusion.....	6
APPENDIX A – Notices	
APPENDIX B – Environmental Impact Assessment Screening	
APPENDIX C – Habitats Directive Appropriate Assessment Screening & Screening Determination	
APPENDIX D – Ecological Impact Assessment	
APPENDIX E - OPW Baile Mhic Íre Proposed Interim Works Report and Drawings	

1. Introduction

As part of the Lee Catchment Flood Risk Assessment and Management Study (CFRAMS), Ballymakeera and Ballyvourney were highlighted as an area where a flood relief scheme was required due to flood events generally arising from flooding of the Sullane River. Interim works are now proposed to be carried out pending the finalisation and approval of, and implementation of, a permanent solution.

The subject of this Part 8 planning application is the proposed interim flood mitigation works. The objective of these works is to provide interim defences to defend against a 20-year event, that are practical, safe and do not increase flood risk. The interim hard defences will consist of 1,000kg (10KN) sand bags and/or impermeable liners and other works at Ballymakeera, Co. Cork. The proposed interim works are set out in Appendix E – OPW Baile Mhic Ire (Ballymakeera) Interim Measures Report.

The proposed interim works incorporates the following principal features:

- Interim hard defences are anticipated to consist of 1000kg (10KN) sand bags and impermeable liners.
- Land raising at field access points at three locations, to allow access to/from the existing gateways whilst also mitigating against the 20-year flood levels.
- The fitting of two non-return valves at the outlets of two pipe outfalls. Also, a sump would likely need to be constructed on the dry side of each piped outlet and a pump to be available in times of need.
- Monitoring of the condition of the interim defences will be by way of quarterly inspections. Furthermore, in the event of a flood warning from the national weather services, a site inspection will also be carried out beforehand if required.
- The interim defences will be removed as the construction of the main scheme progresses.

These interim works are to defend parts of the village vulnerable to flooding pending a main flood relief scheme for both Ballymakeera and Ballyvourney.

This application is made under Section 179 of the Planning and Development Act 2000 (as amended) and Part 8 of the Planning and Development Regulations 2001 (as amended).

2. Requirements of the Planning and Development Regulations

Section 179 of Part XI of the Planning and Development Act 2000, as amended; and Part 8 of the Planning and Development Regulations 2001, as amended set out the requirements in respect of certain classes of development by or on behalf of local authorities. Part 8 of the Regulations comprises 7 Articles – 79 to 85.

Article 80(1) lists the type of Development to which Part 8 applies and includes at (k) – Any development other than those specified in paragraphs (a) to (j), the estimated cost of which exceeds €126,000, not being development consisting of the laying underground of sewers, mains, pipes or other apparatus. The proposed development is covered under this article. Notice is hereby given that Cork County Council proposes to carry out interim flood mitigation works at Ballymakeera, Co. Cork.

Developments by a local authority are subject to Part 8 Planning process which consists of a public consultation process as set out in the Planning and Development Regulations. The procedure consists of a site notice to be erected and notice given in the press. The notice will set out where the plans and details of the proposal are available for inspection by the public and dates for inspection and receiving submissions.

Any submissions or observations received by Cork County Council are considered in the Part 8 Managers Report which is prepared and presented to the Councillors for adoption. The Managers Report lists those who made a submission together with a summary of their points made in the respective submission. The Report addresses each point and forms the local authority's response.

Arising from consideration of the representatives, the Manager's Report sets out whether or not it is proposed to proceed as originally planned or to proceed with a modified proposal. It is then a matter for the members of the Council (i.e. the Councillors) to grant planning or not.

The location for inspecting the Part 8 Planning Documentation, the relevant dates and necessary information relating to making submissions and observations to the Local Authority is set out in the Part 8 Planning site and newspaper notices. A copy of the Part 8 Planning notices and newspaper notice is attached to this report, see Appendix A.

3. General Description of the Project

Project Objectives

The proposed project objectives include:

- To provide interim defences to defend against a 1 in 20-year flood event, that are practical, safe and do not increase flood risk.

Project Context

Ballymakeera and Ballyvourney is an area where a flood relief scheme is required due to flood events generally arising from flooding of the Sullane River. Interim works are now proposed to be carried out pending the finalisation and approval of, and implementation of, a permanent solution.

Project Specific Proposals

The following lists the principal features of the proposed works:

- Interim hard defences are anticipated to consist of 1000kg (10KN) sand bags and impermeable liners.
- Land raising at field access points at three locations, to allow access to/from the existing gateways whilst also mitigating against the 20-year flood levels.
- The fitting of two non-return valves at the outlets of two pipe outfalls. Also, a sump would likely need to be constructed on the dry side of each piped outlet and a pump to be available in times of need.

Monitoring of the condition of the interim defences will be by way of quarterly inspections. Furthermore, in the event of a flood warning from the national weather services, a site inspection will also be carried out beforehand if required.

The interim defences will be removed as the construction of the main scheme progresses.

4. Environment

4.1. Environmental Impact Assessment Screening Determination

As per Article 81 of the Planning and Development Regulations 2001 (as amended) an Environmental Impact Assessment (EIA) screening determination has been made and concludes that there is no real likelihood of significant effects on the environment arising from the proposed development once standard industry environmental management systems are in place. A determination has been made that an EIA is not required.

The EIA Screening Assessment Report can be found in Appendix B of this report and concludes as follows:

The development, namely that of the proposed interim works at Ballymakeera, has been examined in detail and assessed against criteria as prescribed by current legislation, to determine if EIA is required.

The proposed development does not equal or exceed the thresholds of any of the classes of development prescribed by Parts 1 or 2 of Schedule 5 (and Article 93) of the Planning and Development Regulations 2001-2019 and therefore an EIAR is not mandatory with reference to section 172(1)(a)(ii) of the Act.

The proposed development was also screened in respect of sub-threshold development based on the criteria set out in Annex IIA and III of the Directive and Schedule 7 of the Planning and Development Regulations. This EIA screening assessment determines that the development is not considered likely to have significant effects on the environment. It is concluded that an EIAR is therefore not required.

In accordance with Article 120(3), as amended by S.I. No. 296 of 2018, a person may, within 4 weeks from the date of the site notice (19th March 2021), apply to An Bord Pleanála for a screening determination as to whether the development would be likely to have significant effects on the environment. Such a submission should be addressed to The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.

4.2 Appropriate Assessment Screening Report

The Screening exercise was completed in compliance with the relevant European Commission and national guidelines. The potential impacts during the construction and operation of the proposed interim flood defence works at Ballymakeera and Ballyvourney have been considered in the context of the European Sites potentially affected, their qualifying interests, Special Conservation Interests and Conservation Objectives.

The AA Screening Report can be found in Appendix C of this report along with the AA Screening Determination. From the findings of the Screening exercise, it can be concluded on the basis of objective scientific information that the proposed interim flood defence works: -

- Are not directly connected with or necessary to the management of any European Site; and
- Will not give rise to significant effects on the qualifying interests of The Gearagh SAC, Mullaghanish Bog SAC, Blackwater River (Cork / Waterford) SAC, Killarney National Park, Macgillycuddy's Reeks and Caragh River Catchment SAC, The Gearagh SPA and Mullaghanish to Musheramore Mountains SPA.

In relation to St. Gobnait's Wood SAC, the proposed works are located approximately 115m from the SAC. However, from the findings of the Screening exercise, it can be concluded, on the basis of objective scientific information, that the proposed interim flood defence works, individually or in combination with other Plans or projects, will not have a significant effect on St. Gobnait's Wood SAC due to the following reasons:-

- The lack of hydrological or habitat connectivity; and
- The nature of the works (temporary, low scale works).

The report finds that a Stage 2 Appropriate Assessment is not required.

4.3 Ecological Impact Assessment (EclA)

An Ecological Impact Assessment (EclA) has been carried out to gather data on existing ecological conditions in the interim flood mitigation works project area; evaluate the ecological features present; scope for notable species or habitats and identify potential ecological constraints to the proposed project. The EclA can be found in Appendix D of this report and concludes as follows:

- Provided that the mitigation measures provided in Section 5 of the EclA report are effectively implemented, it is not anticipated that there will be any significant negative ecological impacts as a result of the proposed Interim Works for the Flood Relief Scheme at Ballymakeera, Co. Cork.

5. Conclusion

Cork County Council proposes to carry out Interim Flood Mitigation Works to defend against a 20-year event, that are practical, safe and do not increase flood risk.

The scheme will have the following benefits:

- The number of properties the 20-year event interim flood mitigation measures potentially benefits are; 14 (fourteen) properties and another 14 (fourteen) with floor levels within 0.2m. One additional property is to be defended via local defences.

APPENDIX B – Environmental Impact Assessment Screening

**APPENDIX C – Habitats Directive Appropriate Assessment Screening
& Habitats Directive Appropriate Assessment Screening Determination**

APPENDIX D - Ecological Impact Assessment

**APPENDIX E - OPW Baile Mhic Íre Proposed Interim
Measures Report and Drawings**