

An  
Bord  
Pleanála

**Board Direction**  
**BD-009247-21**  
**ABP-305442-19**

The submissions on this file and the Inspector's report were considered at a Board meetings held on 18/12/2019, 04/06/2020, 08/06/2020, 10/11/2020 and 11/10/2021.

The Board decided to approve the proposed development, based on the following reasons and considerations and subject to the following conditions.

#### **Reasons and Considerations**

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) the EU Directive 2014/52/EU, amending Directive 2011/92/EU (the EIA Directive),
- (d) the likely effects and consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on European Sites,
- (e) the conservation objectives, qualifying interests and special conservation interests for the Beara Peninsula Special Protection Area (Site code: 004155), and the Kenmare River Special Area of Conservation (Site code: 002158),

(f) the relevant policies and objectives of the Cork County Development Plan 2014-2020, and the West Cork Municipal District Local Area Plan 2017,

(g) the nature and extent of the proposed works as set out in the application for approval, and the response to the Board's request for further information,

(h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement and the response received on foot of the request for further information, including updated and additional reports, and the range of mitigation measures set out to address these potential impacts,

(i) the Environmental Impact Assessment Report submitted with the application,

(j) the submissions and observations received in relation to the proposed development from the applicant, prescribed bodies and observers in the course of the application, and

(k) the report and recommendation of the Inspector.

#### **Appropriate Assessment: Screening**

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Beara Peninsula Special Protection Area (Site code: 004155), and the Kenmare River Special Area of Conservation (Site code: 002158) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

#### **Appropriate Assessment**

The Board considered the Natura Impact Statement and associated documentation submitted with the application, including the additional material and reports submitted in response to the further information request, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Beara Peninsula Special Protection Area (Site code: 004155), and the Kenmare River

Special Area of Conservation (Site code: 002158), in view of the Sites' conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the Sites' conservation objectives.

In overall conclusion, and taking account of the mitigation measures proposed and the condition attached below in relation to limiting visitor numbers to the cable car visitor attraction and to Dursey Island in particular, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the Sites' conservation objectives.

#### **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from the applicant, prescribed bodies and third-party observers in the course of the application; and

- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, both as part of the application and the response to the Board's request for further information, provided information that is reasonable and sufficient to allow the Board to carry out an Environmental Impact Assessment and to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment.

### **Reasoned Conclusions on the Significant Effects**

The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2011/92/EU (EIA Directive) and the amending Directive 2014/52/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below, some of which may be avoided, mitigated or otherwise addressed by means of condition.

The main significant effects, both positive and negative, are:

- In relation to **Population and Human Health**, the proposed development would improve access to Dursey Island for both residents and visitors, would provide safer travel along the R572, has potential to bring positive local and regional economic impacts from tourism, but increased visitor numbers to the site and the island has potential, in the absence of appropriate controls on visitor numbers and behaviour and implementation of the mitigations proposed, to negatively impact on the environment.
- In relation to **Biodiversity**, direct impacts on the biodiversity environment from the construction and operation as a result of the physical infrastructure would be appropriately mitigated and any residual impacts would be acceptable. However, in the absence of measures to strictly manage the

visitor numbers to the mainland trails as well as cable car access to the island through a visitor management plan, establishing looped walking trails with appropriate signage and educative material on the sensitive ecological environment and subject to the conditions proposed below, there are potential significant indirect impacts on the flora and fauna in the area and disturbance of chough and other ground nesting birds.

- In respect of **Land, Soil and Water**, subject to implementation of the mitigation measures proposed, it can be reasonably concluded that no significant adverse direct impacts would arise on the land, underlying soils or geology, or on the hydrogeology and hydrology as a result of the construction and operational phases of the physical infrastructure development on the mainland and island sites.
- Potential impacts on **Air Quality and Climate impacts** will be avoided, managed and mitigated by the measures which form part of the proposed scheme, the proposed mitigation measures such as the CEMP and the commitments set out in the Schedule of Environmental Commitments and through suitable conditions, including in relation to limits on visitor numbers to the site and the Visitor Management Plan.
- In relation to **Traffic and Transport** impacts, the road improvements and additional car parking provided at the cable car mainland sites proposed as part of the proposed development will result in improvements in both traffic safety and traffic management along the route and, subject to implementation of the mitigation measures proposed including in relation to conditions controlling visitor numbers to the site, it can be reasonably concluded that any significant adverse impacts can be mitigated and managed.
- The proposed development would not have any unacceptable significant impacts on **Cultural Heritage**, including archaeology and architectural heritage, or on **Landscape and Visual Amenity**, subject to implementation of the mitigation measures proposed and conditions set out below.

In summary, the Board concluded that, subject to implementation of the mitigation measures referred to above, as detailed throughout the chapters of the EIAR, including Chapter 18 (Mitigation Measures) which accompanied the application, and those included as part of the further information response as well as implementation of the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable in respect of the delivery of the physical infrastructure and any associated direct impacts.

While the Board noted the inspector's assessment that the proposed significant increase in visitor numbers to Dursey Island that would be facilitated by the proposed development could have the potential to lead to unacceptable indirect impacts on biodiversity, primarily related to the numerical visitor carrying capacity put forward for Dursey Island, the Board considered that maintaining the current level of visitor numbers permitted to travel to the island, taken together with the additional mitigation measures proposed to protect biodiversity in proximity to the mainland site and on the island, would provide sufficient satisfaction that the proposed development would not have unacceptable indirect adverse effects on the environment.

#### **Proper Planning and Sustainable Development/Likely effects on the environment**

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the relevant objectives and provisions of the Cork County Development Plan 2014-2020, as extended, and the West Cork Municipal Local Area Plan 2017, would facilitate safer and improved journey experiences for inhabitants of, and visitors to, the island, would not have significant negative effects on the environment or the community in the vicinity, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area, would be acceptable in terms of pedestrian and traffic safety and would not interfere with the existing land uses in the area. The proposed development is, therefore, consistent with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board noted and acknowledged the inconsistent methodology and incorrect data used in the calculation of proposed maximum daily/monthly visitor numbers to the island that could be accommodated without indirectly impacting on biodiversity on the island and in particular on the special conservation interest species of Chough. However, the Board considered that capping the visitor numbers at the existing peak levels of just under 5,000 visitors during July and August as measured in 2017/2018, taken together with the significant additional mitigation measures proposed to protect biodiversity in the vicinity of the cable car and on the island, including specific measures to protect the Chough species, would address these issues and the Board would therefore be satisfied beyond reasonable scientific doubt that the proposed development would not have any unacceptable indirect adverse effects on the European Sites, having regard to the Sites' conservation objectives.

The Board also noted that the effective operation of the proposed Visitor Management Plan to control and manage the volume of visitors to the site, which includes pre-booking reservations and variable message signage at key road junctions, will ensure that car parking and associated facilities can meet visitor demand together with reduced maximum visitor numbers to the island during the peak tourist season, would also address the traffic capacity and safety concerns raised by the Inspector and in observations received, and provide for sustainable tourism levels to be maintained at the site.

#### Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as supplemented by the further information received by the Board on the 30<sup>th</sup> day of October 2020, except as may otherwise be required to comply with the following conditions. Where any mitigation measures or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures contained in the Environmental Impact Assessment Report and the Natura Impact Statement which was submitted with the application and the additional mitigation measures and clarifications identified in the response to the request for further information, shall be implemented in full.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of European Sites.

3. (a) The maximum peak tourist season visitor numbers permitted to travel over to Dursey Island shall be set at 5,000 visitors per month. Consequent weekly/daily visitor number limits, and associated traffic/parking management arrangements, consistent with this maximum monthly total, shall be detailed in the finalised Dursey Island Visitor Management Plan.

(b) Any proposal to change the maximum peak tourist season visitor numbers shall be subject to a separate grant of permission and must set out an appropriate methodology in the calculation of proposed changes to demonstrate no direct or indirect adverse impacts on the environment or on European Sites.

(c) The Dursey Island Visitor Management Plan shall be revised and finalised in line with the mitigation measures and conditions attached to this permission, and the final plan shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of managing visitor numbers to the mainland and Dursey Island and of ensuring the proper planning and sustainable development of the area and the protection of the integrity of European Sites.



4. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), which shall be placed on the file and retained as part of the public record. The plan shall include all mitigation measures indicated in the Environmental Impact Assessment Report and the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:

- (a) location of site/materials compound including areas identified for the storage of construction waste;
- (b) details for traffic management between the site and the public road including speed limits on the site access track to reduce disturbance to protected species and potential impacts on the surface and sides of the track;
- (c) construction sequencing, management and time frames;
- (d) details of location of site office/staff facilities;
- (e) details of site fencing/hoardings;
- (f) containment of all construction related fuel/oil;
- (g) details of how construction and demolition waste will be managed;
- (h) details of how it is proposed to manage excavated soil;
- (i) proposals to prevent the spread of invasive species; and
- (j) specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness.

**Reason:** In the interest of protecting the environment and in the interests of protecting amenity, public health and safety and the integrity of European sites.

5. The local authority and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. In this regard, the local authority shall:

(a) employ a qualified archaeologist prior to commencement of development who shall assess the site and monitor all construction activity, including in relation to excavation works associated with construction of the passing bays, and

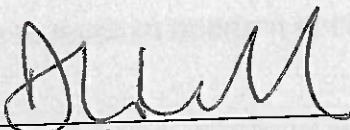
(b) provide suitable arrangements acceptable to the Department of Tourism, Culture, Arts, Gaeltacht, Sports and Media for the recording and removal of any archaeological materials which is considered appropriate to remove.

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

6. The existing cable car should be preserved at a location on the site.

**Reason:** In order to conserve the cultural heritage assets on site.

Board Member

  
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Dave Walsh

Date: 11/11/2021