

An
Bord
Pleanála

Board Order ABP-310354-21

Planning and Development Acts, 2000 to 2020

Planning Authority: Cork County Council

Application by Cork County Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura impact statement, lodged with An Bord Pleanála on the 28th day of May, 2021.

Proposed Development: Provision of improvement works to the existing town park comprising:

- Enhancement of existing park entrances and construction of new entrances.
- Widening of existing footpaths from two metres to three metres and widened pedestrian bridge crossing of the Caherduggan/Spa Glen stream.
- Construction of new footpaths.
- Reconfiguration and enhancement of existing grass playing pitches and training area.
- Construction of multi-use events area and jogging/walking trail.
- Construction of five number angling stands on the banks of the River Blackwater.
- Redevelopment of existing playground, construction of skate plaza and pump track.
- Construction of bike and car parking areas.
- Undergrounding of existing overhead 10kV powerlines.

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- Park fencing/gates; signage; drainage; furniture; planting.
- All associated site development and landscaping works.

All at Mallow Town Park, Park Road/N72, Mallow, County Cork.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

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 likely 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 a European Site,
- (d) the Conservation Objectives, qualifying interests and special conservation interests for the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170),

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- (e) the policies and objectives of the Cork County Development Plan, 2014-2020,
- (f) the policies and objectives of the Mallow Town Development Plan, 2010-2016,
- (g) the nature and extent of the proposed works,
- (h) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura impact statement,
- (i) the submissions and observations received in relation to the proposed development, and
- (j) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment:

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura impact statement and associated documentation submitted with the application for approval, 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 Site, namely the Blackwater River (Cork/Waterford) Special Area of Conservation (Site Code: 002170) in view of the site's Conservation Objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

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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 Site.

In completing the appropriate assessment, the Board accepted and adopted the screening and the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the aforementioned European Site, having regard to the site's Conservation Objectives.

In overall conclusion, 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 Site, in view of the site's Conservation Objectives.

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 not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses or road network in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Conditions

1. The proposed 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. Where any mitigation measures set out in the Natura impact statement 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 and monitoring measures, outlined in the plans and particulars relating to the proposed development, shall be implemented in full or as may be required in order to comply with the following conditions. 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 protecting the environment, the protection of European Sites and biodiversity.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies a Construction Environmental Management Plan (CEMP), including a Construction Traffic Management Plan and incorporating all mitigation measures indicated in the Natura impact statement and a demonstration of proposals to adhere to best practice and protocols.

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

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall arrange for the preparation of a road safety audit within the meaning of the relevant Transport Infrastructure Ireland guidance. This shall assess the construction and operational impacts of the proposed ramped pathway connection from the river level to the elevated N20 and the associated sign. Prior to the commencement of development of this ramped pathway, the road safety audit report and the response of the local authority shall be placed on file and retained as part of the public record.

Reason: In the interest of traffic safety.

5. Car parking adjacent to the soccer pitch shall be managed to ensure that it is used in accordance with the use of the town park as a recreational space. Parking associated with the multi-event area shall be available for use only in association with events at that area.

Reason: To prevent an excess of supply of car parking and to promote sustainable modes of travel.

6. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall arrange for a review and finalisation of the Invasive Species Management Plan. Prior to the commencement of development, including set-up works, the final Invasive Species Management Plan shall be placed on file and retained as part of the public record.

Reason: In the interest of biodiversity.

7. The local authority, or any agent acting on its behalf, shall ensure that all plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

8. A suitably qualified ecologist shall be retained by the local authority as Environmental Manager to oversee the site clearance and construction of the proposed development. The ecologist shall have full access to the site, as required, and shall oversee the implementation of mitigation measures arising from the updated ISMP and which are set out in the Natura impact Statement. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of biodiversity and the protection of the European Site.

9. The maintenance regime associated with the wildflower meadow and neighbourhood forest at Castle Park shall include regular mowing to provide a grass lawn pathway along desired lines through the meadow.

Reason: In the interest of the convenience of pedestrians and in the interest of biodiversity.

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10. New public lighting shall be restricted to the parking area to be developed to the north and west of the soccer pitch.

Reason: In the interest of clarity and to protect biodiversity.

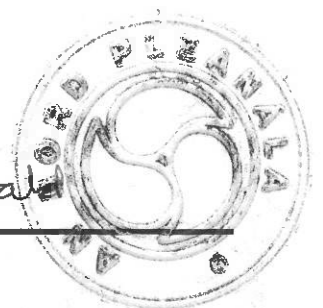
11. The local authority, or any agent acting on its behalf, shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site. A suitably qualified archaeologist shall be appointed by the local authority (licensed under the National Monuments Acts 1930-2004) prior to the commencement of development works on site. The archaeologist shall oversee the site set-up and construction of the proposed development and shall monitor all site investigations and other excavation works during construction works.

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.

DR. Maria FitzGerald

Maria FitzGerald

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**



Dated this 17th day of Nov. 2021