



An  
Bord  
Pleanála

## Inspector's Addendum Report

**ABP-305442-19**

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<b>Development</b>	Dursey Island cable car and visitor centre.
<b>Location</b>	Ballaghboy, on the Beara Peninsula, West Cork and Dursey Island.
<b>Applicant(s)</b>	Cork County Council.
<b>Type of Application</b>	Approval under Section 226.
<b>Observer(s)</b>	None (RFI stage)
<b>Prescribed Bodies/Statutory Consultees</b>	An Taisce DAU (NPWS) Kerry County Council
<b>Date of Site Inspection (for Addendum Report)</b>	N/A
<b>Inspector</b>	Patricia Calleary

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## 1.0 Introduction

- 1.1. This addendum report relates to an application made by Cork County Council, seeking approval under Section 226 of the Planning and Development Act, 2000, as amended, for the decommissioning of the existing Dursey Island cable car and the construction of a new dual cable car system, a visitor centre on the mainland and other ancillary/supporting development. Following consideration of the file and the initial inspector's report, the Board issued a request for further information (RFI) from the applicant in correspondence dated the 19<sup>th</sup> day of June 2020. The applicant's response was subsequently received by the Board on 30<sup>th</sup> day of October 2020, and the public were notified through a new public advertisement that a response to the RFI contained significant additional information in relation to the likely significant effects on the environment and the likely consequences for the proper planning and sustainable development.
- 1.2. The RFI was made available to the public at the offices of Cork County Council and online. Members of the public were afforded the opportunity to make submissions or observations between 20<sup>th</sup> day of November 2020, and the 8<sup>th</sup> day of January 2021 (inclusive). The RFI was also furnished to prescribed bodies/statutory consultees, as appropriate, who were also afforded an opportunity to make a submission or an observation to the Board in the same timeframe.
- 1.3. Submissions/observations were received on the RFI response from three parties, An Taisce, Kerry County Council and the Development Applications Unit on behalf of the (then) Minister for Department of Culture, Heritage and the Gaeltacht.
- 1.4. Subsequently, on the 9<sup>th</sup> day of March 2021, the file was referred to the Minister for Agriculture, Food and the Marine and the Minister for Transport in accordance with Section 227 of the Planning and Development Act, 2000, as amended. On the last day for comments, 4<sup>th</sup> May 2021, no responses had been received by the Board.
- 1.5. This addendum report considers the RFI, the applicant's response and the submissions/observations received. The report provides an assessment of the new information as relevant and should be read in conjunction with the original inspector's report on file dated the 28<sup>th</sup> day of April 2020.

## 2.0 Further Information

- 2.1. In its consideration of the application, the Board decided to request further information from the applicant on a number of matters, which are set out as headings in the assessment stage of this report.
- 2.2. The applicant provided a response to the RFI comprising a bound document and eight appendices which included the following new information: Written report by Dr. Derek Scott, Ouessant island and Dursey island aerial imagery, Post-breeding Chough survey report, Winter Chough survey report, Draft Dursey Island Visitor Management Plan and Wastewater treatment system drawings.
- 2.3. **Submissions received on the RFI response from Prescribed Bodies.**

### **An Taisce**

- the importance of upgrading the cable car facility to serve and maintain the island community as well as a sustainable number of tourists is recognised and supported;
- revised monthly cap of 11,716 visitors represents the applicants calculation of the maximum number of visitors that the island can sustain, but the need for such an increase on the current visitor levels has not been sufficiently justified;
- the model of future tourism investment in West Cork should not be car-based and should promote longer stay accommodation in locations commensurate with the capacity of the host environment, rather than promoting a high-volume car-based day trip model, such as is currently proposed;
- the draft visitor management plan does not deal with the need to create a modal shift in tourism related transport and does not provide for safe cycling infrastructure or increased public transport access;
- the response has not examined alternative options that would not result in a significant increase in visitor numbers. The option of upgrading the existing cable car, maintaining the island's current visitor capacity and engaging with the island community to develop a longer stay eco-tourism model was not considered.

- a scaled back proposal should be submitted to ensure that the island's community is served in a climatological and ecological sustainable manner.

**Minister for Department of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.**

- **Nature Conservation:** In relation to any chough nesting in the derelict building, the Department is of the view that the measures proposed which include sealing the ground floor windows and doors should rule out any possible effects on the chough nesting in this building due to any possible disturbances by visitors to the island.

**Kerry County Council**

- States that they have no comment.

### 3.0 **Assessment**

#### 3.1. **Introduction**

- 3.1.1. I have previously carried out an assessment of the application and my report is on the Board's file. My recommendation put forward to the Board was to refuse to approve the development for reasons set out. Subsequently, the Board issued a request for further information to the applicant and this assessment now considers the new information on file, the applicant's response and submissions received.
- 3.1.1. The following sections of my addendum report should be read together with my original report dated the 28<sup>th</sup> day of April 2019. I have also prepared a revised/updated Recommendation and a revised/updated Draft Order for consideration by the Board.

#### 3.2. **RFI Item 1:**

*A more precise an evidence based calculation of the seasonal availability of foraging areas for the chough, based on the scale of suitable feeding habitat and Dursey island, and the consequent numerical capacity of visitors and the mitigation measures that would be effective in addressing potential indirect impacts on the chough bird species and its feeding habitat.*

- 3.2.1. In its response to RFI Item 1 above, it is submitted by the applicant that there is no evidence to indicate that human disturbance currently poses a conservation threat to the Dursey island chough population. It is stated that results of additional bird surveys which were carried out in the 2019/2020 winter season revealed no further evidence that human activity was having a significant negative effect on the ability of foraging birds to obtain sufficient forage. It is also submitted that a highly experienced ornithologist who has lived on Dursey Island, since the early 1990s (Dr. Derek Scott), states that he has never observed evidence of human disturbance occurring at such a level as to pose a conservation threat on Dursey Island. A report by Dr. Scott is included as an appendix (Appendix B) to the response received.
- 3.2.2. It is submitted that the majority of scientific evidence and observations from other sites in Britain and Ireland would indicate that the red-billed Chough is quite tolerant of human disturbance (Bullock *et al.*, 1983; Jimenez *et al.*, 2011). It is also submitted that anecdotal evidence and surveys from visitor attractions would support this conclusion (Wildeye & Ecology Ireland, 2018; Phyllida White, pers. comm., 2019).
- 3.2.3. Other scientific studies revealed that Chough breed highly successfully at locations along the coast in Cornwall with very high levels of visitor footfall (Johnstone *et al.*, 2011; Rylands *et al.*, 2012). The Wildeye and Ecology Ireland 2018 reference in the RFI response relates to the Natura Impact Statement submitted in support of an application made to the Board for the upgrade of the Wild Atlantic Way Discovery Point at Bray Head, Valentia, Co.Kerry. The Board recently approved that development under File ref: (ABP-307941-20).
- 3.2.4. It is stated that there is only one example of scientific research that has found evidence of human disturbance threatening viability of a population of chough which relates to a study on Ouessant Island, France (Kerbiriou *et al.*, 2009). It is further stated that on balance, while the evidence would suggest that overall, the Red-billed Chough is quite tolerant of the presence of visitors in outdoor recreation areas, in certain cases very high volumes of visitors during the breeding season may potentially pose a threat to the conservation status of a population.
- 3.2.5. The applicant goes on to state that the Ouessant island study by Kerbiriou is relied upon for Dursey as a worst-case example, in line with the precautionary principle and it is implied that it is the only available scientific research basis that calculates a

**numerical limit to visitor numbers** which can be used as a basis to impose an absolute numerical limit on the number of visitors travelling to Dursey island. The applicant acknowledges that the study on Ouessant was a longitudinal study over eight years and no comparable information is available in respect of Dursey.

- 3.2.6. It is stated in the original application documentation that the extrapolation of the carrying capacity for Dursey, drew on the information available on Ouessant (from the Kerbiriou *et al.* study) on the advice of Mr. Mike Trewby, a national Chough expert. It is also stated that Mr. Trewby's specific advice was to extrapolate a carrying capacity for Dursey Island from the Ouessant case, utilising the key constraining factor, **the area of suitable foraging habitat**, as a multiplier.
- 3.2.7. The applicant's extrapolation of a carrying capacity, presented within the RFI response, is what is referred to as a refined version of that provided with the application documentation at the outset. In the RFI response, as set out in Sections 2.1.5 and 2.1.6, the application presented a calculation of a carrying capacity of 11,716 visitors, slightly lower than 12,835 set out in the Environmental Impact Assessment Report (EIAR) and Natura Impact Statement (NIS), while using the same methodology for both, with the only difference being the variable/numerical value used for Dursey for 'suitable foraging area'. I have examined the applicant's methodology in my earlier assessment, and I note that the **methodology** used in the RFI response is the same. At the outset, it is important to view not just the Kerbiriou scientific paper, a copy which was submitted with the application, but also the appendices that are referred to in the paper, as these are most relevant in understanding the variables utilised and the methodology employed. While the appendices for the Ouessant island study were not included with the application, or the RFI response, I have sourced these and placed a copy on the Board's file with my original report.
- 3.2.8. As stated by the applicant, on the advice of Mr. Trewby it was decided to use '**the area of suitable foraging habitat**' as a multiplier in the numerical calculation. While it is stated that the approach used by the applicant has been developed and agreed with Mr. Trewby, there is no evidence included in either the EIAR or the RFI response that Mr. Trewby reviewed the specific numerical methodology or was satisfied with the numerical visitor capacity outcome. Based on my assessment, the **area of suitable foraging habitat** as a multiplier was not in fact used in the

applicant's methodology/calculation. I refer the Board to Tables 7.26 and 7.27 within Chapter 7 (Biodiversity) of the EIAR and Table 1 of the RFI, both of which are very similar, and both which include the mathematical calculation used. It is set out that the area of Chough foraging habitat on Ouessant Island is 7.6875 km<sup>2</sup> (i.e. 768ha). This is incorrect as, 768ha (or 7.6875 km<sup>2</sup> as set out in the applicant's calculation) represents the **entire/gross area** used for the scientific study by Kerbiriou, comprising the coastal location where foraging and visitors were observed on that island and where chough monitoring was carried out. In this regard, I refer the Board to the relevant appendix to the Kerbiriou study, copies which I have placed on the file with my original report. For ease of reference, I have provided the relevant page from the appendix, Supplementary Material Appendix: **Supporting Information S1** – Figure marked 'Grid with square (250 x 250 metres) used for Chough Monitoring' with this addendum report. It is clear from this appendix that the total area (768ha) relates to the combined area across the 123 squares, each measuring 250m x 250m, equating to 6.25km<sup>2</sup> for each square and when multiplied by the number of squares (123) equates to the total study area of 768ha or 7.6875 km<sup>2</sup> as set out in the applicant's calculation.

3.2.9. This 768ha area clearly does not represent the actual (net) area of suitable foraging habitat available to Chough on Ouessant. The use of this figure by the applicant overestimates the 'suitable foraging area for this species' and as can be seen on a review of **Supporting Information S1** (copy enclosed) it includes area covered by sea. It is of relevance to note that the **actual foraging area** within the study area in Ouessant was found by Kerbiriou to be considerably less at 62ha, of which 26ha was used on average by choughs and during peak visitor times this was reduced to 4.8ha. Therefore, the substitution of the 'gross study area' in place of the 'area of suitable foraging habitat' in respect of Ouessant by the applicant is clearly at variance with the intent of the advice stated to have been provided by Mr. Trewby. Consequently, it is evident that the methodology employed did not use 'like for like' or comparable numerical values.

3.2.10. I also note that the value used for Dursey purported to be 'suitable foraging area' within the initial application, included all of the land on the island with the exception of roads, paths and artificial structures. It is stated in the EIAR and NIS that the vast majority of the land on the island is available for suitable foraging area, however, I



have raised concerns on this assertion for reasons set out in Sections 7.10.16 and Section 7.10.17 of my original assessment report. In the RFI response submission, the applicant's stated available foraging area on Dursey was reduced from 598ha to 546ha. The use of this reduced area had the effect of changing the multiplier to 1.4 (from 1.28 used in the EIAR). The stated updated available foraging area on the island, as calculated by the applicant's ecologist, equates to c.88% of the entire island area<sup>1</sup>. This is clearly at variance with the information provided in the applicant's expert report prepared by Dr. Scott, who suggests on page 15 of his report submitted with the RFI response that that **no more than 25% of the island provides the right conditions for foraging Choughs**, i.e. close-cropped grassland sward in fields that have been heavily grazed to a short sward. Dr. Scott goes on to refer back to the EIAR, where it is noted that the western end of the island has an open short grassland sward and supports the highest levels of foraging habitats.

3.2.11. I would have to conclude at this juncture that the numerical calculation arrived at using a multiplier derived by using effectively the entire gross study area within which foraging and visitors were observed on Ouessant and c.88% of the entire of Dursey Island (where a significantly lesser figure of 25% is stated by the applicant's expert to be suitable for foraging) cannot be accurate. Neither figure can be accepted given that the **area of suitable foraging habitat** and the multiplier used have not been derived on a like-for-like basis. The simple substituting of numbers into the equation developed by the applicant, which are not comparable, is not a robust mathematical approach. Therefore, whether the vast majority of Dursey Island, as considered in the methodology used in the EIAR and NIS, or the revised and slightly reduced area submitted at the RFI stage (88% of the island area) is used, the visitor number arrived at as being acceptable is not based on a reliable methodology.

3.2.12. Apart from the considerations above, the stark differences between Ouessant and Dursey islands are acknowledged. These differences are set out in some detail by the applicant. For example, Ouessant is a highly developed island, criss-crossed with roads and trails and an airport, with regular ferries bringing high numbers of tourists to the island, particularly during the peak summer season. It should be noted, however, that the obvious built-up areas were excluded from the Ouessant

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<sup>1</sup> 545.9ha (stated area of chough foraging habitat on Dursey island) divided by 617.5ha (total area of Dursey island) = 88.4% (rounded to 88%).

study area, which instead, carried out the study across the specific area where Chough were observed along the coast, and not the wider or entire island area. The Ouessant study illustrated the effect of tourism on an already marginal population of Chough, with their access to undisturbed foraging areas along the coast squeezed and compressed during the peak of the summer season. The effects of this were demonstrated in reduced survival of juvenile birds.

3.2.13. The applicant makes a strong case for the current situation on Dursey, asserting that the resident Chough population is not significantly affected by current levels of visitors. In general, the evidence presented on the ecology of the species also shows that it is a highly adaptable species and exhibits tolerance to disturbance at tourist sites around the Irish and British coasts. These are reasonable points. The question to be answered, however, is could a significant increase in visitor numbers adversely affect this species of conservation interest. The examination of the Ouessant example in France as a worst-case scenario is important, as it illustrates the issues that could adversely affect an isolated population on a densely populated and highly touristic Island, with visitor numbers increasing annually.

3.2.14. It is of relevance to note that the purpose of the Kerbiriou study was not to determine a carrying capacity for tourism on Ouessant, and that calculation arrived at was quickly discounted as not being a realistic or achievable figure to attain. This adds further doubt as to the appropriateness of the adoption of the monthly visitor number from the Ouessant study. A relevant extract from the study is set out below.

Extract from Kerbiriou *et al* (2009)

*The observed response of choughs to increasing visitor number (Fig. 3) indicates that birds could spend 92% of their time foraging (i.e., the time they spend without disturbance) if the number of visitors within 3 km of the coastline does not exceed 0.7 per hour. In addition, considering that the chough population requires **26ha of short grassland at all times and that for a given number of visitors, the proportion of visitors within each zone does not change, we estimate that the number of tourists should not exceed 16 500 in August** (i.e., half the current number). However, this solution is probably not economically sustainable because tourism is the main source of income on Ouessant. **A realistic approach would be to combine different strategies defined with respect to local***

***situation (reroute paths away from priority feeding areas, create feeding habitats on areas with low tourist interest, etc.). [Inspectors emphasis in bold]***

- 3.2.15. It is also acknowledged that as Dursey island is close to the mainland, additional foraging habitat is available to chough within the wider Beara Peninsula SPA and they are not dependent solely on resources on Dursey, in stark contrast to the situation on Ouessant, which is an island 18km off the western coast of Brittany. The suite of mitigation measures aimed at minimising human disturbance on Dursey, including the new measure proposed of providing a caretaker on the island during the peak breeding season, to discourage visitors from entering the most sensitive habitats at the western end of the island, are also acknowledged and would serve to strengthen the protection of foraging habitats in this regard. However, the calculated sustainable level of tourist numbers (numerical visitor capacity) on Dursey cannot be relied on for the reasons outlined.
- 3.2.16. It may well be the case that the visitor number put forward is otherwise acceptable, however, the methodology used for its adoption is not reliable. It introduces scientific doubt on the validity and reliance on the acceptable visitor number capacity, a number which was arrived at based on implications for Chough. While suitably conservative assumptions from the Kerbiriou *et al* study were built into the approach for visitor threshold numbers, the extrapolation was not scientifically or mathematically sound. The absence of site-specific conservation objectives and targets for this SPA also means that the output of the predictive model cannot be related to any site-specific thresholds. It follows that where reasonable doubt exists, definitive findings cannot be reached in terms of the absence of adverse effects on the integrity of the Beara Peninsula SPA and in particular the Chough population, the protection of which is a conservation objective of the site.
- 3.2.17. I note that this conclusion I have arrived at is at variance with the nature conservation submission made on behalf of the Department of Culture, Heritage and Gaeltacht<sup>2</sup> made on the application initially (24/10/2019), which considers that the proposed development is unlikely to have an adverse effect on the biodiversity of the European Sites, provided the conservation and mitigation measures are

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<sup>2</sup> Now the Development Applications Unit of Department of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

incorporated. However, on drilling down through data used in the application of the Kerbiriou *et al.* study, it has been found that the visitor carrying capacity cannot be relied upon for the reasons outlined.

### 3.3. RFI Item 2

*Additional scientific evidence and information on flush distance calculations used in respect of Dursey island, and any implications on available foraging areas on the island and consequent visitor capacity.*

- 3.3.1. Additional bird surveys were carried by the applicant since the original submission. A post-breeding chough survey was undertaken by EirEco between August and November 2019 and a winter chough survey was undertaken by ornithologists from MKO planning and environmental consultants between December 2019 and March 2020.
- 3.3.2. Table 6 of the RFI response sets out a summary of the Chough flush distance statistics found in the combined surveys (May 2019 to March 2020). Out of the 69 surveys carried out in total, the maximum flush distance was 150m (one instance) and the minimum was 10m, with a resultant mean of 30.4m, a median of 30m and a standard deviation of 18.5m. These flush distances are considerably less than that calculated for the referenced Ouessant study of  $147 \pm 23\text{m}$  with flocks containing juveniles ( $75 \pm 9\text{m}$  without juveniles). It is also stated that over the years, Dr. Scott has not observed evidence of human disturbance occurring at such a level as to pose a conservation threat on the island.
- 3.3.3. A 50m buffer (30m plus a precautionary 20m buffer) was applied to take account of flush distance to the existing network of trails on Dursey Island with an estimate arrived at that 22% of Chough foraging habitat could be subject to human disturbance at peak times, assuming visitors are distributed along trails throughout the island. It is stated that this is substantially less than the equivalent extent of disturbance on Ouessant island which, according to Kerbiriou *et al.* (2009) is as high as 97% of the suitable foraging habitat at peak times. Ouessant illustrates a worst-case scenario for this species, generating a conservative comparison as Dursey is (currently) less exposed to the influence of visitors and with more scope for foraging uninterrupted and opportunities to move away from any temporary disturbance. It

may of interest to the Board to note that the other Irish example referenced and recently decided by the Board (the NIS for the upgrade of the Wild Atlantic Way Discovery Point at Bray Head, Valentia Island and part of the Iveragh Peninsula SPA) calculated a flush distance of 65m, which also is based on a stated precautionary basis. In a study referenced by the applicant (Jiménez *et al* 2011) on Alpine and Red-billed chough, both species showed habituation, reduced flushing distances in tourist versus non-tourist sites in Alpine areas, a conclusion that differs markedly from the Ouessant findings.

- 3.3.4. I am satisfied that the applicant has provided sufficient evidence to support the approach to the calculated flush distance. I have dealt with the matter of foraging area in more detail under RFI Item 1 above.

### 3.4. RFI Item 3

*Specific details on how the chough nesting site in a derelict building on the island will be protected, in line with the recommendation from the Department of Culture, Heritage and the Gaeltacht<sup>3</sup>.*

- 3.4.1. The response to the RFI sets out a new proposed measure to protect the nesting site in the derelict building by sealing the doors and windows of the ground floor, such that visitors cannot enter the building. It is submitted that one door would be closed with a lock and the landowner would hold a key. These works would be carried out outside of the nesting / breeding months (i.e. no works during the period from February to September). To ensure that wildlife are not disturbed by the works, the building would be surveyed by the project ecologist, prior to commencement of works. It is also submitted that this would be subject to agreement with the National Parks and Wildlife Service (NPWS). The Board are aware that NPWS has no role in compliance or approval of any measures that may be approved by condition, however, they should be notified by the applicant as a matter of course should the proposed mitigation be included in any approval of the scheme.
- 3.4.2. I am satisfied that this measure proposed would be effective in preventing visitors to the building, while not preventing the pair of breeding birds from accessing the nest

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<sup>3</sup> Now the Development Applications Unit of Department of the Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media.

via the upper floor windows. I am therefore satisfied that this measure is a reasonable proposal in suitably protecting this identified chough nesting site referred.

### 3.5. RFI Item 4

*The preparation of a visitor management plan to control and manage visitor numbers assessing Dursey island, to support the delivery of responsible and sustainable tourism, to manage potential traffic and parking issues during peak holiday season, and to conserve an ecological sensitive environment. The plan should describe the process for determining and managing maximum capacity for visitors both to the island and to the mainland visitor center on a monthly, weekly and daily basis as appropriate.*

- 3.5.1. A Draft Visitor Management Plan has been provided with the RFI (Appendix G) and it is stated that it will be developed further in consultation with relevant stakeholders. It is also stated that once finalised, the (final) Visitor Management Plan would offer a greater level of protection in relation to visitors in the area. The draft plan is underpinned by the calculated visitor capacity for protection of the Chough bird species, which are deemed the most sensitive ecological receptors, at no more than 11,716 visitors per month to the island. I have outlined my concerns regarding the methodology used to arrive at the visitor capacity in my earlier assessment in the first instance and my assessment under RFI Item 1 above.
- 3.5.2. It is submitted by the applicant that the capacity of the mainland visitor centre during the peak season is also determined by the capacity on the approach along the R572 from Bealbarnish Gap to the Visitor Centre at no more than 14,645 per month to the mainland site. As set out in my main report, this 8km stretch of the R572 is a narrow road with restricted forward visibility, poor alignment with tight bends and the majority of the road is too narrow to facilitate passing traffic. It is acknowledged that road improvement works in the form of passing bays are proposed.
- 3.5.3. It is proposed to limit the visitor numbers during the peak season, through visitor management measures, to a maximum of 586 visitors per day to the mainland. It is estimated that 240 vehicles will arrive at the mainland visitor centre per day and 60 vehicles will arrive per hour **during peak times**. It is stated that a web-based portal would be developed with an integrated reservations system to ensure even

distribution of visitor numbers to ensure that the car parking facilities would meet visitor demand. It is also stated that there would be real-time Variable Message Signage (VMS) located around the Beara Peninsula to inform drivers when the site is at capacity. It is further stated that **essential pre-booking would be advertised** (Page 37 of the RFI response), and while no reference has been set out as to whether or not the current practice of people arriving without an advanced booking would continue, it is likely, on the basis of essential pre-booking being advertised, that it would not.

- 3.5.4. It is stated in the EIAR that the proposed new cableway (comprising two carrier cabins) could transport between **3,400 and 6,600 to the island each day**. (Chapter 3 – Description of Proposed Development, Footnote 3 – P.15). However, it is further stated in the RFI response that the maximum visitor number to the mainland visitor centre would be capped at **586** visitors per day. While the maximum permitted daily visitors to the island has not been stated, in accordance with the applicant's stated assumption that 80% of the visitors to the mainland would travel on the cable car to the island, this would equate to a maximum of **c.469** visitors making the journey to the island per day. It can reasonably be assumed that the numbers put forward include capacity to deal with the small number of journeys by local landowners and island residents.
- 3.5.5. I have included a table in my main report (Table 1) setting out a comparison of the existing and proposed cable car parameters insofar as the information furnished allowed. Following my consideration of the new information in the RFI response, I have updated the table with parameters provided in both the EIAR and the RFI response which is presented below as Table 1(updated) below.

**Table 1 (updated):** parameters for the existing and proposed cable car, passenger carrying capacity and visitor numbers.

Parameters	Existing Cable Car Infrastructure	Proposed Cable Car Infrastructure
<b>Type/Design</b>	Single cable car system	Dual cable car system
<b>Journey Speed</b>	0.9 m/s (outward and return journey)	1 m/s outward and 6 m/s return (visitors) and 6m/s for outward and return journey for island inhabitants and island farmers
<b>Passenger carrying capacity for single journey</b>	6 persons	15 persons per cable carrier cabin (30 in total as a dual cable car system /two carrier cabins proposed)
<b>Passenger carrying capacity</b> (How many visitors could the current infrastructure carry to the island)	Not stated but maximum visitor numbers reach capacity in summer as queuing is common (stated in EIAR).	Stated in EIAR (Chapter 3 – Description of Proposed Development, Footnote 3 – P.15) that the new cableway comprising two carrier cabins could transport between 3,400 and 6,600 per day.
<b>Visitors to mainland/visitor centre</b> (Monthly, weekly, daily figures)	Current numbers arriving to mainland cable car site only (i.e. including those not making the journey to Dursey island) are <b>not stated</b>	<b>Monthly</b> visitors to the visitor centre would be capped at <b>14,645</b> visitors  <b>Weekly</b> visitors to the visitor centres would be capped at <b>3,380</b> visitors  <b>Daily</b> cap to the visitor centre on the mainland would be set at <b>586</b> visitors per day (stated in RFI to be 20% greater than current)
<b>Visitors to Dursey Island</b> (Monthly, Weekly, Daily figures)	Current numbers: <b>140</b> and <b>313</b> visitors per month during the winter months (November to February, inclusive; 2017/18) and <b>4954</b> and <b>4943</b> per month during the peak months of July and August.	Monthly visitor numbers to the island would be capped at <b>11,716</b> visitors  Weekly and daily visitors not set out in the RFI, however, It is stated that it is anticipated that 80% of the visitors to the mainland site will make the trip across the new cable car to the island.
<b>Annual Number of Visitors to Mainland site</b>	Current numbers to the mainland only are not set out	Annual visitor numbers to the mainland site would be capped at 100,000 (set out in EIAR)
<b>Annual Number of Visitors to Dursey Island</b>	20,424 annual visitors	Annual visitor numbers would be capped at 80,000 (set out in EIAR)
<b>Peak season traffic to mainland</b>	<b>434</b> two-way traffic per day (peak in May and June BH weekend)	<b>480</b> two-way traffic per day set out in the RFI stated to be 15% greater than current ( <i>inspectors note:</i> for clarity it represents c.10% greater than the current two-way traffic set out in the EIAR)
<b>Busiest hour at the site (12.00-13.00)</b>	<b>68</b> vehicles (peak in May and June BH weekend) set out in the EIAR	<b>60</b> two-way traffic set out in the RFI response.
<b>Car parking spaces</b>	70	100 (total) proposed



- 3.5.6. The rationale behind the replacement of the current small-scale single car operation with such a significantly larger capacity dual car system, capable of carrying a stated 3,400 to 6,600 persons, far in excess of that required to transport the number of passengers proposed, is not set out. There is a risk that the larger capacity cable car infrastructure could result in a difficulty in regulation of the visitor numbers proposed over time. The stated requirement of essential pre-booking might well be difficult to regulate over time, especially with the significantly larger capacity cable car proposed. Reference is made throughout the RFI response of future plans whereby 'the applicant intends to gather data for a ten-year period, following which they intend to propose a new bespoke carrying capacity' for the island. While not specifically stated, it is reasonable to assume that the larger capacity cableway currently proposed would serve to provide the infrastructure for, not only the current proposal but also an increased visitor number envisaged for the future. The applicant states that any such change in visitor numbers would be subject to an application for approval.
- 3.5.7. Even with the proposed limitations or caps to visitor numbers, an approximate four-fold increase to the annual number of visitors to the island is proposed. I have dealt with this matter in more detail in my main report under the heading of 'Sustainability and Scale', in which I also note concerns raised in the submissions to the application. In submissions on the RFI, these concerns have been raised by An Taisce who consider that the response have not addressed this issue. However, on balance, I acknowledge that the maximum visitor numbers as committed to, would be a requirement of the overall operation, if the development were approved, and the visitor numbers limits could be further strengthened by attaching an appropriately worded condition to an approval, should the Board be minded to approve the development.
- 3.5.8. I have dealt with matters of traffic and car-parking as part of my original assessment and I have concluded that notwithstanding passing bays and other physical interventions proposed, the road network leading to the development, along the R572 regional road, a scenic route, is deficient in width and alignment and would not be capable of safely accommodating the additional traffic volume envisaged. It's intensification of use would also generate conflicts with the 130 private properties with direct access onto this road. I have also concluded that an additional parking for

30 cars is not sufficient. I also noted that there was no real proposals for sustainable transport, for example a park and ride facility, and that vulnerable road users along the R572 would not be protected. In this regard, I recognise that it would be difficult to offer any bus service to travel the R572 for reasons relating to the narrow road width and poor alignment and deficiencies as outlined above.

- 3.5.9. Given the increase in visitor numbers proposed, it is not altogether clear how only 10% increase in two-way traffic would result in peak season days (434 two-way traffic movements currently vs 480 proposed). It is equally unclear how the busiest hour in May and June Bank holiday weekends would result in a reduction in vehicles arriving at peak hour from the 68 (stated as current) vehicles to 60 (envisaged with the proposed larger development in place), notwithstanding proposals to encourage pre-booking and other management measures.
- 3.5.10. In conclusion on this matter, it is fully recognised that the cable car is hugely important to the island residents, landowners and farmers and to a sustainable level of tourism. There is also no dispute that the cableway and cable car infrastructure are in need of upgrading or replacement. The visitor management plan is a positive addition. However, noting the scale of infrastructure proposed and the passenger capacity that would be provided, I consider the proposal is far in excess of the required car facility to serve the needs of island residents, landowners and a sustainable level of tourism.

### 3.6. RFI Item 5

*Additional information, including appropriately scaled cross section and longitudinal drawings, regarding the provision of wastewater treatment systems proposed for the mainland and island sites, and in particular, how the large sand filter proposed on the mainland site will be constructed within the sloped topography of the site, and how sufficient subsoil beneath the gravel distribution layer on the island site will be provided to meet the Environmental Protection Agency code of practice guidance.*

- 3.6.1. In response to the above, the applicant submitted a number of longitudinal and cross section drawings through the mainland and island site proposed waste water treatment systems and connecting pipework. Before examining these, it is of relevance to recap on the effluent treatment design proposal. Following initial

treatment (primary and secondary) in the Denitrifying Wastewater Treatment Plant, effluent would be pumped to a sand polishing filter for tertiary treatment following which it would discharge via a gravel distribution layer to the underlying soil layer. Both systems on the mainland and island sites would be similar, though the scale of the island proposal is smaller as the main services are proposed to be located at the visitor centre on the mainland. Another notable difference is that on the mainland, the treated effluent would be pumped a distance of c.275m to the sand polishing filter, whereas on the island, both the treatment plant and the sand filter are located close together.

- 3.6.2. For the mainland site, drawings submitted with the RFI response include a site layout plan and section drawings. The contour lines are not labelled, however, it would appear, by reference to other drawings on file, that they are set at 0.5m intervals. It is stated that the sand polishing filter would be located in a natural hollow. Based on an examination of the drawings, this would not appear to be accurate. The existing ground levels are shown on Section D of Drawing No. 10.5 (Cross Sections through Mainland Site Tertiary Treatment System). It is clear that the sand filter would in fact be located on rising sloped ground, and based on measuring the scaled drawing, would have a difference in height of c.3.8m between the north east (higher) end of the proposed location of the sand polishing filter and the location at the south west (lower) end of the toe of the underlying proposed gravel distribution area, i.e. the lowest formation level.
- 3.6.3. The sand polishing filter on the mainland site would be a substantial structure. While not dimensioned, it scales c.19m long x c.11.2 m wide on the drawings accompanying the RFI response. This is a change to the stated dimensions (14.5m x 14.5m) submitted with the original application; however, it would broadly equate to the same area (c.212 sq.m). Given the sloped nature of the ground, it would require cut and fill earthworks with a maximum fill of c.3.8m at the toe of the gravel distribution layer at the lower end.
- 3.6.4. It is stated that the top surface of the sand polishing filter would be planted with vegetation species mix to match surrounding grass sward and flora species composition and, in this respect, I am satisfied that while the sand polishing system used for tertiary treatment would be a substantial size, once planting as proposed is

complete, it is capable of being successfully assimilated into the surrounding landscape.

- 3.6.5. The treatment system would cater for 807 daily visitors to the mainland which is well in excess of the peak visitor numbers proposed (586 per day) and is therefore acceptable in terms of capacity. It is stated in the EIAR that the sand polishing filter would be formed on a gravel distribution layer, which in turn would be underlain by a soil with a 'P' value of 12.38. This value is set out in Table 9.1 of the EIAR and backed up by information contained in Appendix 8.1 -Factual [Site investigation] Report.
- 3.6.6. While not stated, the a 'P' test is likely to have been used because of the shallow or limited suitable soil on the mainland site. The 'P' value can be used as a design parameter provided the 'T' value obtained from percolation testing is less than 90 (Ref: 'Figure 6.2. **a general guide to the selection of an on-site wastewater treatment system discharging to ground**' of the EPA code of practice). The 'T' value obtained is set out as 43.33 (Table 9.1). It is of relevance to note that the borehole log on the mainland site closest to the proposed location of the percolation area, (RCO2) did not reveal any soil that would normally be comparable with the 'T' value of 43.33 encountered. It revealed 'peat and weathered rock' at the top layer to a depth of 2.25m below ground. Nonetheless, soil stratification by its nature can be variable and I have therefore based my overall assessment of the suitability of the subsoil beneath the gravel distribution layer on the 'T' and 'P' values put forward by the applicant.
- 3.6.7. The tertiary treatment system, also a sand polishing filter, proposed for the **island site** is much smaller in size (64 m<sup>2</sup>) for reasons set out above. It would not be overly prominent in the landscape.
- 3.6.8. In relation to compliance with the EPA Code of practice for wastewater treatment systems (2009), it is stated in the RFI response that on the **island site**, the ground investigation indicates that there is a 700mm deep layer of soil cover at the sand filter location. It is stated that the proposed gravel distribution layer, which is a layer required to be placed beneath the sand polishing filter, would extend 300mm below existing ground level and that there would be 400mm subsoil beneath the gravel distribution layer. It is submitted that this arrangement is in accordance with the EPA

guidance where a minimum of 300mm layer (of unsaturated soil of a suitable 'T' value) is required beneath the gravel distribution layer. This proposal is different to what was submitted with the EIAR where it is otherwise stated that the proposed sand polishing filter would be raised and banded above existing ground level and the effluent would be discharged to a 300mm deep gravel distribution layer. A copy of the relevant borehole (RC03) is enclosed with the RFI response. It shows the top layer comprising 700mm of peat and weathered rock. I have had regard to this borehole (RC03) record in my earlier report in which I outlined my concern regarding the stated absence of **suitable soil** beneath the distribution layer, at this location on the island site.

- 3.6.9. The contention in the RFI response is that, when positioned 300mm into the ground, there would be a 400mm layer of suitable subsoil beneath the gravel distribution layer. This is at variance with that presented in the EIAR, in which it is submitted that the 'lack of subsoil negated the need to establish a percolation test'. It is also at variance with the geotechnical evidence from the closest borehole, RC03, where only peat and weathered rock were encountered at this location. In the absence of any suitable 'T' value to demonstrate a 'T' result of less than 90, peat and weathered rock cannot be considered as comprising a suitable subsoil for the safe disposal of treated effluent by reference to Figure 6.1 of the Code of Practice. While not stated, it is likely that the applicant has not presented a 'T' or 'P' value at this location because there was no suitable subsoil encountered at the position of the sand polishing filter on the island site.
- 3.6.10. In the absence of a suitable subsoil on the island site, the design of the tertiary treatment system would not strictly meet the requirement of the EPA Code of Practice (including Clarification 2012) for this element of the design, whereby a minimum of 300mm of subsoil with a suitable 'T' value is required to be maintained between the point of infiltration and the bedrock/water table.
- 3.6.11. Site improvements are referenced on the island site where it is stated in the RFI response that unsuitable soil would be removed and backfilled with suitable soil. It has not been stated how much soil is proposed to be removed or imported or where imported soil would be sourced from. Where site improvements are proposed, it is a requirement of the EPA Code of Practice that additional testing of the soil is completed **before** an assessment of the overall suitability of the site can be made.

3.6.12. While I have some concerns regarding the lack of a suitable subsoil on the island site, I also note that a high standard of treatment is proposed overall, including primary, secondary and tertiary treatment. I have also had regard to the groundwater risk assessment set out in the EIAR and the further dilution that would occur naturally as the treated effluent would travel through the underlying layers rock and ground water, prior to reaching any identified receptors. It is also of relevance to note that a Groundwater Discharge Licence under the Local Government (Water Pollution) Acts 1977 & 1990 would be required before the discharge is commenced and conditions attached to the licence would be required to be met. A maintenance agreement is proposed to be entered into between the operator of the site and a suitably qualified wastewater provider for both On-Site Wastewater Treatment Systems on the mainland and the island sites which would deal with any concerns regarding the functioning of the system.

3.6.13. I have noted and assessed the new information received by the Board as set out above. As per my previous recommendation, overall, I am satisfied that approval should not be withheld for reasons of effluent treatment. In the event of the Board approving the development, I recommend that a condition attach that the site improvements proposed would be designed and certified by a chartered civil engineer as would the installation of the effluent treatment systems and sand polishing filters on both the mainland and island sites.

### **3.7. Other Matters**

I am very mindful of the economic impacts which the pandemic brought about by COVID-19 has had on the tourism sector and the corresponding impacts which this will have had on the Dursey cable car attraction. However, there has been no change in planning policy to alter my assessment and as things stand, the application is required to be assessed against the current planning and related policy. In addition, I am mindful that the development, if permitted, would have a lifetime well beyond the impacts of the pandemic and therefore I have considered the development against proper planning and sustainable principles in the long-term.

### 3.8. Overall Conclusion on RFI Stage Assessment

Taking into account my assessment set out in this addendum report, in conjunction with my original assessment, I am recommending that the Board refuse to approve the development.

Below I have updated my recommendation to the Board based on the original assessment and the assessment set out in this addendum report and I have provided an updated/Revised Draft Order for the Board's consideration as set out below.

### 4.0 Updated/Revised Recommendation

On the basis of the above assessment and my earlier assessment, I recommend that the Board **REFUSE TO APPROVE** the proposed development in accordance with the following updated/revised Draft Order.

### 5.0 Updated/Revised Draft Order

#### Decision

**Refuse to Approve** the above proposed development based on the reasons and considerations set out below.

#### Reasons and Considerations

In coming to its decision, the Board had particular regard to:

- (a) the relevant provisions of the Planning and Development Act 2000, as amended and the Planning and Development Regulations 2001-2021;
- (b) the relevant provisions of EU Directive 2014/52/EU, amending Directive 2011/92/EU (EIA Directive);
- (c) the relevant provisions of Directive 92/43/EEC (Habitats Directive) and Directive 79/409/EEC as amended by 2009/147/EC (Birds Directives), Wildlife Acts 1976, as amended and the European Communities (Birds and Natural Habitats) Regulations 2011, as amended;
- (d) national and regional and local policies of relevance;

- (e) the nature, extent and scale of the proposed works as set out in the application for approval and the response to the Board's request for further information;
- (f) the information submitted including the Approval Drawings, Environmental Impact Assessment Report, Natura Impact Statement and associated documentation, further information received, and the range of mitigation measures set out including those provided in the further information response;
- (g) the likely effects and 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 European Sites;
- (h) the submissions received from the applicant, prescribed bodies and observers in the course of the application, and
- (i) the report and recommendation of the inspector.

### **Appropriate Assessment**

#### Appropriate Assessment - Stage 1 (Screening)

The Board agreed with and adopted the screening assessment carried out and conclusions reached in the Inspector's report that Beara Peninsula Special Protection Area (Site Code 004155) and Kenmare River Special Area of Conservation (Site Code: 002158) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

#### Appropriate Assessment - Stage 2

The Board also adopted the report of the Inspector and agreed with the conclusions in relation to the Stage 2 Appropriate Assessment. The Board is not satisfied beyond reasonable scientific doubt, that arising from significant increase in visitor numbers to the cable car visitor attraction and surrounding area, including Dursey Island in particular, during its operation phase, the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the Beara Peninsula SPA in respect of the breeding population of Chough (*Pyrrhocorax pyrrhocorax*) and its feeding habitats or Kenmare River SAC in respect of Annex I Terrestrial Habitats (Vegetated sea cliffs of the Atlantic and Baltic coasts and European dry heaths) having regard to the sites' conservation objectives.



It is considered that where reasonable scientific doubt exists the Board cannot reach definitive findings in terms of the absence of adverse effects on the integrity of the Beara Peninsula SPA or Kenmare River SAC the Board is therefore precluded from approving the development.

### **Environmental Impact Assessment**

The Board completed an Environmental Impact Assessment of the proposed development, taking into account:

- the nature, scale, location, and extent of the proposed development;
- the Environmental Impact Assessment Report and associated documentation submitted with the application;
- the submissions from the applicant, prescribed bodies and third-party observers in the course of the application;
- the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, both as part of the application and the response to the Board's request for further information, provided information that is reasonable and sufficient to allow the Board to carry out an Environmental Impact Assessment and 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 was satisfied that the information and data available was up to date at the time of taking the decision.

The Board was also satisfied the Inspector's report sets out how these various environmental issues were addressed in the examination and recommendation and are incorporated into the Board's decision.

### **Reasoned Conclusion**

The Board agreed with the inspectors conclusions that subject to the implementation of the mitigation measures referred to above, as detailed throughout the chapters of the EIAR, including Chapter 18 (Mitigation Measures), which accompanied the application, and those included as part of the further information response, the effects on the environment of the proposed development, by itself and in

combination with other development in the vicinity, would be acceptable in respect of the delivery of the physical infrastructure and any associated direct impacts.

However, the Board also agreed with the inspector, that due to the scale and increased capacity of the new cable car infrastructure and the proposal to permit a significant increase in visitor numbers to the mainland site and to Dursey Island, the development has potential to lead to unacceptable indirect impacts on **biodiversity**. This is primarily related to the numerical visitor carrying capacity put forward for Dursey Island which has not been adequately scientifically assessed and accordingly cannot be accepted as an effective mitigation measure in this regard.

Alternatives including a cable car with a smaller capacity such as would serve the island community and a level of sustainable tourism with a corresponding more sustainable level of car-based traffic movements and reduced car parking requirement were not adequately considered.

Overall, the Board cannot be fully satisfied that the proposed development would not have any unacceptable indirect adverse effects on the environment.

### **Proper Planning and Sustainable Development**

It is considered that the principle of the proposed development to replace the existing cable car serving Dursey Island and the mainland, and the provision of a visitor centre and café is acceptable and would facilitate a safer and improved journey experience for inhabitants of the island, those who are engaged in farming activities on the island, those who have established links with the island and for a sustainable number of tourists. However, the scale of the development is excessive, and as proposed, it would enable a significant increase in visitor numbers, risking unsustainable impacts to the highly sensitive ecological environment. It has not been adequately demonstrated that the development would be compatible with the environmental sensitivities and nature conservation designations of the area, particularly of Dursey Island.

The development would lie contrary to planning policy which supports responsible sustainable tourism development and the conservation of the environment. Policy in relation to Dursey Island requires that visitor numbers are not excessive and that a visitor plan should be developed to control numbers to an acceptable level. The Board noted the Draft Visitor plan included with the response to the further

information, however, it is considered that the numbers which **would be enabled** by the proposed development as set out, would be excessive.

The development would also give rise to unsustainable transportation movements along a substandard road, R572 regional road, a scenic route, which would require several physical interventions. It is clearly evident that the car-parking proposed is insufficient for the visitor numbers provided for.

Overall, the development is not justified in planning terms would result in a form of unsustainable tourism that is not appropriate to the unique circumstances of Dursey island. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

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Patricia Calleary  
Senior Planning Inspector

18<sup>th</sup> May 2021.