



An
Bord
Pleanála

Inspector's Report ABP-309661-21

Development	Sports facility
Location	Sexton's Boreen, Carhookeal, Summerhill, Mallow, County Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	20/4417
Applicant(s)	Cork Education & Training Board
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	First & Third Party
Appellant(s)	Manor Park Residents Association Cork Education & Training Board
Observer(s)	Department of Communications, Energy & Natural Resources
Date of Site Inspection	15 th June, 2021
Inspector	Kevin Moore

1.0 Site Location and Description

1.1. The 3.2 hectare site is located at the southern end of the town of Mallow in County Cork. It is a field in agricultural use. The site is bounded to the north by a secondary school, Davis College, and The Orchard residential estates. It is accessed from Old Cork Road, a principal approach to the town from the south, via Sexton's Boreen, which is a lane running to the west of the school property and an adjoining Gaelscoil. There are further residential estates to the west of Sexton's Boreen, with Manor Park lying to the west of this lane. A stream (Bearforest stream) is located along the eastern and southern boundaries and it flows in a northerly direction. The site falls in the direction of this stream.

2.0 Proposed Development

- 2.1. The proposed development would comprise:
- the construction of a 98m x 63m grass pitch,
 - the provision of a 400m eight lane running track,
 - the construction of a single-storey building to provide changing facilities,
 - the provision of 40 car and 2 bus parking spaces'
 - the widening of Sexton's Boreen,
 - the importation of clean, natural soil to grade the field,
 - the installation of floodlights, and
 - the diversion of a watermain and associated site works.

The provision of a level pitch and running track would require excavation on the west side of the site to a depth of about three metres and infilling on the eastern side up to a depth of about eight metres at its maximum. Grading of the land would be facilitated by the importation of approximately 24,900m³ of soils from the Davis College extension development adjacent to the site, which would be subject to waste authorisations. The changing room building would provide four dressing rooms, a wheelchair accessible WC/shower, a coach dressing room, a storage room and a plant room. The floodlights would be 18.3m high. The main entrance to the facility would be from Sexton's Boreen, which would be widened in part and would

accommodate lighting, foul sewer and storm water utilities. Car park drainage would be subject to attenuation before discharge to the adjoining Bearforest Stream. The proposed development is intended to be run as a community sports facility, open for use by the adjacent school, clubs in the area and the general public.

- 2.2. Details submitted with the application included an Environmental Impact Assessment Report, a Natura Impact Statement, a Flood Risk Assessment, a Road Safety Audit, a Flood Light Report, and a letter from the landowner consenting to the making of the application.

3.0 Planning Authority Decision

3.1. Decision

On 18th February 2021, Cork County Council decided to grant permission for the proposed development subject to 52 conditions. Condition 2 of the decision was as follows:

2 *The development shall be amended in the following respects;*

The proposed finished levels of the pitch and running track shall be lowered by 1m. Full details, including a full set of revised plans, shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: *In the interests of visual and residential amenity.*

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planner noted planning designations for the site, planning history in the vicinity of the site, third party submissions, reports received, and zoning provisions applicable to the site and adjoining lands. It was noted that the proposal is consistent with the zoning objective for the site. Reference was made to the need for clarity on levels, excessive impact on adjoining residences, lighting, and noise. A review of the findings in the EIAR was undertaken. A request for further information was recommended based on the reports received as well as matters relating to the level

of the proposed pitch/track, the provision of photomontages, and the spectator viewing location.

The Senior Planner concurred with the recommendation.

3.2.2. Other Technical Reports

In a first report, dated 26-03-20, the Public Lighting Engineer had no objection to the grant of permission subject to a schedule of conditions. In a second report, dated 19/05/20, the Engineer requested that further information be sought on public lighting proposals.

The Environment Report relating to soil, water and wastewater had no objection to the grant of permission subject to a schedule of conditions.

The Environment Report relating to noise recommended further information be sought with regard to mitigation measures to address impacts on the adjoining Orchard residential estate and with regard to further noise data and detailing of mitigation to address areas outside the northern boundary.

The Archaeologist noted the potential for subsurface archaeology and recommended that archaeological testing be carried out and a report be submitted as further information.

The Ecologist recommended that further information be sought in relation to details on the widening of the boreen, a landscape plan, and clarification on the impact of the proposed dressing room facility on Freshwater Pearl Mussel in the River Blackwater.

A third Environment Section report had no objection to the grant of permission subject to the attachment of a condition.

The Area Engineer requested that further information be sought in relation to the access road, car park design, pedestrian/cycleway connections, phasing, a management plan for the functioning development, parking provisions, cyclist facilities, flood assessment of impact on the Bearforest stream, and treatment of storm and foul waters from the proposed dressing rooms.

3.3. Prescribed Bodies

The Health Service Executive raised concerns relating to the inadequacy of public consultation, the assessment of floodlighting impacts, the need for effective noise mitigation measures, and the provision of a comprehensive Construction and Environmental Management Plan. The Emergency Management Consultation Report set out a number of recommendations relating to site operations.

Inland Fisheries Ireland requested that the design of landscaping and new structures crossing a watercourse should be cognisant of the need to preserve the ecological quality and connectivity of the riparian corridor in order to safeguard the fisheries resource and sought good site practices relating to pollution and habitat loss at the construction phase.

Irish Water had no objection.

3.4. Third Party Observations

Objections to the proposal were received from Karen Walsh, Joan Neill, Thérèse O' Riordan, Manor Park Residents' Association, W.S Dodd, and The Orchard Residents Association. The concerns raised related to parking, traffic, impacts on residential amenity, security, lack of consultation, biodiversity, depreciation of property values, alternative locations, site development density, and pedestrian access.

3.5. A request for further information was made on 18th June, 2020. A response to this request was received on 17th December, 2020. This included an EIAR amendment report on cut and fill levels, photomontages, drainage calculations, a noise response, an archaeology report, and details on lighting.

3.6. After the receipt of this information, the following reports were received by the planning authority:

The Public Lighting Section had no objection to the grant of permission subject to conditions.

The Environment Section had no objection to the grant of permission on public lighting grounds. It was also submitted that, subject to a connection agreement with Irish Water, the connection of the development to the public sewerage scheme can be facilitated without significant risk to Freshwater Pearl Mussel conservation objectives.

In a second Environment Section report relating to fill material on the site, there was no objection to the proposal subject to the attachment of a condition.

The Archaeologist submitted that no further archaeological input was required.

The Public Lighting Section had no objection subject to a schedule of conditions.

The Environment Section had no objection subject to a schedule of conditions on noise and dust.

The Area Engineer submitted that some of the further information requested remained unanswered but that should permission be granted any issues raised by the roads department could be dealt with by means of condition. The proposal was considered to be a facility that would benefit the people of Mallow and a grant of permission was recommended subject to a schedule of conditions.

The Ecologist noted the submitted further information and the reports received in response. It was concluded that the proposed development would not result in significant impacts to habitats or species of high value subject to the implementation of measures proposed in the EIAR, NIS and as per conditions of planning. Two conditions were recommended.

The Planner noted the further information response and the reports received. It was submitted that the development would have an imposing and overbearing impact on neighbouring residences to the north-east and that a lowering of the level of the pitch/track by a minimum of a metre was required. It was concluded that the response to the further information request was generally satisfactory and a grant of permission, subject to a schedule of conditions, was recommended.

4.0 Planning History

I have no record of any planning application or appeal relating to the site.

5.0 Policy Context

5.1. Mallow Town Development Plan

Zoning

The site is zoned 'Open Space/Sports/Recreation/Amenity' with the objective "To preserve these areas for the provision of functional and passive and active recreational and amenity open space."

Recreation and Public Amenity

The Plan states that, if the population of Mallow is to increase to 20,000 over the next 15 years it is vital that there is enough land zoned to allow existing clubs to expand and new clubs to open.

Objectives include:

Objective CR1

To work with community groups and organisations to provide suitable sites for additional sports, recreation and open space provision, to ensure that provision is properly co-ordinated with other forms of development and other land use policies, and to protect open space and other land with recreational or amenity value.

6.0 The Appeals

6.1. Grounds of the First Party Appeal

The grounds of the appeal relate to the attachment of Condition 2 with the planning authority's decision. The grounds of the appeal may be summarised as follows:

- The EIAR indicated that the proposed changes to the site are in line with appropriate landscape change to an urban periphery and cumulatively with the existing and new school extension on the adjacent site. The further information provided additional plans, sections, a landscape plan and photomontages showing views from The Orchards residential estate and a site plan showed the location of the spectator area on the southern side of the track. This shows there would be no overlooking towards The Orchards estate. The landscape and visual impact would be low.

- Under a scenario where the pitch/track is lowered by one metre, the volume of soil needing to be treated as waste and taken off site for disposal is estimated at 10,500m³. The legal framework for the management of waste supports the proposal to reuse all of the soil. Its off-site disposal to landfill is in direct conflict with European and national policy. The proposed reuse of suitable material is in line with the objectives of the Southern Region Waste Management Plan.
- If the 10,500m³ of soil is not reused on the site it would generate an estimated 1,050 additional HGVs, increasing traffic, increasing greenhouse gases, and increasing the carbon footprint.

The Board is asked to remove Condition 2.

6.2. Grounds of the Third Party Appeal

The grounds of the appeal may be summarised as follows:

- There is an area of publicly owned land in the near vicinity, the former rugby ground at Carhookeal, which has direct access to the Old Cork Road and could offer more space for parking than the proposed site. There are very few houses close to it and it is larger than the field proposed for development. Noise, light and traffic problems would be considerably reduced.
- If the site is to be used it should have additional access points. A one-way system, with Sexton's Boreen being the sole entry with a sole exit route skirting The Orchard estate, or visa versa, is suggested.
- There will be negative impacts and loss of amenity for many houses in the estate from noise and light pollution. The facility will be open from 08.00 to 22.00, much longer than the schools at this location. Noise levels recorded for the application were artificially high arising from construction works at Davis College. No shielding of floodlights is proposed to prevent light spillage in the direction of the estate. New street lights on Sexton's Boreen will cause an additional problem. A facility which would effectively be unsupervised would act as a magnet for anti-social elements with spill-over into the estate. Reference is made to impacts on Nos. 5-32 Manor Park.

- On the basis of planting requirements not having been fulfilled at Davis College, in all likelihood greenery destroyed will not be adequately replaced, with noise and light having a strong negative impact on wildlife.
- There has been a recent major change to access routes to Davis College, the impacts of which are not yet clear. Parking provision at the mouth of the Boreen is woefully inadequate. Intrusive parking and manoeuvring would affect roadways at Nos. 1-10 Manor Close and would affect residents wishing to go out onto Old Cork Road. A complex set of traffic lights at this location makes the estate an attractive alternative to official parking spaces. Traffic flowing up and down the boreen will cause noise pollution for the adjoining residents and limited parking will lead to more intrusive vehicle movements in seeking alternative parking. The destruction of hedgerows and trees to provide an eight metre wide carriageway is noted along Sexton's Boreen. However, there are various choke points close to the junction with Old Cork Road where the available width between garden boundaries and the college site perimeter walls barely exceeds five and a half metres. It is further noted that planning permission for the college extension in 2014 required the current hedgerow lines to be maintained, including at these choke points.

6.3. **Observations**

Geological Survey Ireland stated it had no specific comment or observations to make.

7.0 **Planning Assessment**

7.1. **Introduction**

- 7.1.1. I consider the principal planning issues relate to compatibility with development plan provisions, the planning authority's requirement to lower the site by a further metre below that proposed, alternatives, impact on residential amenity, tree and hedgerow removal, and traffic impact.

7.2. **Compatibility with Development Plan Provisions**

- 7.2.1. Mallow Town Development Plan is the local plan serving this area. I note that the site is zoned 'Open Space/Sports/Recreation/Amenity'. The objective applicable to this zone is "To preserve these areas for the provision of functional and passive and active recreational and amenity open space." Thus, the use for the land is intended to include functional active recreational open space. It is evident that a sporting facility such as that proposed would be wholly compatible with the site's zoning objective.
- 7.2.2. I further note the provisions of the Development Plan as they relate to recreation and public amenity. Acknowledging the intended growth of the town of Mallow, the plan submits that it is vital that there is enough land zoned to allow existing clubs to expand and new clubs to open. Objective CR1 of the Plan seeks to work with community groups and organisations to provide suitable sites for additional sports, recreation and open space provision, to ensure that provision is properly co-ordinated with other forms of development and other land use policies, and to protect open space and other land with recreational or amenity value. The proposed development would be wholly compatible with these provisions of the Plan.

7.3. **Lowering of the Site**

- 7.3.1. In the Planner's final report the filling of the site in an easterly direction and its impacts at the north-east end of the site are noted. It is acknowledged that the finished pitch/track level would be slightly less than 3m above the level of a house to the north in The Orchards estate. Concern is raised about the proximity to residences to the north and the impact by way of overbearance and overlooking from spectators on the northern embankment. The landscaping proposals are referenced. It was submitted that a combination of measures is required to mitigate impacts and that this includes the lowering of the level of the pitch/track by a minimum of a metre, with further implications resulting for the western section of the site. A condition was

recommended in relation to this lowering of the pitch and this formed Condition 2 of the planning authority's decision.

- 7.3.2. I note that the planning authority did not undertake any assessment of the impacts arising from the implementation of such a condition. There was no consideration of the manner in which the lowering of the site would potentially reduce impacts on properties to the north, no assessment of whether proposed landscaping would suffice without such additional works, and no consideration given to the impacts of further lowering of the land on the western section of the site. There has been no reasonable justification for randomly selecting a one metre lowering of the pitch/track. Indeed, I would submit that reducing the pitch/track level by one metre would not make any substantial in-roads into the impact on neighbouring property of from floodlighting and that further lowering by a metre or two would not address any such concerns in any substantially greater manner. The proposed boundary treatment, provision of an embankment and planting would be pivotal in the reduction of impacts from the pitch/track itself and there is appropriate provision being made.
- 7.3.3. Regarding spectating from the embankment adjoining the boundary of the site, I note the provision of the spectator area is to the south side of this site, i.e. away from the northern section of the site.
- 7.3.4. Overall, I do not accept that the lowering of the site by one metre is required and the implications of so doing very clearly constitute a material and substantive change to this proposal which heretofore has not been adequately assessed by the planning authority.

7.4. **Alternatives**

- 7.4.1. I note that the third party makes reference to an alternative site at a former rugby club. The principle of a development of this nature on the site of the proposed development has already been addressed when it was assessed above in relation to the Mallow Town Development Plan provisions. This is a site that has been zoned

for a use such as that now proposed and the planning application would ultimately lead to the desired use of the land. A refusal of permission based on an alternative location, where nothing is known of the availability and practicality of developing such an alternative, is not warranted.

7.5. Impact on Residential Amenity

- 7.5.1. I acknowledge yet again the zoning provisions for this site and the clear land use intent. The provisions have been in place for many years and the proposed development would allow for the desired use to be put in place and to bring this field into a functional recreational use that would be widely available to the Mallow community. With this understanding, it may reasonably be determined that the residents of this area should clearly have understood, and understand, that this site has effectively been earmarked for recreational use and that bringing it to public use would require substantial changes to the agricultural field which it is at present, as well as to the established access arrangements.
- 7.5.2. It is evident that the development of this site for the use proposed would bring with it changes to the immediate environment in which it would be placed. There would be noise arising from the use of the pitch/track, from spectators and from traffic. There would be increased lighting in the area, from floodlighting of the track/pitch and from street lighting leading to the entrance. It is also clear that appropriate access would be required and that the consequence of this would be improvements to Sexton's Boreen to meet access needs. It is reasonable to determine that the carrying out and operation of the development to allow for the land use provided for in the land's zoning would to some degree be understood by residents of this area.
- 7.5.3. With due regard to the above, I wholly accept that the proposed development would result in impacts on the existing amenity of residents in this area. This is to be expected when achieving the desired use of the lands to provide for increased recreational use by the Mallow community.

- 7.5.4. The most significant physical impact arising from the proposed development relates to the substantial cutting and filling required to provide for a level pitch/track. The proposed finished levels relative to neighbouring properties have been referred to above and are most pronounced when compared to existing levels of houses to the north of the site in The Orchards estate. The applicant has proposed a substantial landscaping plan and the necessary screening of the northern boundary would greatly reduce the impact that may result from overlooking. Clearly the provision of an embankment along this section of the site would greatly aid in providing a formal, fixed boundary and this is proposed. I draw the attention of the Board to the applicant's landscape plan and associated sections submitted to the planning authority by way of further information.
- 7.5.5. In providing floodlighting to the running track and playing pitch, I note that structures of the height proposed are not structures that could be screened. The appropriate measures to reduce impacts are to make design provisions to limit light spill to adjoining lands and I note the design of the floodlighting seeks to achieve this.
- 7.5.6. Regarding the impact from spectators, I note the layout of the proposed development and the siting of the spectator area to the east of the proposed changing rooms and on the southern side of the site away from neighbouring residential properties.
- 7.5.7. I note that some concern was raised by third parties to the planning authority in relation to pedestrian access to The Orchards and the traffic and pedestrian impacts arising for this estate. I note that there are no proposals to provide pedestrian access to The Orchards and the concerns raised do not arise. I also note that The Orchard Residents Association has no objection to the running track and sports ground.
- 7.5.8. Regarding the impact on Manor Park residents by the development of Sexton's Boreen, I note that this laneway is required to be widened if adequate access is to be provided to meet the development's needs. The works are designed to affect the north-east side of the lane and to avoid impact on the rear boundaries of the established residential properties to the west. Boundary walls would be retained. It is also noted that these road improvement works would form an extension to the works recently carried out at the north-western end of Sexton's Boreen beside the school

properties. Extending the lighting of this road as far of the site entrance would be necessary and the selection of suitable lighting can adequately address any concerns relating to light overspill.

- 7.5.9. Further to the above, I note the specified times for the facility to be in use, 08.00 – 2200. I also note that a management plan would be put in place to manage the facility. Such a plan, to be agreed with the planning authority and the relevant stakeholders, would be anticipated to be devised to address many of the concerns of the neighbouring residents, including traffic, hours of operation, making the facility secure when not in use, etc.
- 7.5.10. I submit to the Board that it is apparent that this development has been designed and laid out on these recreational zoned lands with due regard to minimising impacts on neighbouring residential properties.

7.6. Tree and Hedgerow Removal

- 7.6.1. I note from the submitted further information that road improvement works to Sexton's Boreen would be facilitated by modification of the roadside boundary on the north-east side of the lane. I have already acknowledged that these works would form an extension to the recently improved lane beside the school properties and that they are necessary to facilitate adequate access to the site. The hedgerow and associated vegetation are not of any known conservation value. While the loss is accepted as an amenity impact (albeit mainly unseen from the wider public realm), I note the substantial landscaping proposed as part of the overall scheme, which to some degree provides compensation for the vegetation lost. I repeat that adequate access to serve pedestrians, cyclists and other road users using this facility will not be provided without removing the hedgerow and trees as proposed.

7.7. Traffic Impact

- 7.7.1. I first acknowledge that this issue has been rigorously assessed by the planning authority in terms of the necessary works to Sexton's Boreen, access to the public

road from this lane, adequate road widths to accommodate servicing traffic, car parking provisions, etc.

- 7.7.2. The appellants note the recent changes to the north-western end of Sexton's Boreen. The proposed development seeks to extend the improvements that are in place as far as the site entrance. The extended works would have no physical impacts on the residential properties in Manor Park. The improved road would accommodate two-way vehicular traffic and make provisions for pedestrians. The adequacy of the improved section of road has been comprehensively assessed by the planning authority. The functioning of the access of Sexton's Boreen onto the public road has also been sufficiently assessed and it is noted that the new provisions adjoining the schools have been in place during school opening times. I acknowledge that there are traffic control provisions at and in the vicinity of this junction. These are not particularly complex and there is no information to raise traffic safety or operational concerns.
- 7.7.3. With regard to car parking at the site of the proposed facility, it is noted that this would be provided a short distance from the proposed entrance into the site, away from the nearest residents to the north and appropriately located beside the proposed changing rooms. This parking area would also accommodate two buses. I further note the specific provisions for overspill car parking within the adjoining school property when this may be required at exceptional times and this should address concerns about potential parking on Sexton's Boreen or in neighbouring residential estates. It is submitted that there are up to 100 car parking spaces within the school property that can be made available.
- 7.7.4. I note the appellants' submission regarding additional access points and the proposal for a one-way system, with Sexton's Boreen being the sole entry and a sole exit route being provided skirting The Orchard estate, or visa versa. It is my submission that the proposed development provides adequate accommodation to meet the traffic needs of the users of the facility. The works as part of the proposed development form an extension to a substantially extended laneway adjoining the school properties. The provision of an entry or exit in the vicinity of The Orchards would constitute a material and significant change to the access arrangements for

the proposed facility and the consequences for the residents north of the site could be substantial due to likely traffic generation through the estate, parking on the estate roads, etc.

- 7.7.5. Finally, I submit that it is reasonable to ascertain that the development of a management plan for the facility would include traffic management as an integral part of any such plan and that such a plan would be subject to the agreement of the planning authority.

8.0 **Appropriate Assessment**

8.1. **Screening for Appropriate Assessment**

8.1.1. *Background*

The applicant submitted an Appropriate Assessment Screening Report as part of the application to the planning authority. This Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicant's AA Screening Report concluded that the likelihood of significant potential impacts on the Blackwater River SAC could not be entirely discounted without further analysis.

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development, alone or in combination with other plans and projects, on European sites.

8.1.2. *Description of Development*

The applicant provides a description of the project on pages 9-14 of the AA Screening Report. In summary, the development comprises:

- The excavation, filling and grading of the land through importation of approximately 24,900m³ of soils from the Davis College extension development adjacent to the site;
- Road widening along Sexton's Boreen;
- A multi-purpose grass pitch and running track;
- A changing room building;
- A flood light system;
- Car parking and bus parking.

8.1.3. *European Sites*

Table 1 of the applicant's AA Screening Report identifies the relevant European sites and their distance from the site of the proposed development. These are as follows:

Special Areas of Conservation	Distance to Site
Blackwater River (Cork/Waterford) SAC	c. 0.978km

Special Protection Area	Location
Kilcolman Bog SPA	c. 13.2km

8.1.4. *Identification of Likely Effects*

General Observations

- The site of the proposed development is not located in or in the vicinity of any European site.

- The proposed development is not directly connected with or necessary to the management of any European site.

Blackwater River (Cork/Waterford) SAC (Site Code: 002170)

The Qualifying Interests of this SAC are:

- Estuaries
- Mudflats and sandflats not covered by seawater at low tide
- Perennial vegetation of stony banks
- Salicornia and other annuals colonising mud and sand
- Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)
- Mediterranean salt meadows (*Juncetalia maritimi*)
- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)
- *Margaritifera margaritifera* (Freshwater Pearl Mussel)
- *Austropotamobius pallipes* (White-clawed Crayfish)
- *Petromyzon marinus* (Sea Lamprey)
- *Lampetra planeri* (Brook Lamprey)
- *Lampetra fluviatilis* (River Lamprey)
- *Alosa fallax fallax* (Twite Shad)
- *Salmo salar* (Salmon)
- *Lutra lutra* (Otter)
- *Trichomanes speciosum* (Killarney Fern)

The Conservation Objectives are to maintain/restore the favourable conservation condition of the Annex I habitats and/or the Annex II species for which this SAC has been selected.

The following is noted:

- This site has a hydrological link to the SAC via the Bearforest Stream which is located approximately 10m from the site.
- Wastewater would be discharged to the foul sewer and would discharge to the Blackwater River via the Mallow Wastewater Treatment Plant.
- Surface water runoff contaminated with silt, hydrocarbons or other pollutants could potentially discharge to the Bearforest Stream at the construction stage, which joins the SAC downstream.

Kilcolman Bog SPA (Site Code: 004095)

The Qualifying Interests of this SPA are:

Whooper Swan (*Cygnus cygnus*)

Teal (*Anas crecca*)

Shoveler (*Anas clypeata*)

Wetland and Waterbirds

The Conservation Objectives are:

“To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”, and

“To maintain or restore the favourable conservation condition of the wetland habitat at Kilcolman Bog SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.”

The following is noted:

- The SPA is located more than 13km from the site of the proposed development.
- There is no known hydrological or other connection between the site of the proposed development and this European site.

- The site of the proposed development does not have habitat to support any of the Special Conservation Interests of Kilcolman Special Protection Area.

No potential effects on this SPA would result from the proposed development and it is considered reasonable to determine that appropriate assessment is not required.

8.1.5. *In-combination Effects*

The only project requiring consideration for in-combination effects, in my opinion, is the adjoining school extension development. I note that this is not a development of a scale or nature which could be considered a development which would produce a significant cumulative impact. I further note that this development would be completed before the proposed development would commence and, therefore, cumulative simultaneous construction-related impacts would not arise.

8.1.6. *Mitigation Measures*

No measures designed or intended to avoid or reduce any harmful effects of the proposed alterations on a European site have been relied upon in this screening exercise.

8.1.7. *Screening Determination*

The proposed development has been considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would be likely to give rise to significant effects on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170), in view of its Conservation Objectives, and Appropriate Assessment is therefore required.

This determination is based on the following:

- The nature and extent of the proposed works associated with the proposed development,

- The proximity to the European site, and
- The known pathways between the site and the Blackwater River.

8.2. **Appropriate Assessment**

8.2.1. **Background**

The proposed development is not directly connected to or necessary for the management of any European site. It is therefore subject to the provisions of Article 6(3) of the EU Habitats Directive. Following the screening process above, it has been determined that appropriate assessment is required as it cannot be excluded on the basis of objective information that the proposed development individually or in-combination with other plans or projects will have a significant effect on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170). The possibility of significant effects on other European sites has been excluded on the basis of objective information. Measures intended to reduce or avoid significant effects were not considered in the screening process.

8.2.2. **Natura Impact Statement**

The applicant submitted a Natura Impact Statement as part of the application not the planning authority. The NIS addresses the AA screening process, gives a description of the project, identifies the relevant Natura 2000 sites and assesses the potential significant effects thereon (inclusive of cumulative effects), and details mitigation. Potential adverse effects of the proposed development on the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) were examined and assessed. The NIS was prepared in line with current best practice and provides an assessment of all potential effects on the SAC arising from the proposed development.

The NIS concluded

“Following a comprehensive evaluation of the potential direct, indirect and cumulative impacts on the qualifying interests and conservation objectives for the Blackwater River (Cork/Waterford) SAC, it has been concluded the proposed development will not have an adverse effect on the integrity of the Blackwater River (Cork/Waterford) SAC or any other European sites.”

I note the submission received from Inland Fisheries Ireland on this application and the considerations of the planning authority's Ecologist, as well as the further information received from the applicant.

Having reviewed the documents, submissions, reports and consultations, I am satisfied that the information allows for a complete assessment of any adverse effects of the development on the conservation objectives of the Blackwater River (Cork/Waterford) SAC.

8.2.3. **Appropriate Assessment**

Introduction

This assessment considers all aspects of the proposal which could result in significant effects. Mitigation measures designed to avoid or reduce any adverse effects are considered and assessed. The assessment has had due regard to the applicant's submitted AA Screening Report, the Natura Impact Statement, and the reports received by the planning authority and the Board.

The following guidance is adhered to in the assessment:

DoEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

EC (2002) Assessment of plans and projects significantly affecting Natura 2002 sites. Methodological guidance on the provisions of Articles 6(3) and 6(4) of the Habitats Directive 92/43/EC.

EC (2018) Managing Natura 2000 sites.

Observations on Land Use

I note the following:

- The site of the proposed development consists of a field on the southern edge of the town of Mallow. It adjoins substantial urban developments, inclusive of schools and housing estates.
- This site is over 0.6km as the crow flies from the Blackwater River SAC and there is extensive urban development between the site and the river.

- The habitats that would be directly affected by the proposed development, comprising mainly improved agricultural grassland and hedgerows, are of limited ecological value.

European Sites

The European site subject to appropriate assessment is the Blackwater River (Cork/Waterford) SAC (Site Code: 002170). A description of the site and its Qualifying Interests, including any relevant attributes and targets for the site, are set out in the NIS. Details of the European site's Qualifying Interests are set out in the Screening undertaken earlier in this report.

Relevant Aspects of the Proposed Development

Sections 4.3 and 4.4 of the applicant's NIS detail the status of the relevant qualifying species and the targets for the relevant Qualifying Interests of the Blackwater River SAC. These relate to Otter, White-clawed Crayfish, Lamprey, Shad, Atlantic Salmon, Freshwater Pearl Mussel, and Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation. I acknowledge Table 6 of the applicant's AA Screening which identified the Qualifying Interests of the SAC that were screened in and screened out. I accept that the other Qualifying Interests of this SAC have been screened out because there would be no impact resulting from the proposed development. For clarity, it is determined that no significant potential risks to those other qualifying species and habitats are identified.

The potential effects of the proposed development that could adversely affect the conservation objectives of the European site include:

- As the proposed development has a hydrological link to the SAC via Bearforest Stream, potential effects on the Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation could include indirect water quality impacts from contaminated sediment and demolition materials and accidental spillage of fuels, oils and chemicals at the construction stage and indirect water quality impacts from discharge via the

Mallow wastewater treatment plant from the additional load generated by the proposed development;

- Indirect water quality impacts effecting the habitats of Otter, White-clawed Crayfish, Lamprey, Shad, Atlantic Salmon, and Freshwater Pearl Mussel and impacts on prey availability for Otter;
- Noise and lighting potentially impacting on otter by way of disturbance.

I note the following from the applicant's NIS:

- From the site surveys undertaken by the applicant there were no signs of otter within the Bearforest Stream adjacent to the site. The lower sections of the stream are heavily culverted which may create barriers to otter movement and impact on prey availability.
- Due to the structure, composition and morphology of the Bearforest Stream adjacent to the site, there is low potential for White-clawed Crayfish to occur and the presence of this species is considered highly unlikely given the limited distribution of this species within the Blackwater catchment.
- The Bearforest Stream has the potential to support juvenile lamprey in certain sections which are characterised by low floods and a silty, muddy substrate. However, the lower reaches are heavily culverted and modified thus resulting in artificial barriers to migration for Sea Lamprey and River Lamprey.
- Shad do not occur in proximity to the site of the proposed development.
- The lower stretches of the Bearforest Stream are heavily culverted thus resulting in impassable barriers to salmon migration. In addition, the Bearforest Stream provides low quality spawning habitat for salmonids. No fish were noted within the stretch of the Bearforest Stream in close proximity to the proposed development site during visual site surveys.
- It is generally considered that a scattered population of Freshwater Pearl Mussel exists in the Blackwater River over a wide area from upstream of Mallow to Fermoy.
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation was not recorded within the section of the

Bearforest Stream in proximity to the proposed development site but may occur further downstream in the main channel of the River Blackwater.

- The 2018 biological monitoring results from the River Blackwater indicate that water quality was satisfactory at the closest upstream and downstream monitoring sites relative to the proposed development site.

These are considered reasonable observations and I have no reason to query such findings.

I note Tables 7 and 8 of the applicant's NIS, which set out the specific targets for the above-referenced qualifying interest species and habitat.

My considerations on potential impacts are as follows:

- Having regard to the potential effects of the proposed development, it is accepted that mitigation would be required to control potential pollutant emissions to the water environment. I note that the applicant has developed a Preliminary Construction Environmental Management Plan. I further note that a detailed range of mitigation measures are proposed to be implemented to minimise the risk of such pollutants entering the Bearforest Stream at the construction stage (Section 6 of the NIS). With due consideration given to the SAC being 978m downstream of the closest works to the Bearforest Stream, the available dilution in the River Blackwater, and the mitigation measures, in particular with regard to surface water control measures, it is submitted that there would be no loss of qualifying interest habitat or habitat alteration within the SAC from the construction phase.
- Nutrients from Mallow wastewater treatment plant potentially could effect water quality within the SAC into which it discharges. The proposed development would add to the effluent load being treated at this plant. It is noted from the NIS that, based on a worst case scenario of maximum usage, a P.E. of 200 has been estimated for the proposed development and that this would not increase the P.E. treated by the plant above its current design capacity. The applicant also observes that the current treatment plant discharge is not significantly impacting on the Water Framework Directive

status of the waterbody and is not having an observable impact on water quality. From this it may be ascertained that the additional load would not result in the plant significantly impacting on the qualifying interests of the SAC.

- I particularly note that Irish Water, who is responsible for the Mallow wastewater treatment plant, had no objection to the proposed development. It is Irish Water who has the statutory requirement to ensure that the discharge from the treatment plant meets the water quality limits specified by relevant legislation. Irish Water in its submission to the planning authority made no reference to any concerns about the impacts its wastewater treatment plant is having on the Blackwater River SAC or the potential effects arising from the additional load generated by the proposed development. It appears from this position of no objection to the proposed development that Irish Water is indicating that there would be no water quality issues arising with its wastewater treatment plant in relation to the functioning of this plant, the discharge to the Blackwater River, and the lack of any adverse effects on the SAC arising from the additional foul load generated by the proposed development. Given Irish Water's position on the proposed development, the Board is left in no position to query the functioning of the Mallow wastewater treatment plant. I repeat that those responsible for this plant have not indicated any concern with the proposed development.
- Surface water generated from the car park would be discharged to the Bearforest Stream. The applicant proposes suitable design measures to ensure that there would be no impact on water quality, which would include an attenuation system and a hydrocarbon interceptor.
- The site of the proposed development is over 600m from the River Blackwater. There is substantial urban development between this site and the river. The proposed development would have no noise or light impacts on the SAC.

8.2.4. Potentially Significant Cumulative Effects

I note the applicant's consideration of a wide range of plans and projects with which there could potentially be cumulative impacts in Section 5.3 of the NIS. No significant cumulative impacts with these plans and projects are predicted to arise. I have previously referenced the construction-related potential cumulative impact with the adjoining school development. This development would be completed prior to the commencement of the proposed development.

8.2.5. Mitigation

Section 6 of the applicant's NIS details the range of mitigation measures intended to be employed as part of the proposed development. In my opinion, these constitute suitable, robust, and comprehensive measures to avoid any adverse impacts on the integrity of the Blackwater River SAC.

8.2.6. Residual Impacts

If the proposed mitigation measures are implemented in full, it is expected that significant effects would not result for the qualifying features of the Blackwater River SAC.

Following my appropriate assessment of the proposed development and with due regard to consideration of the proposed mitigation measures, I am able to ascertain with confidence that the proposed development would not adversely affect the integrity of the Blackwater River SAC in view of the Conservation Objectives of the site. This conclusion is drawn on a complete assessment of all implications of the proposed development alone and in combination with other plans and projects.

8.2.7. Appropriate Assessment Conclusion

The proposed development has been considered in light of the assessment requirements of the Planning and Development Act 2000 as amended.

Having carried out screening for appropriate assessment of the project, it was concluded that it may have a significant effect on the Blackwater River SAC. Consequently, an appropriate assessment was required of the implications of the project on the qualifying features of the site in light of its conservation objectives.

Following an appropriate assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) or any other European site, in view of the sites' Conservation Objectives.

This conclusion is determined by a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Blackwater River (Cork/Waterford) SAC.
- Detailed assessment of in-combination effects with other plans and projects including historical projects, current proposals and future plans.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of the Blackwater River (Cork/Waterford) SAC.

9.0 Environmental Impact Assessment

9.1. Introduction

- 9.1.1. This application falls under Directive 2014/52/EU on the assessment of the effects of certain public and private projects on the environment (i.e. the 2014 EIA Directive). I have examined the information presented by the applicant, including the EIAR, and the submissions made during the course of the appeal. I have considered whether the information contained in the EIAR and the supplementary information provided by the applicant to date in the application process adequately identifies and describes the direct and indirect effects of the proposed development on the environment and complies with relevant legislative provisions.

9.1.2. Third party submissions have been received and the issues raised are addressed in detail in my planning assessment.

9.1.3. I am satisfied that the EIAR has been prepared by competent experts to ensure its completeness and quality to allow consideration as to whether the information contained in the EIAR and any supplementary information provided by the applicant adequately identifies and describes the direct, indirect and cumulative effects of the proposed development and complies with article 94 of the Planning and Development Regulations 2000, as amended.

9.2. **Alternatives**

9.2.1. The applicant provided details on the alternative sites considered and reasons for not selecting these sites. The reasons for site selection were clearly set out and included the land area available, proximity to schools, residential areas and the town centre, the land being in Council ownership, and the lack of sports facilities on the south side of the town. A 'Do Nothing' alternative was also referenced.

9.2.2. I am satisfied that appropriate examination of alternatives was reviewed in this application and that the applicant's assessment and reasons for the selection of the site for a sports development are reasonable and appropriate.

9.3. **Population and Human Health**

9.3.1. The applicant examined economic activity, land use, employment, settlement, health and safety, and tourism and amenities in this section of the EIAR.

9.3.2. My considerations are as follows:

- The development of a sports facility is compatible with the land use zone for the site, namely open space/sport/recreational/amenity.
- The land use would be compatible with the range of land uses in the immediate vicinity.

- The proposed development would enhance the provision of recreational and sporting facilities for the residents and schools of the area and the wider community.
- The facilities would positively contribute to the health and wellbeing of the local population.
- Any adverse impacts at the construction phase arising from the works, traffic, disturbance or inconvenience to the general population of the area would be short-term and subject to construction and traffic management plans.
- I acknowledge the potential adverse impacts arising from the removal of trees and hedgerow and the erection of floodlighting. The proposed facility would be compatible with the land use zoning for the site. The nature of the use at such a location is accepted in principle and the accommodating infrastructure is understood to be integral to the functioning of such a facility. The applicant proposes a range of measures to reduce potential disturbance to neighbouring properties and provides for significant landscaping together with an operational management plan which would manage the use of the facility.
- It is noted that the construction site would be managed in accordance with the Safety, Health and Welfare Act and Construction Regulations. The operational stage would be maintained and managed by the local authority. It is not envisaged that there would be significant public health and safety risks.

9.4. **Biodiversity**

9.4.1. This section of the applicant's EIAR described and evaluated habitats, flora and fauna of the site and considered the impacts of the proposed development on the ecology of the site and the surrounding area.

9.4.2. My considerations on biodiversity, flora and fauna are as follows:

- The site comprises an agricultural field that comprises improved grassland, with treelines and hedgerows and a small wooded area bordering the site to the south. There are no waterways within the site. The Bearforest Stream is located some 10m to the south and east of the site.

- The site is not on, in or adjacent to any European site. My considerations on the likely effects on European sites are detailed in the appropriate assessment section of this report.
- No flora of significant conservation value was recorded during site surveys.
- No signs of otter or badger were recorded during site surveys
- Existing trees considered to have bat potential are proposed to be retained.
- The site is of local value for terrestrial bird species. There were no species of high conservation status recorded within the site.
- No high impact invasive species were recorded within the site.
- There would be a loss of terrestrial habitat, disturbance and displacement for fauna at the site and likely lighting impacts on bats. Accidental discharge of pollutants at the construction phase could potentially impact on water quality and watercourse habitats.
- I note the extensive mitigation measures set out in Section 4.14 of the EIAR which would significantly reduce the impact on biodiversity at the construction and operational phases.

The proposed development would be sited on lands zoned within the Mallow Town Development Plan. The biodiversity, flora and fauna associated with this site is typical of its edge of town location adjoining substantial residential and educational buildings and associated infrastructure. The mitigation measures proposed are seen to be appropriate to reasonably address likely impacts. Residual impacts would not be significant.

9.5. **Land and Soils**

- 9.5.1. A desk top study, field surveys and the generation of a map of the bedrock at the site location informed the applicant's assessment of the likely impact on land and soils.
- 9.5.2. My considerations are as follows:

- The site is made up of natural and made ground. The soils are made up of deep, well-drained mineral soil.
- No geotechnical investigation was carried out at the site. Reference is made to geotechnical conditions found on adjacent land within the Davis College property.
- In order to grade the site as part of the development the ground on the western side would be excavated and the ground to the east would be raised. Excavations at the site would be limited due to the proposed importation of soils from Davis College. This would be subject to waste permit authorisations.
- The loss of the agricultural land forming the site would not be significant in the context of this land use in the wider area.
- The applicant's proposed mitigation measures at the construction stage, set out in Section 5.4 of the EIAR, would significantly reduce potential impacts from slope instability, runoff risk, and stockpiling of topsoil. The proposed drainage system would maintain the functioning of the facility without generating adverse impacts beyond the site.

Having regard to the above, it is reasonable to determine that the proposed development would not have a significant environmental impact on land and soils.

9.6. **Water**

9.6.1. The applicant's EIAR details the local hydrology and hydrogeology of the site's location, identifies potential effects on surface water and groundwater, and sets out proposed mitigation measures.

9.6.2. My considerations are as follows:

- There are no surface water features within the site. The Bearforest Stream flows north-east in direction along the eastern and southern boundaries of the site. It flows into the River Blackwater just under one kilometre north of the site.

- The site is not at risk of flooding. The applicant's flood risk assessment also demonstrates that the development would not pose a risk of increased flooding beyond the site.
- The potential impacts from the proposed development relate to sedimentation, release of suspended solids, and contaminated runoff waters at the construction and operational phases.
- The applicant proposes an extensive range of mitigation measures at the construction and operational phases, including no direct discharge of storm water into the Bearforest Stream, development of a drainage management system, provision of settlement ponds and an interceptor, sediment control measures, plant and refuelling measures, and managed stockpiling of soils.

As a result of the drainage management provisions at the construction and operational phases it is not anticipated that there would be any risk of significant impact on groundwaters and surface waters at this location.

9.7. **Air and Climate**

9.7.1. Chapter 7 of the applicant's EIAR was developed through a desktop assessment and referenced relevant policy, legislation and guidance.

9.7.2. My considerations are as follows:

- The principal impacts relating to air and climate are those likely to occur at the construction phase. The proposed development is not anticipated to result in significant impacts on air and climate at the operational phase.
- Fugitive dust and vehicle emissions from the works would constitute the most notable impacts on air quality, with earth moving, stockpiling, filling and the associated vehicular movement constituting the activities with the potential impacts on air quality.
- Section 7.4 of the EIAR sets out an extensive range of mitigation measures to control dust and traffic emissions. These are aligned with good construction and site management, inclusive of site screening. I further note the proposed

development of a Dust Management Plan and provision of a Construction Environmental Management Plan.

Significant impacts on air quality and climate are not anticipated.

9.8. **Noise and Vibration**

9.8.1. The applicant's EIAR considered the proposed development with due regard to sensitive receptors in the vicinity and examined existing noise sources and noise and vibration sources derived from the proposed development.

9.8.2. My considerations are as follows:

- The principal impacts relating to noise and vibration are those likely to occur at the construction phase, which would be short-term and temporary, and noise arising from the functioning of the pitch/track at the operational phase. Having regard to the established school adjoining the site, it is reasonable to determine that traffic noise along Sexton's Boreen would be consistent with the use associated with the school.
- The Orchards estate to the north of the site would most likely be most affected by the works and operation, having regard to the proximity of housing, the extent of filling proposed in the vicinity, and the topography at this location.
- Construction works are not likely to give rise to groundborne vibration.
- It is acknowledged that the proposed facility would function during daytime and evening hours, available between 08.00 and 22.00. A public address system is not proposed and there would be no external mechanical plant on the site. The use of the pitch is likely to generate the greatest noise impact at the operational phase. The proposed spectator area would be sited at the southern end of the site away from established residential properties.
- Best practice methodologies, including controls on construction hours, are to be employed as mitigation to achieve noise and vibration compliance requirements and to minimise off-site impacts at the construction phase.

- Mitigation measures at the operational phase include the locking of the facility between 22.00 and 08.00, the implementation of a facility management plan, and managed maintenance. I further note the proposed planting and screening as part of the development works along the boundaries of the site by way of the submitted further information, particularly to the north, which will aid in reducing noise transmission beyond the site.

9.8.3. The likely noise impacts and changed noise environment arising for neighbouring residents is understood, with residents at The Orchards affected at the construction and operational phases. Manor Park residents to the west would experience traffic noise associated with the use. However, the urban context of this site must be understood, with due regard to the range of uses that presently exist. I particularly note the existence of the adjoining school. I also note that the area on which the school extension has been built was previously in use as a sports field. The proposed development would be a compatible use at this location and would not introduce greater noise impacts than that associated with the wide range of school activities, albeit the functioning of the facility would continue into the evening longer than the educational use. The construction impacts would be short term. The functioning of a sports facility, accommodating the school and clubs in the area, would generate recreational noise but it is accepted that the facility would be a beneficial amenity for the residents of the area and the wider community, which would be subject to a management plan further to the implementation of physical measures to reduce the potential noise nuisance.

9.9. **Landscape and Visual Impact**

9.9.1. The applicant assessed the landscape and visual impact arising from the proposed development on the site in Chapter 9 of the EIAR.

9.9.2. My considerations are as follows:

- The proposed development would occur within the urban context on the edge of the town of Mallow which defines the landscape character. The site is backland at present and there are limited views to it from the public realm.

There are a range of established uses in the vicinity including residential estates and a large school complex immediately to the north.

- The nature of the proposed use would be compatible with the recreational and sporting uses of the lands within the adjoining school complex.
- The potential significant landscape impacts would relate to the proposed earthworks, notably increasing the ground levels such that the pitch and running track would be 3 metres higher than the ground level of the nearest house in The Orchards estate to the north, removal of hedgerows and vegetation within the site and along Sexton's Boreen, and introduction of lighting, particularly floodlighting in the winter period for housing in The Orchards.
- The principal recreational use and limited development of buildings would retain the open character of the land and would significantly reduce the visual impact of development on this land.
- The proposed development would have no notable impact on any designated scenic routes or higher value landscape designations in the wider area. It would be understood as part of the urban realm from the rural hinterland where it may be visible.
- I note the mitigation measures proposed as part of the scheme. Retention and reinforcement of existing vegetation, new planting along the northern boundary, and control of light spill will greatly aid in reducing the landscape and visual impacts in this urban fringe location.

9.9.3. The proposed development would not have significant landscape and visual impacts in this urban location. Any impacts arising would be very localised and mitigation proposed in the EIAR and reinforced in the further information response would greatly reduce adverse impact.

9.10. **Cultural Heritage**

9.10.1. The applicant's EIAR examined the potential impacts of the proposed development on recorded archaeology and the cultural heritage of the site.

9.10.2. My considerations are as follows:

- There are no known features of archaeological, architectural, or cultural heritage value on this site.
- The site has been subject to a geophysical survey.
- The planning authority's Archaeologist sought archaeological testing by way of further information and, on receipt of the further information following test trenching, it was submitted that no further archaeological input was required.

9.10.3. It is reasonable to conclude that the proposed development would have no significant impacts on cultural heritage.

9.11. **Material Assets**

9.11.1. The material assets examined by the applicant included transport infrastructure, major utilities, ownership and access, and resource use and waste management.

9.11.2. My considerations are as follows:

- The widening and development of Sexton's Boreen, further to that associated with the adjoining school to date, is essential to provide appropriate access to the proposed facility.
- An existing water distribution pipe on the site will be appropriately diverted.
- There are no electrical, storm water or foul sewer utilities on the site.
- The publicly owned site will become a significant publicly accessible facility that will enhance the amenity provisions of Mallow.
- The development of the site will utilise soils generated from within the site and from development at the adjoining school, significantly limiting transportation of fill materials on the public road network and ensuring a sustainable use of these available materials.
- The Construction and Environmental Management Plan will provide for appropriate reuse / disposal of waste generated at the construction stage.

9.11.3. It may reasonably be determined that the proposed development would not have significant environmental effects on material assets.

9.12. **Traffic and Transportation**

9.12.1. The applicant examined the existing and expected future road and transport network, the existing and predicted traffic volumes on the local road network, the estimated construction and operational traffic and the associated impacts, and set out the mitigation measures proposed to be employed.

9.12.2. My considerations are as follows:

- The proposed development would be constructed in phases, with Phase 1 taking approximately four months and the remainder of the phases occurring over a period of approximately 12 months. Access to the site would be from Sexton's Boreen and the widening of this lane would take place in Phase 1.
- The importation of 24,900m³ of material for the site works would be via a dedicated direct access route between an adjacent field and the site. Thus, the road network would not be affected by this element of the works.
- Peak deliveries during construction via the public road network is estimated to be five delivery vehicles per day, while site personnel are estimated to generate approximately 12 car and van trips to and from the site.
- I acknowledge that the peak hours during construction would not coincide with the neighbouring schools' start and finishing times.
- The proposed widening of Sexton's Boreen is essential to serve the needs of the operational phase. On-site car and coach parking would be developed to meet visitor needs. Parking would also be accommodated at the defined parking along the east side of Sexton's Boreen at its northern end. I further note from the submitted further information that the adjoining school grounds would accommodate additional parking in the event of additional need.
- The predicted peak operational traffic volumes are estimated to be 120 daily and 40 during the highest hour. It is not expected that highest volumes would

coincide with peak hour traffic on the public road network, having regard to the nature of the proposed use.

- 9.12.3. It is reasonably determined that the proposed construction and operational traffic generated by the proposed development would not have significant adverse impacts on the local road network.

9.13. **Cumulative Impacts**

- 9.13.1. I note that the applicant in each section of the EIAR considered the cumulative impacts of the proposal with other land uses, plans and projects in the wider area. I consider that the only other proposed development project known at this time with which any significant cumulative impacts could result would be the Davis College extension. I acknowledge that the construction phase of this school extension is well underway and it would be complete before the commencement of the proposed development so there would be no construction overlap. I also acknowledge the proposed use of fill from the extension works in the development of the pitch, which is seen as a positive reuse of the soils. I further note that the proposed facility would be available for those attending the adjoining extended school. Overall, I am satisfied to conclude that there no known plans or projects which could reasonably be determined to constitute development that would derive significant cumulative environmental impacts with the proposed development.

9.14. **Interaction of Impacts**

- 9.14.1. Chapter 13 of the EIAR examined the interactions of the potential impacts arising. These are identified under each of the headings set out in the EIAR. Where potential interactions may occur these are identified. I have considered the interrelationships between factors and whether these might affect the environment. Environmental impacts would frequently be inter-related in some manner. However, it has been determined that there would be no significant adverse impacts arising from each of the environmental factors individually assessed and, as a result, there would be no significant impacts anticipated with the interaction of the impacts projected to arise.

9.15. **Major Accidents**

9.15.1. I note that the applicant's EIAR did not expressly deal with the issue of major accidents. Section 2.6.6 of the EIAR refers to the risk of accidents at the construction stage, the stage of development which would most likely pose the greatest risk. The works are proposed to be subject to a safety plan, a risk assessment and method statement. I also note the various plans which would also relate to health and safety and managing construction works, namely the Construction Environmental Management Plan and the Traffic Management Plan. I submit to the Board that concerns relating to potential accidents are adequately addressed for construction workers and for controlling public access to the site. I do not consider that a major accident risk would arise from the proposed development.

9.16. **Reasoned Conclusion**

9.16.1. Having regard to the examination of environmental information contained above, and in particular to the EIAR and supplementary information provided by the developer, and the submissions from the planning authority, prescribed bodies and third parties in the course of the application, it is considered that the main significant direct and indirect effects of the proposed development on the environment are as follows:

- The enhanced provision of recreational and sporting facilities for the residents and schools of the area and the wider Mallow community;
- The importation of soil from adjoining school lands and the grading of the site, with raising of lands adjoining neighbouring residential properties;
- Noise and lighting impacts on adjacent residential properties at the construction phase and from the functioning of the pitch/track at the operational phase; and
- The widening and development of Sexton's Boreen and the associated traffic generation and parking to serve the needs of the operational phase.

9.16.2. The submitted EIAR has been considered with regard to the guidance provided in the EPA documents 'Guidelines for Planning Authorities and An Bord Pleanála on Carrying out Environmental Impact Assessment' (2018), 'Guidelines on the Information to be Contained in Environmental Impact Assessment Reports' (draft August 2017), and 'Advice Notes for Preparing Environmental Impact Statements' (draft September 2015). It is noted that Article 3 (2) of Directive 2014/52/EU requires that:

'The effects referred to in paragraph 1 on the factors set out therein shall include the expected effects deriving from the vulnerability of the project to risks of major accidents and / or disasters that are relevant to the project concerned'.

9.16.3. The submitted EIAR did not include a specific chapter on the issue of major accidents or natural disasters. However, reference was made in relevant chapters to the potential for major accidents where applicable, notably in relation to health and safety. I also note that the submitted Construction Environmental Management Plan provides an environmental management framework to be adhered to during the construction works. The nature of the development proposed does not in itself give rise to significant risks in relation to major accidents. Having regard to this, I consider that the document presented to the Board adequately addresses this issue.

9.16.4. In conclusion, the likely significant environmental impacts arising as a consequence of the proposed development have been satisfactorily identified, described and assessed. I also acknowledge the extensive range of mitigation measures to be employed which would reduce and substantially address potential adverse environmental impacts. I am satisfied that there would be no significant residual impacts and, therefore, it is considered reasonable to conclude that the proposed development would not have any unacceptable direct or indirect impacts on the environment.

10.0 Recommendation

10.1. I recommend that permission is granted in accordance with the following:

Reasons and Considerations

Having regard to the zoning provisions for the site, the nature and extent of development in the vicinity, and to the proposed development being consistent with open space and recreational provisions of the Mallow Town Development Plan, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with local planning policy, would be acceptable in terms of traffic safety, would not have an unacceptable impact on the residential amenities of the area, and would be acceptable in terms of visual and biodiversity impacts. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment, appropriate assessment and conclusion contained in the Inspector's report that the Blackwater River (Cork/Waterford) SAC (Site Code: 002170) is the European sites for which there is a likelihood of significant effects.

The Board considered the submitted Screening Report for Appropriate Assessment, the Natura Impact Statement and all other relevant submissions and carried out an appropriate assessment in relation to the potential effects of the proposed development on the above referenced European sites in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the appropriate assessment, the Board adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's conservation objectives.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development taking account of:

- (a) The nature, scale, location and extent of the proposed development,
- (b) The Environmental Impact Assessment Report (EIAR) and associated documentation submitted in support of the application,
- (c) The submissions received from the planning authority, prescribed bodies and third parties, and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately considers alternatives to the proposed development and identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed on the environment.

The Board agreed with the examination set out in the Inspector's report of the information contained in the environmental impact assessment report and associated documentation submitted by the developer and submissions made in the course of the planning application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated, as follows:

- The enhanced provision of recreational and sporting facilities for the residents and schools of the area and the wider Mallow community;
- The importation of soil, the grading of the site, and raising of lands adjoining neighbouring residential properties, with soils acquired from adjoining school lands and comprehensive boundary landscaping provisions being made;
- Noise and lighting impacts on adjacent residential properties at the construction phase and from the functioning of the pitch/track at the operational phase, with suitable layout and siting of facilities, comprehensive landscaping provisions, and the application of appropriate construction methodologies; and
- The widening and development of Sexton's Boreen and the associated traffic generation and parking to serve the needs of the operational phase, with widening provisions being made within the confines of the site, car and bus

parking within the site, and provisions made in the event of any additional parking needs on adjoining lands.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures proposed as they pertain to the development as set out in Chapter 14 of the EIAR which provides a schedule of environmental commitments and subject to compliance with the conditions set out herein, the effects of the development on the environment by itself and in combination with other plans and projects in the vicinity would be acceptable. In doing so the Board adopted the report and conclusions of the Inspector.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 17th December 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the development, including those set out in Chapter 14 of the Environmental Impact Assessment Report submitted with this application, shall be implemented in full.

Reason: In the interest of clarity and to mitigate the environmental effects of the project.

3. The facility shall operate between 08.00 and 22.00 daily. Floodlighting shall not operate after 22.00.

Reason: In the interest of residential amenity.

4. Prior to the commencement of development, a comprehensive management plan for the operation of the facility shall be submitted to and agreed in writing with the planning authority, which shall include provisions for traffic management, maintenance, and facility security.

Reason: In the interest of orderly development and to protect residential amenity.

5. Prior to the commencement of development, the developer shall prepare a Construction and Environmental Management Plan (CEMP), to include demonstration of proposals to adhere to construction best practice and protocols and noise and dust management provisions, which shall be submitted to and agreed in writing with the planning authority. The CEMP shall include specific proposals as to how the CEMP will be measured and monitored for effectiveness.

Reason: In the interest of protecting the environment, protection of European sites and in the interest of public health.

6. Site development and building works shall be carried only out between the hours of 07.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received by the contractor from the local authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

7. Prior to the commencement of development, the following shall be submitted to, and agreed in writing, with the planning authority:

- (a) the form and finishes of the upgrade works to Sexton's Boreen,
- (b) traffic management provisions along Sexton's Boreen, inclusive of traffic calming measures, footpath connectivity, the nature and extent of street lighting, and road signage, and
- (c) on-site parking provisions, including layout and finishes to parking.

Reason: In the interest of traffic safety and orderly development

8. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

Kevin Moore
Senior Planning Inspector

29th June 2021