



An  
Bord  
Pleanála

## Board Order 04.HA0053

**Roads Acts, 1993 to 2015**

**Planning and Development Acts, 2000 to 2017**

**Planning Authority: Cork County Council**

**Application** by Cork County Council for approval under section 51 of the Roads Act 1993, as amended, in accordance with plans and particulars, including an environmental impact statement and Natura impact statement, lodged with An Bord Pleanála on the 15<sup>th</sup> day of May, 2017.

**Proposed Road Development:**

- Approximately 11 kilometres of Standard Dual divided motorway, consisting of two lanes and a hard shoulder in each direction divided by a segregating barrier passing through the townlands of Douglas, Monfieldstown, Mounthovel, Maryborough, Moneygurney, Castletreasure, Ballinimlagh and Ballinrea in the District Electoral Division of Douglas; Shannonpatrick, Hilltown and Carrigaline Middle in the District Electoral Division of Carrigaline; Ballyhemiken and Raffeen in the District Electoral Division of Monkstown Rural; Shanbally, Barnahely and Ballintaggart in the District Electoral Division of Carrigaline in the County of Cork.
- Approximately 1.6 kilometres of Type 1 single carriageway (Protected Road) consisting of one lane and a hard shoulder in each direction passing through the townlands of Barnahely, Loughbeg and Ringaskiddy in the District Electoral Division of Carrigaline in the County of Cork.

- A proposed service area approximately 1.8 hectares in size located in the townlands of Loughbeg and Ringaskiddy in the District Electoral Division of Carrigaline in the County of Cork comprising:
  - One full grade separated junction at Carr's Hill;
  - Three partial grade-separated junctions at Bloomfield/Rochestown Road, Shannonpatrick and Shanbally, with associated roundabouts and slip roads;
  - Four on-line roundabouts at Barnahely, Loughbeg, Ringaskiddy and Port of Cork;
  - Six new road underbridges;
  - One underbridge widening;
  - One new underpass to facilitate pedestrian and cyclist movement along the Old Post Office Road;
  - Shared use pedestrian/cyclist underpass at Carr's Hill Interchange;
  - Removal of existing Maryborough Hill overbridge and construction of a new overbridge;
  - 16 new retaining wall structures;
  - 15 culvert structures;
  - Utility diversions including overhead and underground electricity lines, gas mains, watermains and communication cables;
  - Access road and accommodation works;
  - All associated ancillary and consequential works.

### **Decision**

**Approve the above proposed road 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 particular regard to:

- (a) the European, national and regional transport policies, including Trans European Networks (TEN-T) and the National Ports Policy,
- (b) the national, regional and local planning policies and objectives, inclusive of those set out in Project Ireland 2040 – encompassing the National Planning Framework and the National Development Plan, in Smarter Travel A Sustainable Transport Future, the South West Regional Planning Guidelines 2010-2022, the current Cork County Development Plan, the current Cork City Development Plan and the Ballincollig-Carrigaline Municipal District Local Area Plan,
- (c) the proposed scheme constituting a key strategic transport route connecting Cork City and Region and the national road network via the N40 with the Port and the Strategic Employment Area at Ringaskiddy, which would alleviate traffic congestion and delays, facilitate the economic development of the area, improve road safety for all road users, and reduce the traffic impact on the human environment for the communities along the N28 corridor,
- (d) the design, layout and alignment of the proposed road development minimising the impact of the development on the environment,
- (e) the range of proposed mitigation measures set out in the submitted environmental impact statement, Natura impact statement and Schedule of Commitments, and

- (f) the submissions made in relation to the planning application and the report and recommendation of the Inspector (including the report of the Traffic and Transportation Consultant employed by the Board).

**Appropriate Assessment:**

The Board agreed with the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (site code: 004030) and the Great Island Channel Special Area of Conservation (site code: 001058) are the European Sites for which there is a likelihood of significant effects.

The Board considered the Natura impact statement, the submissions of the Department of Culture, Heritage and the Gaeltacht and all other relevant submissions and carried out an appropriate assessment of the implications of the proposed road development for European Sites in view of the conservation objectives for the Cork Harbour Special Protection Area (site code: 004030) and the Great Island Channel Special Area of Conservation (site code: 001058). The Board considered that the information before it was adequate to allow the carrying out of an Appropriate Assessment.

In completing the assessment, the Board considered, in particular, the likely direct and indirect impacts arising from the proposed road development, both individually or in combination with other plans or projects, the mitigation measures which are included as part of the current proposal and 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 of the potential effects of the proposed road development on the aforementioned European Sites, having regard to the sites' conservation objectives.

In overall conclusion, the Board was satisfied that the proposed road development would not adversely affect the integrity of these European Sites in view of the sites' conservation objectives.

**Environmental Impact Assessment:**

The Board completed an environmental impact assessment of the proposed road development, under the provisions of EU Directive 2011/92/EU, taking into account:

- (a) the nature, scale, location and extent of the proposed road development,
- (b) the environmental impact statement and associated documentation submitted with the planning application,
- (c) the submissions made by observers and prescribed bodies in the course of the planning application and the oral hearing,
- (d) the responses from the applicant to the submissions,
- (e) the mitigation measures proposed, and
- (f) the report, assessment and conclusions of the Inspector (including the report of the Traffic and Transportation Consultant employed by the Board).

It considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed road development. The Board completed an environmental impact assessment of the proposed road development, by itself or in combination with other development in the vicinity, and concluded that, subject to the mitigation measures proposed and the conditions set out below, the effects of the proposed road development on the environment would be acceptable. In doing so, the Board adopted the report of the Inspector appointed by the Board.

### **Proper Planning and Sustainable Development of the Area:**

It is considered that, subject to compliance with the conditions set out below, the proposed road development:

- would assist in alleviating traffic congestion and delays and facilitate the economic development of the region, including the strategic development of the Port of Cork at Ringaskiddy,
- would provide opportunities to develop sustainable transport projects (including walking, cycling and public transport) in the general vicinity,
- would improve the human environment for communities along the route, and
- would improve road safety for all road users.

The proposed road development would not have significant negative effects on the community in the vicinity, would not give rise to a risk of pollution, would not give rise to unacceptable visual or landscape impacts, would not have a detrimental impact on archaeological and architectural heritage, would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed road development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The proposals, mitigation measures and commitments set out in the environmental impact statement, and as further stated and clarified in the Schedule of Commitments submitted by the local authority to the oral hearing on the 1<sup>st</sup> day of December 2017, shall be implemented as part of the proposed road development.

**Reason:** In the interest of clarity, to mitigate the environmental effects of the proposed road development, and to protect the amenities of properties in the vicinity.

2. In advance of the coming into operation of the proposed road development, the following traffic related matters shall be addressed:-
  - (a) The revised layouts for the following elements of the proposed scheme shall be implemented in accordance with the details submitted by the local authority to the oral hearing on the 28<sup>th</sup> day of November, 2017:-
    - (i) Incorporate auxiliary lane on approach to Northbound Diverge as shown on Drawing Number SK5067.
    - (ii) Revised junction layout for Carr's Hill/Maryborough Hill incorporating traffic signals, pedestrian crossings and footpaths, cycle facilities and road markings as shown on the drawing submitted.
  - (b) The proposed realignment of the L6472 at Shanbally shall be omitted from the proposed scheme and shall be replaced by an alternative proposal to upgrade Ballyhemiken Road to facilitate HGV deliveries to the ESB substation.

- (c) Ball netting shall be provided along the boundary with Douglas Golf Club lands where it adjoins the proposed two-way link road between Carr's Hill and Maryborough Hill.
- (d) Traffic management measures shall be put in place to achieve the following:-
  - (i) Routing of ferry terminal traffic exiting onto the junction of the N28 and the Loughbeg Road (L6517) along the L2545 to access the M28 at Ringaskiddy East roundabout.
  - (ii) Traffic calming on Mount Oval Diverge at the entrance to the estate.

**Reason:** In the interest of road safety and the amenities of the area.

3. In advance of the coming into operation of the proposed road development, the following additional noise mitigation measures shall be implemented:

- (a) Noise Barrier AB12 at Maryborough Ridge, as shown on Drawing Number NB002 of the environmental impact statement shall be extended by circa 1,000 metres to the south.
- (b) Noise Barrier AB25 at Shanbally, as shown on Drawing Number NB005 of the environmental impact statement shall be extended by circa 100 metres to the west.

**Reason:** In the interest of the residential amenities of the existing and future occupiers of nearby properties.



4. The proposed mitigation measure to erect an artificial nest box for Peregrine Falcon south of Chainage 11250, as provided for in Item 23 of 19.1.8 Schedule of Commitments submitted by the local authority to the oral hearing on the 1<sup>st</sup> day of December, 2017, shall be omitted from the proposed scheme.

**Reason:** The proposed structure at this location could give rise to conflict with the bird species for which the Cork Harbour Special Protection Area (site code: 004030) has been designated.

5. Bloomfield Woods shall be included in the pre-construction surveys for bat activity and potential roost sites and, should evidence of bat activity or roosts be found, these woods shall be included in the mitigation measures and monitoring programme as outlined in the Schedule of Commitments submitted by the local authority to the oral hearing on the 1<sup>st</sup> day of December 2017.

**Reason:** In the interest of the protection of any bat species present within these woodlands.

6. In advance of the coming into operation of the proposed road development, the following additional landscaping mitigation measures shall be implemented:

- (a) The existing soil wall to the rear of the properties at Newlyn Vale, at Chainage 435, shall be retained and the Extra Heavy Standard trees to be planted at this location shall be planted at existing ground level.

- (b) The wing walls to Structures S8A (Shanbally underpass) and S10 (Old Post Office Road underpass) shall be flared and finished with a textured or patterned finish.

