



An
Bord
Pleanála

Board Order 04.JA0038

Planning and Development Acts, 2000 to 2017

Planning Authority: Cork County Council

Application by Cork County Council for approval under section 175 of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including an environmental impact statement lodged with An Bord Pleanála on the 15th day of May, 2017.

Proposed Development: Douglas Flood Relief Scheme (including Togher Culvert) consisting of flood defence walls and embankments, new culverts, replacement, widening and extension of existing culverts, channel widening, deepening, realignment and regrading, channel maintenance, bank stabilisation, removal of existing trash screens and construction of new trash screens, bridge removal, bridge replacement, road regrading, underground pumping stations, service diversions, relocation of two number ESB substations/kiosks, tree felling, tree planting and landscaping, and all associated and ancillary works, all located in the townlands of Ardarrig, Ballybrack, Castletreasure, Douglas and Grange in the electoral division of Douglas; the townland of Doughcloyne in the electoral division of Inniskenny and the townland of Lehenagh More in the electoral division of Lehenagh, County Cork and the electoral divisions of Togher A and Tramore C, Cork City.

The proposed scheme consists of flood relief works along and/or adjacent to and/or in the vicinity of the following watercourses:

- The Ballybrack Stream (Douglas River) over a combined length of approximately 620 metres from the Ballybrack Woods (Mangala) to immediately upstream of Church Street, Douglas.
- The Grange Stream in Donnybrook over a length of approximately 480 metres.
- The Tramore River in Togher over a length of approximately 810 metres.
- The Tramore River at St. Patrick's Mills, Douglas over a length of approximately 80 metres.

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

Having regard to:

- (a) the Water Framework Directive (2000/60/EC) of the European Parliament and of the Council as transposed by the European Communities Environmental Objectives (Surface Water) Regulations 2009,
- (b) the European Communities (Environmental Impact Assessment) Regulations 1989, as amended, and the European Communities (Birds and Natural Habitats) Regulations, 2011,
- (c) the policies and objectives set out in the Cork County Development Plan 2014,
- (d) the nature and frequency of the flooding that occurs in Douglas and Togher within the catchment of the Tramore River, the Ballybrack Stream and the Grange Stream, and the potential impacts of climate change,
- (e) the nature, scale and design of the proposed development and the pattern of development in the vicinity,
- (f) 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,
- (g) the documentation and submissions of the local authority, including the environmental impact statement and associated documentation submitted with the application, and the range of mitigation measures proposed,
- (h) the submissions and observations made to An Bord Pleanála in connection with the application, and
- (i) the report and recommendation of the inspector appointed by the Board.

The Board was satisfied that the information before it was adequate to undertake an appropriate assessment screening and an environmental impact assessment in respect of the proposed development.

Appropriate Assessment Screening:

The Board noted that the proposed development is not directly connected with or necessary for the management of a European Site. The Board considered the nature, scale and location of the proposed development, the appropriate assessment screening report submitted with the application, the submissions made on file and the report of the inspector appointed by the Board. The Board undertook an appropriate assessment screening exercise in relation to the potential direct and indirect effects of the proposed development on European Sites. In completing the screening exercise, the Board adopted the report of the inspector and concluded that the proposed development, by itself or in combination with other development in the vicinity, would not be likely to have a significant effect on any European Sites, including the Cork Harbour Special Protection Area (site code: 004030) and the Great Island Channel Special Area of Conservation (site code: 001058). A Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

Environmental Impact Assessment:

The Board considered the nature, scale and location of the proposed development, the documentation submitted with the application, including the environmental impact statement, the submissions made on file, the mitigation measures proposed, and the report, assessment and conclusions of the inspector appointed by the Board. It is considered that this information was adequate in identifying and describing the direct and indirect effects of the proposed development. The Board completed an environmental impact assessment in relation to the proposed development, by itself and in cumulation 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 development on the environment would be acceptable. In doing so, the Board adopted the report of the inspector appointed by the Board.

Conclusions on Proper Planning and Sustainable Development:

It is considered that the proposed development would result in a benefit to the area by relieving serious and frequent flooding and would be in accordance with the policies and objectives set out in the Cork County Development Plan 2014. It is considered that, subject to compliance with the conditions set out below, the proposed development

- would not have adverse consequences for hydrology or hydrogeology,
- would not result in significant impacts on ecology or on the aquatic environment, or on any protected species or habitat,
- would not give rise to a risk of pollution,
- would not have a significant effect on soils or geology,
- would not give rise to significant visual or landscape impacts,
- would not have a detrimental impact on archaeological or architectural heritage,
- would be acceptable in terms of traffic safety and convenience, and
- would not seriously injure the amenities of the area or of property in the vicinity.

The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the environmental impact statement, and other associated documentation, lodged with the application, except as may otherwise be required in order to comply with the conditions set out below.

Reason: In the interest of clarity.

2. The mitigation measures contained in the environmental impact statement and the documentation submitted with the application shall be implemented in full, except as may otherwise be required in order to comply with the following condition, and in accordance with a time schedule for implementation that shall be made available for public inspection at the offices of the local authority prior to commencement of development and for a following period at least until completion of construction.

Reason: In the interest of clarity and the protection of the environment.

3. The local authority, and any agent acting on its behalf, shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. A suitably-qualified archaeologist shall be appointed by the local authority to undertake archaeological monitoring as identified in the environmental impact statement. The archaeologist shall apply for an Excavation Licence to monitor the works which shall be accompanied by a detailed method statement that addresses all archaeological requirements as identified in the environmental impact statement and includes a definitive finds retrieval strategy and shall provide arrangements for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

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

Dated this day of 2017