



An
Bord
Pleanála

Inspector's Report ABP-312912-22

Development	Road Improvements along the R605 at Ship-Pool Bends between Inishannon and Kinsale Co Cork
Location	Townlands of Ship-Pool, Lisheeda, Lahern, Lissard, Leighmoney Beg and Inishannon, Co Cork.
Planning Authority	Cork County Council
Developer	Cork County Council
Applicant	Mr Andrew Dillon
Type of Application	EIA Screening Determination
Date of Site Inspection	April 5 th 2022
Inspector	Paul Caprani

1.0 Introduction

- 1.1. The purpose of this report is to advise the Board on whether it should issue a screening determination to Cork County Council as to whether or not to prepare an Environmental Impact Assessment Report in respect of road improvements to take place at Ship-Pool Bends on the R605 Regional Route c3km south of the village of Inishannon Co Cork. The request for a screening determination has been made on behalf of Mr. Andrew Dillon by FP Logue Solicitors. In essence it is contended that it is not altogether clear whether Cork Co. Council has formally adopted the EIA screening report prepared on its behalf by Mott Mc Donald Consultants. It is also argued that the development could have a significant effect on the environment in terms of the removal of trees. It could also adversely impact on the habitats of Barn Owls and Bats and could adversely affect a national monument (No. C0111-010). For the above reasons it is argued that an Environmental Impact Assessment is required and as such Cork Co. Council are required to submit an application to the Board under the provisions of the Roads Act 1993.

2.0 Site Location and description

- 1.2. The project study area involves a stretch regional road, the R605, approximately 3 km south of Inishannon and approximately 10km north-west of Kinsale. The proposal involves the improvement of a section of roadway which incorporates acute bends and as it currently stands, according to Cork Co Council, it incorporates a road geometry is considered to be substandard. The stretch of road which forms part of the project area is approximately 400 m in length and passes through a heavily wooded area on the eastern banks of the River Bandon. An escarpment of exposed and heavily vegetated rock face runs along the eastern side of the road where these acute bends occur. The R605 is one of two regional routes that connect Kinsale with the N71 at Innishannon. The existing carriageway has a width of approximately 6m and incorporates a steep incline from north to south.

3.0 Proposed Development

- 1.3. The road improvement works to be carried out under a Part 8 proposal include:
- Breaking up the rock face over the length of 300m on the inside of the bend.

- Clearing and removing any vegetation to provide the room for the widening of the road and to provide improved forward visibility.
- Widening of the R605 road carriageway width (ie edge to edge).
- The introduction of ghost hatching between the opposing lanes of traffic to allow for the safe passage of larger HGV-type goods vehicles over the tightest section of the existing bends.
- The Installation of surface filter drain on the inside bend of the road over a distance of approximately 320m.
- The reconstruction of a retaining wall over a length of approximately 15m on the western side of the road.
- Approximately 6m extension to an existing arched blockwork culvert beneath the road at its northern end.
- Other ancillary works.

The **Part 8** Preliminary Design Report and Drawings contained:

- Public Display Note
- Evidence of Newspaper Advertisement
- Site Notice
- Part 8 Planning Report
- Part 8 Drawing Pack
- Report for Screening for Appropriate Assessment
- Environmental Impact Assessment Screening Opinion Report
- Appropriate Assessment Screening
- Ecological Impact Assessment
- A Construction and Environmental Management Plan

4.0 Request for Direction

4.1 Applicants request

A request was made on behalf of Mr Andrew Dillon by FP Logue Solicitors for the Board to make a screening determination as to whether or not the proposed road improvements will have a significant effect on the environment.

It is argued that the information published as part of the Part 8 process is not sufficient to make a screening determination. It is suggested that further information is required in this regard. It is further stated that the applicant has lived in the area for many years and has a wealth of local knowledge in relation to the local environment. It is argued that no screening determination has been identified in the documentation submitted in information submitted in the Part 8 documentation prepared.

It is not apparent where the conclusions reached in the Ecological Impact Assessment was used to inform EIA Screening Opinion. Furthermore, Cork Co Council has failed to publish the information required under Article 4(5)(a) of the Directive, as to the main reasons why it has decided not to prepare an EIAR in respect of the works to be carried out.

The reasons for forming the view that the development would be likely to have significant effects on the environment include the following:

- The documents on file do not include an arboricultural report which identifies and characterises the trees to be felled. The applicant estimates that as many as 80 mature trees may be felled. In the absence of such information, the Board should adopt a precautionary approach that there will be a significant effect and requires the preparation of an EIAR.
- The EIA Screening Opinion makes no reference to bats, although the effect on bats is considered in the EclA, it is not referenced in the EIA Screening document. There was no consultation with the applicant as to whether there is a history of bats using the area. No information is provided in respect of the expertise of the person carrying out the bat survey. The methodology is therefore defective and cannot support a conclusion of no likely significant effects. It is also stated that there is a potential for permanent loss of bat roosts, any such destruction is prohibited under Article 12 of the Habitats Directive. It appears that no derogation licence has been granted.

- There is no mention of Barn Owls in the documentation. Barn Owls have been recorded in Ship-Pool Castle in the early 1990's and a pair were recorded as nesting in the Castle. TII Guidelines require surveys of over 5 km buffer around a Road Project. Barn Owls are one of the most susceptible birds to vehicle collisions and are protected under the Birds Directive and are Red Listed in Ireland due to a significant decline in the breeding population.
- The Ship-Pool Castle (Poulnalong) is a national monument (Monument No. C0111-010 and is located less than 200m in the bend in the Road. It is stated that the road has been seriously undermined by the presence of heavy traffic in the vicinity. There is no information in the file in respect of archaeology. It is likely that the increased HGV volume and increased speed will exacerbate the damage that is already occurring to the monument. There is therefore a likely significant effect in terms of historical, cultural and archaeological significance.

On foot of further correspondence from the Board requesting the applicant to formally state which class of development the proposed road improvement works would fall, the agent on behalf of the applicant stated that in his view the proposed development falls under Class 13(a) read with Class 10(e) of Annex II to the Environmental Impact Assessment (Directive 2011/92/EC (as amended)). Class 10(e) includes construction of roads not included in Annex I and Class 13(a) includes any change or extension of projects listed in Annex II which are already authorised. The proposed works are properly to be described as changes to or extension of the existing road and therefore as per the European Commission Guidelines should be subject to a screening determination.

5.0 Planning Authorities Response

A response was received from Cork Co Council is summarised below setting out information as specified in Schedule 7A of the Planning and Development Regulations 2001:

Schedule 7A information:

1. A description of the proposed development, including in particular –

(a) A description of the physical characteristics of the whole proposed development and, where relevant, demolition works:

Details of the project description is set out (as summarised in Paragraph 1.3 above). It states that the approximate area of road widening is c.0.14 ha along a stretch of road approximately 450 m in length. The works will be carried out predominantly within the footprint of the existing carriageway. The design of the road will be compliant with the specified design of single carriageway roads as per TII standards. The design and extent of this work is not considered significant in the context of environmental effects.

In terms of cumulative effects with other proposals, Cork Co Council's data base identified only small scale residential and agricultural developments within a 5km radius of the proposal. A planning application for the extension of the existing Eli Lilly pharmaceutical plant c3.5km to the southeast (PA ref. 2019123) was accompanied by an EIAR. Having regard to the nature of the development and the separation distances involved, it is concluded that there is not potential for environmental impacts.

The proposed works are not subject to any of the requirements contained in the Chemical Act (Control of Major Accident Hazards involving Dangerous Substances) Regulations 2015 which implement the Seveso III Directive, which is the main EU legislation dealing specifically with the control of major accident hazards, involving dangerous substances, into Irish law.

While some rock breaking will be required, no demolition of structures would be required.

(b) A description of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

The lands in question currently comprise of an existing road with some broadleaved woodland along its perimeter and on top of the rockface adjoining the road. Neither the road nor the lands adjoining the roads within the project area are zoned for development.

With regard to the relative abundance, quality and regenerative capacity of natural resources in the area, it is noted that a number of trees will be required to be felled to accommodate the road widening. The construction phase of the project will be completed in accordance with a CEMP and will include environmental management measures to protect soil, land water and biodiversity.

The impact of the proposal on the water quality of the River Bandon will be negligible, the potential impact in this regard was assessed during the appropriate assessment screening report. The proposal will have no adverse impact on either wetlands or coastal zones.

In terms of mountain or forested areas, the proposal will result in the loss of a strip of 0.14ha of broadleaf woodland and 130m of scrub along the roadside. As the proposal involves the widening of the carriageway, it would not result in the fragmentation or significant loss of woodland.

The Bandon Valley pNHA (Site Code 00515) is located in close proximity to the works area. Ship-pool wood adjacent to the site, is specifically referred to in the pNHA, with some parts of the wood have interesting flora and fauna. Pollution control during the construction phase will ensure that the proposal will not impact on the water status of the Bandon River. The proposal is located in a rural sparsely populated area.

In terms of landscape of historical, cultural or archaeological significance, it is noted that Lissheeda farmhouse is located c450m to the east of the proposed development and Poulinalong Castle (RMP) is located c.250m to the north of the site. It is stated that the proposal will not affect any of these structures.

The R605 road between Innishannon and Kinsale is identified in the Cork CDP as a scenic route. The widening of the Road will not impact on the landscape setting of the area.

Standard construction hours will be adhered to during the construction phase.

Potential construction impacts are not considered to be significantly complex and will be the subject of appropriate environmental management.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development:

In terms of the geographical extent of the impact of the development, the works will be restricted to the existing to widening the roads in the vicinity of the bends. In terms of affecting the surrounding local population, it is stated that the construction phase will last approximately two months.

With regard to the probability of impact the strict adherence to measures in the CEMP will ensure that any adverse impacts will be temporary and not significant. Operational impacts are deemed to be positive increasing safety for road users.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from -

(a) The expected residues and emissions and the production of waste, where relevant,

The development will not require significant earthworks, with the exception of the cutting back of the rock face by about 5-7m at its widest point. The project will also require excavation and removal of existing road surface material. Other non-soil wastes are not considered to be significant and where necessary, will be conveyed to an authorised waste contractor. The contractor appointed will be required to prepare a construction and waste management plan.

In terms of pollution and nuisances, it is acknowledged that the proposal will result in nuisance and disturbance impacts including traffic disruption, noise, dust and potential surface run-off. Traffic management measures will be put in place to facilitate these works. However, the works are small scale in nature and will not result in significant traffic volumes.

The AA Screening Report notes that the nature of the existing road results in a relatively high level of noise generation. The spatial limit of noise impacts on fauna from various construction plant was determined to be approximately 100m from the proposed works. The proposed works are also likely to result in the generation of dust during the construction phase.

There is potential for run-off associated with the works. This can arise from cementitious materials due to concrete works, toxic contamination of hydrocarbons due to accidental spills and leaks, and sediment laden waters due to instream and

bankside works. The construction of a 15m retaining wall will be undertaken in accordance with CIRIA guidelines; as such, any concrete delivery trucks will be washed out in a designated impermeable bund away from watercourses.

(b) The use of natural resources, in particular soil, land, water and biodiversity.

Other than road construction materials (aggregate, sand, rock, bitumen), the volumes of natural resources will be limited for the proposed development.

Overall conclusion:

In Summary, the design of the proposed development is not considered to be significant as the works are common in Ireland and have been subject to previous assessments of impacts such that impacts can be predicted and effective mitigation can be readily implemented to ensure that significant adverse impacts are not likely. The anticipated impacts will typically relate to the construction phase only and will be of temporary to short duration.

6.0 Planning History

There appears to be planning history associated with the appeal site.

7.0 Development Plan Policy

The project area is governed by the policies and provisions contained in the Cork County Development Plan and the Bandon-Kinsale Municipal District Local Area Plan.

1.4. Cork County Council Development Plan

Under Cork County Council's Cork County Development Plan (2014 – 2020). The lands in question are not governed by any land use zoning objective. The R605 Regional Road between Innishannon and Kinsale via Ship-Pool has been identified as a Scenic Route (S63) with views of woodland and Bandon River Valley being protected. County Development Plan Objective GI 7-1 (General Views and Prospects) seeks to "*preserve the character of all important views and prospects*

particularly sea views, river or lake views". Furthermore, County Development Plan 2014 sets out detailed objectives under GI 7-2 (Scenic Routes) and GI 7-3 (Development on Scenic Routes) which seek to *"protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects"* and require *"those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no obstruction or degradation of the views towards and from vulnerable landscape features"*.

4.2.2 Bandon-Kinsale Municipal District Local Area Plan

The Local Area Plan (LAP) reiterates three designated scenic routes identified in Cork County Development Plan, the S64, the S63 and the S65. Along the banks of the Bandon River, to the west of the R605, there is a proposed Natural Heritage Area (Site Code: 1740) referred to as the 'Bandon Valley above Inishannon'. This area is also important as it contains an example of oak woodland on steep valley sides. The Bandon Valley is especially valuable for its woodlands and unmodified riverbed.

8.0 Legislation and Guidelines

8.1 Roads Act 1993, as Amended

This request for an EIAR direction is being sought under the Roads Act 1993, as amended ('the Roads Act') (see paragraph 35 of applicant's original submission).

Section 50(1)(a) of the Roads Act, lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:

- (i) the construction of a motorway;
- (ii) the construction of a busway;
- (iii) the construction of a service area, or;
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that:

“The prescribed types of proposed road development for the purpose of subsection (1)(a)(iv) of Section 50 of the Act shall be -

(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100m or more in length.”

With regard to a requirement for sub-threshold EIA, I note the provisions of sections 50(1)(b) and 50(1)(c) of the Roads Act, respectively.

Under section 50(1)(b), if An Bord Pleanála considers that any road development proposed (other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

Under section 50(1)(c), where a road authority considers that a road development that it proposes (other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment, it shall inform the Board in writing prior to making any application for approval under section 51.

Under section 50(1)(d), a road authority is required, in particular, to decide whether or not a proposed road development (again, other than development to which section 50(1)(a) applies) would be likely to have significant effects on the environment, where it would be located on a European Site, a nature reserve, land designated as a refuge for fauna or land designated a natural heritage area.

Under section 50(1)(e), in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board or the road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive.

Section 50(1A)(a) states that unless the Board is satisfied that a proposed road development (other than development to which section 50(1)(a) applies):
would not be likely to have significant effects on the environment, or

would be likely to have significant effects on the environment,

The Board shall require the road authority to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

The remainder of section 50(1A) sets out requirements for such information, and procedures to be followed subsequently.

8.2 EIA Directive 2014/52/EU

EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment, entered into force on 15th May 2014. The EIA Directive 2014/52/EU reaffirms that 'Annex I projects' shall be subject to EIA and that for 'Annex II projects', Member States shall determine whether the project should be subject to EIA on a case-by-case basis or subject to thresholds or other criteria set by the Member State. The screening determination must be based on the information provided by the developer and if mitigation measures are influential to a screening determination, these must be stated in a screening determination.

Annex III of the EIA Directive sets out the revised criteria for determining whether projects should be subject to an EIA, under three headings as follows:

1. Characteristics of projects:

- (a) the size and design of the whole project;*
- (b) cumulation with other existing and/or approved projects;*
- (c) the use of natural resources, in particular land, soil, water and biodiversity;*
- (d) the production of waste;*
- (e) pollution and nuisances;*
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;*
- (g) the risks to human health (for example due to water contamination or air pollution).*

2. Location of projects:

- (a) the existing and approved land use;*
- (b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;*
- (c) the absorption capacity of the natural environment, paying particular attention to the following areas:*
 - (i) wetlands, riparian areas, river mouths;*
 - (ii) coastal zones and the marine environment;*
 - (iii) mountain and forest areas;*
 - (iv) nature reserves and parks;*
 - (v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;*
 - (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;*
 - (vii) densely populated areas;*
 - (viii) landscapes and sites of historical, cultural or archaeological significance.*

3. Type and characteristics of the potential impact:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);*
- (b) the nature of the impact;*
- (c) the transboundary nature of the impact;*
- (d) the intensity and complexity of the impact;*
- (e) the probability of the impact;*

(f) *the expected onset, duration, frequency and reversibility of the impact;*

(g) *the cumulation of the impact with the impact of other existing and/or approved projects;*

(h) *the possibility of effectively reducing the impact.*

When requested by the Board to state under what class of development screening for EIA is required under the Directive, the applicant made specific reference to:

- Class 10(e) Infrastructure Projects including construction of roads, harbours and port installations, including fishing harbours and
- Class 13(a) Any change or extension of projects listed in Annex 1 or this Annex, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment (change or extension not included in Annex 1).

8.3 Relevant Guidance

- 1.4.1. On foot of EU Directive 2014/52/EU, a guidance document entitled '*EIA of Projects - Guidance on Screening*' (2017) and other documents were prepared on behalf of the European Commission to assist competent authorities, developers and EIA practitioners in the EU Member States. The 'Guidance on Screening' document outlines a stepped approach to the screening process for competent authorities, as well as two checklists to assist in case-by-case screening.
- 1.4.2. The '*Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-threshold Development*' published in 2003 by the Department of the Environment, Heritage and Local Government, provides guidance on the criteria to be assessed when deciding whether or not a proposed development is likely to have significant effects on the environment. More recent guidance is also provided in the '*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*' published in 2018 by the Department of Housing, Planning and Local Government. The Office of the Planning Regulator also published Practice Note PN02, entitled '*Environmental Impact Assessment Screening*', in 2021.

9.0 Assessment

9.1 Requirement for Mandatory EIA

As noted above, section 50(1)(a) of the Roads Act lists the following forms of road development in respect of which there is a mandatory requirement to carry out EIA:

- (i) the construction of a motorway;
- (ii) the construction of a busway;
- (iii) the construction of a service area, or;
- (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.

The proposed roadway improvement scheme does not fall into the mandatory EIA categories (i), (ii) or (iii), as listed above, as it does not include the construction of a motorway, busway or service area. With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) outlines the following:

“The prescribed types of proposed road development for the purpose of subsection (1)(a)(iv) of Section 50 of the Act shall be -

- (a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;
- (b) the construction of a new bridge or tunnel which would be 100m or more in length.”

The proposed road improvement scheme does not comprise a road with four or more lanes or include the construction of a new bridge of 100m or more in length. I note, however, that the proposed development includes the extension of a brick culvert underpass beneath the R605 Roadway. This extension to the culvert is a mere 6 m in length and can hardly be described as a tunnel or underpass.

It can be concluded, therefore, that the proposed development does not require mandatory EIA.

9.2 Requirement for Sub-Threshold EIA

Section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III of the EIA Directive. Annex III groups criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA under three headings, which I have addressed separately in subsequent sections below.

9.3 Characteristics of the Project

Size and Design of the Whole Project

A description of the proposed development is set out in Section 1 of Cork Co Councils response. The total length of the proposed road improvement works is approximately 450m. It is proposed to widen the existing roadway, on the eastern side of the alignment to create a carriageway width to enable ghost markings to be incorporated onto the carriageway in order for traffic, particularly HGV traffic, to negotiate the tight bends without crossing onto the other side of the roadway. It does not involve the creation on additional lanes on the carriageway. The objective of the road improvement scheme is to improve the negotiation of acute bends, particularly by HGV traffic by widening the existing carriageway, enhancing visibility on the approach to bends and to reduce the potential for larger rigid vehicles crossing over the centre line. An existing culvert beneath the carriageway at the northern end of the scheme will be extended by approximately 6m to convey water beneath the carriageway. The section of carriageway to be improved is located within a heavily forested area on both sides of the carriageway. The works will involve the removal of trees on the eastern side of the carriageway over a stretch of approximately 300m. Land acquisition will be required from Coillte Teoranta. The number of trees to be removed are not specified.

The exact extent of land acquisition required to facilitate the proposed development is stated as 0.14ha. Although the works will predominantly be located within the footprint of the existing carriageway.

I do not consider that the modest size and design of the project, in the context of the criteria set out for mandatory EIA for road developments, in itself, would be a

determining factor in assessing the need for EIA. The nature and scale of the works to be carried out i.e., a road widening project over a relatively short length which would not result in any additional traffic lanes would fall considerably short in terms of size and scale for which an EIA would be required.

Cumulation with Other Existing and/or Approved Projects

The EIA Screening Report states that a number of planning searches in relation to plans and projects have been undertaken within a 5km radius. It notes that there are a number of existing and proposed agricultural type and domestic type developments (singles houses, alterations and extensions) in the area. The report identifies two larger projects, both of which relate to large extensions to the Eli Lilly pharmaceutical manufacturing plant c3km to the south of the site on the R605, both of which were accompanied by an EIAR and as such were already subject to EIA. The proposed development can be considered to be physically and geographically separate and different in nature from projects recently undertaken in the wider area. As such I do not consider that the proposed development is likely to result in significant cumulative impacts with other projects in the wider area given the modest nature of the developments in the surrounding area, the separation distance between the works to be undertaken and the other developments in the area and the fact that the two significant projects in the area have been subject to EIA.

The use of Natural Resources, in particular Land, Soil, Water and Biodiversity

Most of the works to be undertaken are confined to within the existing alignment, the main exception being the removal of a landbank along the eastern edge of the alignment to a depth of between 5-7m. The narrow linear nature of the development which will affect in the main, the eastern side of the alignment only over an area of c. 300m, it can be concluded the impact on land and soil is not likely to be significant.

In terms of the impact on the project on biodiversity, the AA screening report submitted with the application correctly in my opinion screens out the need for a Stage 2 Appropriate Assessment, due to the minor nature of the works and the fact that the nearest Natura 200 Site is over 8km away and there is no identifiable source-pathway-receptor link available. I note that the applicant has not argued that for an EIAR on the basis of potential adverse impacts on Natura 2000 sites.

The proposal will involve the removal of an area of Broadleaf woodland amounting to just less than 1400m². Circa 435m² of which is located, according to the ecological assessment submitted, within the Bandon Valley Below Innishannon pNHA (site code 001515). The site synopsis for this pNHA notes that:

“Shippool wood is a former separate area of scientific interest which is now joined to the Bandon Valley site. This wood is reported in 1972 in the An Forbas Forbartha report to be a deciduous woodland on the banks of the Bandon River with some Oak (Querus sp.) and Birch (Betula sp.) and other deciduous species. The woodland has been underplanted with coniferous trees. In 1981 An Foras Forbartha reports the wood in some parts are semi-natural in character and have an ecologically interesting flora and fauna. A recent survey of this woodland found it to be predominantly conifer trees”.

A more detailed examination of the maps submitted as part of the EclA, suggests that the actual area of woodland within the boundary of the pNHA to be lost as a result of the road improvement works is estimated to be less than 200sq m. I base this conclusion in the fact that boundary of the pNHA impinges upon the carriageway of the R605. The main are of deciduous woodland to be lost will be along the eastern side of the roadway, which does not form part of the pNHA. Areas of woodland to be felled will be replanted locally so as there will be no net loss of woodland. All tree felling works will be the subject of an arboricultural method statement to provide detailed site monitoring during felling operations.

As the works are confined to strips of linear land along the existing carriageway, it will not result or cause fragmentation or significant loss of habitat within the woodland. The area of woodland to be lost is that area that currently suffers the most disturbance through road maintenance and proximity to existing traffic.

Potential impacts on the water environment are mainly confined to the works to be carried out on the culverted stream as an extension will be required to the culvert as part of the road alignment. There will be no alteration to the hydrology of the stream or hydromorphology of the stream outside the culvert extension. All works associated with the culvert extension will be the subject of pollution control measures under the supervision of an appointed Environmental Clerk of Works. Specific measures and controls will be implemented for sediment control as well as

protection measures and protocols in the handling of concrete and hydrocarbons. These measures are detailed in S. 6.2 of the EclA.

In terms of species protection, strict measures will be put in place for the protection of badgers, otters, red squirrel, bats and avifauna. These include detailed pre-construction surveys, designated buffer zones around any identified badger setts or otter holts and specific times of the year under which works will be undertaken. Any works required will be done so under licence.

The proposal will not have a reliance on, or result in the depletion of natural resources, during either the construction or operational phases. Having regard to the limited area associated with the removal of the woodland, the proposal to provide compensatory woodland, and the mitigation measures to be employed for the protection of species and habitats, I am satisfied that the proposal will not have a significant impact on land soil water or biodiversity.

Production of Waste

Having regard to the nature of the proposed development, the key phase for the potential production of waste is the construction phase during the excavation of rock to facilitate the road widening. The construction will essentially result in the production of inert waste with the removal of rock and overlying soil and subsoil. This material, according to the information submitted by Cork County Council, will be sent off site for either recovery or disposal. It will be conveyed by an authorised contactor to a licenced landfill and will be recovered / disposed in an environmentally acceptable manner. Subject to the appropriate management of waste arisings in compliance with a suitable Waste Management Plan, and the use of licenced disposal facilities. I do not consider that the production of construction phase waste would cause significant adverse effects of a type that would require EIA.

With regard to the operational phase, no waste will be generated.

Pollution and Nuisances

During the construction phase, there is potential for works associated with the proposed development to result in pollution of waterbodies with the accidental discharge of hydrocarbons or sediments, or dust and noise emissions with the removal of the rock face, construction traffic-related impacts, or nuisance/disturbance to biodiversity receptors. Cork Co Council states that this

potential for pollution and nuisance can be minimised through the use of best practice construction management practices and the employment of mitigation measures set out in S6.2 of the EclA.

Given the modest scale of the proposed development and the sparsely populated nature of the receiving environment, there is less potential for pollution and nuisance to impact on nearby residents and landowners during the construction phase. The nearest residents as the crow flies are located over 130m to the east and c200m to the north of the area of the proposed works. The duration of such impacts are short-term c. 2 months and will be subject to compliance with best practice construction methods as set out in the CEMP.

Having regard to the nature of the proposed development, including its relatively short-term duration and the mitigation to be employed, I consider that no significant air, noise or water pollution impacts are likely to arise during the operational phase.

The Risk of Major Accidents and/or Disasters which are Relevant to the Project concerned, including those caused by Climate Change

Having regard to the nature of the proposed development and the nature of the receiving environment, it is not anticipated that the proposed project is a type which would cause an increased risk of major accidents / disasters including those caused by climate change. While there will be some rock breaking involved this will be undertaken in accordance with best practice and in accordance with relevant health and safety standards. The site is located c 3km from the Eli Lilly pharmaceutical plants, a Tier 1 Seveso establishment, the plant is situated considerably beyond the consultation requirements under the COMAH Regulations (SI 209 of 2015).

With regard to climate change, I note that it is not proposed to provide any additional lanes to accommodate extra traffic. The improvement in the alignment will enable HGV's to travel along this section of the route at more optimum speeds which may to some extent reduce vehicular emissions. From a climate change perspective, the overall impact can be deemed to be neutral, and if anything slightly positive, (albeit not significant).

The Risks to Human Health (for example due to Water Contamination or Air Pollution)

During the construction phase, there is potential for impacts on human health due to air/dust pollution, releases of contaminants to water bodies and traffic impacts. Such impacts can be addressed through a Construction Environmental Management Plan and traffic management arrangements during the construction period and adherence to best practice and protocols. Having regard to the nature of the proposed development, such impacts are not likely to be of sufficient magnitude as to result in a significant risk to human health.

The proposed development, once operational, is likely to result in human health benefits as a result of improvements in road safety along the alignment. Similar positive benefits are likely to arise as a result of improved road safety resulting from separation of separation of vehicular and bicycle/pedestrian traffic which would be to the benefit of all road users in the area.

Location of the Project

Existing and Approved Land Use

As noted above, the proposed road improvements to a large extent utilise the existing road alignment. It is proposed to widen the existing roadway, on the eastern side of the alignment to create a carriageway width to enable ghost markings to be incorporated onto the carriageway in order for traffic, particularly HGV traffic, to negotiate the tight bends without crossing onto the other side of the roadway. The route is already in situ and merely involves a widening along part of its alignment. The existing land uses include the roadway alignment itself (metalled carriageway), broadleaf woodland, scrub, managed verge land and recolonising bare ground. Existing land uses in the area will not be significantly impacted upon; the extent of additional land acquisition required is stated to be 0.14 ha which is minimal.

Given the linear nature of the proposal, along a shorth section of the overall road alignment, I do not consider that the impacts on existing and approved land use will be significant.

The Relative Abundance, Availability, Quality and Regenerative Capacity of Natural Resources (including in particular Soil, Land, Water and Biodiversity) in the area and its underground

The proposal re-alignment of a relatively short section of existing R605 and the quality of the natural resources on site are relatively low from a soil, land, water, and biodiversity perspective. The natural resources required to construct the development, including crushed stone, asphalt, cement, road markings etc are standard construction materials that are in relative abundance. The surrounding area generally comprises of broadleaf forestry that are in relative abundance in the wider area. I estimate that the broadleaf woodland in the wider area, of which the lands contiguous to the road which are to be removed form part of, amount to in total, some 33-34 Ha. The removal of 0.14¹ ha of woodland to facilitate the projects results in a reduction of less than 0.5% of the overall woodland. This in my view is negligible.

The regenerative capacity of the biodiversity of the area is indicated by the recolonisation bare land by scrub and trees in the vicinity of the existing alignment. Vegetation, trees, rock and soil will be removed as part of the proposed development. However, these natural resources are locally abundant. Cork Co Council have given an undertaking as a mitigation measure to plant compensatory woodland to counteract the loss of woodland as a result of the proposed changes in the alignment.

It is acknowledged the vegetation is likely to serve a habitat function for various species, such as nesting birds and potentially as linear foraging or commuting features for small mammals, including bats. It is proposed to incorporate new mitigation planting and landscape design as part of the development. Works to existing culverts and bridges will be required as part of the proposal and this may also result in temporary reduction in the aquatic habitat area of watercourses, without effective mitigation measures being implemented. The mitigation measures set out in the EclA will in my view ensure that any adverse impacts will be negligible.

¹ Which I consider to be an over estimate based on the drawings submitted.

The Council have, appropriately in my view screened out the need for Appropriate Assessment as the site is located a significant distance from and is not hydrologically or otherwise connected to the identified European sites in the vicinity.

1.5. Absorption Capacity of the Natural Environment

This part of Annex III requires the absorption capacity of the natural environment to be considered with particular attention paid to the following areas:

(i) Wetlands, Riparian Areas, River Mouths

At the closest point, the works to be undertaken are located 50m from the river Bandon. Construction of the proposed development has the potential to result in adverse impacts on this River due to the requirement for the extension to the culvert and the possibility of contaminants or sediments entering the watercourses and impacting on water quality and/or the habitats and species therein. The lower Bandon River is a transitional waterbody of 'moderate status' and is deemed to be 'at risk' of failing to meet its WFD objectives.

It is stated in the EIA Screening Report, the EclA and the AA Screening report that the proposal will be designed and constructed in accordance with relevant guidance, which will be overseen by an Environmental Clerk of Works. The above documents, and in particular the EclA details various mitigation measures to protect water quality during the construction process. The measures contained therein are generally relatively standard good practice construction methods and practices for works in the vicinity of watercourses.

(ii) Coastal Zones and the Marine Environment

The proposed road improvement works are not located within the vicinity of any coastal zones or the marine environment. The coast of south Cork, at its closest point is located over 10km from the works to be undertaken.

(iii) Mountain and Forest Areas

The subject site is located within an area of broadleaf forest. A strip of this forestry (the vast majority of which is located outside the adjoining pHNA) will be removed as a result of the proposed realignment on the eastern side of the road. The amount of forested woodland to be removed is negligible in the context of the overall woodland

in the area to be affected (estimated to be less than 0.5%). Any woodland to be removed will be compensated by replanting in the wider area, as part of the ecological enhancement works.

(iv) Nature Reserves and Parks

The proposed development is not located in or in the vicinity of any designated nature reserves or parks.

(v) Areas Classified or Protected under National Legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC

There are a total of 4 Natura 2000 sites within a 15km radius of the site.

Natura 2000 Site	Distance from proposed works (Km)
Courtmacsherry Estuary SAC (SC 001230)	8.3
River Bandon SAC (Upper Portion of the River is designated only in the vicinity of Dunmanway) (SC 002171)	30
Courtmacsherry SPA (SC 004219)	9
Sovereign Island SPA (004124)	13.8

I estimate that the Old Head of Kinsale SAC (Site Code 00100) and SPA (Site Code 004021) are located approximately 15.1 km from the subject site.

The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Cork County Council having carried out Screening for Appropriate Assessment, concluded that the proposed development individually or in combination with other plans or projects would not be likely to have a significant effect on any European Site in the wider area, in view of the site's Conservation Objectives, and Appropriate Assessment and submission of a NIS is not therefore required. Having assessed the proposal, I would agree with this conclusion. I would base my conclusions on:

- The relatively minor nature of the works to be undertaken which involves the widening of roadway along a 450m stretch.
- The separation distance between the proposal and the nearest European Sites.

- The lack of connectivity, hydrologically or otherwise between the proposed development and the European Sites in question.

In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site.

I note that the applicant in this instance did not raise any concerns that the proposed development could impact on the integrity of a Natura 2000 site, it can be reasonable assumed therefore that the applicant had no concerns in this regard.

The proposal will impinge upon the boundary of a pNHA – the ‘Bandon Valley Below Innishannon’ pNHA (site code 001515). The site synopsis for this pNHA notes that:

“Shippool wood is a former separate area of scientific interest which is now joined to the Bandon Valley site. This wood is reported in 1972 in the An Forbas Forbartha report to be a deciduous woodland on the banks of the Bandon River with some Oak (Querus sp.) and Birch (Betula sp.) and other deciduous species. The woodland has been underplanted with coniferous trees. In 1981 An Foras Forbartha reports the wood in some parts are semi-natural in character and have an ecologically interesting flora and fauna. A recent survey of this woodland found it to be predominantly conifer trees”.

A more detailed examination of the maps submitted as part of the EclA, suggests that the actual area of woodland within the boundary of the pNHA to be lost as a result of the road improvement works is estimated to be less than 200sq m. I base this conclusion on the fact that boundary of the pNHA impinges upon the carriageway of the R605, and this appears to have been included for the purposes of calculating the extent of woodland in the pNHA which would be lost. The actual woodland area within the confines of the pNHA on the western side of the road as a result of the roadworks that would be lost would be negligible, if at all. The main area of deciduous woodland to be lost will be along the eastern side of the roadway, which does not form part of the pNHA. Areas of woodland to be felled will be replanted locally so as there will be no net loss of woodland. All tree felling works will be the subject of an Arboricultural Method Statement to provide detailed site monitoring during felling operations. As already pointed out, the amount of woodland that would be lost will be compensated with the planting of additional woodland in the wider area.

As the works are confined to strips of linear land along the existing carriageway, it will not result or cause fragmentation or significant loss of habitat within the woodland. The area of woodland to be lost is that area that currently suffers the most disturbance through road maintenance and proximity to existing traffic.

(vi) Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;

There are no identified areas in the vicinity of the proposed road improvement scheme where there has been a failure to meet environmental quality standards.

(vii) Densely Populated Areas

The proposed road improvement scheme is not located within a within an area which is densely populated. The nearest centres of population are Inishannon, 4km to the north (population in 2016 – 907) and Kinsale c. 9km to the south (population 2016 – 5,218). The Eli Lilly Pharma Plant a major employment centre at Dunderrow is located c 3 km to the southeast. With the exception of the above, the wider area is sparsely populated in the form of single houses in the countryside.

I do not consider that the proposed development is likely to result in significant adverse impacts on densely populated areas. While short-term construction phase impacts may arise due to noise, dust, traffic etc. these will be temporary and limited in extent, and these works will be located in an area that is a considerable distance from densely populated areas. I consider that positive impacts are likely to arise in the operational phase in terms of road safety.

(viii) Landscapes and Sites of Historical, Cultural or Archaeological Significance

The R605 is not in itself of any intrinsic historic significance. Any alternations in the form of widening of the road will not in my view have any material implications in terms of altering the historic, cultural or archaeological significance of the area. The applicant makes specific reference to the location of Ship-Pool Castle (Poulnalong Castle) which is located c180m to the north of the road widening works. It is suggested that the base of the castle is structurally undermined. Having inspected the castle I would agree that the base of the castle appears to be in poor structural

condition. This poor condition is likely to be accentuated by vehicular traffic travelling along the R605. However, to suggest that any road widening works to the road which will include the excavating of rock c250 to 500m to the south could lead to additional structural undermining of the historic structure is in my view not a realistic proposition. Passing traffic, and in particular HGV traffic, which will occur regardless of whether or not road improvement works are carried out, will travel within 1 meter of the foundation of the structure, this I would suggest, would present a far greater threat to the structural integrity of the building, than temporary road widening works over a 2 month period some 200-500 m away.

Furthermore, it is respectfully suggested that if any concerns did arise in relation to this matter, a stand alone report dealing with the issue would suffice rather than the production and submission of a full EIAR. Notwithstanding the above, it is my firm conclusion that significant adverse impacts on sites of historical, cultural or archaeological significance are unlikely to occur.

In terms of landscape character and scenic designations, it is acknowledged that the R605 has been designated as a scenic route in the County Development Plan. The proposed works to be carried out involve a widening of a short section of roadway (less than half a km) along a c. 13km route. While the proposal will involve the removal of trees in order to cater for the road widening scheme, it will not involve the creation of a new route alignment, nor will it alter the landscape character of the existing route. The character of the area and route will remain intact and will continue to be characterised by a meandering road alignment through mature deciduous woodland. The proposed Road improvement, due to its linear nature, narrow width, use of an existing carriageway alignment is not likely to result in significant visual or landscape impacts.

Finally, I note that visual issues were not raised as a concern or as a justification for an EIAR submitted in the application on behalf of the third-party.

Type and Characteristics of Potential Impact

(a) Magnitude and Spatial Extent of the Impact

The footprint of the proposed Road improvement is ribbon-like in nature and will entail the widening of an existing section of carriageway along the R605. As such, the spatial extent of impacts will generally be limited. There is little or no potential for

impacts on water bodies and ecological sites arising from construction works over and/or adjacent to watercourses. The works to be undertaken are a considerable distance from Natura 2000 sites. These works will involve the removal of some mature trees along the eastern side of the alignment to a depth of between 5m to 7m. The spatial extent of the works therefore will be limited.

(b) Nature of the Impact

Population and Human Health

There may be limited possible temporary impacts on human beings during the construction phase, due to noise, dust, visual and traffic impacts. However, the area in the immediate vicinity is sparsely populated so any such impact should be regarded as negligible. These potential impacts will be short-term in nature and are not likely to be at such a quantity or of such a significance that would warrant the completion of a sub-threshold EIAR. Noise and dust will be subject to a proposed CEMP and are capable of being controlled using standard construction mitigation measures. The proposal will result in significant benefits from a road safety perspective.

Biodiversity

During the construction phase, there is the potential for impacts on biodiversity arising from the removal of vegetation, most significantly mature (which may provide breeding/nesting sites or foraging/commuting habitat), the potential contamination of watercourses with sediments, hydrocarbons or chemicals, disturbance or displacement of species, and introduction of invasive species.

In terms of the removal of woodland, the applicant is correct in stating that the specific number of trees to be removed is not specified in the documentation submitted. The submission on behalf of the applicant estimates that up to 80 mature trees could be removed. The basis for this calculation is not set out in the submission. The amount of forested woodland to be removed is negligible in the context of the overall woodland in the area to be affected (estimated to be less than 0.5%). Any woodland to be removed will be compensated by replanting in the wider area, as part of the ecological enhancement works. The removal of such a modest amount of trees in the context of the overall woodland habitat would not in my view trigger the need for a sub-threshold EIAR.

Concerns were also specifically raised in respect of bats. The submission on behalf of the applicant notes that the EIA Screening Opinion makes no reference to bats, although the effect on bats is considered in the EclA. As the latter document was not referenced in the former, according to the submission, it appears that Cork County Council failed to consider the likely effects on bats in its screening determination. In response to this assertion, I can only assume that Cork County Council considered the entirety of the information put before it in determining whether or not an EIAR was necessary for the proposed works. Certainly, the Board in determining the current application before it will have regard to the totality of the information submitted by both Cork County Council, and the applicant, including reports other than that screening determination report in arriving at its decision as to whether or not and EIAR is required in this instance. In this regard and for the purposes of clarity, information contained in the all the reports submitted by Cork Co Council will be assessed for the purposes of the screening determination outcome.

Figure 4.2 provides a Habitat Map of the study area on p.18 of the EclA Report identifies 7 trees that have the potential for bat roost, all of these trees are located on the western side of the alignment and therefore unlikely to be affected as a result of any tree removal, which is almost exclusively confined to the eastern side of the road according to the information submitted. The EclA Report clearly indicates that no breeding or rest areas for otter, badger, bats or red squirrel were recorded within the immediate area of the proposed works. It is acknowledged that some works undertaken will require the removal and lopping of trees which may contain bat roosts. As such there is a potential for permanent loss of roosting habitats for bats species. This could have a permanent moderate negative effect. However, section 6.5 of the report sets out a suite of mitigation measures for the protection of bats and includes the following:

- Prior to felling of any trees an initial bat survey of the trees to be felled will be undertaken by a licensed qualified specialist to assess the suitability of the tree to contain bat roosts as per good practice guidance.
- Trees with suitable for roosting bats will not be felled in advance of surveying unless agreement is reached with the appointed Ecological Clerk of Works and the NPWS as relevant. Trees identified with potential roost features of moderate to high value will be thoroughly examined under license from the

NPWS to ascertain the presence or absence of roosting bats. This will be conducted by an experienced bat expert.

- Where evidence of a roost or roosting bats have been determined, a license for its removal will be required from the NPWS. The procedures for the exclusion of bats and the destruction of the roost as detailed in the license document will be adhered to all times.
- Where bat exclusions areas are required, they will be undertaken in accordance with the requirements of the bat specialists and may not be carried out unless under license from the NPWS. Where the felling of trees found to be suitable as bat roosts cannot be avoided appropriate mitigation measures will be agreed with the NPWS and put in place at least one month in advance of any felling or disturbance.
- The design and construction of bat mitigation measures will comply with the requirements of the bat specialist and standards set out in the TII guidelines.
- It is proposed to install bat boxes at suitable tree locations in the wider woodland. These will be appropriately constructed and placed at appropriate locations.

I consider that there is enough information in respect bats to conclude that the woodland in question is not a particularly important habitat for bats and where bat roost may exist they will not be impacted upon by the proposed works. Works in the vicinity of areas of potential bat roosts will be subject to robust mitigation in consultation with and under the supervision of the NPWS. I consider that a weak and unsubstantiated case has been put forward that any potential impacts on bat would necessitate or trigger the need for an EIAR. Concerns are for the most part confined to lack of consultation with 3rd parties, details of the competencies of those who undertook the preliminary surveys on respect of bats and that the information contained in the EclA may not have informed the EIAR screening report. Cork County Council has stated that construction will be undertaken in accordance with the relevant TII and NPWS Guidelines.

In relation to impacts on Barn Owls, it should be made clear that the guidelines referred to in the submission relate to the construction and operation of national roads projects. The proposal before the Board does not relate to a the construction national road project but merely involves the widening of a short section of a

Regional Road. Notwithstanding this point the Guidelines set out a detail methodology that should be undertaken for as part of any EIAR process for the survey and protection of Barn Owls, it is my considered opinion that an EIAR is not required for this project and while good practice should obviously be employed for the protection of barn owls in undertaking such work, it is not incumbent on the applicant to slavishly adhere to the requirements of the with regard to defining studies areas undertaking surveys etc. for the purposes of screening the project for EIAR.

In practical terms legislation for the protection of birds, including Barn Owls where projects may lead to the deliberate disturbance of Barn Owls on or near their breeding place, requires a derogation licence from the NPWS. This does not equate triggering the requirement for a full EIAR. Furthermore, the TII publication entitled "*Survey and Mitigation Standards for Barn Owls to Inform the Planning, Construction and Operation of National Roads Projects*" set out a host of mitigation measures to protect Barn Owls. These mitigation measures can be employed in undertaking the works as part of best practice without the requirement of carrying out a full EIAR.

Land, Soil, Water, Air and Climate

The proposed development utilises an existing road alignment and will require limited amounts of construction material and will generate limited amounts of waste. There is to be minimal need for land acquisition due to the modest nature of the road widening scheme.

There will be no alteration to the hydrology of the stream or hydromorphology of the stream outside the proposed culvert extension. All works associated with the culvert extension will be the subject of pollution control measures under the supervision of an Environmental Clerk of Works. Specific measures and controls will be implemented for sediment control as well as protection measures and protocols in the handling of concrete and hydrocarbons. These measures are detailed in S. 6.2 of the EclA.

Groundwater is unlikely to be affected and the works will not result in any extensive excavations beneath ground level. Impacts on surface water quality and groundwater quality will be minimal if best practice construction management, in accordance with TII and IFI Guidelines, and mitigation measures are adhered to.

The proposed development is not located within a flood risk area and the works to be undertaken will have an imperceptible residual impact on flooding in receiving watercourses.

With regard to air and climate, no significant impacts are anticipated, subject to control of dust emissions during construction. It is also considered that climate change will not have a significant effect on the road widening works to be undertaken.

With regard to noise and vibration, it is stated that the contractor will be required to comply with the noise and vibration limits as stipulated in the relevant TII Guidelines. There may be some minor short-term construction phase noise impacts, which will be temporary in nature and subject to standard controls. No significant construction phase vibration impacts are anticipated and during the operational phase, there will be no significant noise or vibration impacts on surrounding residential receptors due to the separation distances between the works and the dwellings.

I consider that the potential impacts on land, soil, water, air and climate are not so significant as to require the production of a full EIAR.

Material Assets, Cultural Heritage and Landscape

No significant impacts on material assets are anticipated due to the presence of an existing carriageway. It will improve road safety which can be considered a positive material asset. While the width of the road will be increased, community severance and land and property acquisition is stated to be minimal as the site is sparsely populated and with the exception of the local road within the northern boundary of the road improvement works, there are no other access points with the area of improvement works. There will be no significant changes to the layout of this junction.

With regard to potential impacts on archaeology, architecture and cultural heritage, there is no significant risk to recorded sites or monuments including ship-pool castle, due to the nature of the proposed development, the limited nature of the construction works and the separation distance between the road improvement works and the castle.

In terms of potential landscape and visual impacts, the proposal utilises and widens the existing carriageway and due to its linear nature, it is not likely to result in a significant adverse impact on the surrounding landscape or visual amenities of the

area notwithstanding the fact that the route is designated as being a Scenic Route in the development plan. The removal of vegetation including mature trees along the alignment may result in some adverse impacts, however it is proposed to provide compensatory planting elsewhere to mitigate against the loss of mature trees.

I consider that the potential impacts on material assets, cultural heritage and landscape does not warrant or justify the requirement for a full EIAR.

Transboundary Nature of the Impact

Having regard to the characteristics of the project, and its location, no transboundary impacts are likely to occur as a result of the proposed development.

Intensity and Complexity of the Impact

The proposed development will not give rise to any land use intensity, will not facilitate additional traffic but will allow traffic to negotiate the road alignment with greater safety. The relatively modest road widening proposal cannot be considered to be particularly complex.

Probability of the Impact

Having regard to the nature of the proposed development and the receiving environment; the road authority's intention to carry out the proposed road improvements, any impacts can be considered to be probable. However, based on my assessment above I consider that the probability of significant adverse environmental impacts occurring in the wider area as a result of the road improvement scheme would be negligible and will be the subject of appropriate mitigation measures.

Expected Onset, Duration, Frequency and Reversibility of the Impact

Any adverse environmental impacts arising from the proposed development are likely to be associated with the construction phase and short-term or temporary in nature. There will be permanent loss of existing vegetation and habitat along the extended road alignment, however it is considered that adverse impacts associated with this loss can be assessed as not significant and can be mitigated as part of the proposed compensation measures.

Cumulation of the Impact with the Impact of other Existing and/or Approved Projects

As referred to above there are no developments in the wider area of any significance that would give rise to and cumulative or in-combination effects.

Possibility of Effectively reducing the Impact

As noted above, both the EclA and CEMP include a suite of mitigation measures that include surface water protection measures, sediment control measures, biosecurity measures and specific measures to avoid impacts on species such as breeding birds, bats, red squirrel and otter.

The design of the proposed development, including for example the use of the existing road alignment, together with the implementation of appropriate mitigation measures during the construction phase (generally comprising standard best practice methodologies) will result in a high probability of effectively reducing impacts.

10 Conclusion and Recommendation

Having regard to the submitted information, including the EIA Screening Opinion Report, the Ecological Impact Assessment, the Construction and Environmental Management Plan, the Planning Report and the AA Screening report together with the associated drawings, and having conducted a site inspection, I consider that, given the description of the proposed development and the nature of the receiving environment, the proposal is not likely to have significant effects on the environment that would necessitate the preparation of an Environmental Impact Assessment Report and the undertaking of an Environmental Impact Assessment.

11.0 Reasons and Considerations

Having regard to:

- (i) the information provided by the road authority to An Bord Pleanála;
- (ii) the provisions of the Roads Act 1993, as amended;
- (iii) the nature and scale of the proposed development, which is below the thresholds for mandatory Environmental Impact Assessment set out in

section 50(1)(a) of the Roads Act 1993, as amended, and article 8 of the Roads Regulations 1994, as amended;

- (iv) Annex III of EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment;
- (v) the document 'EIA of Projects - Guidance on Screening' (2017) issued by the European Commission;
- (vi) the document 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development' issued by the Department of Environment, Heritage and Local Government in August 2003;
- (vii) the characteristics of the proposed development, the use of and the widening of an existing alignment of Regional Road over a distance of c.450m.
- (viii) the nature and characteristics of the receiving environment and surrounding area; and
- (ix) the report and recommendation of the Board's Inspector.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.

Paul Caprani
Senior Planning Inspector

21st April 2022