



## Board Direction

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**Ref: PL04.YM0003**

The submissions on this file and the Inspector's report were considered at a meeting of the Strategic Infrastructure Division held on 15<sup>th</sup> March 2017. The Board decided:

- (i) to confirm that the proposed alteration is material,
- (ii) to confirm that the proposed alteration would not be likely to have significant effects on the environment, and
- (iii) to make the alteration.

This decision was considered at the same meeting as the compulsory purchase order under 04.CH3297.

### REASONS AND CONSIDERATIONS

The alteration the subject of this request would result in physical changes to components of the siting, layout and form of infrastructure associated with the Cork Lower Harbour Sewerage Scheme. It would, therefore, constitute a material alteration to the terms of the approved development.

In deciding to make the alteration, the Board had regard to the following:

- (a) the planning history of the overall development, including the scope and nature of the Cork Lower Harbour Sewerage Scheme approved under 04.YA0005, under which development of the nature proposed by the amendment was considered acceptable in principle, as well as the alteration previously made under 04.YM0001,
- (b) the environmental impact assessment undertaken by the Board under 04.YA0005, whereby the Board concluded that the Cork Lower Harbour Sewerage Scheme would be acceptable, the screening for environmental impact assessment undertaken under 04.YM0001, and the assessment of potential effects on European Sites undertaken under 04.YA0005 and 04.YM0001,
- (c) the nature and extent of the alteration sought,
- (d) the purpose of the approved development,

- (e) the detailed reports submitted in support of the request, including the Environmental Assessment Review, the appropriate assessment screening reports and the Natura impact statement, and
- (f) the documentation and submissions on file, including the submissions received in response to the Board's request in accordance with Section 146B(8) of the Planning and Development Act, 2000, as amended, and the reports of the Inspector.

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment and a screening for environmental impact assessment in respect of the proposed alteration.

#### *Appropriate Assessment Screening*

In conducting a screening exercise for appropriate assessment, the Board considered the nature, scale and location of the proposed alteration, the planning history of the scheme, the documentation and submissions on file, including the Appropriate Assessment screening reports, the distances to European Sites, and the assessment of the Inspector in relation to the potential for effects on such Sites. In undertaking the screening exercise, the Board accepted the analysis and conclusions of the Inspector, and concluded that, by itself and in combination with other plans or projects in the vicinity, the proposed alteration would not be likely to have significant effects on European Sites, with the exception of the proposed estuary crossing, for which a Stage 2 Appropriate Assessment is required in respect of the potential for significant effects on the Great Island Channel Special Area of Conservation (Site Code 001058) and on the Cork Harbour Special Protection Area (Site Code 004030).

#### *Appropriate Assessment*

Having regard to the nature, scale and location of the proposed estuary crossing, the Natura impact statement submitted, the documentation and submissions on file, the planning history of the scheme, and the report of the Inspector, the Board undertook an Appropriate Assessment of the effects of the estuary crossing on the Great Island Channel Special Area of Conservation and on the Cork Harbour Special Protection Area, and adopted the report of the Inspector in this respect. The Board concluded that, by itself or in combination with other plans or projects, including the overall development, the proposed estuary crossing would not be likely to adversely affect the integrity of the Great Island Channel Special Area of Conservation or the Cork Harbour Special Protection Area in view of the conservation objectives for those Sites.

#### *Environmental Impact Assessment Screening*

Having regard to the nature, scale, location and characteristics of the proposed alteration, the characteristics and scale of the potential impacts of the alteration, the planning history of the Cork Lower Harbour Sewerage Scheme, the documentation and submissions on file, and the provisions of Schedule 5 and Schedule 7 to the Planning and Development Regulations, 2001, as amended, the Board is satisfied that the proposed alteration would not be likely to have significant effects on the environment, either by itself or in cumulation with other development in the area. In coming to this determination, the Board concurred with the analysis and conclusions set out in the Inspector's overall report.

*Conclusions on the Proper Planning and Sustainable Development of the Area*

The Board concluded that the making of the proposed alteration to the approved development would be in accordance with the waste water management policies of the State and its obligations under European legislation, and that, subject to compliance with the mitigation measures set out on file, the proposed alteration would not seriously injure the amenities of the area or of property in the vicinity, would result in reduced environmental effects, would not detract from cultural or built heritage, and would be acceptable in terms of the proper planning and sustainable development of the area.

Board Member: \_\_\_\_\_ Date: 20<sup>th</sup> March 2017  
Fionna O' Regan