

An
Bord
Pleanála

Board Direction
BD-016307-24
ABP-318077-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/05/2024.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- the relevant provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU (the EIA Directive) on the assessment of the effects of certain public and private projects on the environment,
- the relevant provisions of Directive 92/43/EEC (the Habitats Directive) and Directive 79/409/EEC, as amended by 2009/147/EC (the Birds Directive), which set out the requirements for Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union;
- the relevant provisions of the National Planning Framework, National Development Plan, Climate Action Plan 2023, Southern Regional Assembly Regional Spatial and Economic Strategy 2020-2032 and the Cork County Development 2022-2028
- the nature, scale, and design of the proposed development as set out in the application for approval, and the pattern of development in the vicinity,

- the documentation and submissions of the local authority, including the Environmental Impact Assessment Report and associated documentation submitted with the application, and the range of mitigating and monitoring measures proposed,
- the likely effects and consequences for the environment
- the likely significant effects of the proposed development on European sites,
- the proper planning and sustainable development of the area
- the submissions received in relation to the application, and,
- the report and recommendation of the inspector.

It is considered that:

- The proposed development would not be likely to have significant adverse effects on the environment.
- The proposed development, by itself or in combination with other plans or projects, would not have a significant effect on the integrity on any European Site including Blackwater River (Cork/Waterford) SAC [002170], Great Island Channel SAC [001058], Cork Harbour SPA [004030], in view of the site's conservation objectives.
- The proposed development would be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in-combination with other plans or projects, would not be likely to have a significant effect on any European Sites including Blackwater River (Cork/Waterford) SAC [002170], Great Island Channel SAC [001058], Cork Harbour SPA [004030], in view of the conservation objectives of these sites and that a Stage 2 AA and the submission of a NIS for the proposed development is not required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- a) the nature, scale, location and extent of the proposed development,
- b) the Environmental Impact Assessment Report and associated documentation submitted in support of the planning application,
- c) the submissions received during 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, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment. The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

It is considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board 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. 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 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects

The Board considered that the main significant direct and indirect effects of the proposed development on the environment as follows:

- The proposed development will result in a positive impact in terms of modal shift to sustainable forms of transport such as rail, bus, cycling and walking. Thus, potentially reducing the reliance on the private car.
- Any negative impacts to existing road users and traffic patterns will be short-term and temporary during the construction phase.
- Notwithstanding construction phase impacts, the modal shift will have longer term positive impacts to population and human health, air quality and climate, noise and vibration.
- Given the nature and scale of the proposed development and noting the mitigation measures outlined in the documentation that the nature of the environmental impacts during the construction and operation phase are not particularly complex or intense and with the adoption of the mitigation measures outlined would not be likely to have a significant effect on the environment. It is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed.
- The construction phase impacts, of approximately 18 months will be of short duration and limited frequency. The implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.
- There will be no transboundary impacts associated with the proposed development.
- Having regard to assessment set out in Section 8.2.4.14 of the Inspectors report, which the Board agreed with, it is considered unlikely that significant cumulative impacts would arise.

The Board is satisfied that the reasoned conclusion is up to date at the time of making the decision.

The Board completed an Environmental Impact Assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as set out in the Environmental Impact Assessment Report, and subject to compliance with the conditions set out below, the effects of the proposed development on the environment, by itself and in combination with other plans and projects in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Having considered the totality of the Environmental Impact Assessment Report, associated documentation submitted with the application and the report of the Inspector, the Board concluded that any likely significant effects on the environment would be mitigated by the mitigation measures proposed by the applicant.

Likely Consequences for the Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity

2. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare a Construction Environmental Management Plan (CEMP), in consultation with the relevant statutory agencies (including Transport Infrastructure Ireland, Iarnród Éireann and Cork County), incorporating all mitigation measures set out in the Environmental Impact Assessment Report and conditions set out herein. The CEMP shall include a Traffic Management Plan and Waste Management Plan which shall adhere to best practice, standards and protocols. All construction phase parking shall be

accommodated within the site. All plans prepared shall be placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment and in the interest of traffic safety and waste management.


3. All of the environmental, construction, operation and decommissioning phase mitigation measures set out in the Environmental Impact Assessment Report and other particulars submitted with the application shall be implemented by the developer in conjunction with the timelines set out therein, except as may otherwise be required in order to comply with the conditions of this order. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of clarity and the protection of the environment during the construction and operational phases of the development.

4. Prior to the commencement of development pre-commencement surveys for protected plant, animal species and invasive species shall be undertaken at the site and where required the appropriate licence to disturb or interfere with same shall be obtained from the National Parks and Wildlife Service.

Reason: In the interest of wildlife protection.

Board Member


Stephen Bohan

Date: 15/05/2024