

Comhairle Contae Chorcaí Cork County Council

Mr. Sam Black,
c/o Mr. Michael Murphy,
McCutcheon Halley Chartered Planning Consultants,
6 Joyce Square,
Ballincollig,
Co. Cork.

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



25th August 2023

REF: D/269/23
LOCATION: Former Shirt Factory, Cappagh, Kinsale, Co. Cork

**RE: DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 OF THE
PLANNING & DEVELOPMENT ACT 2000 - 2010.**

Dear Sir,

On the basis of the information submitted by you on 1st August 2023 the Planning Authority, having considered the question whether or not the installation of a 150mm diameter watermain and a 63mm wastewater (foul) rising main from the location of the foul pumping station in the service area of Black's Brewery, Kinsale, up to a connection point in Kinsale WWTP is or is not development and is or is not exempted development has declared that it **is development and is exempted development**.

Reason for Decision

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

- Sections 2, 3 and 4 of the Planning and Development Act 2000 (as amended),
- Articles 6 and 9 of the Planning and Development Regulations 2001 (as amended),
- Class 48 of Part 1, Schedule 2 of the Planning and Development Regulations 2001 (as amended), and
- The particulars received by the Planning Authority on 1st August 2023

And Whereas Cork County Council has concluded that –

Having regard to the details submitted, the proposed construction/installation of a 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service area of Black's Brewery, Kinsale, up to a connection point in Kinsale WWTP is considered to be Class 48 development.

NOW THEREFORE, Cork County Council, in exercise of the powers conferred on it by Section 5 of the 2000 Act (as amended), hereby decides that the said proposed development at the Former Shirt Factory, Cappagh, Kinsale, Co. Cork is EXEMPTED DEVELOPMENT.

This exemption does NOT itself empower a person to carry out a development unless that person is legally entitled to do so.

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.

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>

23 August 2023

D 269 23

DECLARATION OF EXEMPTION APPLICATION: SAM BLACK (BLACKS BRWERY & DISTILLERY), CAPPAGH, KINSALE, COUNTY CORK

XX

To Whom It May Concern

I refer to a declaration received from McCutcheon Halley, on behalf of a project by Sam Black (Blacks Brewery & Distillery).

The referral on development entails installation of 150mm diameter water main and 63mm diameter wastewater rising main between the foul pumping station in Blacks Brewery up to a connection point in Kinsale WWTP (linear length circa 352m).

ASSESSMENT

To start with the proposal and works constitute 'development' as defined by S.2 and S.3 of the Planning Acts.

Article 6

The proposed development comes within the scope of Article 6, Schedule 2, Part 1, Class 48 of the Planning Regulations. There are no conditions or limitations, under this Class 48.

<p>CLASS 48 The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.</p>		
--	--	--

Extract from Planning Regulations

Article 9

Article 9 of the Planning Regulations 2001 (as amended) places certain restrictions on Article 6 exemptions under same Regulations.

I have checked off the criteria or limitations set out in Article 9(1) taking into consideration information supplied in Table 5:2 provided by McCutcheon Halley in their planning submission.

It should be noted 220m of the 353m project lies on lands zoned and protected 'open space' in the County Development Plan 2022. This Objective (KS-GC-02) that seeks to protect the scenic amenities of the area and support high biodiversity value wetland habitats and associated species. There is a presumption against development. Opportunities for biodiversity enhancement should be encouraged.

On basis of zoning objective in CDP 2022, I have looked closely at Article 9(1) and specifically the following two criteria from Article 9:

(vii) 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, the 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,

(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.

Having regard to the submitted Ecological Impact Assessment, in particular construction impacts associated with the proposed directional drilling techniques, screening of construction activity offered by stand of trees running between the project and edge of the Commoge Marsh – and avoidance of disturbance of the stand of discovered survey Japanese Knotweed, it is my opinion construction and operational impacts has (or had) minimal impacts on the ecological interests (habitat and species) associated with the Commoge Marsh.

The Councils Ecologist is satisfied with the referral and has no objections (report in Appendix 1).

I have left a message for the applicant's agent Michael Murphy to contact me so I can enquire and request their client addresses concerns raised by the Council Ecologist re: disturbance and/or removal of knotweed in their forthcoming planning application.

Other

The agents have supplied screening report for natura 2000 sites.

The proposed development does not come within scope of a mandatory EIA. And the need for environmental impact assessment can be excluded at preliminary examination and a screening determination is not required (Appendix 2).

Having regard to this separation distance from the site, coupled with the scale, and nature of development it there is no potential for the proposed development to give rise, or contribute to negative impacts on any Natura 2000 site which could be significant.

CONCLUSION

The proposed development comes within the scope of Class 48 in Part 1, Schedule 2, Article 6 in Planning Regulations 2001 (as amended) – and complies with Article 9(1) of the Planning Regulations 2001 (as amended).

Steve Baxter
Executive Planner
BA Hons Dip Town Planning

APPENDIX 1: CCC Ecology Report

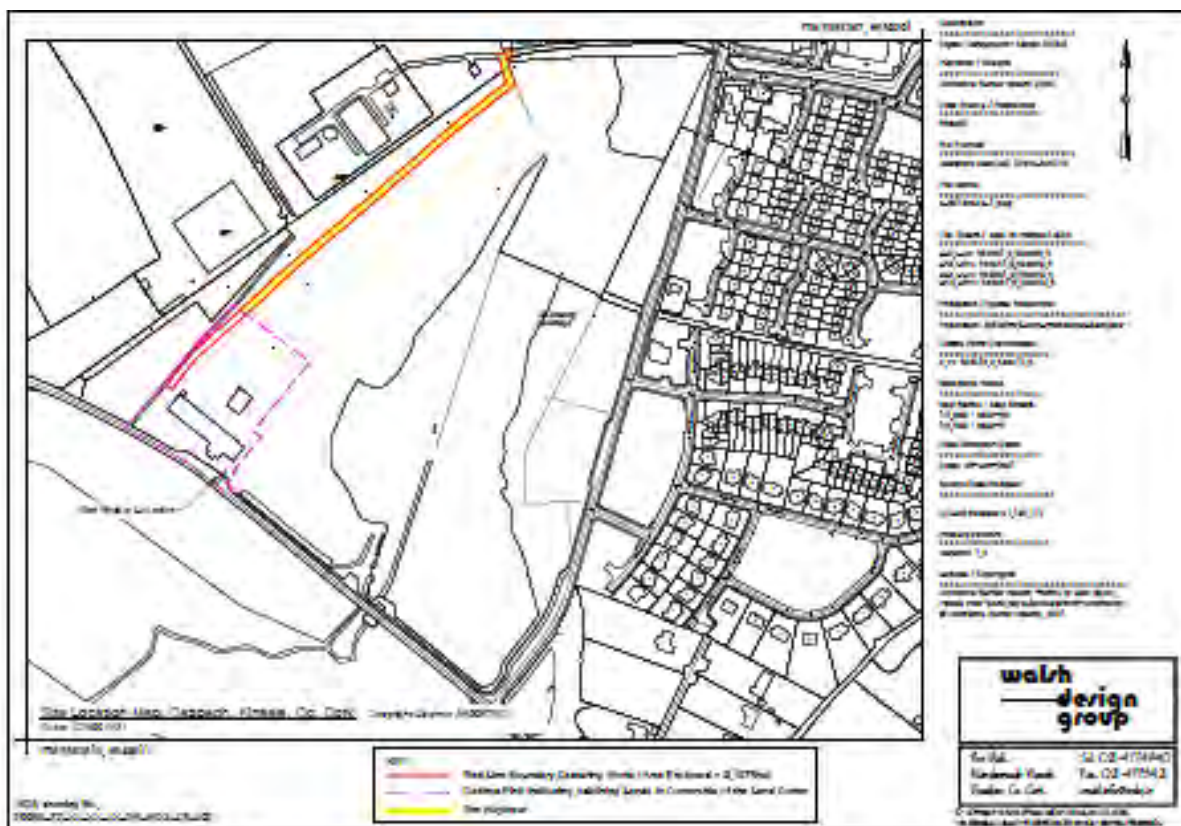
Ref. D269.23 Proposal for the installation of a 150mm dia. watermain and a 63mm dia. wastewater (foul) rising main from Black’s Brewery to a connection point in Kinsale Wastewater Treatment Plant at Blacks Brewery (Former Shirt Factory), Cappagh, Kinsale.

The subject Section 5 Declaration application has been referred to this department to confirm whether any ecological related restrictions on exemptions are relevant in this case. This report should be read in conjunction with the application material received.

This section 5 declaration application queries whether works already undertaken for the connection of a 150mm dia. watermain and a 63mm dia. wastewater (foul) rising main from a foul pumping station in the service yard area of the recently permitted Blacks Brewery to a connection point on an access road to Kinsale Wastewater Treatment Plant is exempt from planning permission.

Per the submitted documentation the works undertaken were done so by directional drilling, where 3 drill pits measuring 2m long by 1m wide by 1m deep were dug along the route with a special cutting tool then pushed into the ground and guided to the next pit. It is stated that upon completion of the works the drill pits backfilled with topsoil that was removed during their construction.

Figure 1: Site Location



Article 9 Restrictions Assessment

Should the proposal be considered under Class 48 of Part 1 of Schedule 2 of the Planning and Development Regulations 2001 (as amended) which is for the ‘*The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.*’ development to which Article 6 of the Planning and Development Regulations 2001 (as amended) relates shall not be exempted development for the purposes of the Act should any Article 9 restrictions apply.

I have reviewed the proposal having regard to the Article 9(1)(a)(vii), (viiB) and (viiC) which include ecological related restrictions on Article 6 exemptions as detailed in columns 1 and 2 of **Table 1** below. I include my conclusion in relation to this assessment in **Table 1** also. I have had regard to the ecological reports submitted in support of this application as part of my determination.

Table 1: Article 9 Restrictions Assessment (Ecological Related)

Relevant Provisions	Detailed Provisions
Article 9 (1)(a)(vii)	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, the 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,
Conclusion of Assessment - Having regard to the information provided and findings of the Ecological Impact Assessment report submitted in support of this application and noting the manner in which the works were undertaken i.e. Horizontal Directional Drilling, I am satisfied that the proposal as presented has not significantly impacted on any features or other objects of ecological interest in respect of this Article 9 restriction on exemption.	
Article 9 (1)(a)(viiB)	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
<p>Conclusion of Assessment - I note the conclusions of the submitted a Screening for Appropriate Assessment report and I too am satisfied that proposed development does not pose a risk of significant effects on any Natura 2000 site based on the following;</p> <ul style="list-style-type: none"> • There is no spatial overlap between the proposed development site and any Natura 2000 site; • The development site does not form part of the SAC or SPA, nor does it require resources from these designated sites thereby ruling out any direct habitat loss impacts; • An ecological appraisal of the works area indicates it supports common habitats which are not of high value in the context of European designation. • The development footprint does not represent a critical foraging habitat for qualifying interest species of nearby European Designated Sites. • The risk of surface water emissions associated with the development is considered low during the construction phase and imperceptible during the post construction phase. It is noted given the intervening distances, the dilution provided in the marine environment and naturally fluctuating levels of silt, impacts are only likely to arise from extremely severe levels of siltation during construction. The risk of silt being generated is low given 	

the scope and nature of the works undertaken.

- No direct loss, alteration or fragmentation of habitats will occur within any Natura 2000 site.
- Given the large expanse of marine habitat between the site and European Designated Sites the risk of spread of invasive species can be excluded.

As such I am satisfied that the proposed development is not likely to have had a significant effect on the integrity of a European Site and therefore a Stage 2 Appropriate Assessment is not required in relation to the development.

Article (1)(a)(viiC)	9	consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
----------------------	---	--

Conclusion of Assessment -

Based on the location of the works and the information provided, including the assessment provided within the submitted Ecological Impact Assessment report, I am satisfied that the proposal will not have an adverse impact on a natural heritage area.

Conclusion

Having regard to the proposal as presented, I am satisfied that the proposal is not likely to have had a significant effect on the integrity of a European Site and therefore a Stage 2 Appropriate Assessment is not required. Furthermore, the works undertaken in respect of this application have not had a significant effect on any features or other objects of ecological interest.

Ian McDermott

Assistant Ecologist - Ecology Office

18/08/2023

Note: In the course of assessing this application, it came to this office's attention that significant works outside those previously permitted under planning register reference 21/ 6582 have taken place. These works would appear to include the development of a car park and stockpile area, and extensive site clearance works outside the permitted development boundary, including within areas noted to be contaminated with the high-risk invasive species Japanese knotweed – see below imagery. These works raise particular concern to this office given proximity of same to the sensitive Commoge Marsh. Therefore, it is the opinion of this office that urgent investigation is required given that the unauthorised works may have had and / or could be resulting in the following:

- Impacts to the hydrology of Commoge Marsh;
- Loss of high value habitat within Commoge Marsh;
- Disturbance of species utilising Commoge Marsh; and
- The spread of a high-risk invasive species on the Third Schedule list of the European Communities (Birds and Natural Habitats) Regulations 2011 [S.I.477/2011]

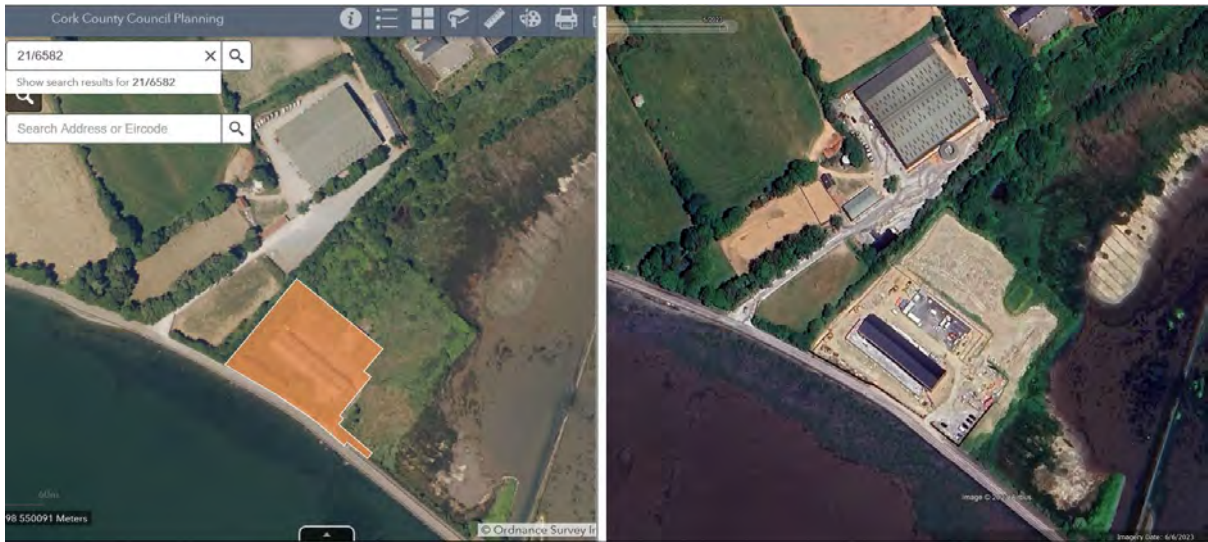


Figure showing boundary of permitted development 21/ 6582 in orange in comparison to area of works undertaken as shown in a Google Earth image dated 6th of June 2023.



Figure showing the extensive area of clearance works undertaken which as shown in figure 2.1 of a Japanese knotweed management plan submitted under planning register reference 21/ 6582 was recorded to be contaminated with the high-risk invasive species Japanese knotweed (pink shading). Condition 13 of the grant of approval for planning register reference 21/ 6582 states that '*Japanese knotweed shall be treated in accordance with the Japanese knotweed Management Plan received by the Planning Authority on 23/12/21. Furthermore, all works shall be implemented in accordance with the management plan and as updated by conditions of planning herein.*' The works undertaken in my opinion have also breached Condition 13 of the planning permission.

APPENDIX 2: EIA – Preliminary Assessment

Development Summary	See above		
Examination			
	Yes / No / Uncertain		
1. Is the size or nature of the proposed development exceptional in the context of the existing environment?	NO		
2. Will the development result in the production of any significant waste, or result in significant emissions or pollutants?	NO		
3. Is the proposed development located on, in, adjoining or have the potential to impact on an ecologically sensitive site or location?	NO		
4. Does the proposed development have the potential to affect other significant environmental sensitivities in the area?	NO		
Comment (if relevant)			
<p>Having regard to the location nature, scale, use and size of the proposed development it would not result in a real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.</p>			
Conclusion			
Based on a preliminary examination of the nature, size or location of the development, is there a real likelihood of significant effects on the environment?			
There is no real likelihood of significant effects on the environment	EIAR not required	x	
There is significant and realistic doubt in regard to the likelihood of significant effects on the environment	Screening Determination required		
	Sch 7A information submitted?	Yes	No
There is a real likelihood of significant effects on the environment	EIAR is required (Issue notification)		

Planning Department
Cork County Council
County Hall
Carrigrohane Rd.,
Cork



01 August 2023

Re: Request for Section 5 Declaration: Sam Black, (Blacks Brewery and Distillery) Cappagh, Kinsale, Co. Cork,

Dear Sir / Madam,

On behalf of our client, Sam Black (Blacks Brewery and Distillery), I request a Section 5 declaration in regard to the current planning status of the works as compelled by our client confirming that:

- (a) The installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site is exempted development under Class 48, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended);

I enclose the following:

- Proof of payment of application fee (€80)
- Section 5 application form.
- Four copies of the site location map
- Four copies of Site Layout (drawing no. 20033-ZZ-XX-XX-XX-DR-WDG-CE-014)
- Four copies of Report in support of Section 5 application
- Four copies of the Ecological Impact Assessment, and
- Four copies Appropriate Assessment Screening Report

I look forward to your determination on the Section 5 request.

Yours faithfully



Michael Murphy
McCutcheon Halley



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	EFT
Date	01/08/2023
Declaration Ref. No.	D/209/23

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.

01 AUG 2023
CORK COUNTY COUNCIL
County Hall, Cork

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)

Sam Black

(49 The Court, Compass Quay Kinsale, Co. Cork)

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

'Former Shirt Factory'
Cappagh,
Kinsale,
Co.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 installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site, is or is not, development and is, or is not, exempted.

PLANNING DEPARTMENT
01 AUG 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)

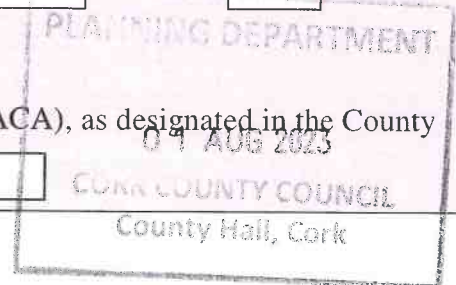
(a) Floor area of existing/proposed structure(s):	N/A
(b) If a domestic extension is proposed, have any previous extensions/structures been erected at this location after 1 st October, 1964 (including those for which planning permission has been obtained):	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 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 N/A	Proposed use N/A
(d) Are you aware of any enforcement proceedings connected to this site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, please state relevant reference number(s): EF 22221

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 checked="" type="checkbox"/>	B. Other <input checked="" type="checkbox"/>
Where legal interest is "Other", please state your interest in the land/structure:	Provisional Agreement in place with Cork CoCo for right of way.	
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):	Cork County Council	

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 checked="" type="checkbox"/>
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)	
Date	27/07/2023

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.

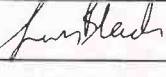
Special Categories of data / Sensitive Personal data include:

- 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

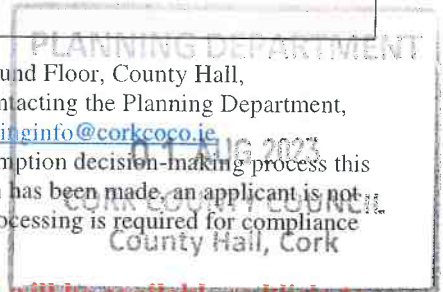
In order for the Planning Authority to process the sensitive personal data you have provided, your consent is required. By ticking the box below, you consent to the Planning Authority processing the personal data provided by you in line with the terms of Cork County Council’s Privacy Policy available 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	
Date	27/07/2023

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:

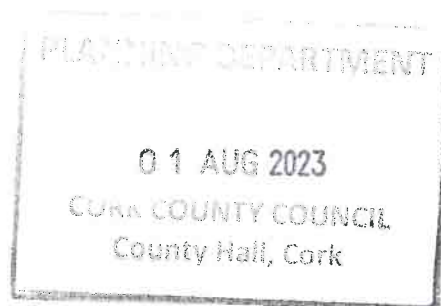
The application must be accompanied by the required fee of €80
 The application must be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.
 Sufficient information should be submitted 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	27/07/2023



Section 5 Declaration Application

On behalf of Sam Black

August 2023



McCutcheon Halley
CHARTERED PLANNING CONSULTANTS

PLANNING DEPARTMENT

01 AUG 2023
CORK COUNTY COUNCIL
County Hall, Cork

Document Control Sheet

Client	Sam Black	
Project Title	Blacks Brewery and Distillery	
Document Title	Section 5 Declaration Application	
Document Comprises	Volumes	1
	Pages (Including Cover)	11
	Appendices	0
Prepared by	Michael Murphy	
Checked by	MH	
Office of Issue	Cork	
Document Information	Revision	1
	Status	Final
	Issue Date	August 2023

CORK

6 Joyce House
Barrack Square
Ballincollig
Cork
P31 YX97

T, +353 (0)21 420 8710

DUBLIN

Kreston House
Arran Court
Arran Quay
Dublin 7
D07 K271

T, +353 (0)1 804 4477

www.mhplanning.ie

Contents

1. Introduction	3
2. Legislative Context	3
2.1 Planning and Development Act 2000 (as amended)	3
2.2 Planning and Development Regulations 2001 (as amended)	3
3. Description of Works	5
4. Ecological Assessment	6
4.1 Ecological Impact Assessment.....	6
4.2 Appropriate Assessment Screening Report.....	6
5. Assessment of Exemption.....	7
5.1 Compliance with Class 48.....	7
5.2 Restrictions on Exemption Specified under Article 9	7
5.3 An Bord Pleanála Precedent.....	9
6. Summary	10



1. Introduction

This report is prepared by McCutcheon Halley on behalf of Sam Black (Blacks Brewery and Distillery) and accompanies a request for a Section 5 Declaration that:

(a) the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site is exempted development under Class 48, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended);

This report considers:

- The legislative context,
- The description of the works, and
- Assessment of exemption

2. Legislative Context

2.1 Planning and Development Act 2000 (as amended)

Definitions

Under the provisions of the Planning and Development Act 2000 (as amended) [hereafter referred to as the Planning Act], the following relevant definitions are provided:

'Development' is defined in Section 3 of the Planning Act 2000 (as amended) as *"the carrying out of works on, in, over or under land or the making of any material change of use of any structures or other land"*.

'Works' are defined in Section 2 to include *"any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal"*.

Exempted Development

Section 4 (1) of the Planning Act provides that certain activities shall be exempted development for the purposes of the Act.

Section 4 (2) of the Planning Act provides that the Minister may by regulation provide for any class of development to be exempted development. These are provided for within, Schedule 2 of the Planning and Development Regulations 2001 (as amended).

2.2 Planning and Development Regulations 2001 (as amended)

Exempted Development

Article 6 of the Regulations provides 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.

Part 1 of Schedule 2 provides for several classes of exempted development. The works as completed within the definition, as it *involves the connection of any premises to ... a sewer, water main, ... including the breaking open of any street or other land for that purpose.* Class 48 relates to this development and is therefore relevant, there are no conditions and limitations specified in column 2 with respect to Class 48.

Table 1: Class 48 Exemption

Description of Development	Conditions and Limitations
Development for CLASS 48 The connection of any premises to a wired broadcast relay service, sewer, watermain, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose.	

Article 9 of the Regulations provides several exceptions to development exempted under Part 1 of Schedule 2, which are considered in Table 2 of this report.

3. Description of Works

Sam Black of Black's Brewery and Distillery, Cappagh, Kinsale Co. Cork has connected his premises to mains water and public sewer at a point of connection under the access road to Kinsale Waste Water Treatment Plant (Kinsale WWTP). The connection originates from his premises.

The works which are the subject of this application consist of connecting a 150mm diameter watermain pipe and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery to the connection point on the access road to Kinsale WWTP.

A water meter and sluice valves were installed at the connection point as per Irish Water detail. The watermain was pressure tested, chlorinated and de-chlorinated under the supervision of Irish Water Field Engineer. A sluice valve was installed on the watermain within Black's Brewery site and from there the water will be connected to the new building. Irish Water have approved the works and their contractor made the final connection onto the existing watermain. The water is now connected and flowing to Black's Brewery site.

The foul rising main was laid from the foul pumping station in Black Brewery site up to the Kinsale WWTP site. The rising main terminated in a foul discharge manhole as per Irish Water standard details. Irish Water contractors then did the final gravity foul pipe connection from the foul discharge manhole into an existing foul pipe under the access road into Kinsale WWTP site.

The works were undertaken by the means of 'Directional Drilling', this method is used for the installation of underground pipes when you do not want to disturb or dig up the surrounding area. It is used extensively by water companies to install underground pipes, gas companies to install gas lines and electrical companies to put cables and ducting underground. This method was deemed to be the most appropriate given the close proximity to Commoge Marsh, an important local habitat but not one under any formal designation.

Traditional construction methods would have included excavating the public road or surrounding area thus causing major disruption to traffic and damage to the environment/disturbing the habitat of the area. Directional drilling can pull pipes through the ground without any visible scars or disruption to the site.

The process included three drill pits, measuring 2m long by 1m wide by 1m deep been dug along the route of the pipeline then a special cutting tool was pushed into the ground. An expert operator steers this head to the adjacent drill pit where a reamer and pipe is attached. This reamer and pipe are then pulled back through the original drill pit to the source area, this ensures minimal disruption. Upon completion of work the drill pits a filled back with the topsoil that was removed. Please see drawing number 20033-ZZ-XX-XX-

XX-DR-WDG-CE-014 highlighting the location of the drill pits along the route of works.

4. Ecological Assessment

Both an Ecological Impact Assessment (EclA) and an Appropriate Assessment Screening Report (AA) were completed regarding the proposed development. Both assessments were completed by Ms. Karen Banks (Ecologist) of Greenleaf Ecology Ltd.

4.1 Ecological Impact Assessment

The EIA concluded that:

Provided that the mitigation measures provided in Section 5 of this report are effectively implemented, it is not anticipated that there will be any significant adverse effects on ecological features as a result of the main installation for the permitted Brewery and Distillery at the Former Shirt Factory, Cappagh, Kinsale, Co. Cork.

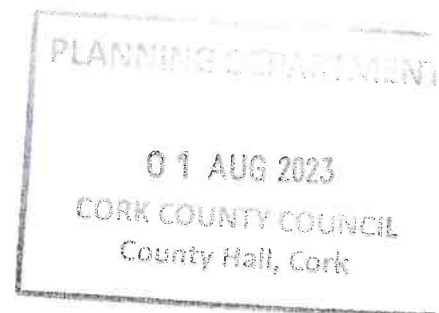
Please see attached report for further details.

4.2 Appropriate Assessment Screening Report

The AA concluded that:

The proposed Water and Wastewater Mains Installation for Black's Brewery and Distillery, Former Shift Factory, Cappagh, Kinsale, Cork, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required.

Please see attached report for further details.



5. Assessment of Exemption

5.1 Compliance with Class 48

Blacks Brewery and Distillery premises have completed a sewer and watermain connection. The works as completed are exempt development as set out under Class 48.

*The connection of any premises to a wired broadcast relay service, **sewer, watermain**, gas main or electricity supply line or cable, including the breaking open of any street or other land for that purpose. (Emphasis added)*

5.2 Restrictions on Exemption Specified under Article 9

Table 2 provides an analysis of the provisions of Article 9 and demonstrates that none of the restrictions which could apply to exemptions would actually apply in this instance.

Table 2: Article 9 provisions

Article 9 Restrictions (summarised)	Assessment
If the carrying out of such development would:	
(i) contravene a condition attached to a permission;	The development of the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main does not contravene a condition attached to a permission. The works involving the connection to water mains and sewer were not included within the redline of the permitted brewery and distillery as they were deemed to be exempt development.
(ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road	The development does not involve the laying out or material widening of a means of access to a public road.
(iii) endanger public safety by reason of traffic hazard or obstruction of road users;	The works do not result in any traffic hazard or obstruction of road user.
(iv) (except in specified cases) to bring forward the building, or any part of the building, beyond a line determined as the building line.	The works did not result in the bringing forward the building line or any part of the building, beyond a line determined as the building line.
(v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Par 1 of Schedule 2 applies.	The works involved the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main.
(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or of archaeological, geological, historical, scientific or	The works do not interfere with any landscape, view, prospect of special amenity value or of archaeological,

Article 9 Restrictions (summarised)	Assessment
ecological interest. the preservation, conservation or protection of which is an objective of a development plan or local area plan.	geological, historical, scientific or ecological interest.
(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, the preservation, conservation or protection of which is an objective of a development plan or local area plan.	The works relate to the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main by mean of directional drilling and did not involve excavation, alteration or demolition of any place.
(8ia) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places.	The works relate to the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main in an area which is not subject to any preservation conservation or protection order.
(viiB) comprise development which would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,	The works do not require an appropriate assessment. An Appropriate Assessment Screening Report was prepared and concluded that a Stage 2 Appropriate Assessment was deemed not to be required.
(viiC) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area	The works do not impact on any area designated as a natural heritage area.
(viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,	The works do not consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use.
(ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan... (or draft development plan / draft variation).	The works relate to the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main and do not relate to the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan... (or draft development plan / draft variation).

PLANNING DEPARTMENT
 01 AUG 2023
 CORK COUNTY COUNCIL
 County Hall, Cork

Article 9 Restrictions (summarised)	Assessment
(x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years	The works do not involve fencing or enclosure of any land.
(xi) obstruct any public right of way,	The works do not obstruct any right of way
(xii) consist of or comprise the carrying out of works to the exterior of a structure located within an architectural conservation area	The site is not within an ACA
(b) in an area to which a special amenity area order relates, if such development would be development: — ...see subsection (i), (ii), (iii) and (iv)	There is no special amenity area order related to the site.
(c) If it is a 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 procedures for the purpose of giving effect to the Council Directives	The works do not require an EIA.
(d) if it consists of the provision of, or modifications to, an establishment, and could have significant repercussions on major accident hazards.	The works do not affect any establishment to which the guidelines on major accident hazards could apply.

5.3 An Bord Pleanála Precedent

The following order by An Bord Pleanála is relevant in this assessment because the works involved lands not in the developer's ownership:

The Board has previously determined that ownership of the lands does not impact this exemption [Ref. No. 04.RL.2523], where they determined that:

*“the connection of the premises to a sewer, including breaking open of any street or other lands for that purpose, **even if not all of the lands are in the ownership of the developer.** comes within the scope of class 48 of Part 1 of Schedule 2 to the said Regulations.”*

6. Summary

This report set out the works that have been completed by our client, Sam Black, in order to connect his premises to the sewer and water mains connection at Kinsale, Co. Cork. The method of connection has been explained, and it has been outlined that directional drilling was the optimal method to undertake the works in order to ensure the least amount of impact on the area and adjacent habitat of Commogue Marsh.

The works fall within the scope of Class 48 of the Regulation, which no conditions or limitations apply. Furthermore, none of the restrictions on exemption, which are set out in Article 9 of the Regulations, apply in this case.

We formally request a Declaration under Section 5 of the Planning and Development Act confirming that:

the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site is development and is exempted development under Class 48, Schedule 2, Part 1 of the Planning and Development Regulations 2001 (as amended);

PLANNING DEPARTMENT

01 AUG 2023

CORK COUNTY COUNCIL
County Hall, Cork

Ecological Impact Assessment

Water and Wastewater Mains Installation

Black's Brewery and Distillery

Former Shirt Factory

Cappagh

Kinsale

Co. Cork

Report prepared for Sam Black

By Karen Banks MCIEEM

26th July 2023



West End
Knocknagree
Mallow
Co. Cork
Tel: 0834218641
Email: greenleafecology@outlook.com



Contents

1	Introduction	3
1.1	Statement of Competence.....	3
1.2	Description of Project	4
2	Methodology.....	5
2.1	Relevant Planning Policy and Legislation.....	5
2.2	Desk Study.....	6
2.3	Field Survey	7
2.3.1	Bird Survey	7
2.4	Impact Assessment Criteria	8
3	Receiving Environment	9
3.1	Designated Sites.....	9
3.2	Terrestrial Ecology	12
3.2.1	Habitats	12
3.2.2	Species	13
3.3	Hydrology.....	17
3.3.1	Water Bodies.....	17
3.3.2	Surface Water Quality and Risk Characterisation.....	17
3.4	Summary of Ecological Evaluation	17
4	Potential Impacts of the Development.....	19
4.1	Construction Phase.....	19
4.1.1	Designated Sites.....	19
4.1.2	Habitats	19
4.1.3	Species	20
4.2	Operational Phase.....	20
4.2.1	Designated Sites.....	20
4.2.2	Habitats	20
4.2.3	Fauna.....	21
5	Mitigation.....	22
5.1	Construction Phase	22
5.1.1	Best Practice Guidelines.....	22
5.1.2	Designated Sites.....	22
5.1.3	Habitats	22
5.1.4	Species	23
5.2	Operational Phase.....	23
5.2.1	Designated Sites.....	23

5.2.2	Habitats	23
5.2.3	Species	23
5.3	Residual Impacts	23
6	Conclusion.....	24
7	References	25

Appendices

Appendix A	Works Drawing
Appendix B	Geographical Reference for Ecological Assessment
Appendix C	NBDC Records
Appendix D	Bird Survey Data

List of Figures

Figure 1-1: Site location map	3
Figure 3-1: European sites within 15km and nationally designated sites within 5km of the development.....	11
Figure 3-2: Habitats recorded within the wayleave.....	12

List of Tables

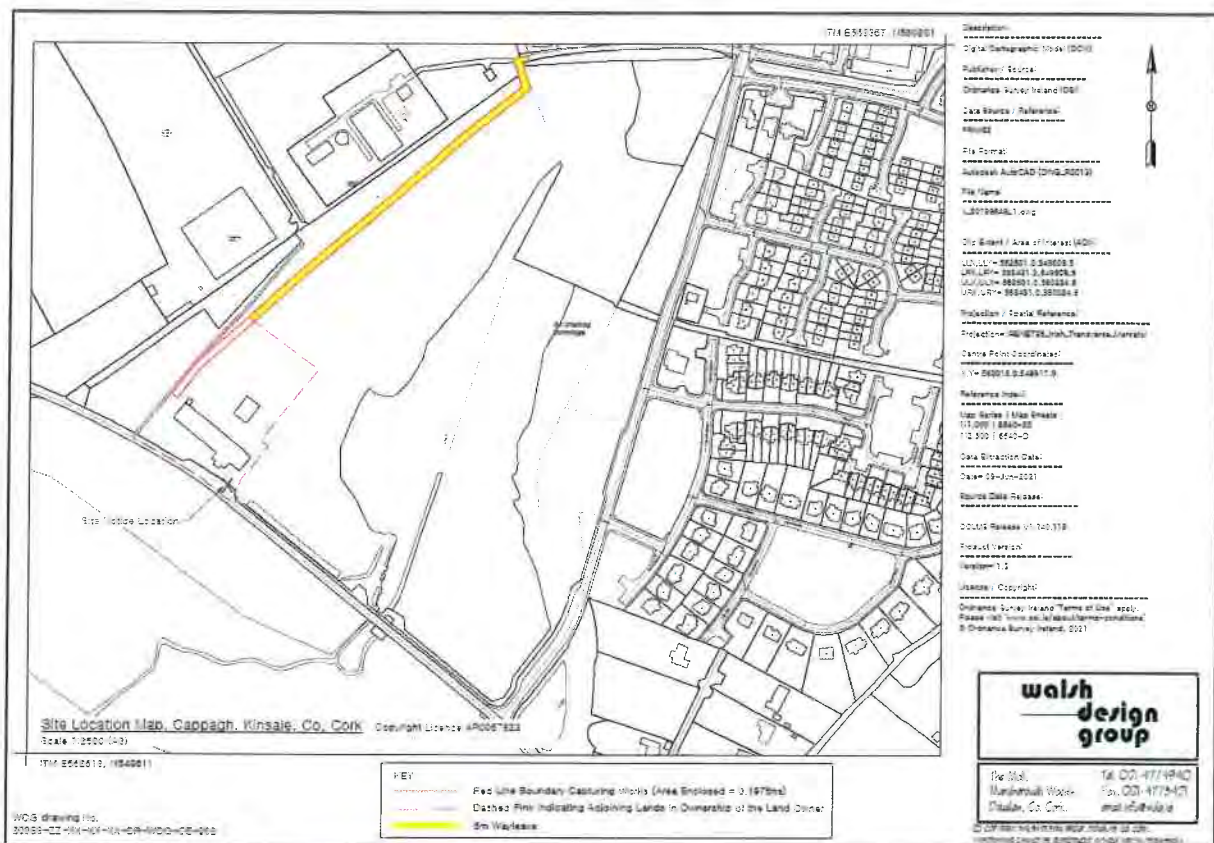
Table 2-1: Bird survey dates and conditions.....	8
Table 3-1: European sites within 15km and nationally designated sites within 5km of the site	9
Table 3-2: Wintering bird species recorded in the Kinsale Marsh subsite between 2017 and 2020 ...	13
Table 3-4: Wetland birds recorded at Commoge Marsh on 31 st January and 14 th February 2023	15
Table 3-4: EPA water body codes	17
Table 3-5: Summary of WFD status for water bodies in the vicinity of the site	17
Table 3-6: Ecological features within the site and it's receiving environment.....	18



1 Introduction

Greenleaf Ecology was commissioned by Sam Black to undertake an Ecological Impact Assessment (EclA) of the development of water and wastewater mains installation along the wayleave to the wastewater treatment plant for the permitted Brewery and Distillery at The Former Shirt Factory, Cappagh, Kinsale, Co. Cork. The site is located in the townland of Cappagh, to the south-west of Kinsale, as illustrated in Figure 1-1.

Figure 1-1: Site location map



The aims of this ecological impact assessment are to:

- Establish baseline ecological data for the site;
- Determine the ecological value of the identified ecological features;
- Identify, describe and assess the likely significant effects of the development on biodiversity;
- Propose effective mitigation measures to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on biodiversity; and
- Identify any residual effects predicted to arise after mitigation.

1.1 Statement of Competence

This ecological impact assessment was carried out by Karen Banks, MCIEEM. Karen is an ecologist with Greenleaf Ecology and has 16 years' experience in the field of ecological assessment. Karen is experienced in the production of Ecological Impact Assessments (EclA) including those for transport infrastructure, small to large scale housing and mixed-use developments, flood alleviation schemes and wind farms. Karen is an experienced and licenced bat surveyor and has conducted bat survey and assessment for numerous projects, including bridge repair and replacement works, domestic dwelling repair and demolition works and large-scale energy and infrastructure projects.

1.2 Description of Project

The project comprises the following:

- Installation of wastewater mains from the permitted development at the 'Former Shirt Factory' to the existing wastewater treatment plant to the north of the permitted site and connection to same;
- Connection to the existing Irish Water watermain located to the north of the permitted site; and
- Installation of watermains from the watermain connection to the permitted site at the 'Former Shirt Factory'.

It is proposed to install the mains by directional drilling. A drawing of the works is enclosed in Appendix A.



2 Methodology

2.1 Relevant Planning Policy and Legislation

This report has been prepared with regards to the following legislation, policy documents and guidelines as relevant:

- CIEEM (2017) Guidelines for Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester;
- CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester;
- DoEHLG (2010) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government;
- European Communities (2000) Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (2002) Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. European Commission;
- EC (2013) Interpretation Manual of European Union Habitats. Version EUR 28. European Commission;
- EPA (2022) Guidelines on the information to be contained in Environmental Impact Assessment Reports. Environmental Protection Agency;
- EPA (2003), Advice Notes on current practice in the preparation of Environmental Impact Statements. Environmental Protection Agency;
- Fossitt, J., 2000. A Guide to Habitats in Ireland. The Heritage Council, Kilkenny;
- HA (2001) DMRB Volume 10 Section 4 Part 4 - Ha 81/99 - Nature Conservation Advice In Relation To Otters. The Highways Agency;
- National Parks and Wildlife Service (NPWS) (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht;
- NRA (2009) Guidelines for the Assessment of Ecological Impacts of National Road Schemes Rev. 2. National Roads Authority;
- NRA (2009) NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes). National Roads Authority; and
- NRA Environmental Assessment and Construction Guidelines (both adopted and draft versions)

Studies were also carried out in accordance with the following legislation:

- Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (Habitats Directive) and Directive 2009/147/EC (codified version of Directive

(79/409/EEC as amended (Birds Directive)) – transposed into Irish law as European Communities (Birds and Natural Habitats) Regulations 2011;

- European Communities (Environmental Impact Assessment) Regulations, 1989 to 2006;
- European Communities (Environmental Liability) Regulations, 2008 (S.I. No. 547 of 2008);
- European Communities (Quality of Salmonid Waters) Regulations, 1988 (S.I. No. 84 of 1988);
- Flora Protection Order, 2015;
- Planning and Development Act, 2000 (as amended);
- Water Framework Directive (2000/60/EC); and
- Wildlife Act 1976, as amended.

2.2 Desk Study

The sources of published material that were consulted as part of the desk study for the purposes of the ecological appraisal are as follows:

- Review of the National Parks & Wildlife Service (NPWS) natural heritage database for designated areas of ecological interest and sites of nature conservation importance within the site and its environs;
- Review of Ordnance Survey maps and ortho-photography;
- Review of the National Biodiversity Data Centre (NBDC) database for records of rare and protected species within a 0.5km radius of the site, including:
 - Annex I habitats, Annex II species and their habitats, and Annex IV species and their breeding sites and resting places (wherever they occur) as identified in the EU Habitats Directive;
 - The presence of species of flora and fauna as identified and strictly protected under the European Communities (Birds and Natural Habitats) Regulations, 2011;
 - Species of fauna and flora which are protected under the Wildlife Acts (as amended), '*Protected species and natural habitats*' as defined in the Environmental Liability Directive (2004/35/EC) and European Communities (Environmental Liability) Regulations, 2008;
- Review of the NBDC database for records of bats within a 4km radius of the site;
- Irish Wetland Bird Survey Data (IWeBS) for Kinsale Marsh sub-site;
- Review of the Cork County Development Plan 2022-2028;
- 1:50,000 Ordnance Survey (OS) Map; Discovery Series;
- Environmental Protection Agency mapping (<http://gis.epa.ie/Envision>); and
- Environmental Impact Assessment Portal (<https://www.housing.gov.ie/planning/environmental-assessment/environmental-impact-assessment-eia/eia-portal>)



2.3 Field Survey

A walkover survey of the site was carried out by ecologist Ms Karen Banks on 22nd February 2023. Flora and habitats within the study area were surveyed using the methodology outlined in the guidance document *Best Practice Guidance for Habitat Survey and Mapping* (Smith *et al.*, 2011). The habitats found in the study area (shown on Figure 3-2), were classified in accordance with the guidelines set out in *'A Guide to Habitats in Ireland'* (Fossitt, 2000), which classifies habitats based on the vegetation present and management history. The classification is a standard scheme for identifying, describing and classifying wildlife habitats in Ireland. The classification is hierarchical and operates at three levels, outlining the correlation between its habitat categories and the phytosociological units (plant communities) of botanical classifications. Dominant species, indicator species and/or species of conservation interest were recorded and species recorded were given both their Latin and common names, following the nomenclature as given in the *'New flora of the British Isles'* (Stace, 2010). Habitat potentially linked to European Annex I habitats was assessed based on the *Interpretation Manual of EU Habitats* (European Commission, 2013) and *The Status of EU Protected Habitats and Species in Ireland* (NPWS, 2019).

A survey for invasive species was conducted during the habitat and botanical survey undertaken in February 2023. This survey included the identification and mapping of Invasive Alien Plant Species (IAPS). This survey was conducted in accordance with the NRA publication *"Guidelines for the Management of Noxious Weeds and Non- Native Invasive Plant Species on National Roads"*.

The site walkover conducted on 22nd February 2023 included an assessment of the presence, or likely presence, of protected species. The survey was conducted in accordance with the standard protected species survey guidelines contained in the National Roads Authority publication *'Ecological Surveying Techniques for Protected Flora and Fauna during the Planning of National Road Schemes'* (2009). The surveys were conducted for areas of habitat that might support protected mammals in addition to recording any field signs, such as well-used pathways, droppings, places of shelter and features or areas likely to be of particular value as foraging resources. Any badger setts present were recorded during the site walkover, along with potential pine marten den sites. In addition, the suitability of the habitat for pygmy shrew, hedgehog, Irish stoat, pine marten, amphibians and invertebrates were recorded.

Avifauna surveys were undertaken as detailed in Section 2.3.1 below.

2.3.1 Bird Survey

2.3.1.1 Wintering Bird Survey

Winter bird surveys were undertaken on 31st January 2023 and 14th February 2023. The survey methodology was based on that used by the British Trust for Ornithology (BTO), Wetland Bird Survey (WeBS) and also that for the Irish Wetland Bird Survey (I-WeBS), as outlined in Gilbert *et al.* (1998).

The survey area comprised Commoge Marsh, which was viewed from the north of the permitted Brewery and Distillery site and also from the L3235 road to the east of Commoge Marsh. Point counts were undertaken using Hawke Frontier 8 x 42 binoculars and a Hawke Endurance 20-60x85 spotting scope. All bird species were recorded using standard British Trust for Ornithology codes and a note of the number of each species present was made. As summarised in Table 2-1, the survey was undertaken in weather deemed appropriate for carrying out bird survey work, i.e. avoiding periods of high winds, heavy rainfall and poor visibility.

Table 2-1: Bird survey dates and conditions

Survey Date	Times	Tide	Weather conditions
31/01/2023	11.10- 12.30	High	Precipitation: none, temperature 8°C, wind F3, oktas 4, visibility: 16km
14/02/2023	15.00- 16.30	Low	Precipitation: none, temperature 9°C, wind F4, oktas 6, visibility: 16km

2.4 Impact Assessment Criteria

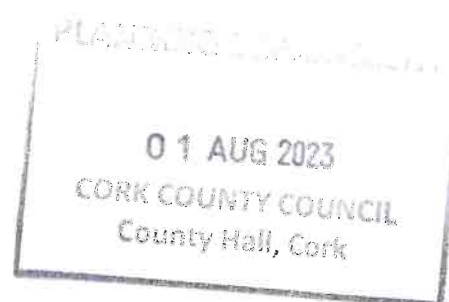
The information gathered from desk study and survey has been used to make an ecological impact assessment (EclA) of the development upon the identified ecological features. The EclA has been undertaken following the methodology set out in CIEEM (2018). EclA is based upon a source-pathway-receptor model, where the source is defined as the individual elements of the development that have the potential to affect identified ecological features. The pathway is defined as the means or route by which a source can affect the ecological features. An ecological feature is defined as the species, habitat or ecologically functioning unit of natural heritage importance. Each element can exist independently however an effect is created where there is a linkage between the source, pathway and feature.

A significant effect is defined in CIEEM (2018) as:

“an effect that either supports or undermines biodiversity conservation objectives for ‘important ecological features’.... or for biodiversity in general”.

Further, BS 42020:2013 states that if an effect is sufficiently important to be given weight in the planning balance or to warrant the imposition of a planning condition, e.g. to provide or guarantee necessary mitigation measures, it is likely to be “significant” in that context at the level under consideration. The converse is also true: insignificant effects would not warrant a refusal of permission or the imposition of conditions.

The geographical reference used for ecological valuation follows NRA (2009) *Guidelines for the Assessment of Ecological Impacts of National Road Schemes Rev. 2.*, as detailed in Appendix B. Ecological features might also be important because they play a key functional role in the landscape as ‘stepping stones’ for migratory species to move during their annual migration cycle, as well as for species to move between sites, to disperse populations to new locations, to forage, or move in response to climate change.¹ Features of lower ecological value are not assessed.



¹ Ref Article 10 of the Habitats Directive: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31992L0043:EN:HTML>

3 Receiving Environment

3.1 Designated Sites

A review of European designated sites within a 15km radius of the site was undertaken (www.npws.ie). Special Areas of Conservation (SACs) are sites of international importance due to the presence of Annex I habitats and / or Annex II species listed under the EU Habitats Directive. Special Protection Areas (SPAs) are designated for birds based on the presence of internationally significant populations of listed bird species.

A review of nationally designated sites within a 5km radius of the site was also undertaken. Natural Heritage Areas (NHAs) are sites deemed to be of national ecological importance and are afforded protection under the Wildlife Acts (Revised). The proposed Natural Heritage Areas (pNHAs) have not been statutorily proposed or designated, however do have some protection under Agri Environmental Options Scheme (AEOS), Coillte, County Development Plans and Licensing Authorities.

There are four European sites within 15km of the site. The site supports indirect and remote connectivity to one coastal SAC and three coastal SPAs. A review of nationally designated sites indicates that there are no Natural Heritage Areas within 5km of the site. There is one pNHA within 5km of the site; namely James Fort pNHA, which is located c.1.5km to the east of the site. A list of European sites recorded within 15km and nationally designated sites within 5km of the site is presented in Table 3-1. Designated sites are illustrated in Figure 3-1.

Table 3-1: European sites within 15km and nationally designated sites within 5km of the site

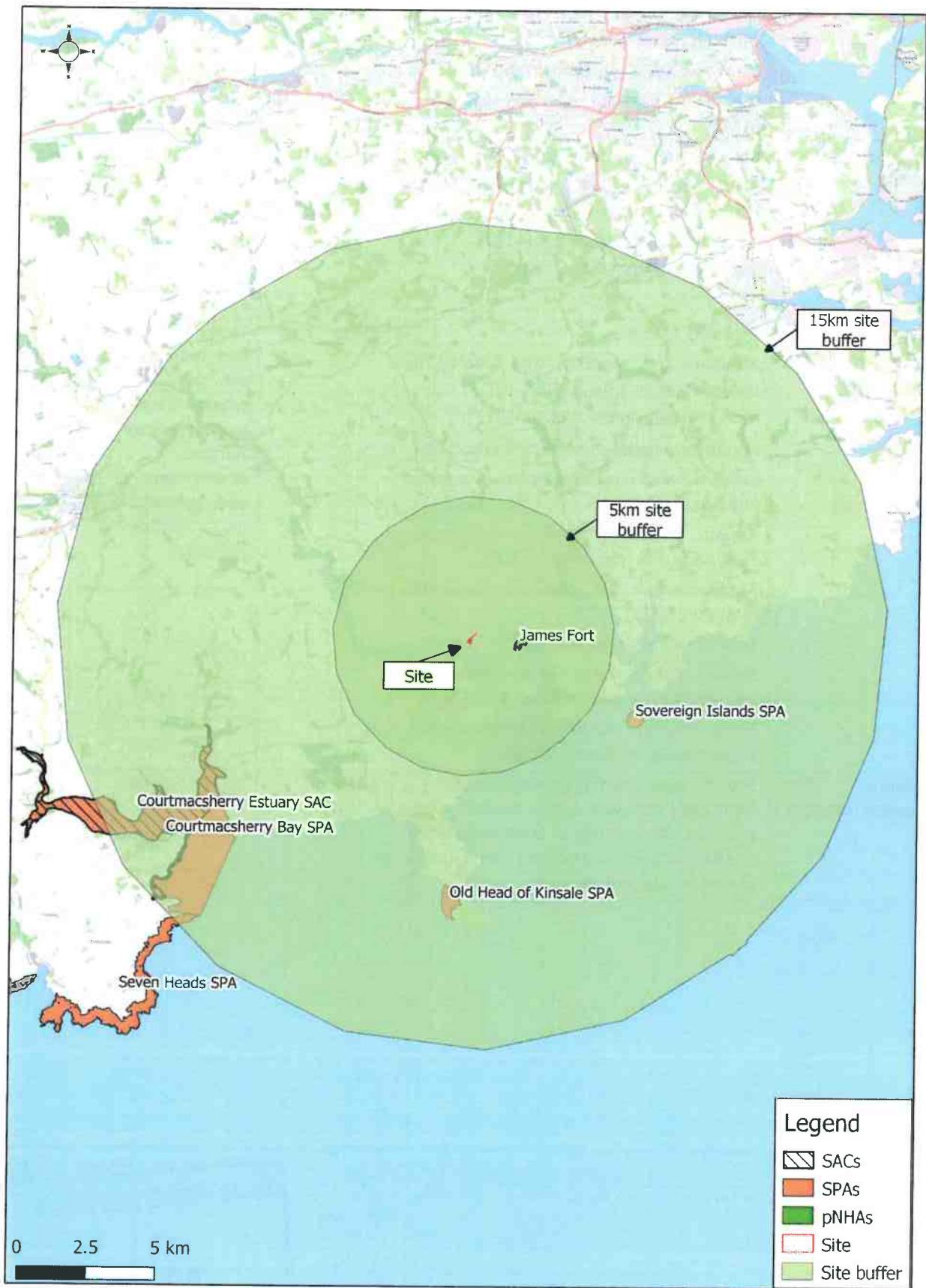
Site Name and Code	Qualifying Interests	Distance from Site (km) ²	Connectivity
Sovereign Islands SPA (004124)	Bird Species: Cormorant (<i>Phalacrocorax carbo</i>) [A017]	6.4km	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SPA a further 4.7km along the coast.
Old Head of Kinsale SPA (004021)	Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199]	9.0km	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SPA a further 12.1km along the coast.
Courtmacsherry Bay SPA (004219)	Great Northern Diver (<i>Gavia immer</i>) [A003] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Red-breasted Merganser (<i>Mergus serrator</i>) [A069]	10.1km	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km

² Distance measured "as the crow flies"

	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Wetland and Waterbirds [A999]</p>		<p>downstream of the site and, potentially, to this SPA a further 20.4km along the coast.</p>
<p>Courtmacsherry Estuary SAC (001230)</p>	<p>Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p>	<p>9.9km</p>	<p>There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SAC a further 24km along the coast.</p>
<p>James Fort pNHA (001060)</p>	<p>The site is included as an NHA because it is floristically rich with a good number of less common plants, some of them introduced. In addition there is a species-rich meadow of some ecological interest.</p>	<p>1.5km</p>	<p>No connectivity.</p>

PLANNING DEPARTMENT
 01 AUG 2023
 CORK COUNTY COUNCIL
 County Hall, Cork

Figure 3-1: European sites within 15km and nationally designated sites within 5km of the development



3.2 Terrestrial Ecology

3.2.1 Habitats

It is proposed to install the mains along the existing ESB wayleave to the west of Commogue Marsh. The habitats present along the wayleave are described below.

Wet Grassland (GS4)

The predominant habitat along the wayleave is wet grassland, comprising Yorkshire Fog (*Holcus lanatus*), Soft Rush (*Juncus effusus*), Jointed Rush (*Juncus articulatus*), Willowherb species, Nettle (*Urtica dioica*) and localised areas of Floating grass (*Glyceria* spp) in wet depressions in the topography. Bramble (*Rubus fruticosus* agg.) scrub is encroaching onto the wet grassland in some areas.

Scrub (WS1)

Scrub has developed at the south of the wayleave and this area supports dense growth of Alder (*Alnus glutinosus*), Bramble and Gorse (*Ulex europaeus*). Large stands of Japanese Knotweed (*Fallopia japonica*) are present within the scrub.

A line of trees dominated by Ash is present on an earthbank to the west of the wayleave and a line of Alder and Willow (*Salix cinerea*) is present to the east of the wayleave (outside of the works area).

A habitat map of the wayleave is illustrated in Figure 3-2. The location of the permitted Brewery & Distillery is included within the habitat map for context.

Figure 3-2: Habitats recorded within the wayleave



3.2.1.1 Commoge Marsh

Commoge Marsh is located adjacent to the east of the wayleave. Commoge Marsh is a coastal lagoon noted to support potential Mediterranean salt marsh habitat (<https://maps.biodiversityireland.ie/Map>) with fringing woodland and scrub. Previous surveys undertaken within Commoge Marsh describe the site as supporting a generally typical estuarine faunal and floral community (11 floral, 39 faunal taxa) but with a small suite of lagoonal species, with 1 floral and 5 faunal lagoonal specialist species, one of which is rare in Ireland (*Gammarus chevreuxi*) and one other species (*Cyathura carinata*) which also appears to be rare in Ireland.³ Commoge Marsh also supports a range of waterbirds.

3.2.2 Species

This section describes the species that have been recorded historically within 0.5km of the wayleave, results from site surveys and the potential for the site to support protected species. Species records extracted from the NBDC database are included in Appendix C.

3.2.2.1 Amphibians and Reptiles

The NBDC hold records of common frog from the vicinity of the site, last recorded in the 10km OS grid square within which the site is located (W64), recorded in 1979. No evidence of newt or frog were observed within the wayleave, and the habitats present within the wayleave are not suitable to support frog and newt populations. There is, however, suitable habitat for frogs and newts in Commoge Marsh adjacent to the wayleave.

3.2.2.2 Avifauna

The NBDC database holds records of a number of protected bird species from within the vicinity of the site (see Appendix C).

Wintering Waterbirds

Irish Wetland Bird Survey data (IWeBS) for the Kinsale Marsh sub-site of Bandon Estuary is summarised in Table 3-2.

Two species included in Annex I of the EU Bird's Directive and seven species included on the BoCCI Red List have been recorded within Kinsale Marsh (Table 3-2). As Table 3-2 shows, the bird counts for 2017/18- 2019/20 at Kinsale Marsh did not exceed 1% or more of the population of individual wintering bird species occurring in Ireland.

Table 3-2: Wintering bird species recorded in the Kinsale Marsh subsite between 2017 and 2020

Common Name	Latin Name	Annex I	BoCCI	1% National	1% International	2017/18	2018/19	2019/20
Mute Swan	<i>Cygnus olor</i>		Amber	90	100	17	7	9
Shelduck	<i>Tadorna tadorna</i>		Amber	100	2500	32	21	4
Wigeon	<i>Anas penelope</i>		Amber	560	14000	30	14	16
Gadwall	<i>Mareca strepera</i>		Amber	20	1200		1	1
Teal	<i>Anas crecca</i>		Amber	360	5000	40	35	34

³ [Cork - irishlagoons.com](http://Cork-irishlagoons.com)

Mallard	<i>Anas platyrhynchos</i>		Amber	280	53000	15	48	20
Little Grebe	<i>Tachybaptus ruficollis</i>		Green	20	4700	3	5	1
Cormorant	<i>Phalacrocorax carbo</i>		Amber	110	1200	4	3	3
Little Egret	<i>Egretta garzetta</i>	√	Green	20	1100	12	1	1
Grey Heron	<i>Ardea cinerea</i>		Green	25	5000	4	2	2
Moorhen	<i>Gallinula chloropus</i>		Green			2	2	
Oystercatcher	<i>Haematopus ostralegus</i>		Red	610	8200	57	1	
Lapwing	<i>Vanellus vanellus</i>		Red	850	72300	170	155	85
Knot	<i>Calidris canutus</i>		Red	160	5300		1	
Dunlin	<i>Calidris alpina</i>		Red	460	13300	200	220	
Snipe	<i>Gallinago gallinago</i>		Red			60	1	
Black-tailed Godwit	<i>Limosa limosa</i>		Amber	200	1100	10	50	
Curlew	<i>Numenius arquata</i>		Red	350	7600	130	106	6
Redshank	<i>Tringa totanus</i>		Red	240	2400	90	60	12
Greenshank	<i>Tringa nebularia</i>		Green	20	3300	26	5	6
Turnstone	<i>Arenaria interpres</i>		Amber	95	1400	26		
Kingfisher	<i>Alcedo atthis</i>	√	Amber					2
Black-headed Gull	<i>Chroicocephalus ridibundus</i>		Amber			95	80	115
Common Gull	<i>Larus canus</i>		Amber			2	2	4
Lesser Black-backed Gull	<i>Larus fuscus</i>		Amber			33	3	6
Herring Gull	<i>Larus argentatus</i>		Amber			27	21	19
Great Black-backed Gull	<i>Larus marinus</i>		Green			2	8	3

PLANNING DEPARTMENT
 01 AUG 2023
 CORK COUNTY COUNCIL
 County Hall, Cork

Bird Survey Results

A total of fifteen species of wetland birds were recorded at Commogue Marsh during the high and low tide surveys undertaken on 31st January and 14th February 2023 (Table 3-4). Of the fifteen species recorded, one species listed on Annex I of the EU Habitats Directive was recorded, namely Little Egret.

Six species included on the BoCCI Red List were recorded at Commogue Marsh: Knot, Curlew, Dunlin, Lapwing, Oystercatcher and Redshank. Shelduck, Common Gull, Curlew, Lapwing, Dunlin and Knot were recorded roosting and foraging at the north of the marsh during the high tide survey undertaken in January; a mixed roost of Redshank, Greenshank and Lapwing were recorded roosting on the central 'spit' of gravels and Black-headed Gull, Lesser Black-backed Gull, Shelduck and Mallard were recorded foraging at the south-east of the marsh. Oystercatcher and Little Egret were also recorded in low numbers at the east of the site.

During the low tide survey undertaken in February, Curlew, Mallard, Black-tailed Godwit, Redshank and Common Gull were recorded foraging at the north of the marsh. A flock of Lapwing was recorded at the east of the marsh and a mixed group of Black-headed Gull, Black-tailed Godwit, Greenshank and Redshank were recorded foraging at the east of the marsh. Teal were also recorded on a pond to the west of the marsh and to the east of the wayleave.

A species count for each month is enclosed in Appendix D.

No wetland or waterbird species were recorded along the wayleave during the site survey; species here comprise passerines including Robin, House Sparrow and a flock of Goldfinch.

Table 3-3: Wetland birds recorded at Commogue Marsh on 31st January and 14th February 2023

Common Name	Scientific Name	Annex I (Yes/No)	BoCCI Status	Survey Date	
				31 st January 2023	14 th February 2023
Black-headed Gull	<i>Larus ridibundus</i>	N	Amber	√	√
Black-tailed Godwit	<i>Limosa limosa</i>	N	Amber		√
Common Gull	<i>Larus canus</i>	N	Amber	√	√
Knot	<i>Calidris canutus</i>	N	Red	√	
Common Shelduck	<i>Tadorna tadorna</i>	N	Amber	√	
Curlew	<i>Numenius arquata</i>	N	Red	√	√
Dunlin	<i>Calidris alpina</i>	N	Red	√	√
Greenshank	<i>Tringa nebularia</i>	N	Green	√	√
Lapwing	<i>Vanellus vanellus</i>	N	Red	√	√
Lesser Black-backed Gull	<i>Larus fuscus</i>	N	Amber	√	
Little Egret	<i>Egretta garzetta</i>	Y	Green	√	
Mallard	<i>Anas platyrhynchos</i>	N	Green	√	√
Oystercatcher	<i>Haematopus ostralegus</i>	N	Red	√	
Redshank	<i>Tringa totanus</i>	N	Red	√	√
Teal	<i>Anas crecca</i>	N	Amber		√

3.2.2.3 Flora

There are no records of protected species of vascular plants from the vicinity of the site. There is a historical record of the Yellow Fringe-moss from the vicinity of the site (see Appendix C). However, this moss species has not been recorded in the area since 1966, and was not recorded at the site.

3.2.2.4 Invasive Species

There are no records of non-native plant species from the vicinity of the site.

The High Impact⁴, Third Schedule⁵ invasive species Japanese Knotweed was recorded at the south of the wayleave, as illustrated in Figure 3-2.

3.2.2.5 Invertebrates

The NBDC database does not hold any records of protected species of invertebrate from the vicinity of the site. No invertebrates were recorded at the site during the course of the site surveys.

3.2.2.6 Bats

The NBDC database does not hold any records of bats from within a 4km radius of the site. It is noted that this is likely due to a lack of survey effort in the vicinity of the site rather than a lack of presence of bats.

The bat landscape association model (Lundy *et al*, 2011) suggests that the site is part of a landscape that is of moderate suitability for bats including common pipistrelle (*Pipistrellus pipistrellus*), soprano pipistrelle (*P. pygmaeus*), brown long-eared (*Plecotus auritus*), Leisler's (*Nyctalus leisleri*), Daubenton's (*Myotis daubentonii*), natterer's (*M. nattereri*) and whiskered bat (*M. mystacinus*). The site and its environs are of low suitability for Nathusius' pipistrelle (*Pipistrellus nathusii*) and is outside of the distribution range for lesser horseshoe bat (*Rhinolophus hipposideros*) (Roche *et al*, 2014).

The wayleave comprises scrub and wet grassland. The wayleave is connected to other suitable foraging areas in the wider landscape by a treeline to the west, and by Willow and Alder scrub located between the wayleave and Commoge Marsh. In accordance with the criteria outlined in Table 2-1, the commuting and foraging habitats at the site and its environs are of moderate suitability for bats.

No potential roosting features for bats were recorded at the wayleave and its immediate environs. Bat activity surveys undertaken at the permitted Brewery & Distillery site in 2021, recorded two species of bat were recorded during the dusk activity survey, namely soprano pipistrelle (*Pipistrellus pygmaeus*) and Leisler's bat (*Nyctalus leisleri*). One soprano pipistrelle flew into the site from the east and was recorded foraging briefly at the site. Leisler's bat was recorded occasionally commuting overhead. Overall, the level of bat activity and diversity of bat species at the site was low.

3.2.2.7 Otter

Otter has been recorded at Commoge c.150m from the site.

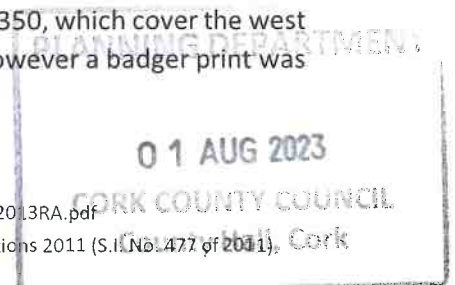
No evidence of otter was recorded at the site and environs. However, it is likely that Commoge Marsh and the Bandon Estuary form part of the foraging range for otter.

3.2.2.8 Other Mammals

Badger have been recorded in OS 1km Grid Squares W6249, W6250 and W6350, which cover the west and north of the site. No badger setts were recorded along the wayleave, however a badger print was

⁴http://www.biodiversityireland.ie/wordpress/wp-content/uploads/Invasives_taggedlist_High_Impact_2013RA.pdf

⁵ Species listed in the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), Cork



present in soft ground towards the south of the wayleave. It is likely that the wayleave forms part of a badger foraging and commuting territory.

Records of sika deer and hedgehog are general records from the 10k OS Grid Square that the site is situated in. No evidence of these species was recorded during the site surveys, and the habitats present at the site are unsuitable to support sika deer and hedgehog.

3.3 Hydrology

3.3.1 Water Bodies

The wayleave is located within the Knocknabohilly_010 River Sub-basin. The Lower Bandon Estuary is located c.160m to the south of the wayleave, on the southern side of the R606 road. The Lower Bandon Estuary River flows into Kinsale harbour. The Kinsale Marsh, Commoge, coastal waterbody is located c.90m to the east of the site.

The site overlies the Bandon Ground Waterbody (GWB).

EPA codes for these water bodies are shown below in Table 3-4.

Table 3-4: EPA water body codes

EPA water body name	Water body type	EPA Code	EPA water body code
Lower Bandon Estuary	Transitional	22D01	IE_SW_080_0100
Kinsale Harbour	Coastal body	n/a	IE_SW_080_0000
Bandon	Groundwater	n/a	IE_SW_G_086

3.3.2 Surface Water Quality and Risk Characterisation

Macroinvertebrate sampling for Q-value determination was conducted within the Bandon River as part of EPA's Water Framework Directive monitoring. The nearest sampling point is located within the Bandon River c.14.6km upstream, northwest of the site. In 2020 (the latest available result) the Q value score was 4, 'good'. The Lower Brandon Estuary is classified as 'At risk' and has been assigned a 'poor' status under the WFD 2016-2021 round. Kinsale Harbour is classified as 'not at risk' and has been assigned an 'good' status under the WFD.

A summary of the WFD and risk status⁶ is shown below in Table 3-5.

Table 3-5: Summary of WFD status for water bodies in the vicinity of the site

EPA Waterbody Name	Code	Risk	WFD Status 2016-2021
Lower Brandon Estuary	IE_SW_080_0100	At risk	Poor
Kinsale Harbour	IE_SW_080_0000	Not at risk	Good
Bandon	IE_SW_G_048	Review	Good

3.4 Summary of Ecological Evaluation

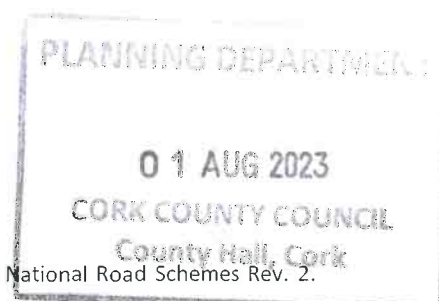
Table 3-6 summarises all identified ecological features. Ecological features have been identified as being at risk of potentially significant impacts via a source-pathway-receptor link. Ecological features

⁶ <https://www.catchments.ie/maps/>

are valued as being of local ecological importance (higher value) or above as per the criteria set out in Appendix B.

Table 3-6: Ecological features within the site and it's receiving environment

Site/ Habitat/ Species	Ecological Value ⁷	Ecological Feature
European Site	International. The site supports indirect and remote connectivity to 1 SAC and 3 SPAs.	Yes
Natural Heritage Area	National. There is no connectivity between the site and pNHAs.	No
Wet grassland (GS4)	The wet grassland at the wayleave is species poor and is not of botanical interest. The grassland would however be of local value for small mammals and avifauna. This habitat is of local importance (lower value).	No
Scrub (WS1)	The scrub at the south of the wayleave is of value to local populations of avifauna and bats and helps provide connectivity in the landscape. This habitat is of local importance (higher value).	Yes
Commoge Marsh	Commoge Marsh is adjacent to the site, but is outside the site boundary. The marsh supports a range of habitats and species of conservation interest and is considered to be of County Importance.	Yes
Amphibians	There is no suitable breeding habitat for amphibians within the wayleave. No evidence of amphibians was recorded along the wayleave.	No
Avifauna	Avifauna as they occur within the footprint of the wayleave are of local importance. Avifauna within Commoge Marsh do not reach National levels of importance but are considered to be of County importance.	Yes
Bats	The site is of negligible suitability for roosting bats. The site is of moderate suitability for foraging and commuting bats, however low levels of activity from two common and widespread bat species were recorded during site surveys at the permitted Brewery & Distillery site. Bats, as they occur at the site, are considered to be of local importance (lower value)	No
Otter	Evidence of otter has been recorded at Commoge. However, no evidence of otter was recorded within the wayleave and the site does not provide suitable habitat for foraging or shelter for this species.	No
Other mammals	The wayleave likely forms part of badger foraging and commuting territory, however no badger setts were present. The habitats present at the site are not suitable to support other protected species. No evidence of other protected species of mammal was recorded at the site.	No



⁷ In accordance with NRA (2009) Guidelines for the Assessment of Ecological Impacts of National Road Schemes Rev. 2. National Roads Authority

4 Potential Impacts of the Development

This section identifies in detail the potential effects of the mains installation on habitats and species of conservation value (i.e. ecological features as identified in Table 3-6) that have been identified as present, or that have the potential to be present, at its receiving environment.

4.1 Construction Phase

The ecological features that, in the absence of mitigation, may potentially be affected by the construction phase of the mains installation and the significance of these effects are set out in the following sections.

4.1.1 Designated Sites

As indicated in Table 3-1, there are four European sites within 15km of the site; one SAC and three SPAs. These European sites are all located along the coast to the south of the site. A review of nationally designated sites indicates that there are no Natural Heritage Areas (NHAs) within 5km of the site. There is one proposed Natural Heritage Area (pNHAs) within 5km of the site.

The works will include directional drilling with 3 no. drilling pits to install the mains. As illustrated in Appendix A, the drill pits will be located either within the permitted Brewery & Distillery site or along the existing wayleave to the west of Commoge Marsh. Types of impacts that may arise from the use of directional drilling include suspended solids runoff into nearby waterbodies. However, the wayleave is located on wet grassland to the west of the marsh and is separated from the marsh for most of its length by a line of Alder and Willow scrub. The grassland and line of scrub would naturally attenuate any silt laden runoff arising from the launch/receptor drilling pits and would allow any runoff to percolate to groundwater. Inadvertent spillages of hydrocarbons during construction could introduce toxic chemicals into the aquatic environment via surface water run-off or groundwater contamination and have a direct toxicological impact on habitats and fauna. However, given the relatively small scale of the development and the low risk of pollutants reaching Commoge Marsh (as described above) and, in turn, downstream coastal European sites, no impacts on water quality within European sites due to such minor spills during construction are expected.

James Fort pNHA is located c.1.5km to the east of the site. The conservation interest for this site are terrestrial habitats. There is no connectivity between the site and this pNHA. In view of these factors, there will be no adverse effects on nationally designated sites as a result of the mains installation.

4.1.2 Habitats

4.1.2.1 Scrub

The scrub at the south of the wayleave will be retained. No significant effects on scrub are expected during the construction phase.

4.1.2.2 Commoge Marsh

The mains will be installed along the existing wayleave to the west of Commoge Marsh. The works will include small scale excavation for the launch/receptor drilling pits and the use of deleterious substances such as hydrocarbons for construction machinery. Types of impacts that may arise from this type of development include suspended solids runoff into nearby waterbodies. As noted previously, the wayleave is located on wet grassland to the west of the marsh and is separated from the marsh for most of its length by a line of Alder and Willow scrub. The grassland and line of scrub would naturally attenuate any silt laden runoff arising from the launch/receptor drilling pits and would allow run-off to percolate to groundwater. Inadvertent spillages of hydrocarbons during construction could introduce toxic chemicals into the aquatic environment via surface water run-off or

groundwater contamination and have a direct toxicological impact on habitats and fauna. While the risk of a well-maintained construction site releasing significant quantities of contaminants into Commoge Marsh is low, applying the precautionary principle, the potential for adverse effects on the water quality within this coastal lagoon is assumed. However, the likely effects would be limited to a temporary reduction in water quality locally. There would be a significant adverse effect at the local level.

4.1.3 Species

4.1.3.1 Avifauna

Breeding birds are protected under the Wildlife Acts (as amended). It is an offence to disturb birds while on their nest, or to wilfully take, remove, destroy, injure or mutilate their eggs or nests. The mains will be installed by directional drilling underneath the scrub to the south of the wayleave; no scrub that may support nesting birds will be removed during the construction phase.

IWeBS data and site survey data indicates that two species included in Annex I of the EU Bird's Directive and seven species included on the BoCCI Red List have been recorded within Commoge (Kinsale) Marsh during the wintering period (see Table 3-2). There is potential for visual and noise disturbance to waterbirds if the construction phase is not timed appropriately. The quantity of waterbirds declines during the summer period as large numbers return to their breeding grounds. No breeding evidence for waterbirds was recorded at the permitted Brewery and Distillery site and its environs during the site surveys. Adverse effects on species of waterbirds associated with the development are limited to potential disturbance to roosting and foraging birds during the construction works, which would be significant at a County level. In the absence of mitigation this impact would be temporary and reversible.

4.1.3.2 Invasive Species

The Third Schedule,⁸ High Impact invasive alien plant species Japanese Knotweed was recorded in large stands to the south of the wayleave. The construction methodology (directional drilling) will avoid disturbance of Japanese Knotweed, therefore the works are not expected to cause the spread of invasive plant species.

4.2 Operational Phase

This section details the principle potential impacts of the development during the operational phase, in the absence of mitigation.

4.2.1 Designated Sites

No adverse effects on European or nationally designated sites will occur during the operational phase.

4.2.2 Habitats

4.2.2.1 Scrub

The wayleave is currently cleared periodically underneath the existing ESB lines. No additional clearance works will be required during the operational phase of the mains installation. No adverse effects on scrub will occur during the operational phase.

4.2.2.2 Commoge Marsh

The wayleave is currently cleared periodically underneath the existing ESB lines. No additional clearance works will be required during the operational phase of the mains installation. No adverse effects on Commoge Marsh will occur during the operational phase.

⁸ <http://www.irishstatutebook.ie/eli/2011/si/477/made/en/print>

4.2.3 Fauna

4.2.3.1 Avifauna

As noted previously, no additional clearance works will be required during the operational phase of the mains installation. As such, there will be no disturbance impacts on avifauna during the operational phase of the mains installation. No adverse effects on avifauna will occur during the operational phase.

5 Mitigation

5.1 Construction Phase

5.1.1 Best Practice Guidelines

The control measures for the development will follow the following current best practice guidelines:

- H. Masters-Williams et al (2001) Control of water pollution from construction sites. Guidance for consultants and contractors (C532). CIRIA;
- IFI (2016) Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters. Inland Fisheries Ireland, Dublin;
- Murnane *et al* (2002) Control of Water Pollution from Construction Sites- Guide to Good Practice. SP156;
- Murphy, D. (2004) Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites. Eastern Regional Fisheries Board, Dublin; and
- John, S, Meakins, N, Basford, K, Craven, H, Charles, P (editors) (2015) Coastal and marine environmental site guide (second edition) (C744). CIRIA.

5.1.2 Designated Sites

No adverse effects on designated sites have been identified, therefore no specific mitigation measures are required.

5.1.3 Habitats

Commoge Marsh is noted for coastal lagoon and salt marsh habitat. Water quality within Commoge Marsh shall be protected by the employment of good construction management practices to minimise the risk of pollution of soil, storm water run-off, seawater or groundwater. Implementation of best practice guidelines will ensure that the risk of pollution of groundwater, soils and surface waters (storm water run-off), resulting from the construction activities, is minimised.

- Good housekeeping will be performed for the duration of the construction phase. Proper use, storage and disposal of lubricants, fuels and oils and their containers shall be adhered to.
- Plant nappies will be placed under plant such as generators. Plant nappies will also be used as a precautionary measure under lighting towers and mobile fuel bowsers where not double bunded already.
- Spill kits will be made available to all machinery and in designated areas at all times. Spill kits will be kept in all machines on the site and a large spill kit shall be made available in the site stores.
- Wheelie bins will contain spill kits.
- Oil and fuel storage tanks will be stored in designated areas, and these areas shall be bunded to a volume of at least 110% of the capacity of the largest tank/container within the bunded area(s) (plus an allowance of 30 mm for rainwater ingress) or 25% of the total volume of substance that could be stored within the bunded area, whichever is greater.
- Drainage from the bunded area(s) will be diverted for collection and safe disposal. Sampling and analysis of the water must be carried out if there is reason to believe the water is contaminated to ensure it is clean and suitable for discharge to the drainage system, if necessary. If contaminated, it should be treated as hazardous and disposed of by an approved waste contractor.
- Refuelling of construction vehicles and the addition of hydraulic oils or lubricants to vehicles, will take place in a designated area of the site, which will be away from the Commoge Marsh,



storm water gullies or drains. In the event of a machine requiring refuelling outside of this area, fuel must be transported in a mobile double skinned tank with a plant nappy map placed under the fuel hose, tap during refuelling of the machine. An adequate supply of spill kits and hydrocarbon adsorbent packs must be stored in this designated area.

5.1.4 Species

5.1.4.1 Avifauna

Prior to the commencement of construction, hoarding with netting shall be installed at the northern site boundary of the permitted Brewery and Distillery site, adjacent to Commoge Marsh, to act as a visual screen between avifauna utilising Commoge Marsh and the location of the 1st drilling pit (see drawing in Appendix A). The visual screening is required for both the wintering period and breeding season for birds. The line of Alder and Willow scrub between the wayleave and Commoge Marsh will provide screening between the rest of the wayleave and Commoge Marsh.

5.1.4.2 Invasive Species

The Third Schedule, High Impact invasive plant species Japanese Knotweed was recorded at the south of the wayleave. The launch/receptor drilling pits are located outside of the Japanese Knotweed infested areas and there will be no requirement for machinery to enter the infested areas.

The identified stand of Japanese Knotweed within the wayleave will be fenced off at a distance of seven metres from the closest Knotweed stems. No activity will occur in this area. This is ensuring that there is no possibility that rhizomes from that stand could have spread beyond the exclusion zone. There will be no access to this area for duration of the construction works.

Adequate site hygiene signage in relation to the management of non-native invasive material shall be erected.

5.2 Operational Phase

5.2.1 Designated Sites

No adverse effects on designated sites have been identified, therefore no specific mitigation measures are required.

5.2.2 Habitats

No adverse effects on habitats have been identified, therefore no specific mitigation measures are required.

5.2.3 Species

No adverse effects on species have been identified, therefore no specific mitigation measures are required.

5.3 Residual Impacts

Provided that the mitigation measures provided in Section 5 of this report are effectively implemented, there will be no significant residual impacts on flora and fauna as a result of the mains installation.

6 Conclusion

Provided that the mitigation measures provided in Section 5 of this report are effectively implemented, it is not anticipated that there will be any significant adverse effects on ecological features as a result of the mains installation for the permitted Brewery and Distillery at The Former Shirt Factory, Cappagh, Kinsale, Co. Cork.

01 AUG 2023
CORK COUNTY COUNCIL
County Hall, Cork

7 References

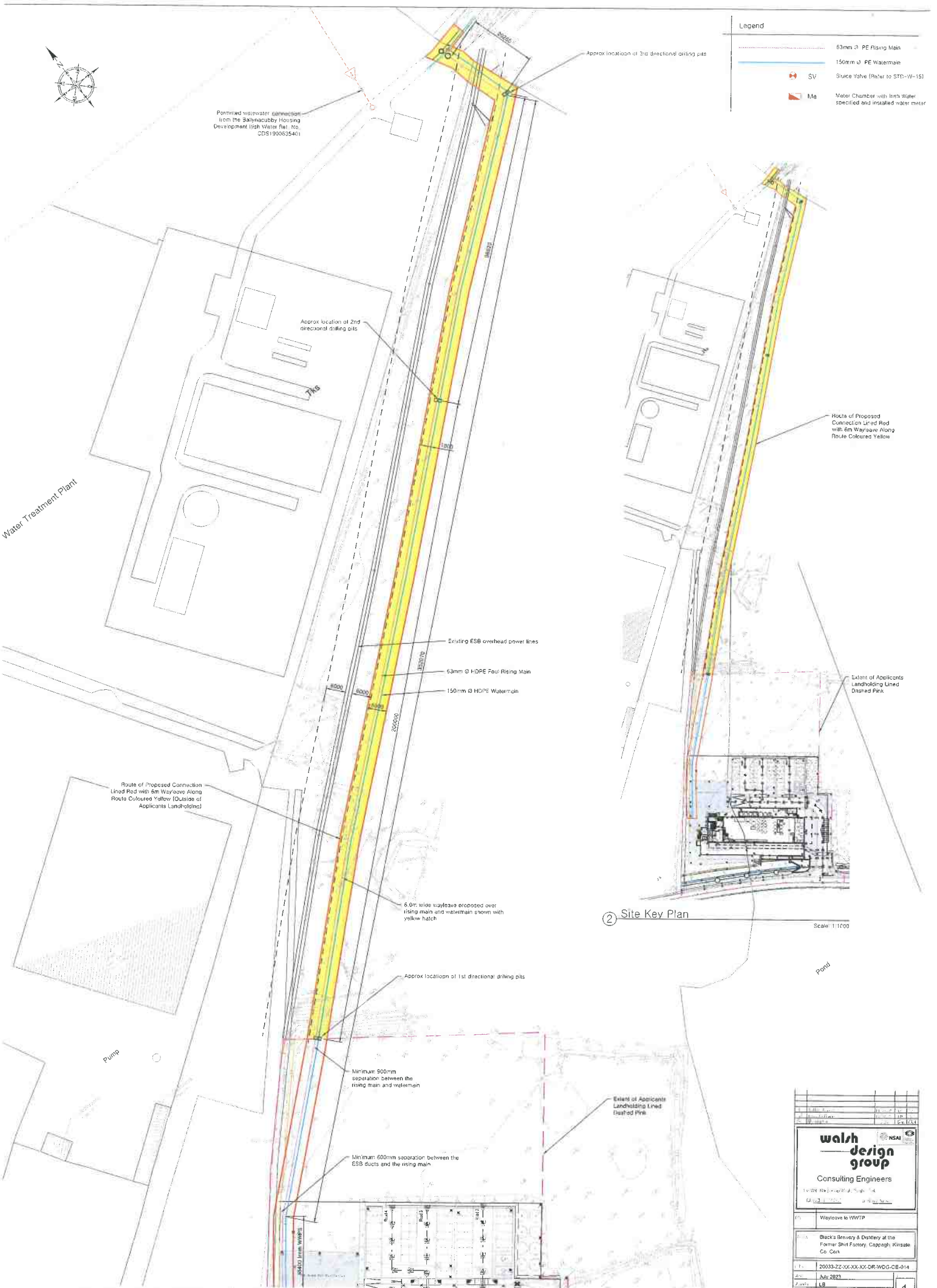
- Bibby, C.J., Burgess, N.D., Hill, D.A. and Mustoe, S.H. (2000). *Bird Census Techniques* (Second Edition). Academic Press, London.
- BTHK. 2018. *Bat Roosts in Trees – A Guide to Identification and Assessment for Tree-Care and Ecology Professionals*. Pelagic Publishing, Exeter UK.
- CIEEM (2018) *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Coastal, Freshwater and Marine*. The Institute for Ecology and Environmental Management.
- Colhoun, K. and Cummins, S. (2013). Birds of Conservation Concern in Ireland (2014-2019). *Irish Birds* **9**: 523-544
- Crowe, O., Coombes, R.H., O'Sullivan, O., Tierney, T.D., Walsh, A.J. and O'Halloran, J. (2014). *Countryside Bird Survey Report 1998-2013*. BirdWatch Ireland, Wicklow.
- European Commission. (2000) *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*.
- European Commission (2001) *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, Office for Official Publications of the European Communities, Luxembourg.
- Fossitt J.A. (2000). *A Guide to Habitats in Ireland*. Heritage Council, Kilkenny.
- Lundy, M.G., Aughney, T., Montgomery, W.I. & Roche, N. (2011). *Landscape Conservation for Irish Bats & Species Specific Roosting Characteristics*. Bat Conservation Ireland.
- Lynas, P., Newton, S.F. and Robinson, J.A. (2007). The status of birds in Ireland: an analysis of conservation concern. *Irish Birds* **8**: 149- 166.
- Lysaght, L. & Marnell, F. (2016). *Atlas of Mammals in Ireland 2010-2015*. National Biodiversity Data Centre, Waterford.
- NRA (2009) *Guidelines for the Assessment of Ecological Impacts of National Road Schemes Rev. 2*. National Roads Authority.
- NRA (2008) *NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes*. National Roads Authority.
- Smith, G. F., O'Donoghue, P., O'Hora, K., Delaney, E., 2011. *Best Practice Guidance for Habitat Survey and Mapping*. The Heritage Council, Kilkenny.

Appendix A: Works Drawing

PLANNING DEPARTMENT
01 AUG 2023
CORK COUNTY COUNCIL
County Hall, Cork



Legend	
	63mm Ø PE Rising Main
	150mm Ø PE Watermain
	SV Service Valve (Refer to STD-WF-151)
	Me Meter Chamber with first water specified and installed water meter



② Site Key Plan

Scale: 1:1000

① Proposed Route of Watermain and Rising Main to Connection Points

Scale: 1:500

walsh design group Consulting Engineers	
20033-22-XX-XX-XX-DR-WDG-CE-014	
Project:	Wayleave to WWTP
Client:	Black's Brewery & Distillery at the former Shill Factory, Cappagh, Kinsale Co. Cork
Date:	2023-07-01
Author:	AS
Check:	AS
Scale:	P3 - Planning
1	

Appendix B: Geographic Reference for Ecological Assessment

<p>Ecological Valuation</p> <p>International Importance: 'European Site' including Special Area of Conservation (SAC), Site of Community Importance (SCI), Special Protection Area (SPA) or proposed Special Area of Conservation. Proposed Special Protection Area (pSPA). Site that fulfils the criteria for designation as a 'European Site' (see Annex III of the Habitats Directive, as amended). Features essential to maintaining the coherence of the Natura 2000 Network. Site containing 'best examples' of the habitat types listed in Annex I of the Habitats Directive. Resident or regularly occurring populations (assessed to be important at the national level) of the following: Species of bird, listed in Annex I and/or referred to in Article 4(2) of the Birds Directive; and/or Species of animal and plants listed in Annex II and/or IV of the Habitats Directive. Ramsar Site (Convention on Wetlands of International Importance Especially Waterfowl Habitat 1971). World Heritage Site (Convention for the Protection of World Cultural & Natural Heritage, 1972). Biosphere Reserve (UNESCO Man & the Biosphere Programme). Site hosting significant species populations under the Bonn Convention (Convention on the Conservation of Migratory Species of Wild Animals, 1979). Site hosting significant populations under the Berne Convention (Convention on the Conservation of European Wildlife and Natural Habitats, 1979). Biogenetic Reserve under the Council of Europe. European Diploma Site under the Council of Europe. Salmonid water designated pursuant to the European Communities (Quality of Salmonid Waters) Regulations, 1988, (S.I. No. 293 of 1988).</p>
<p>National Importance: Site designated or proposed as a Natural Heritage Area (NHA). Statutory Nature Reserve. Refuge for Fauna and Flora protected under the Wildlife Acts. National Park. Undesignated site fulfilling the criteria for designation as a Natural Heritage Area (NHA); Statutory Nature Reserve; Refuge for Fauna and Flora protected under the Wildlife Act; and/or a National Park. Resident or regularly occurring populations (assessed to be important at the national level) of the following: Species protected under the Wildlife Acts; and/or Species listed on the relevant Red Data list. Site containing 'viable areas' of the habitat types listed in Annex I of the Habitats Directive.</p>
<p>County Importance: Area of Special Amenity. Area subject to a Tree Preservation Order. Area of High Amenity, or equivalent, designated under the County Development Plan. Resident or regularly occurring populations (assessed to be important at the County level) of the following: Species of bird, listed in Annex I and/or referred to in Article 4(2) of the Birds Directive; Species of animal and plants listed in Annex II and/or IV of the Habitats Directive; Species protected under the Wildlife Acts; and/or Species listed on the relevant Red Data list. Site containing area or areas of the habitat types listed in Annex I of the Habitats Directive that do not fulfil the criteria for valuation as of International or National importance. County important populations of species or viable areas of semi-natural habitats or natural heritage features identified in the National or Local BAP, if this has been prepared. Sites containing semi-natural habitat types with high biodiversity in a county context and a high degree of naturalness, or populations of species that are uncommon within the county. Sites containing habitats and species that are rare or are undergoing a decline in quality or extent at a national level.</p>

PLANNING DEPARTMENT
01 AUG 2023
CORK COUNTY COUNCIL
County Hall, Cork

Local Importance (higher value):

Locally important populations of Priority species or habitats or natural heritage features identified in the Local BAP, if this has been prepared;

Resident or regularly occurring populations (assessed to be important at the Local level) of the following:

Species of bird, listed in Annex I and/or referred to in Article 4(2) of the Birds Directive;

Species of animal and plants listed in Annex II and/or IV of the Habitats Directive;

Species protected under the Wildlife Acts; and/or

Species listed on the relevant Red Data list.

Sites containing semi-natural habitat types with high biodiversity in a local context and a high degree of naturalness, or populations of species that are uncommon in the locality;

Sites or features containing common or lower value habitats, including naturalised species that are nevertheless essential in maintaining links and ecological corridors between features of higher ecological value.

Local Importance (lower value):

Sites containing small areas of semi-natural habitat that are of some local importance for wildlife;

Sites or features containing non-native species that are of some importance in maintaining habitat links.

Appendix C: NBDC Records

NBDC Bird Records from within 500m of the Site

Species Name	Date of Last Record	Designation and Protection ⁹
Common Frog (<i>Rana temporaria</i>)	31/12/1979	Annex V, Wildlife Acts
Atlantic Puffin (<i>Fratercula arctica</i>)	29/02/1984	Wildlife Acts, Amber List
Barn Owl (<i>Tyto alba</i>)	31/12/2011	Wildlife Acts, Red List
Barn Swallow (<i>Hirundo rustica</i>)	31/12/2011	Wildlife Acts, Amber List
Barnacle Goose (<i>Branta leucopsis</i>)	29/02/1984	Wildlife Acts, Amber List
Bar-tailed Godwit (<i>Limosa lapponica</i>)	29/02/1984	Wildlife Acts, Annex I Bird Species, Amber List
Black Guillemot (<i>Cephus grylle</i>)	31/12/2011	Wildlife Acts, Amber List
Black-headed Gull (<i>Larus ridibundus</i>)	21/02/2014	Wildlife Acts, Red List
Black-legged Kittiwake (<i>Rissa tridactyla</i>)	31/12/2011	Wildlife Acts, Amber List
Black-tailed Godwit (<i>Limosa limosa</i>)	31/12/2011	Wildlife Acts, Amber List
Common Coot (<i>Fulica atra</i>)	31/12/2011	Wildlife Acts, Amber List
Common Eider (<i>Somateria mollissima</i>)	29/02/1984	Wildlife Acts, Amber List
Common Grasshopper Warbler (<i>Locustella naevia</i>)	31/12/2011	Wildlife Acts, Amber List
Common Greenshank (<i>Tringa nebularia</i>)	31/12/2011	Wildlife Acts, Amber List
Common Guillemot (<i>Uria aalge</i>)	31/12/2011	Wildlife Acts, Amber List
Common Kestrel (<i>Falco tinnunculus</i>)	31/12/2011	Wildlife Acts, Amber List
Common Kingfisher (<i>Alcedo atthis</i>)	21/02/2014	Wildlife Acts, Amber List
Common Linnet (<i>Carduelis cannabina</i>)	31/12/2011	Wildlife Acts, Amber List
Common Pheasant (<i>Phasianus colchicus</i>)	31/12/2011	Wildlife Acts
Common Redshank (<i>Tringa totanus</i>)	21/02/2014	Wildlife Acts, Red List
Common Shelduck (<i>Tadorna tadorna</i>)	26/04/2013	Wildlife Acts, Amber List
Common Snipe (<i>Gallinago gallinago</i>)	31/12/2011	Wildlife Acts, Amber List
Common Starling (<i>Sturnus vulgaris</i>)	31/12/2011	Wildlife Acts, Amber List
Common Swift (<i>Apus apus</i>)	31/12/2011	Wildlife Acts, Amber List
Common Wood Pigeon (<i>Columba palumbus</i>)	31/12/2011	Wildlife Acts
Corn Crake (<i>Crex crex</i>)	31/07/1991	Wildlife Acts, Annex I Bird Species, Red List
Dunlin (<i>Calidris alpina</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Eurasian Curlew (<i>Numenius arquata</i>)	26/04/2013	Wildlife Acts, Red List
Eurasian Oystercatcher (<i>Haematopus ostralegus</i>)	26/04/2013	Wildlife Acts, Amber List
Eurasian Reed Warbler (<i>Acrocephalus scirpaceus</i>)	31/12/2011	Wildlife Acts, Amber List
Eurasian Teal (<i>Anas crecca</i>)	21/02/2014	Wildlife Acts, Amber List
Eurasian Tree Sparrow (<i>Passer montanus</i>)	31/07/1991	Wildlife Acts, Amber List

⁹ Designation and protection under the Irish Wildlife Acts, the EU Birds Directive and the Birds of Conservation Concern in Ireland (Colhoun and Cummins, 2013)



Eurasian Wigeon (<i>Anas penelope</i>)	31/12/2011	Wildlife Acts, Amber List
Eurasian Woodcock (<i>Scolopax rusticola</i>)	29/02/1984	Wildlife Acts, Amber List
European Golden Plover (<i>Pluvialis apricaria</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Red List
European Shag (<i>Phalacrocorax aristotelis</i>)	31/12/2011	Wildlife Acts, Amber List
Great Black-backed Gull (<i>Larus marinus</i>)	26/04/2013	Wildlife Acts, Amber List
Great Cormorant (<i>Phalacrocorax carbo</i>)	31/12/2011	Wildlife Acts, Amber List
Great Northern Diver (<i>Gavia immer</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species
Grey Partridge (<i>Perdix perdix</i>)	31/07/1991	Wildlife Acts, Red List
Grey Plover (<i>Pluvialis squatarola</i>)	31/12/2011	Wildlife Acts, Amber List
Greylag Goose (<i>Anser anser</i>)	31/12/2011	Invasive Species Regulation S.I. 477 (Ireland), Wildlife Acts, Amber List
Hen Harrier (<i>Circus cyaneus</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Herring Gull (<i>Larus argentatus</i>)	31/12/2011	Wildlife Acts, Red List
House Martin (<i>Delichon urbicum</i>)	31/12/2011	Wildlife Acts, Amber List
House Sparrow (<i>Passer domesticus</i>)	31/12/2011	Wildlife Acts, Amber List
Jack Snipe (<i>Lymnocyptes minimus</i>)	29/02/1984	Wildlife Acts
Lesser Black-backed Gull (<i>Larus fuscus</i>)	31/12/2011	Wildlife Acts, Amber List
Little Egret (<i>Egretta garzetta</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species
Little Grebe (<i>Tachybaptus ruficollis</i>)	31/12/2011	Wildlife Acts, Amber List
Mallard (<i>Anas platyrhynchos</i>)	21/02/2014	Wildlife Acts
Mediterranean Gull (<i>Larus melanocephalus</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Merlin (<i>Falco columbarius</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Mew Gull (<i>Larus canus</i>)	26/04/2013	Wildlife Acts, Amber List
Mute Swan (<i>Cygnus olor</i>)	21/02/2014	Wildlife Acts, Amber List
Northern Gannet (<i>Morus bassanus</i>)	31/12/2011	Wildlife Acts, Amber List
Northern Lapwing (<i>Vanellus vanellus</i>)	31/12/2011	Wildlife Acts, Red List
Northern Shoveler (<i>Anas clypeata</i>)	31/12/2011	Wildlife Acts, Red List
Northern Wheatear (<i>Oenanthe oenanthe</i>)	31/07/1972	Wildlife Acts, Amber List
Peregrine Falcon (<i>Falco peregrinus</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species
Razorbill (<i>Alca torda</i>)	31/12/2011	Wildlife Acts, Amber List
Red-billed Chough (<i>Pyrrhocorax pyrrhocorax</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Red-breasted Merganser (<i>Mergus serrator</i>)	29/02/1984	Wildlife Acts
Red-throated Diver (<i>Gavia stellata</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Ringed Plover (<i>Charadrius hiaticula</i>)	21/02/2014	Wildlife Acts, Amber List
Rock Pigeon (<i>Columba livia</i>)	31/12/2011	Wildlife Acts
Sand Martin (<i>Riparia riparia</i>)	31/12/2011	Wildlife Acts, Amber List
Short-eared Owl (<i>Asio flammeus</i>)	31/12/2011	Wildlife Acts, Annex I Bird Species, Amber List
Sky Lark (<i>Alauda arvensis</i>)	31/12/2011	Wildlife Acts, Amber List
Slavonian Grebe (<i>Podiceps auritus</i>)	31/12/2011	Wildlife Acts, Amber List
Spotted Flycatcher (<i>Muscicapa striata</i>)	31/12/2011	Wildlife Acts, Amber List
Stock Pigeon (<i>Columba oenas</i>)	31/12/2011	Wildlife Acts, Amber List
Tufted Duck (<i>Aythya fuligula</i>)	31/12/2011	Wildlife Acts, Amber List

Water Rail (<i>Rallus aquaticus</i>)	31/12/2011	Wildlife Acts, Amber List
Yellowhammer (<i>Emberiza citrinella</i>)	31/12/2011	Wildlife Acts, Red List
Common Sturgeon (<i>Acipenser sturio</i>)	30/09/1983	Annex IV
Three-cornered Garlic (<i>Allium triquetrum</i>)	31/12/2010	Medium Impact Invasive Species, Invasive Species Regulation S.I. 477 (Ireland)
Harlequin Ladybird (<i>Harmonia axyridis</i>)	09/08/2020	High Impact Invasive Species, Invasive Species Regulation S.I. 477 (Ireland)
Marsh Fritillary (<i>Euphydryas aurinia</i>)	31/12/1984	Annex II
Common Seal (<i>Phoca vitulina</i>)	19/08/2003	Annex II, Annex V, Wildlife Acts
Glass-wort Feather-moss (<i>Scleropodium tourettii</i>)	31/12/1880	Flora Protection Order 2015 Schedule B (Mosses)
Eurasian Red Squirrel (<i>Sciurus vulgaris</i>)	08/11/1990	Wildlife Acts
European Otter (<i>Lutra lutra</i>)	05/01/2017	Annex II, Annex IV, Wildlife Acts
Sika Deer (<i>Cervus nippon</i>)	31/12/2008	High Impact Invasive Species, Invasive Species Regulation S.I. 477 (Ireland), Wildlife Acts

Appendix D

Bird Survey Count, January and February 2023

Common Name	Scientific Name	Annex I (Yes/No)	BoCCI Status	Survey Date	
				31 st 2023	14 th February 2023
Black-headed Gull	<i>Larus ridibundus</i>	N	Amber	6	70
Black-tailed Godwit	<i>Limosa limosa</i>	N	Amber		3
Common Gull	<i>Larus canus</i>	N	Amber	10	4
Knot	<i>Calidris canutus</i>	N	Red	3	
Common Shelduck	<i>Tadorna tadorna</i>	N	Amber	30	
Curlew	<i>Numenius arquata</i>	N	Red	16	9
Dunlin	<i>Calidris alpina</i>	N	Red	80	120
Greenshank	<i>Tringa nebularia</i>	N	Green	20	10
Lapwing	<i>Vanellus vanellus</i>	N	Red	72	110
Lesser Black-backed Gull	<i>Larus fuscus</i>	N	Amber	1	
Little Egret	<i>Egretta garzetta</i>	Y	Green	1	
Mallard	<i>Anas platyrhynchos</i>	N	Green	2	1
Oystercatcher	<i>Haematopus ostralegus</i>	N	Red	1	
Redshank	<i>Tringa totanus</i>	N	Red	6	15
Teal	<i>Anas crecca</i>	N	Amber		12

Screening for Appropriate Assessment

Water and Wastewater Mains Installation

Black's Brewery and Distillery

Former Shirt Factory

Cappagh

Kinsale

Co. Cork

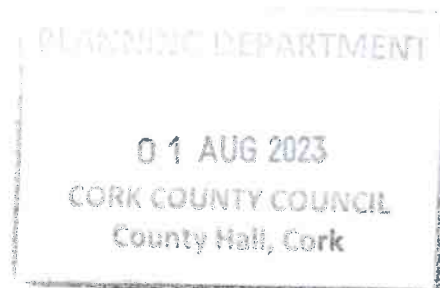
Report prepared for Sam Black

By Karen Banks MCIEEM

31st July 2023



West End
Knocknagree
Mallow
Co. Cork
Tel: 0834218641
Email: greenleafecology@outlook.com



Contents

1	Introduction	3
1.1	Legislative Background for Appropriate Assessment	3
1.2	Statement of Competence.....	4
2	Methodology.....	5
2.1	Stages of Appropriate Assessment	5
2.2	Information consulted for this report.....	6
2.3	Screening Protocol.....	6
2.3.1	Screening Determination	6
2.3.2	Zone of Influence	7
2.3.3	Likely Significant Effects.....	7
3	Project Description.....	9
3.1	Existing Environment	9
3.1.1	Habitats	9
3.1.2	Species	9
3.1.3	Surface Water	11
3.1.4	Soil, Geology and Hydrogeology	12
3.2	Description of European Sites.....	13
3.2.1	Conservation Objectives	16
4	Assessment Criteria	17
4.1	Management of European Sites	17
4.2	Direct, Indirect or Secondary Impacts	17
4.3	Cumulative and In-combination Impacts.....	18
4.4	Screening Assessment.....	20
4.5	Likely Changes to the European Site(s).....	21
4.5.1	Elements of the Project where the Impacts are Likely to be Significant	22
5	Screening Conclusions and Statement.....	23
6	References	24

List of Figures

Figure 1-1: Site Location Map	3
Figure 2-1: Four stages of Appropriate Assessment	5
Figure 3-2: European Sites within 15km of the proposed development.....	15

List of Tables

Table 3-2: Wintering bird species recorded in the Kinsale Marsh subsite between 2017 and 2020	9
Table 3-2: EPA water body codes	11
Table 3-3: Summary of WFD status for water bodies in the vicinity of the site	12
Table 3-4: European Sites within a 15km radius of the proposed development	13
Table 4-1: List of Potential Plans which may Contribute to Cumulative Impacts.....	18
Table 4-2: Potential significant effects on European sites from the proposed development.....	21
Table 4-3: Likely Changes to European Sites	21

Appendix A Proposed Site Layout Drawing

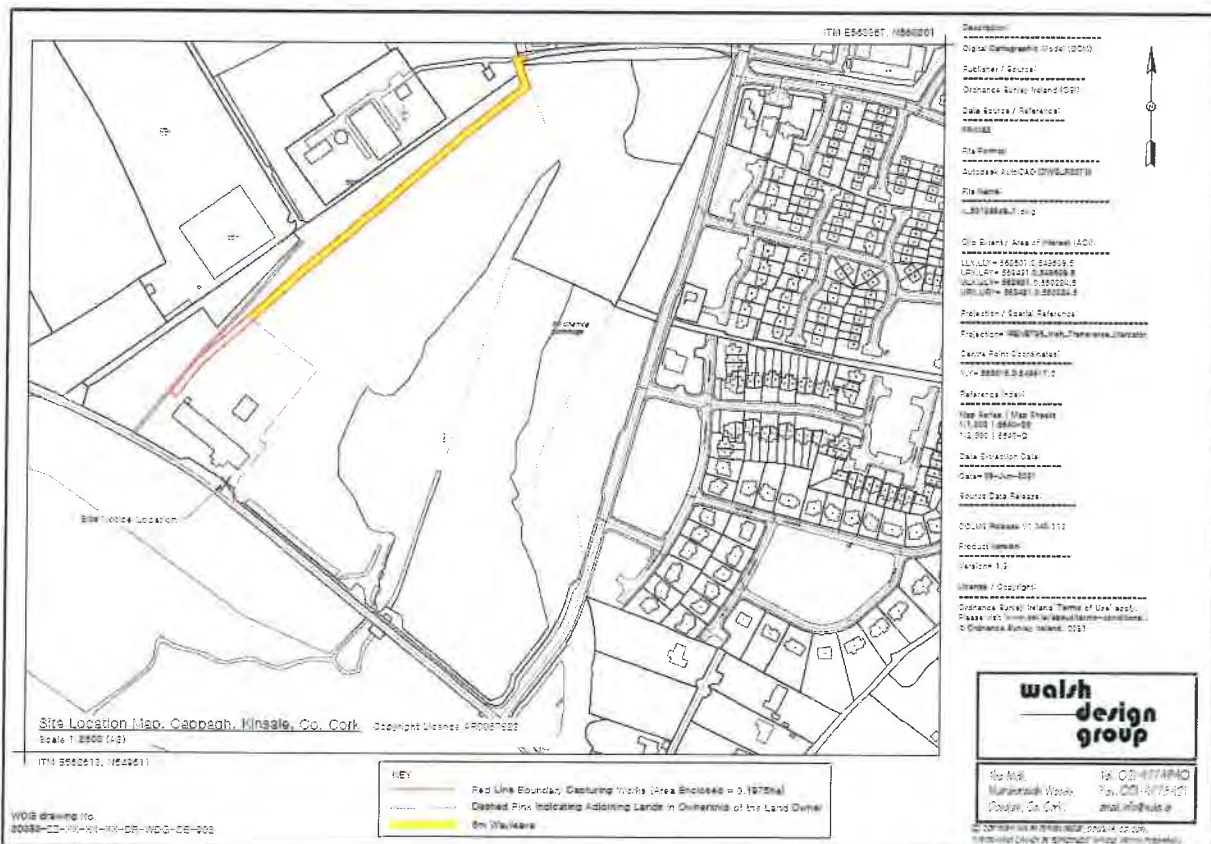


1 Introduction

Greenleaf Ecology was commissioned by Sam Black to prepare a Screening for Appropriate Assessment (AA) for the installation of a 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site (location illustrated in Figure 1-1).

This report comprises information in support of screening for AA to be undertaken by the competent authority in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act (as amended), and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended.

Figure 1-1: Site Location Map



1.1 Legislative Background for Appropriate Assessment

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000.

The Habitats Directive has been transposed into Irish law by Part XAB of the Planning and Development Act (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477/2011) as amended. In the context of the proposed development, the

governing legislation is the Birds and Habitats Regulations. This Screening has been prepared on behalf of Cork County Council, who are the Competent Authority responsible for undertaking the Screening for AA for this development.

Article 6(3) of the Habitats Directive set out the decision-making tests for plans and projects likely to adversely affect the integrity of European sites (Annex 1.1). Article 6(3) establishes the requirement for AA:

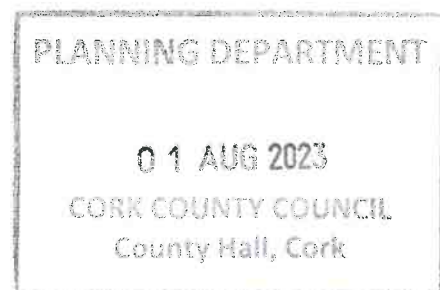
Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Natura 2000 sites are defined under the Habitats Directive (Article 3) as a coherent European ecological network of special areas of conservation, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range. In Ireland, these sites are designated as European sites and include Special Protection Areas (SPAs), established under the EU Birds Directive (79/409/EEC, as codified by 2009/147/EC) for birds and Special Areas of Conservation (SACs), established under the Habitats Directive 92/43/EEC for habitats and species.

The competent authority is obliged to consider, in view of best scientific knowledge, whether the proposed works are likely to have a significant effect either individually or in combination with other plans and projects. If screening determines that there is likely to be significant effects on a European site, then AA must be carried out for the proposed works at Cappagh, including the compilation of a Natura Impact Statement (NIS) to inform the decision making.

1.2 Statement of Competence

This AA Screening was carried out by Karen Banks, MCIEEM. Karen is an ecologist with Greenleaf Ecology and has 17 years' experience in the field of ecological assessment. Karen is experienced in the production of AAs and Natura Impact Statements including those for transport infrastructure, small to large scale housing and mixed-use developments, flood alleviation schemes and wind farms.



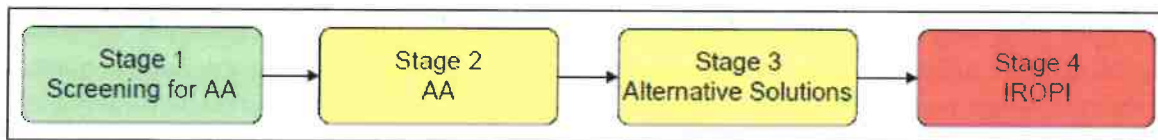
2 Methodology

2.1 Stages of Appropriate Assessment

The Department of the Environment, Heritage and Local Government guidelines (DELHG, 2009, rev. 2010) outlines the European Commission's methodological guidance (EC, 2002) promoting a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

The four stages are summarised diagrammatically in Figure 2-1. Stages 1-2 deal with the main requirements for assessment under Article 6(3), and Regulation 42 of the Birds and Habitats Regulations. Stage 3 may be part of the Article 6(3) Assessment or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

Figure 2-1: Four stages of Appropriate Assessment



Stage 1 - Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- i. whether a plan or project (in this instance the proposed project) is directly connected to or necessary for the management of the European sites, and
- ii. whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on the European sites in view of their conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). This report fulfils the information necessary to enable the competent authority to screen the proposal for the requirement to prepare an AA.

This report forms Stage 1 of the AA process and sets out the following information:

- Description of the proposed works;
- Characteristics of the proximal European sites; and
- Assessment of significance of the proposed works on the European sites in question.

The methodology followed in relation to this assessment has had regard to the following guidance and legislation:

- European Union Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC;
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DOEHLG 2009, rev 2010);
- The Planning and Development Act (as amended);
- Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2018);
- European Commission Notice Brussels C(2021) 6913 final 'Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC' (EC, 2021);
- Interpretation Manual of European Union Habitats. Version EUR 28. European Commission 2013;

- The European Union (Environmental Impact Assessment and Habitats) Regulations 2011; and
- The European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended).

2.2 Information consulted for this report

The Screening assessment had regard to the following sources of data and information:

- Information on the location, nature and design of the proposed project;
- Department of Housing, Planning, and Local Government – online land use mapping www.myplan.ie/en/index.html;
- Department of Housing, Planning, and Local Government- EIA Portal <https://www.housing.gov.ie/planning/environmental-assessment/environmental-impact-assessment-eia/eia-portal>
- Environmental Protection Agency (EPA) – Water Quality www.epa.ie, <http://gis.epa.ie/Envision>;
- Geological Survey of Ireland – Geology, soils and Hydrogeology www.gsi.ie;
- [Water Framework Directive website – www.catchments.ie](http://www.catchments.ie);
- [Inland Fisheries Ireland website and www.wfdfish.ie](http://www.wfdfish.ie);
- National Parks and Wildlife Service – online European site network information, including site conservation objectives www.npws.ie;
- National Parks and Wildlife Service – Information on the status of EU protected habitats in Ireland (NPWS 2019);
- National Biodiversity Data Centre – www.biodiversityireland.ie;
- Ordnance Survey of Ireland – Mapping and Aerial photography www.osi.ie; and
- Site ecology surveys, undertaken by Ms Karen Banks, MCIEEM, between March 2021 and February 2023.

2.3 Screening Protocol

The sequence of events when completing the AA Screening process is provided below:

- Ascertain whether the plan or project is necessary for the management of the European site;
- Description of the plan or project;
- Definition of the likely zone of influence for the proposed development;
- Identification of the European sites that are situated (in their entirety or partially or downstream) within the zone of influence of the proposed works;
- Identification of the most up-to-date QIs and SCIs for each European site within the zone of influence;
- Identification of the environmental conditions that maintain the QIs/SCIs at the desired target of Favourable Conservation Status;
- Identification of the threats/impacts – actual or potential that could negatively impact the environmental conditions of the QIs/SCIs within the European sites;
- Highlighting the activities of the proposed works that could give rise to significant negative impacts; and
- Identification of other plans or projects, for which in-combination impacts would likely have significant effects.

2.3.1 Screening Determination

In accordance with Regulation 42(7) of the Birds and Natural Habitats Regulations 2011 (S.I. No. 477/2011) as amended, the competent authority (Cork County Council), shall:

“determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European site and if it can be excluded on the basis of objective scientific information following screening

PLANNING DEPARTMENT

CORK COUNTY COUNCIL

under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site”.

Further, under Regulation 42(8) (a):

Where, in relation to a plan or project for which an application for consent has been received, a public authority makes a determination that an Appropriate Assessment is required, the public authority shall give notice of the determination, including reasons for the determination of the public authority, to the following—

the applicant,

if appropriate, any person who made submissions or observations in relation to the application to the public authority, or

if appropriate, any party to an appeal or referral.

(b) Where a public authority has determined that an Appropriate Assessment is required in respect of a proposed development it may direct in the notice issued under subparagraph (a) that a Natura Impact Statement is required.

2.3.2 Zone of Influence

In accordance with EC (2021) *Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, identification of the European sites that may be affected should be done by taking into consideration all aspects of the plan or project that could have potential effects on any European sites located within the zone of influence of the plan or project. This should take into account all of the designating features (species, habitat types) that are significantly present on the sites and their conservation objectives.

In particular, it should identify:

- Any European sites geographically overlapping with any of the actions or aspects of the plan or project in any of its phases, or adjacent to them;
- Any European sites within the likely zone of influence of the plan or project. Natura 2000 sites located in the surroundings of the plan or project (or at some distance) that could still be indirectly affected by aspects of the project, including as regards the use of natural resources (e.g. water) and various types of waste, discharge or emissions of substances or energy;
- European sites in the surroundings of the plan or project (or at some distance) which host fauna that can move to the project area and then suffer mortality or other impacts (e.g. loss of feeding areas, reduction of home range);
- European sites whose connectivity or ecological continuity can be affected by the plan or project.
- The range of European sites to be assessed, i.e. the zone in which impacts from the plan or project may arise, will depend on the nature of the plan or project and the distance at which effects may occur.

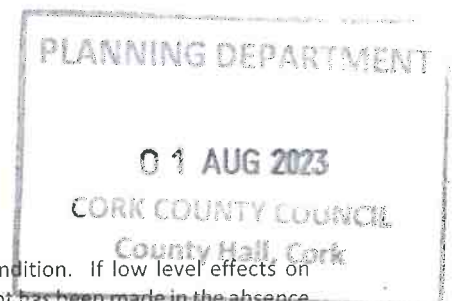
2.3.3 Likely Significant Effects

The threshold for a likely significant effect is treated in the screening exercise as being above a *de minimis* level¹. The opinion of the Advocate General in CJEU case C-258/11 outlines:

¹ *Sweetman v. An Bord Pleanála* (Court of Justice of the EU, case C-285/11). A *de minimis* effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II

“the requirement that the effect in question be ‘significant’ exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on a European site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.”

In this report, therefore, ‘relevant’ European sites are those within the potential zone of influence of the construction and / or operation of the proposed development, and to which likely significant effect pathways were identified through the source-pathway-receptor model.



species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are judged to be in this order of magnitude and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be likely significant effects.

3 Project Description

Whether the installation of 150mm diameter watermain and a 63mm diameter wastewater (foul) rising main from the location of the foul pumping station in the service yard area of Black's Brewery Kinsale up to a connection point in Kinsale WWTP site, is or is not, development and is, or is not, exempted development.

3.1 Existing Environment

3.1.1 Habitats

A walkover survey of the site was carried out by ecologist Ms Karen Banks on 22nd February 2023. The habitats present along the wayleave are described below.

Wet Grassland (GS4)

The predominant habitat along the wayleave is wet grassland, comprising Yorkshire Fog (*Holcus lanatus*), Soft Rush (*Juncus effusus*), Jointed Rush (*Juncus articulatus*), Willowherb species, Nettle (*Urtica dioica*) and localised areas of Floating grass (*Glyceria* spp) in wet depressions in the topography. Bramble (*Rubus fruticosus* agg.) scrub is encroaching onto the wet grassland in some areas.

Scrub (WS1)

Scrub has developed at the south of the wayleave and this area supports dense growth of Alder (*Alnus glutinosus*), Bramble and Gorse (*Ulex europaeus*). Large stands of Japanese Knotweed (*Fallopia japonica*) are present within the scrub.

A line of trees dominated by Ash is present on an earthbank to the west of the wayleave and a line of Alder and Willow (*Salix cinerea*) is present to the east of the wayleave (outside of the works area).

3.1.2 Species

Wintering Waterbirds

Irish Wetland Bird Survey data (IWeBS) for the Kinsale Marsh sub-site of Bandon Estuary is summarised in Table 3-1.

Two species included in Annex I of the EU Bird's Directive and seven species included on the BoCCI Red List have been recorded within Kinsale Marsh (Table 3-1). As Table 3-1 shows, the bird counts for 2017/18- 2019/20 at Kinsale Marsh did not exceed 1% or more of the population of individual wintering bird species occurring in Ireland.

Table 3-1: Wintering bird species recorded in the Kinsale Marsh subsite between 2017 and 2020

Common Name	Latin Name	Annex I	BoCCI	1% National	1% International	2017/18	2018/19	2019/20
Mute Swan	<i>Cygnus olor</i>		Amber	90	100	17	7	9
Shelduck	<i>Tadorna tadorna</i>		Amber	100	2500	32	21	4
Wigeon	<i>Anas penelope</i>		Amber	560	14000	30	14	16
Gadwall	<i>Mareca strepera</i>		Amber	20	1200		1	1
Teal	<i>Anas crecca</i>		Amber	360	5000	40	35	34

AA Screening: Water and Wastewater Mains Installation for Black's Brewery and Distillery, Former Shift Factory, Cappagh, Kinsale, Cork

Mallard	<i>Anas platyrhynchos</i>		Amber	280	53000	15	48	20
Little Grebe	<i>Tachybaptus ruficollis</i>		Green	20	4700	3	5	1
Cormorant	<i>Phalacrocorax carbo</i>		Amber	110	1200	4	3	3
Little Egret	<i>Egretta garzetta</i>	v	Green	20	1100	12	1	1
Grey Heron	<i>Ardea cinerea</i>		Green	25	5000	4	2	2
Moorhen	<i>Gallinula chloropus</i>		Green			2	2	
Oystercatcher	<i>Haematopus ostralegus</i>		Red	610	8200	57	1	
Lapwing	<i>Vanellus vanellus</i>		Red	850	72300	170	155	85
Knot	<i>Calidris canutus</i>		Red	160	5300		1	
Dunlin	<i>Calidris alpina</i>		Red	460	13300	200	220	
Snipe	<i>Gallinago gallinago</i>		Red			60	1	
Black-tailed Godwit	<i>Limosa limosa</i>		Amber	200	1100	10	50	
Curlew	<i>Numenius arquata</i>		Red	350	7600	130	106	6
Redshank	<i>Tringa totanus</i>		Red	240	2400	90	60	12
Greenshank	<i>Tringa nebularia</i>		Green	20	3300	26	5	6
Turnstone	<i>Arenaria interpres</i>		Amber	95	1400	26		
Kingfisher	<i>Alcedo atthis</i>	v	Amber					2
Black-headed Gull	<i>Chroicocephalus ridibundus</i>		Amber			95	80	115
Common Gull	<i>Larus canus</i>		Amber			2	2	4
Lesser Black-backed Gull	<i>Larus fuscus</i>		Amber			33	3	6
Herring Gull	<i>Larus argentatus</i>		Amber			27	21	19
Great Black-backed Gull	<i>Larus marinus</i>		Green					

PLANNING DEPARTMENT

01 AUG 2023

CORK COUNTY COUNCIL
County Hall, Cork

Bird Survey Results

A total of fifteen species of wetland birds were recorded at Commogue Marsh during the high and low tide surveys undertaken on 31st January and 14th February 2023. Of the fifteen species recorded, one species listed on Annex I of the EU Habitats Directive was recorded, namely Little Egret.

Six species included on the BoCCI Red List were recorded at Commogue Marsh: Knot, Curlew, Dunlin, Lapwing, Oystercatcher and Redshank. Shelduck, Common Gull, Curlew, Lapwing, Dunlin and Knot were recorded roosting and foraging at the north of the marsh during the high tide survey undertaken in January; a mixed roost of Redshank, Greenshank and Lapwing were recorded roosting on the central 'spit' of gravels and Black-headed Gull, Lesser Black-backed Gull, Shelduck and Mallard were recorded foraging at the south-east of the marsh. Oystercatcher and Little Egret were also recorded in low numbers at the east of the site.

During the low tide survey undertaken in February, Curlew, Mallard, Black-tailed Godwit, Redshank and Common Gull were recorded foraging at the north of the marsh. A flock of Lapwing was recorded at the east of the marsh and a mixed group of Black-headed Gull, Black-tailed Godwit, Greenshank and Redshank were recorded foraging at the east of the marsh. Teal were also recorded on a pond to the west of the marsh and to the east of the wayleave.

No wetland or waterbird species were recorded along the wayleave during the site survey; species here comprise passerines including Robin, House Sparrow and a flock of Goldfinch.

For further details on species recorded along the wayleave please refer to the Ecological Impact Assessment (Greenleaf Ecology, 2023) accompanying the planning application.

3.1.3 Surface Water

3.1.3.1 Water Bodies

The wayleave is located within the Knocknabohilly_010 River Sub-basin. The Lower Bandon Estuary is located c.160m to the south of the wayleave, on the southern side of the R606 road. The Lower Bandon Estuary River flows into Kinsale harbour. The Kinsale Marsh, Commoge, coastal waterbody is located c.90m to the east of the site.

The proposed project overlies the Bandon Ground Waterbody (GWB).

EPA codes for these water bodies are shown below in Table 3-2.

Table 3-2: EPA water body codes

EPA water body name	Water body type	EPA Code	EPA water body code
Lower Bandon Estuary	Transitional	22D01	IE_SW_080_0100
Kinsale Marsh, Commoge	Coastal body	n/a	IE_SW_080_0200
Kinsale Harbour	Coastal body	n/a	IE_SW_080_0000
Bandon	Groundwater	n/a	IE_SW_G_086

3.1.3.2 Surface Water Quality and Risk Characterisation

Macroinvertebrate sampling for Q-value determination was conducted within the Bandon River as part of EPA's Water Framework Directive monitoring. The nearest sampling point is located within the Bandon River c.14.6km upstream, northwest of the site. In 2020 (the latest available result) the Q value score was 4, 'good'. The Lower Brandon Estuary is classified as 'At risk' and has been assigned a

'poor' status under the WFD 2016-2021 round. Kinsale Harbour is classified as 'not at risk' and has been assigned an 'good' status under the WFD.

A summary of the WFD and risk status² is shown below in Table 3-3.

Table 3-3: Summary of WFD status for water bodies in the vicinity of the site

EPA Waterbody Name	Code	Risk	WFD Status 2016-2021
Lower Brandon Estuary	IE_SW_080_0100	At risk	Poor
Kinsale Harbour	IE_SW_080_0000	Not at risk	Good
Bandon	IE_SW_G_048	Review	Good

3.1.4 Soil, Geology and Hydrogeology

The Geological Survey of Ireland (GSI) online database (www.gsi.ie) was consulted for available edaphic, geological and hydrological information of the site and its environs. The site is overlaid by AminDW - Deep well drained mineral (Mainly acidic) In terms of bedrock geology, the Kinsale Formation, composed of Mudstone underlies the site.

The bedrock units which underlie the site are mapped by the GSI as part of the same Regionally Important Aquifer. Groundwater vulnerability is a term used to represent the intrinsic geological and hydrogeological characteristics that determine the ease at which groundwater may be contaminated. The study area is of 'High' groundwater vulnerability. There are no karst features located in the vicinity of the proposed works.



² <https://www.catchments.ie/maps/>

3.2 Description of European Sites

This stage of the screening for AA process describes European sites within the likely zone of influence of the works. The methodology for establishing the likely zone of influence is described in Section 2.3.2.

Connectivity between the proposed works and European sites has been reviewed. Connectivity is identified via the potential source-pathway-receptor model which identifies the potential impact pathways such as land, air, hydrological, hydrogeological pathways etc. which may support direct or indirect connectivity of the proposed works to European sites and/or their qualifying features.

In view of the location of the proposed development in relation to European sites (see Figure 3-2), the characteristics of the proposed project (see Section 3) and the source, pathway and receptors of potential impacts, a 15km radius is considered an appropriate zone of influence to screen all likely significant effects that might impact upon the European sites. The establishment of the likely zone of influence is in line with EC (2021) *Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*.

The European sites located within the zone of influence of the proposed works are outlined in Table 3-4 and Figure 3-1. There are 4 European sites located within the zone of influence of the proposed works:

1. Courtmacsherry Estuary SAC (001230)
2. Courtmacsherry Bay SPA (004219)
3. Seven Heads SPA (004191)
4. Sovereign Islands SPA (004124)

Source – pathway – receptor dynamics were assessed for Courtmacsherry Estuary SAC, Courtmacsherry Bay SPA, Seven Heads SPA and Sovereign Islands SPA and it was determined that there is remote indirect connectivity between the proposed works and these sites. Therefore, these sites will be considered further in the below impact assessment.

Table 3-4: European Sites within a 15km radius of the proposed development

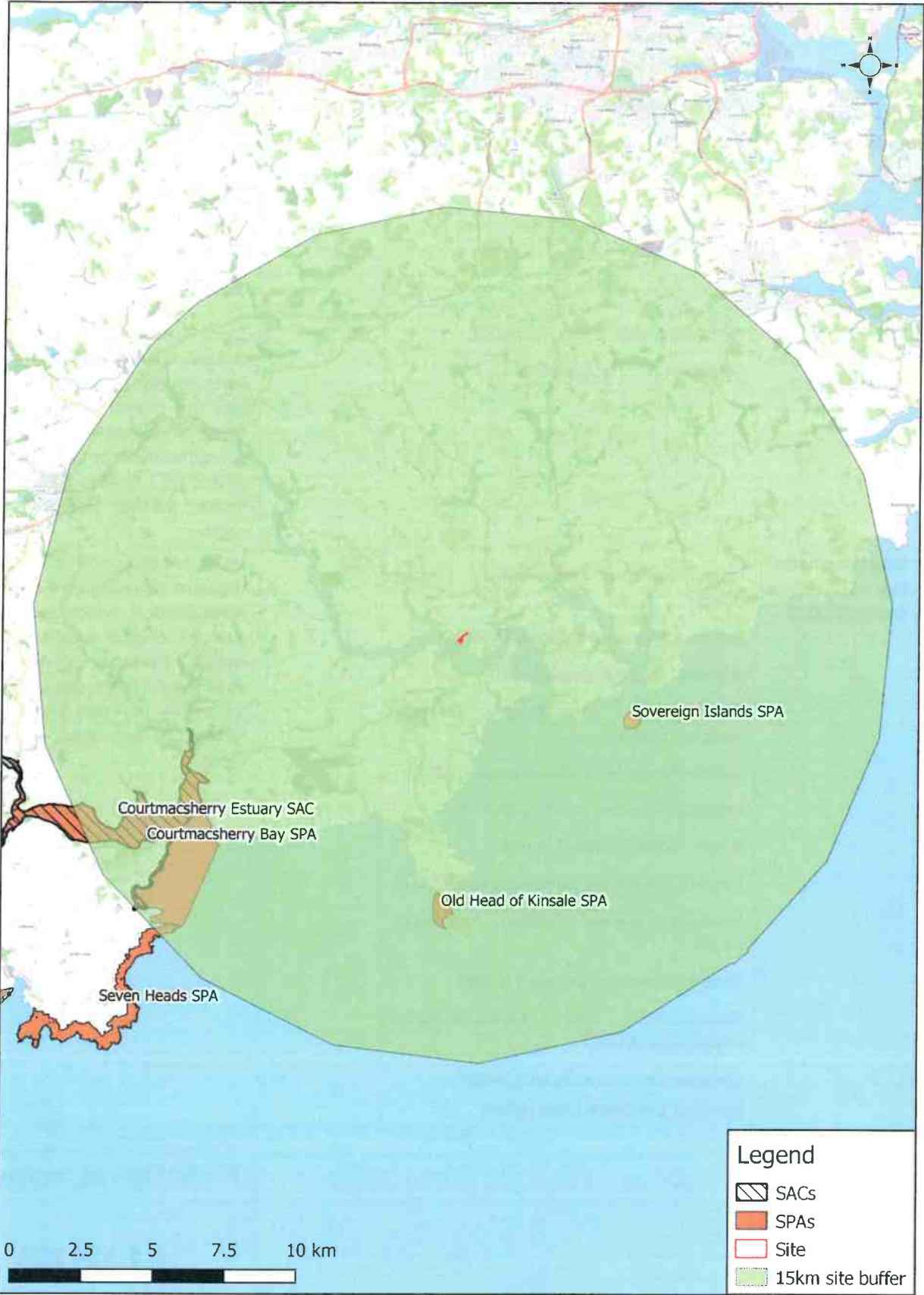
Site Name and Code	Qualifying Interests	Distance from Proposed Site (km) ³	Connectivity
Courtmacsherry Estuary SAC (Site Code: 001230)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110]	9.9	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SAC a further 24km along the coast.

³ Distance measured “as the crow flies”

	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]		
Sovereign Islands SPA (Site Code: 004124)	Annex I Habitats Cormorant (<i>Phalacrocorax carbo</i>) [A017]	6.4	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SPA a further 4.7km along the coast.
Old Head of Kinsale SPA (Site Code: 004021)	Kittiwake (<i>Rissa tridactyla</i>) [A188] Guillemot (<i>Uria aalge</i>) [A199]	9.0	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SPA a further 12.1km along the coast.
Courtmacsherry Bay SPA (Site Code: 004219)	Great Northern Diver (<i>Gavia immer</i>) [A003] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Curlew (<i>Numenius arquata</i>) [A160] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Common Gull (<i>Larus canus</i>) [A182] Wetland and Waterbirds [A999]	10.1	There is remote indirect and tenuous connectivity via the River Bandon, which flows into the coastal waters of Kinsale Harbour c.4.4km downstream of the site and, potentially, to this SPA a further 20.4km along the coast.



Figure 3-1: European Sites within 15km of the proposed development



3.2.1 Conservation Objectives

The integrity of a European Site (referred to in Article 6.3 of the Habitat's Directive) whether it be a Special Area of Conservation (SAC) or Special Protection Area (SPA) is determined based on the conservation status of the individual qualifying features (QIs or SCIs) of the designated site.

The overarching aim of the Natura 2000 network is to achieve Favourable Conservation Status of conservation worthy habitats listed in Annex I and the habitats of species listed in Annex II of the Habitats Directive and/or of regularly occurring migratory bird species as well as those species defined in Annex I of the Birds Directive. It should be noted that in some situations there is overlap in extent between certain SACs and SPAs and indeed SAC and SAC. In that regard, the Conservation Objectives (CO's) should be jointly used as appropriate.

The qualifying features for each site have been obtained through a review of the COs available from the NPWS: <http://www.npws.ie/protected-sites>. Site specific CO's are available for Courtmacsherry Estuary SAC, Courtmacsherry Bay SPA, Sovereign Islands SPA and Old Head of Kinsale SPA; these were accessed in July 2023. For brevity, the CO's are summarised thus:

- To maintain or restore the favourable conservation condition of Annex I habitats and Annex II species for which the SAC has been selected; and
- To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.

4 Assessment Criteria

4.1 Management of European Sites

Appropriate Assessment is not required where the proposed development is connected with, or necessary to, the management of any European site. In this case, the proposed development is not directly connected with or necessary to the management of any European site(s).

4.2 Direct, Indirect or Secondary Impacts

Table 3-4 lists the European sites within 15km of the wayleave. There are four sites within the zone of influence of the proposed development, one SAC and three SPAs. The proposed works are not situated within any SACs or SPAs, therefore no direct impacts will occur through land take or fragmentation of habitats.

Sovereign Islands SPA, Old Head of Kinsale SPA and Courtmacsherry Bay SPA are coastal sites of special conservation interest for wetland and waterbirds. The footprint of the wayleave comprises wet grassland and scrub on an existing ESB wayleave. These habitats are of low suitability to support the coastal SCI for Sovereign Islands SPA, Old Head of Kinsale SPA and Courtmacsherry Bay SPA. Bird species observed within the proposed site during the site survey conducted in 2023 were limited to species that reflect the habitat assemblages present at the site (e.g. Robin, House Sparrow and a flock of Goldfinch). Commoge Marsh, which is located adjacent to the site, supports wetland habitats and waterbirds. Commoge Marsh does not form part of a European or nationally designated site and numbers of waterbirds recorded at the site are not of national or international importance. Further, the proposed site and Commoge Marsh are set back from the aforementioned SPAs by a minimum distance of 6.4km (see Table 3-4). In consideration of these factors, it is considered that any disturbance/ displacement or ex-situ impacts to the SCI of Sovereign Islands SPA, Old Head of Kinsale SPA and Courtmacsherry Bay SPA as a result of the proposed development is extremely unlikely.

Theoretically, the proposed site supports indirect hydrological connectivity to Sovereign Islands SPA, Old Head of Kinsale SPA, Courtmacsherry Bay SPA and Courtmacsherry Estuary SAC via Commoge Marsh, which flows into the River Bandon, which in turn flows into the large coastal waterbody of Kinsale Harbour. The proposed works include directional drilling with 3 no. drilling pits to install the mains. As illustrated in Appendix A, the drill pits will be located either within the permitted Brewery & Distillery site or along the existing wayleave to the west of Commoge Marsh. Types of impacts that may arise from the use of directional drilling include suspended solids runoff into nearby waterbodies. However, the wayleave is located on wet grassland to the west of the marsh and is separated from the marsh for most of its length by a line of Alder and Willow scrub. The grassland and line of scrub would naturally attenuate any silt laden runoff arising from the launch/receptor drilling pits and would allow any run-off to percolate to groundwater. Inadvertent spillages of hydrocarbons during construction could introduce toxic chemicals into the aquatic environment via surface water run-off or groundwater contamination and have a direct toxicological impact on habitats and fauna. However, given the relatively small scale of the development and the low risk of pollutants reaching Commoge Marsh (as described above) and, in turn, downstream coastal European sites, no impacts on water quality within European sites due to such minor spills during construction are expected.

The Third Schedule,⁴ High Impact invasive alien plant species Japanese Knotweed was recorded in large stands to the south of the wayleave. The construction methodology (directional drilling) will

⁴ <http://www.irishstatutebook.ie/eli/2011/si/477/made/en/print>

avoid disturbance of Japanese Knotweed, therefore the works are not expected to cause the spread of invasive plant species.

No potential for significant adverse effects on European sites during the operational phase has been identified.

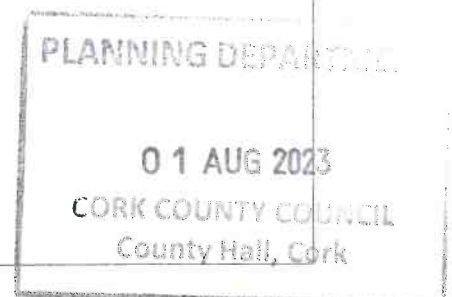
No significant effects on European sites are expected to occur as a result of the proposed development.

4.3 Cumulative and In-combination Impacts

As part of the screening for an AA, in addition to the proposed works, other relevant projects and plans in the region must also be considered at this stage and assessed in the context of potential for in-combination effects. These plans and projects are outlined and assessed in Table 4-1 below.

Table 4-1: List of Potential Plans which may Contribute to Cumulative Impacts

Name of Plan	Key Issues Directly Linked to Relevant European Sites	Potential Cumulative or In-Combination Impacts on Relevant European Sites
<p>Cork County Development Plan 2022</p>	<p>The Cork County Development Plan includes the following Objectives of relevance to this report:</p> <p>BE 15-2: Protect sites, habitats and species:</p> <p>a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements. Maintain and where possible enhance appropriate ecological linkages between these. This includes Special Areas of Conservation, Special Protection Areas, Marine Protected Areas, Natural Heritage Areas, proposed Natural Heritage Areas, Statutory Nature Reserves, Refuges for Fauna and Ramsar Sites. These sites are listed in Volume 2 of the Plan.</p> <p>b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements. These species are listed in Volume 2 of the Plan.</p> <p>c) Protect and where possible enhance areas of local biodiversity value, ecological corridors and habitats that are features of the County's ecological network. This includes rivers, lakes, streams and ponds, peatland and other wetland habitats, woodlands, hedgerows, tree lines, veteran trees, natural and semi-natural grasslands as well as coastal and marine habitats. It particularly includes habitats of special conservation significance in Cork as listed in Volume 2 of the Plan.</p> <p>d) Recognise the value of protecting geological heritage sites of local and national interest, as they become notified to the local authority, and protect them from inappropriate development</p>	<p>Policies and objectives of the Cork County Development Plan 2022 ensure that local planning applications comply with proper planning and sustainability and with the requirements of relevant EU Directives and environmental considerations, there is no potential for adverse in-combination effects on European Sites.</p>



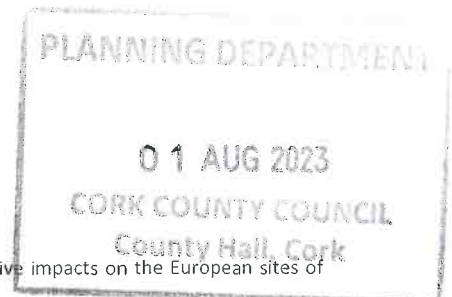
	<p>e) Encourage, pursuant to Article 10 of the Habitats Directive, the protection and enhancement of features of the landscape, such as traditional field boundaries, important for the ecological coherence of the Natura 2000 network and essential for the migration, dispersal and genetic exchange of wild species.</p> <p>BE 15-6: Biodiversity and New Development:</p> <p>Provide for the protection and enhancement of biodiversity in the development management process and when licensing or permitting other activities by:</p> <p>a) Providing ongoing support and guidance to developers on incorporating biodiversity considerations into new development through preplanning communications and the Council's guidance document 'Biodiversity and the Planning Process – guidance for developments on the management of biodiversity issues during the planning process' and any updated versions of this advice;</p> <p>b) Encouraging the retention and integration of existing trees, hedgerows and other features of high natural value within new developments;</p> <p>c) Requiring the incorporation of primarily native tree and other plant species, particularly pollinator friendly species in the landscaping of new developments;</p> <p>d) Fulfilling Appropriate Assessment and Environmental Impact Assessment obligations and carrying out Ecological Impact Assessment in relation to development and activities, as appropriate;</p> <p>e) Ensuring that an appropriate level of assessment is completed in relation to wetland habitats subject to proposals which would involve drainage or reclamation. This includes lakes and ponds, watercourses, springs and swamps, marshes, heath, peatlands, some woodlands as well as some coastal and marine habitats;</p> <ul style="list-style-type: none"> ▪ f) Ensuring that the implementation of appropriate mitigation (including habitat enhancement, new planting or other habitat creation initiatives) is incorporated into new development, where the implementation of such development would result in unavoidable impacts on biodiversity - supporting the principle of biodiversity net gain. 	
<p>River Basin District Management Plan 2018- 2021</p>	<p>The project should comply with the environmental objectives of the Irish RBMP which are to be achieved generally by 2021.</p> <ul style="list-style-type: none"> ▪ Ensure full compliance with relevant EU legislation ▪ Prevent deterioration 	<p>The implementation and compliance with key environmental policies, issues and objectives of this management plan will result in positive in-combination effects</p>

	<ul style="list-style-type: none"> ▪ Meeting the objectives for designated protected areas ▪ Protect high status waters ▪ Implement targeted actions and pilot schemes in focus sub-catchments aimed at: targeting water bodies close to meeting their objective and addressing more complex issues which will build knowledge for the third cycle. 	to European sites. The implementation of this plan will have a positive impact for the biodiversity. It will not contribute to in-combination or cumulative impacts with the proposed development.
WWTP discharges	Kinsale	Discharges from municipal WWTPs are required to meet water quality standards. Irish Water Capital Investment Plan 2020-2024 proposes to upgrade water treatment services countrywide. The long-term cumulative impact is predicted to be negligible.
IPPC Programme	Elms Marketing Ireland Limited (P0856), located c.2.0km north-east of the site;	Discharges from these facilities are governed by strict limits to ensure compliance with quality standards. The long-term cumulative impact is predicted to be negligible.
Local Planning Applications Under consideration⁵	A search was conducted of planning applications (projects) within the vicinity of the proposed development, using the Cork County Council planning portal map viewer ⁶ . Local planning applications in proximity and within the zone of influence of the proposed development are limited to small scale domestic dwelling developments.	Adherence to the overarching policies and objectives of the Cork County Development Plan 2022 ensure that local planning applications and subsequent grant of planning comply with the core strategy of proper planning and sustainability and with the requirements of relevant EU Directives and environmental considerations, there is no potential for adverse in combination effects on European sites.

No aspects of the projects or Plans summarised in Table 4-1 are anticipated to have a significant adverse effect upon the European Sites in combination with the proposed wayleave.

4.4 Screening Assessment

Table 4-2 identifies the potential direct, indirect and secondary impacts of the proposed development on European Sites within a 15 km radius.



⁵ Planning applications granted within the past five years that may contribute to potential cumulative impacts on the European sites of concern. Search undertaken on 02/08/2021

⁶ <http://maps.corkcoco.ie/planningenquiryv3/MainFrames.aspx>

Table 4-2: Potential significant effects on European sites from the proposed development

Site Name and Code	Direct Impacts	Indirect / Secondary Impacts	Resource Requirements	Emissions (Disposal to land, Water or Air)	Excavation Requirements
Courtmacsherry Estuary SAC (Site Code: 001230)	No impact on QI	No impact on QI	No impact on QI	No impact on QI	No impact on QI
Sovereign Islands SPA (Site Code: 004124)	No impact on QI	No impact on QI	No impact on QI	No impact on QI	No impact on QI
Old Head of Kinsale SPA (Site Code: 004021)	No impact on QI	No impact on QI	No impact on QI	No impact on QI	No impact on QI
Courtmacsherry Bay SPA (Site Code: 004219)	No impact on QI	No impact on QI	No impact on QI	No impact on QI	No impact on QI

4.5 Likely Changes to the European Site(s)

The likely changes that could arise from the proposed Water and Wastewater Mains Installation for Black's Brewery and Distillery, Former Shift Factory, Cappagh, Kinsale, Cork have been examined in the context of a number of factors that could have a significant effect on the relevant European Sites (Table 4-3).

Table 4-3: Likely Changes to European Sites

Site Name	Reduction of Habitat Area	Disturbance to Key Species	Habitat or Species fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality, etc.)	Climate Change
Courtmacsherry Estuary SAC (Site Code: 001230)	None	None	None	None	None	None
Sovereign Islands SPA (Site Code: 004124)	None	None	None	None	None	None
Old Head of Kinsale SPA (Site Code: 004021)	None	None	None	None	None	None
Courtmacsherry Bay SPA (Site Code: 004219)	None	None	None	None	None	None

4.5.1 Elements of the Project where the Impacts are Likely to be Significant

No elements of the proposed Water and Wastewater Mains Installation for Black's Brewery and Distillery, Former Shift Factory, Cappagh, Kinsale, Cork are likely to result in significant effects to the relevant European sites.



5 Screening Conclusions and Statement

This AA screening report has been prepared to assess whether the proposed development, individually or in-combination with other plans or projects, and in view of best scientific knowledge, is likely to have a significant effect on any European site(s).

The screening exercise was completed in compliance with the relevant European Commission guidance, national guidance and case law. The potential impacts of the proposed development have been considered in the context of the European sites potentially affected, their qualifying interests or special conservation interests, and their conservation objectives.

Through an assessment of the source-pathway-receptor model, which considered the ZoI of effects from the proposed development and the potential in-combination effects with other plans or projects, the following findings were reported:

- The proposed Water and Wastewater Mains Installation for Black's Brewery and Distillery, Former Shift Factory, Cappagh, Kinsale, Cork, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required.

It is acknowledged that Cork County Council as the competent authority shall make the determination whether AA is required.

6 References

Council of the European Communities (1992) *Council Directive of 21 May 1992 on the Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC)*. OJL 206/35, 1992

DoEHLG (2010). *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (Department of Environment, Heritage and Local Government, Rev. Feb 2010).

DEHLG (2010a) *Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.

DEHLG (2010b) Department of the Environment, Heritage and Local Government Circular NPW1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive – Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, Dublin.

Environmental Protection Agency online environmental information portal (<https://gis.epa.ie/EPAMaps/>).

European Commission (2007). *Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence*. Opinion of the European Commission.

European Commission (2000a). *Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. Office for Official Publications of the European Communities, Luxembourg.

European Commission (2000b) *Communication from the Commission on the Precautionary Principle*. Office for Official Publications of the European Communities, Luxembourg.

European Commission (2001). *Assessment of Plans and Projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General)

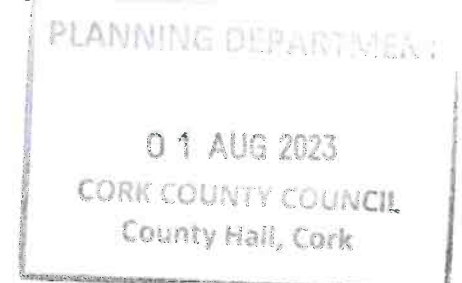
European Parliament and European Council (2009). *Directive 2009/147/EC of 30th November 2009 on the Conservation of Wild Birds (2009/147/EC)*. Official Journal L20/7, 2010.

EU Habitats Directive (92/43/EEC)

Geological Survey of Ireland (2011). *GIS datasets Public Viewer*. Online at http://spatial.dcenr.gov.ie/imf/imf.jsp?site=GSI_Simple

NPWS (2010). *Circular NPW 1/10 & PSSP 2/10 Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities*. (Department of Environment, Heritage and Local Government, 2010).

National Parks and Wildlife Service (NPWS) (2019) *The Status of EU Protected Habitats and Species in Ireland*. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

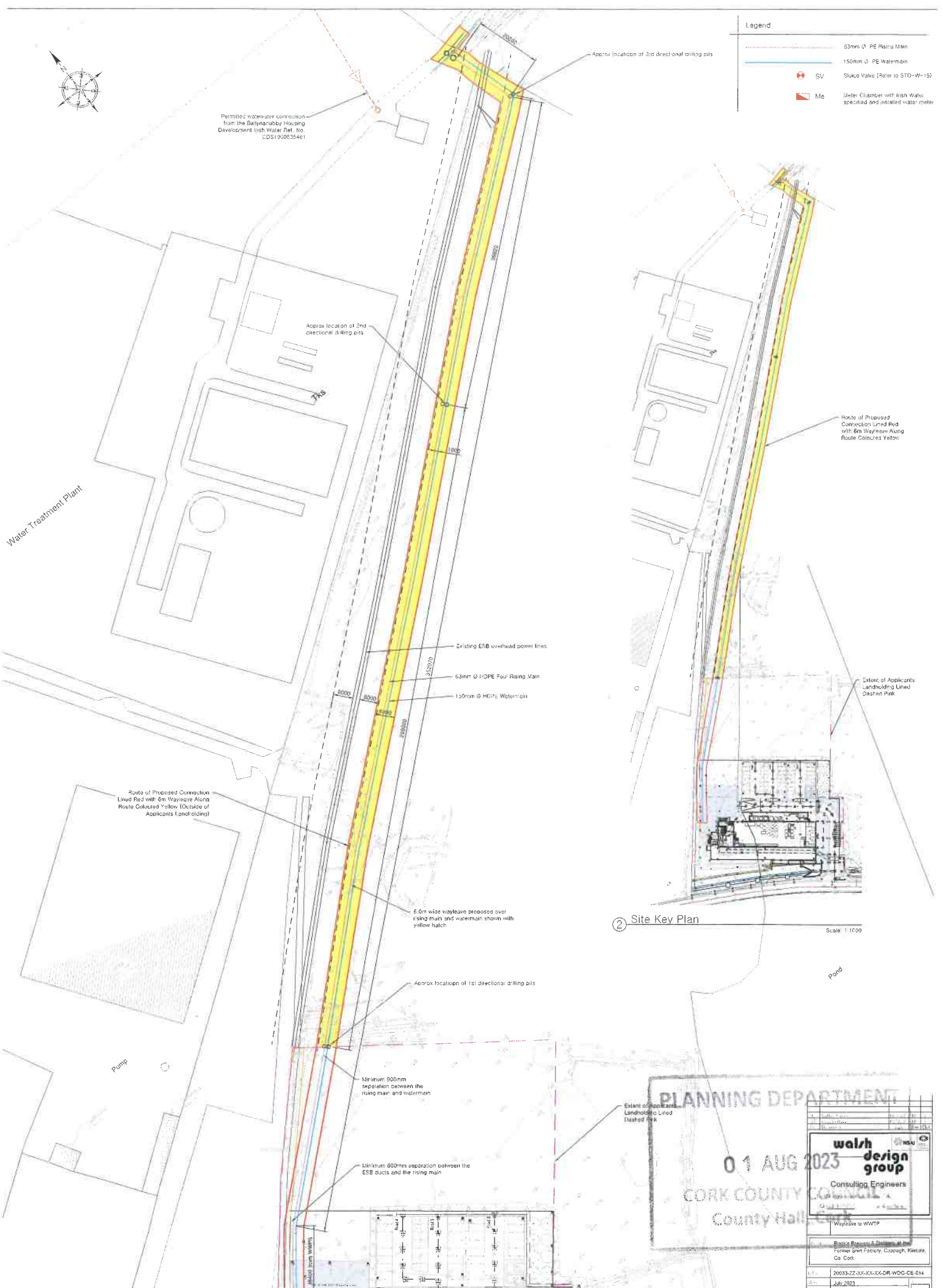


Appendix A: Proposed Site Layout Drawing



Legend

	63mm Ø PE Plastic M/M
	150mm Ø PE Watermain
	SV Sluice Valve (Refer to STD-W-15)
	Me Meter Chamber with flush valve specified and installed water meter



① Proposed Route of Watermain and Rising Main to Connection Points

Scale: 1:500

② Site Key Plan

Scale: 1:1000

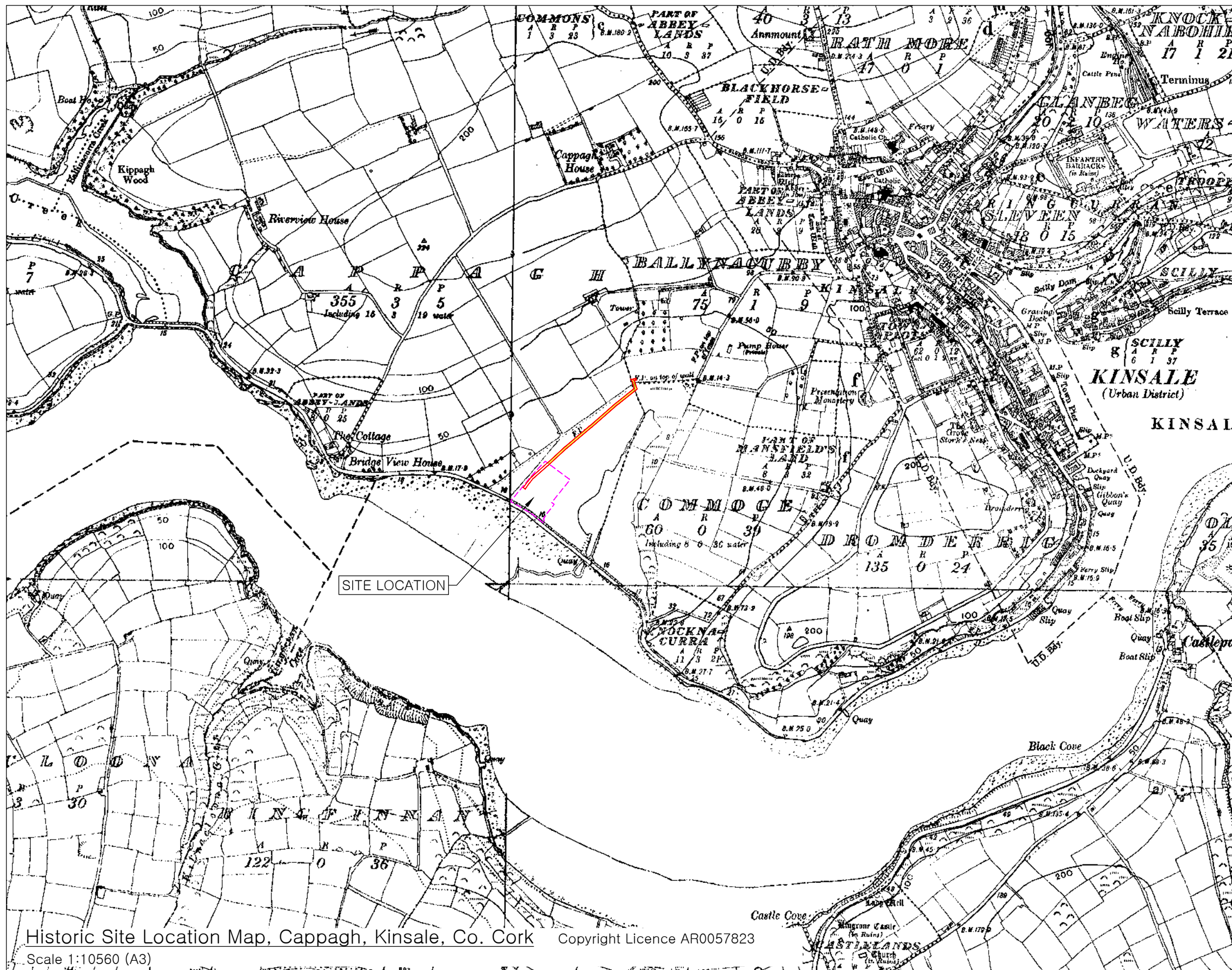
PLANNING DEPARTMENT

01 AUG 2023

walsh design group
Consulting Engineers

CORK COUNTY COUNCIL
County Hall

Project Name	Wayleave to WWTP
Project Ref	2023-22-05-06-DR-WDG-CE-014
Date	July 2023
Author	LB
Scale	As shown
Discipline	P3 - Planning
Sheet No.	1



Historic Site Location Map, Cappagh, Kinsale, Co. Cork

Copyright Licence AR0057823

Scale 1:10560 (A3)

KEY

- Red Line Boundary Capturing Works (Area Enclosed = 0.1975ha)
- - - Dashed Pink Indicating Adjoining Lands in Ownership of the Land Owner
- 6m Wayleave

WDG drawing No.
20033-ZZ-XX-XX-XX-DR-WDG-CE-903

Description:

Historic 6" Latest Edition
Publisher / Source:
Ordnance Survey Ireland (OSi)

Data Source / Reference:

CK111
Revision Date =
Survey Date = 31-Dec-1935
Levelled Date = 31-Dec-1939

CK112
Revision Date =
Survey Date = 31-Dec-1930
Levelled Date = 31-Dec-1934

CK124
Revision Date =
Survey Date =
Levelled Date = 31-Dec-1902

CK125
Revision Date =
Survey Date = 31-Dec-1930
Levelled Date = 31-Dec-1935

File Format:

Tagged Image File Format (TIFF)

File Name:

R_50198649_1.tif

Clip Extent / Area of Interest (AOI):

LLX,LLY= 559511.0,547320.0
LRX,LRY= 566521.0,547320.0
ULX,ULY= 559511.0,552514.0
URX,URY= 566521.0,552514.0

Projection / Spatial Reference:

IRENET95_Irish_Transverse_Mercator
Centre Point Coordinates:

X,Y = 563016.0,549917.0

Data Extraction Date:

09-Jun-2021

Product Version:

1.3

License / Copyright:

Ordnance Survey Ireland 'Terms of Use' apply.
Please visit 'www.osi.ie/about/terms-conditions'.

© Ordnance Survey Ireland, 2021

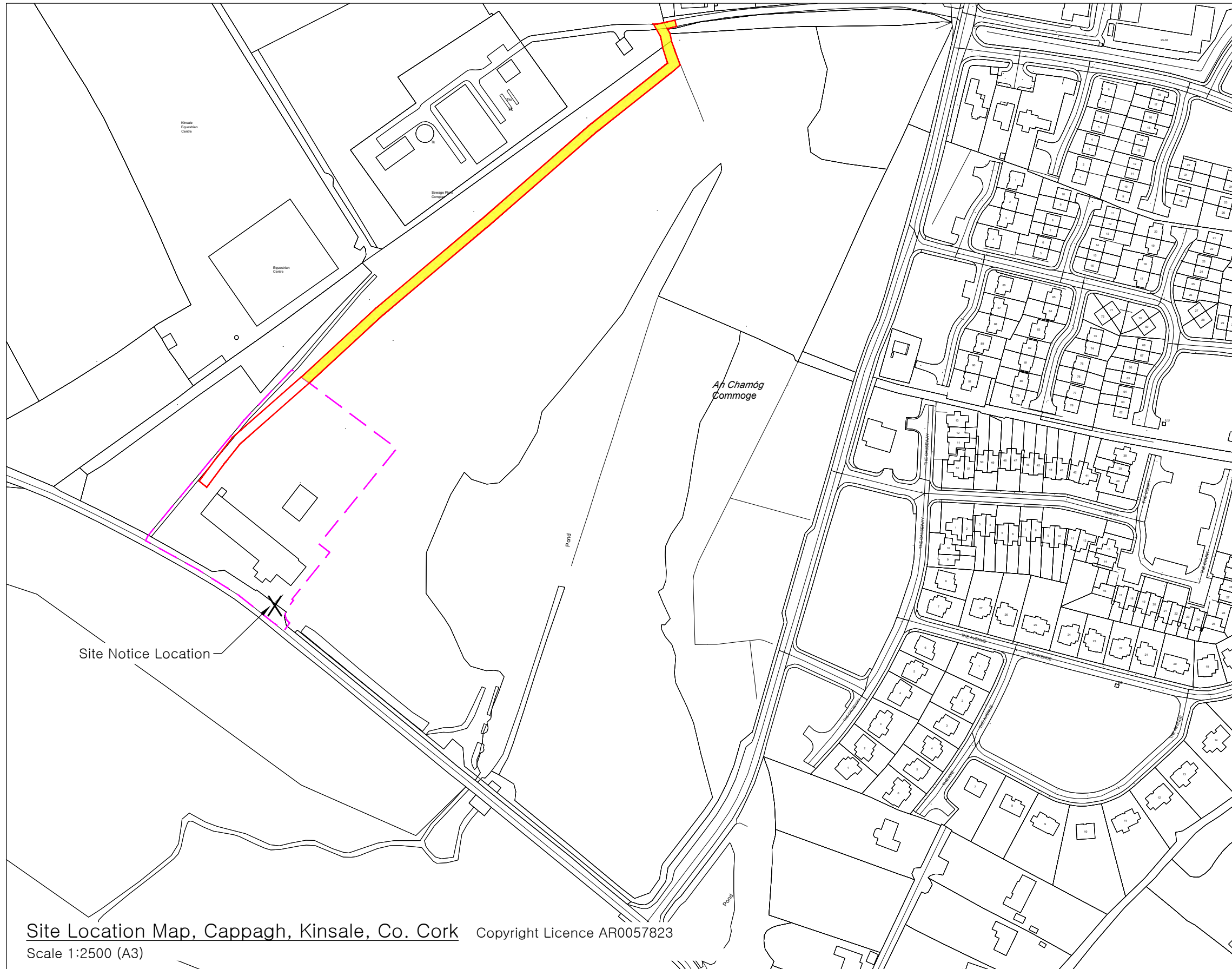
walsh
design
group

The Mall,
Maryborough Woods,
Douglas, Co. Cork.
Tel. 021-4774940
Fax. 021-4773421
email.info@wdg.ie

© COPYRIGHT WALSH DESIGN GROUP, DOUGLAS, CO. CORK.
THIS DRAWING CANNOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.



ITM E563367, N550201



Description:

=====
Digital Cartographic Model (DCM)

=====
Publisher / Source:

=====
Ordnance Survey Ireland (OSi)

=====
Data Source / Reference:

=====
PRIME2

=====
File Format:

=====
Autodesk AutoCAD (DWG_R2013)

=====
File Name:

=====
v_50198649_1.dwg

=====
Clip Extent / Area of Interest (AOI):

=====
LLX,LLY= 562601.0,549609.5
LRX,LRY= 563431.0,549609.5
ULX,ULY= 562601.0,550224.5
URX,URY= 563431.0,550224.5

=====
Projection / Spatial Reference:

=====
Projection= IREN95_Irish_Transverse_Mercator

=====
Centre Point Coordinates:

=====
X,Y= 563016.0,549917.0

=====
Reference Index:

=====
Map Series | Map Sheets

=====
1:1,000 | 6640-20
1:2,500 | 6640-D

=====
Data Extraction Date:

=====
Date= 09-Jun-2021

=====
Source Data Release:

=====
DCLMS Release V1.140.112

=====
Product Version:

=====
Version= 1.3

=====
License / Copyright:

=====
Ordnance Survey Ireland 'Terms of Use' apply.
Please visit 'www.osi.ie/about/terms-conditions'.
© Ordnance Survey Ireland, 2021

Site Location Map, Cappagh, Kinsale, Co. Cork

Scale 1:2500 (A3)

Copyright Licence AR0057823

ITM E562613, N549611

KEY

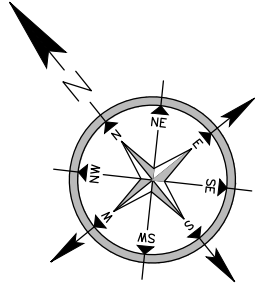
- Red Line Boundary Capturing Works (Area Enclosed = 0.1975ha)
- - - Dashed Pink Indicating Adjoining Lands in Ownership of the Land Owner
- 6m Wayleave

WDG drawing No.
20033-ZZ-XX-XX-XX-DR-WDG-CE-902

walsh
design
group

The Mall, Tel. 021-4774940
Maryborough Woods, Fax. 021-4773421
Douglas, Co. Cork. email.info@wdg.ie

© COPYRIGHT WALSH DESIGN GROUP, DOUGLAS, CO. CORK.
THIS DRAWING CANNOT BE REPRODUCED WITHOUT WRITTEN PERMISSION.



Permitted wastewater connection from the Ballynacubby Housing Development Irish Water Ref. No. CDS1900635401

Approx location of 3rd directional drilling pits

Legend

- 63mm Ø PE Rising Main
- 150mm Ø PE Watermain
- ⊕ SV Sluice Valve (Refer to STD-W-15)
- ▭ Me Meter Chamber with Irish Water specified and installed water meter

Water Treatment Plant

Approx location of 2nd directional drilling pits

Tks

old retaining bank (trees running along bank)

old retaining bank (trees running along bank)

Existing ESB overhead power lines

63mm Ø HDPE Foul Rising Main

150mm Ø HDPE Watermain

Route of Proposed Connection Lined Red with 6m Wayleave Along Route Coloured Yellow (Outside of Applicants Landholding)

6.0m wide wayleave proposed over rising main and watermain shown with yellow hatch

Approx location of 1st directional drilling pits

Minimum 900mm separation between the rising main and watermain

Minimum 600mm separation between the ESB ducts and the rising main

2 Site Key Plan

Scale: 1:1000

Pond

Extent of Applicants Landholding Lined Dashed Pink

Pump

1 Proposed Route of Watermain and Rising Main to Connection Points

Scale: 1:500

Rev	Description	Date	By	Chk
1	Red Line Adopted	14.07.23	LB	NP
0	Issued for Planning	15.07.23	LB	NP

wals design group
Consulting Engineers

The Mall, Marlborough Woods, Douglas, Cork
Tel: 021-4774940 email: info@wals.ie

Title:	Wayleave to WWTP
Project:	Black's Brewery & Distillery at the Former Shirt Factory, Cappagh, Kinsale, Co. Cork
ID No:	20033-ZZ-XX-XX-DR-WDG-CE-014
Date:	July 2023
Drawn by:	LB
Scale:	As shown
Purpose:	P3 - Planning

1

© COPYRIGHT WALS DESIGN GROUP, DUBLIN, IRELAND. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED WITHOUT THE WRITTEN PERMISSION OF WALS DESIGN GROUP.