



An
Bord
Pleanála

Inspector's Report

ABP-319279-24

Development	Proposed Redesign and Construction Works to the existing N72 / R639 Junction
Location	Christ Church, Fermoy, Co. Cork in the townland of Carrignagroghera
Local Authority	Cork County Council
Type of Application	Environmental Impact Assessment (EIA) Screening Determination (Application under Article 120 (3) (b) of the Planning and Development Regulations 2001, as amended)
Applicant(s)	Heather Smith
Date of Site Inspection	20 th May 2024
Inspector	Tomás Bradley

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1.0 Introduction

Under the provisions of Article 120 (3) (b) of the Planning and Development Regulations 2001, as amended (PDR) applications for an Environmental Impact Assessment (EIA) Screening Determination were made to An Bord Pleanála (the Board) as to whether the proposed redesign and construction works to the existing N72 / R639 Junction at Christ Church, Fermoy, Co. Cork in the townland of Carrignagroghera, by Cork County Council (CCC) would be likely to have significant effects on the environment.

The proposed development is a local authority development and is being applied for under Part XI of the Planning and Development Act 2000, as amended (PDA), and Part 8 of the PDR. It is not a direct planning application to the Board. Heather Smith made a valid application under the provisions of Article 120 (3) (b) requesting the Board to make an EIA Screening Determination.

CCC is of the opinion that the proposed development would not likely have significant effects on the environment and an EIA is not required. This is evidenced in an letter submitted to the Board by CCC of 29th April 2024. The applicants question this conclusion and contend the proposed development would likely have significant effects on the environment.

2.0 Site Location and Description

The proposed development site is located in Fermoy, Co. Cork at the junction of the N72 (Mallow Road) and R639 (Oliver Plunkett Hill), Allen's Walk and Church Hill.

The main T-junction is to the front of Christ Church, which is a key visual prospect as you travel north on the N72. From the junction, there are views south to the town centre including Kent Bridge over the River Blackwater and Pearse Square. Fermoy Town Park is immediately west of the junction. There are residential, community and commercial uses adjoining the junction, several occupying historic buildings registered on the National Inventory of Architectural Heritage and Sites and Monuments Record (SMR). The site is within the SMR Zone for Chirt Church (Ref: CO035-021----)

The topography of the site falls generally south from Christ Church to Kent Bridge and the River Blackwater. The lands are largely made ground at this location,

primarily road and mixed pavement. There is signage, street furniture and ornamental planting present. A memorial to World War I is located to the south-west of the site and a religious sculpture depicting monks is located in front of the church. There are currently three car parking spaces in front of the church.

At the T-junction, there is one lane in either direction on the mainline with a right hand turn lane provided on the northern approach and a left turn yield lane on the southern approach. The N72 on the western approach has a dedicated left and right turn lane. The junction is not signal controlled and there are no pedestrian crossing facilities except for dropped kerbs. The speed limit is 50 kilometres per hour.

3.0 Proposed Development

The proposed development aims to improve safety at the junction by reducing all approaches to single lane approaches, reducing the carriageway widths and pedestrian crossing distances, improving visibility splays and forward stopping sight distances, and also encouraging a modal shift to sustainable active travel in a safer environment and enjoyment of public realm spaces. This junction was identified by Transport Infrastructure Ireland (TII) as a “*Type A*” *HDI5 High Collision Location* as part Of *Network Review Round L for the period 2016 to 2018* in which the Junction is included as Site ID N72CK_112.O.

The proposed scheme is a Road Safety Improvement Scheme (RSIS) in line with TII (April 2021) *Design Phase Procedure for Road Safety Improvement Schemes, Urban Renewal Schemes and Local Improvement Schemes DN-GEO-03030* and designed in accordance With the Department of Transport's (DoT) *Design Manual for Urban Roads and Streets (DMURS)*. The DMURS provides guidance relating to the design of urban roads and streets.

The following changes are being proposed:

- Removal of left turn slip road from N72 (South) to N72
- Removal of left turn lane from N72 (West) to R639.
- Removal of traffic islands throughout.
- Reduction in carriageway widths and turning radii via extension of public realm areas and revision of kerb lines aligning with DMURS, as much as possible,

considering the requirement to accommodate large numbers of Heavy Goods Vehicles (HGVs) on the N72.

- Incorporation of controlled pedestrian crossing facilities across the N72 (West).
- Incorporation of a raised table across the junction extending into all approaches.
- Modification of the junction between the N72 (West) and Church Hill comprising realignment Of the Church Hill approach, removing the left turn slip lane and right turning facility from the N72, narrowing the junction mouth, and providing an uncontrolled pedestrian crossing.
- Modification of the junction between the R639 and Allen's Walk comprising realignment of the Allen's Way approach, narrowing the junction mouth, providing an uncontrolled pedestrian crossing. and extension of the kerb line at the junction mouth to define the junction and improve pedestrian facilities.
- Incorporation Of uncontrolled pedestrian crossing facilities across the N72 (West) at the scheme extent.
- Incorporation of 3 no. 'Age Friendly' parking in front Of Christ Church.
- Incorporation Of Sustainable Drainage Systems and enhancement of public realm
- Resurfacing the vehicular carriageway within the scheme extents.
- Relocation of existing gullies with new connections to the existing surface water drainage system.

The project area is approximately 0.63 hectares (ha). The length of roads within the project area is approximately 385 metres (m). The construction phase for the proposed development is expected to take approximately 6 months.

4.0 Planning History

A review of the CCC Planning Portal and the Board's case files was carried out the on the 7th of May 2024 to collate any planning history for the site. There was no recent relevant planning history for the subject site, save for the Part 8 planning application the subject of this EIA Screening Determination.

There are numerous planning applications to the buildings and structures on each side of the street and on surrounding streets which is to be expected in a such an urban location. The planning applications largely relate to changes of use and

alterations to the buildings and structures. These are noted and considered in the assessment below.

5.0 Policy Context

5.1. Zoning Objective

The Cork County Development Plan 2022-2028 (CCDP or 'the plan') is the relevant plan for the subject site. The site is zoned 'Existing Residential/Mixed Residential and Other Uses'. This is marked on Volume 6 that accompany the plan. The objective for this zoning is to conserve and enhance the quality and character of established residential communities and protect their amenities.

The current land use within the site is public roads, pavement and parking. While the zoning does not cite utilities and infrastructure specifically as an appropriate use it can be considered that this is a development which is ancillary to the parent use and therefore Objective ZU 18-7 Ancillary Uses applies:

ZU 18-7: Ancillary Uses: Ensure that developments ancillary to the parent use of a site are considered on their merits.

There is no specific development objective for the site. However, in Volume 3 of the CCDP, there is the following general objective for the settlement of Fermoy:

FY-GO-04 All development should contribute to improved, safe pedestrian and cyclist connectivity and should include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate.

5.2. Specific Objectives in respect of Transport and Mobility

There are numerous policies in Chapter 12 Transport and Mobility of the CCDP which support the principle of sustainable mobility. The main aim of the policies is 'to support the delivery of an efficient transport system in the county, supporting connectivity and competitiveness, and to make sustainable travel modes an attractive and convenient choice for as many people as possible in order to deliver economic, social, health, wellbeing, environmental and climate action benefits'.

Specific policies include:

- TM 12-1: Integration of Land Use and Transport

- TM 12-2: Active Travel
- TM 12-8: Traffic/Mobility Management and Road Safety
- TM 12-9: Parking
- TM 12-11: Smart Mobility
- TM 12-13: National, Regional and Local Road Network

5.3. **Amenity and Heritage Designations**

The following designations are noted in the CCDP. It is generally the objective to protect same.

- **High Value Landscape** - The site is located in a 'High Value Landscape', which is considered to be a Landscape Character Types with a high or very high value or sensitivity.
- **Architectural Conservation Area (ACA)** - The site is located adjacent to the Fermoy ACA. The ACA relates to the buildings only.
- **Protected Structures** – The site is located adjacent to Christ Church (RPS ID 2231), Limestone Kerbing on Church Hill (RPS ID 2,246), 5-8 Church Place (RPS ID 2233-2236), 1-4 St James's Place (RPS 1241-1244), Boundary Walls & Gates. Fermoy House (RPS ID 2262).

6.0 **Legal Context**

Annex I to Directive 2011/92/EU as amended by Directive 2014/52/EU requires as mandatory the preparation of an EIA for all projects listed therein. Projects listed in Annex II to the Directive are not automatically subjected to EIA. Member States can decide to subject them to an assessment on a case-by-case basis or according to thresholds and/or criteria (for example size, location, sensitive ecological areas and potential impact).

The European Union (Planning and Development) (EIA) Regulations 2018 (S.I. No. 296/2018) amended the PDA and the PDR in order to transpose into Irish Law the provisions of Directive 2014/52/EU.

In Ireland, Schedule 5 (Part 1 and Part 2) of the PDR, transposes Annex I and Annex II of the amended EIA Directive. Schedule 7 sets out the criteria for determining whether a development would or would not be likely to have significant effects on the

environment, under three headings: characteristics of the proposed development; location of the proposed development; types and characteristics of potential impacts.

In addition, Section 50 (1) (a) of the Roads Act 1993 as amended, lists forms of road development in respect of which there is a mandatory requirement to carry out EIA. It is stated under Section 50 (1) (b) that if the Board considers that any road development proposed consisting of the construction of a proposed public road or the improvement of an existing public road would be likely to have significant effects on the environment it shall direct that the development be subject to an environmental impact assessment.

Screening is the term used to describe the process for determining whether a proposed development requires an EIA by reference to mandatory classes of development and legislative threshold requirements or by reference to the type and scale of the proposed development and the significance or the environmental sensitivity of the receiving baseline environment set out in Schedule 7.

In this instance, applications have been made under Article 120 (3) (b) of the PDR where it states that any person at any time before the expiration of 4 weeks beginning on the date of publication of the notice may apply to the Board for a screening determination as to whether a development proposed to be carried out by a local authority under Part 8 would be likely to have significant effects on the environment.

7.0 Request for Determination

In a written submission of 10th March 2024, Heather Smith made a valid application under the provisions of Article 120 (3) (b) requesting the Board to make an EIA Screening Determination. This submission is summarised below:

- Impact on the residential, commercial and community receptors in the area in particular the community hall (to rear of church) and sporting pitches in proximity to the proposed development.
- Impact to the cultural and religious heritage of the area, in particular Church of Ireland (Christ Church) and Roman Catholic churches.
- Impact of the reduction in car parking spaces at Christ Church as a result of the proposed development.

- There is limited car parking north of the River Blackwater in Fermoy.
- The safe access/egress to the church will be curtailed
- The proposed development will result in cars parking elsewhere, particularly existing residential areas.
- The applicant suggests a modification to the proposed development whereby the 'raised table' is redesigned into car parking to serve a number of uses including the church and adjoining community and sporting amenities.
- The applicant welcomes many aspects of the proposed development but considers the current plan will give higher priority to plants, animals and wildlife than humans

On the 14th of March 2024, the Board wrote to Heather Smith requesting further information in respect of (i) what class of development under the Schedule 5 of the PDR the development fell, (ii) a statement on the likely significant effects. On the 19th of March 2024, Heather Smith responded to this request.

In respect of (i) the classes of development under the Schedule 5 of the PDR the development fell, it is noted that the applicant may inadvertently have set out information under Schedule 5 of the PDA rather than the PDR. The fifth schedule of the PDA relates to conditions which may be imposed, on the granting of permission to develop land, without compensation. Therein the applicant requests the Board consider the following –

- 6 Character of Urban and Rural Areas
- 9 Major Accidents, Human Health
- 11 Control of the Layout of Areas and Structures
- 13 Extent of Car Parking

In respect of (ii) a statement on the likely significant effects, the original submission of 10th March 2024 is effectively repeated.

8.0 Assessment

Under the provisions of Article 120 (3) (b) of the PDR, the Board is required to provide a screening determination as to whether the proposed redesign and construction works to the existing N72 / R639 Junction would be likely to have significant effects on the environment.

The following matters are considered relevant in the assessment of whether the submission of an EIA Report is required:

- Assessment of project type/class of development under Schedule 5 of the PDR, relevant to the proposed development.
- Assessment of relevant thresholds under Part 2 of Schedule 5 of the PDR.
- Assessment of proposed development under the criteria set out Schedule 7 of the PDR.

An assessment of the proposed development against the above criteria is carried out in the sections that follow.

8.1. Project Types / Class of Development

The Board should note that the applicant to this file did not provided information in respect of what class of development set out in Schedule 5 of the PDR the proposed development is considered to belong. This was explicitly requested by the Board in a letter of 14th of March 2024 to the applicant and is a legal requirement for such a request under Article 120 (3). It is noted the applicant has cited information from Schedule 5 of the PDA in error.

This falls short of the legal requirement under Article 120 (3) (c) of the PDR which require *“an application for a screening determination shall, in order to be considered by the Board shall indicate the class in Schedule 5 within which the development is considered to fall”*. [*Emphasis Added*]

It could be argued that this application is invalid on this basis. However, in this instance and given the nature of the request and the complexities of legislation which a member of the public may not reasonably be familiar with, I am satisfied, in the interest of justice, to continue the assessment and consider Schedule 5 of the PDR in the absence of explicit submissions from the applicant.

It is considered the following class should be considered.

- Schedule 5, Part 2, Class 10 (b) (ii) and (vi).
- Schedule 5, Part 2, Class 13 (a) and (c).
- Section 50 (1) (a) of the Roads Act.

Having reviewed the details of the proposed development, the relevant legislation and guidance, and the documentation on file, each is considered below.

8.1.1. Class 10

Schedule 5, Part 2, Class 10 (b) (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development.

It is not considered that this class of development is applicable. The proposed development is not a car park development. The car parking spaces being provided largely reinstate that existing. No additional car parking spaces are provided.

Schedule 5, Part 2, Class 10 (b) (vi) Urban development which would involve an area greater than 2hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is considered that this class of development may be applicable. The proposed development is in an urban location which can be considered part of a built-up area. It is not considered a business district given the limited retail and commercial use. In the following section the relevant threshold is examined.

8.1.2. Class 13

Schedule 5, Part 2, Class 13 (a) Any change or extension of development already authorised, executed or in the process of being executed (not being a change or extension referred to in Part 1) which would:- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and (ii) result in an increase in size greater than – - 25 per cent, or - an amount equal to 50 per cent of the appropriate threshold, whichever is the greater.

It is not considered that this class of development is applicable. The proposed development is not a change or extension of development already authorised, executed or in the process of being executed.

Schedule 5, Part 2, Class 13 (c) Any change or extension of development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, which would result in the demolition of structures, the demolition of which had not previously been authorised, and where such demolition would be likely to have significant effects on the environment, having regard to the criteria set out under Schedule 7.

It is not considered that this class of development is applicable. There is no 'demolition' as part of the proposed development.

8.1.3. Section 50 (1) (a) of the Roads Act

Section 50 (1) (a) of the Roads Act 1993, as amended 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 development 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), Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) outlines the following 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 development does not comprise a road with four or more lanes or include the construction of a new bridge or tunnel of 100m or more in length.

Therefore, it is not considered that this class of development is applicable.

8.2. Project Thresholds

As set out above, it is considered that the proposed development is of a class, Class 10 (b) (vi) for the purposes of EIA. The threshold cited under Class 10 (b) (iv) in the PDR is *'urban development which would involve an area greater than 2 hectares in*

the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere’.

The proposed development is in an urban location which can be considered ‘a built-up area’. The predominant land use is not commercial or retail at this location. Therefore, the threshold is 10 hectares. The proposed development would be accommodated on a site of approximately 0.63 ha.

Therefore, it is ‘subthreshold’, and a mandatory EIA is not required.

In such instances, where the development is ‘subthreshold’, an assessment should be made against the criteria for determining whether development listed in Part 2 of Schedule 5 which are set out in Schedule 7 of the PDR. This is set out below in Section 8.3.

8.3. Assessment under the Criteria set out in Schedule 7

The criteria for determining whether a development would or would not be likely to have significant effects on the environment are under the following headings:

1. Characteristics of proposed development.
2. Location of proposed development.
3. Types and characteristics of potential impacts.

Each of these criteria is assessed below.

8.3.1. Characteristics of proposed development

8.3.1.1. Size & Design

The proposed development is effectively an upgrading of the existing junction and is significantly below the threshold for urban development. It will not extend, widen or alter the size of the street.

The design of the junction upgrade would not be significantly at variance with the established pattern of development on lands in a town. In the context of the size of the town of Fermoy generally, the design of the street would assimilate into its wider environment.

Specifically in respect of the historic character and setting at Christ Church, the ACA, protected structures and SMR, the design would largely assimilate with its surrounds. This is clearly evidenced in the information submitted under Point 2 of the

letter of 29th April 2024 from CCC which sets out conclusions of a cultural heritage and archaeology assessment. Its conclusions are considered reasonable and the comments of the CCC Conservation Officer are noted. In addition, the design measures proposed to safeguard built heritage features are considered standard and best practice construction and operation measures and are do not intended to avoid or reduce any significant impacts on the environment.

The design of the proposed development does result in the overall reduction of six car parking space. This revision in parking supply and management is negligible and reasonably absorbed elsewhere.

8.3.1.2. Potential for Cumulative Impacts with other Existing and/or Approved Projects

It is also noted that the development is on serviced lands in an urban area and does not constitute a significant urban development in the context of the wider town and the other projects which may be occurring in the area.

The development is not associated with any significant loss of habitat or pollution which could act in a cumulative manner to result in significant negative effects to any Natura 2000 sites. There are no projects which can act in combination with the development which can give rise to significant effect to Natura 2000 sites. This is clearly evidenced in the information submitted under Point 1 of the letter of 29th April 2024 from CCC which sets out conclusions of an Appropriate Assessment screening carried out by CCC, who are the competent authority in that respect.

Similarly, the development is not associated with any significant generation of traffic which could act in a cumulative manner to result in significant negative effects to the surrounding road network. The road network is relatively permeable in this area and any displacement of traffic and parking would be minimal in the context of the wider town.

Should the construction of the proposed development occur in tandem with other urban development and in particular other public realm projects, any impacts would be of a temporary nature and short-term given:

- the limited nature of works (i.e., no significant structures, length of street),
- the expected duration of the works (6 months),
- the location of lands to be developed (outside the business centre),

- the location and distance to the other existing and/or approved projects.
- the likelihood of temporal overlap of construction works between projects.
- the implementation of standard and best practice construction and operation measures.

It is considered unlikely that significant cumulative impacts with other existing and/or approved projects would arise.

8.3.1.3. Nature of any Demolition Works

There are no buildings/structures on the site that require demolition. The removal and replacement of hardstanding, signage and street furniture is not considered 'demolition'.

8.3.1.4. Use of Natural Resources

There will be no significant use of natural resources. The existing planter boxes / baskets that will require removal to facilitate works for the proposed development will ultimately be supplemented on completion of the works.

8.3.1.5. Production of Waste

There is no significant production of waste. During the construction phase, routine construction waste will be generated including excavated material from the site. This is not anticipated to be of any significant level and will be managed through standard construction practices and methodologies.

8.3.1.6. Pollution and Nuisances

During the construction phase there will be routine construction related pollution and nuisance generated including noise, light, dust and traffic related impacts with the potential to cause nuisance and impact on the amenities of adjoining dwellings and amenities. There is also an indirect impact on the surrounding streets as a result of any traffic disruption. These impacts will be temporary and short-term and would be controlled as part of the standard and best practice construction measures.

During the operational phase there will be some pollution and nuisance associated with the use of the pedestrianised street owing mainly to noise, light and traffic. The operational phase may see increased numbers of people using the site also. There is also an indirect impact on the surrounding streets as a result of any traffic

disruption. These impacts will not be dissimilar to that existing and will be temporary and short term.

8.3.1.7. Risk of Major Accidents and/or Disasters including those caused by Climate Change

Having regard to the characteristics of the proposed development and its location it is considered unlikely that there is a risk of major accidents and/or disasters including those caused by climate change.

8.3.1.8. Risk to Human Health

There is no significant risk to human health. During the construction and operation phases risk to human health arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures.

8.3.2. Location of Proposed Development

8.3.2.1. Existing and Approved Land Use

The proposed development is effectively an upgrading of the existing junction and is not considered to constitute a change of use. The proposed development is compatible with the existing use of the land.

8.3.2.2. Relative abundance, availability, quality and regenerative capacity of natural resources

The documents submitted by the CCC to support the proposed development as well as the submissions of the applicant set out details of the natural resources and its environmental sensitivity in the area. Within the site there will be no significant use of natural resources as set out in Section 8.3.1.4.

During the construction and operation phases risk to abundance, availability, quality and regenerative capacity of natural resources arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures.

The location of the proposed development is such that the natural resources used in the proposed development is limited and there would be minimal ongoing use of natural resources from the proposed use of the site.

8.3.2.3. The absorption capacity of the existing natural environment

The documents submitted by the CCC to support the proposed development as well as the submissions of the applicant set out details of the natural resources and its environmental sensitivity in the area. The absorption capacity of the following areas of the natural environment are considered:

Hardstanding including Amenity Planting

The site itself does not have any specific natural heritage designations and the area to which the site relates is currently hardstanding. The use of the site by any species is limited given the conditions and existing use of the area which forms part of a wider populated town. There is no specific floodings issues on this site. Although its proximity to the River Blackwater floodplain is noted, it is not within it and is not subject known to flood. The proposed development includes surface water management systems and is unlikely to increase flood risk elsewhere. The hardstanding including amenity planting is not considered to be environmentally sensitive and has capacity to absorb the proposed development.

Populated Areas

The site is surrounded by urban development, including residential zoned areas, road and community amenities and infrastructure. The design of the junction upgrade would not be significantly at variance with the established pattern of development on lands in a town. In the context of the size of the overall street the wider environs of the residential area and the road infrastructure, the design of the would assimilate into the wider populated area and town.

The existing three perpendicular car parking spaces in front of the church will be replaced with three parallel car parking spaces. To the east side of the church on the R639, there will be the loss of 6 car parking spaces. There is no loss in the number of formal parking spaces adjacent to the church. The impact to the operation of the church is expected to be negligible in this context and no significant impacts will arise.

It is not considered the proposed development in of itself would generate any illegal car parking or nuisance. These matters are wider issues of driver behaviour and would be subject to general traffic laws, fees, restrictions and fines set by the relevant authority. It is each individual's responsibility to park cars legally.

During the construction and operation phases risk arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures. The populated areas are not considered to be environmentally sensitive and have capacity to absorb the proposed development.

Areas Protected under Legislation

There is one Natura 2000 site within 200 metres of the proposed development - Blackwater River (Cork/Waterford) SAC (Site Code: 002170). There is a hydrological pathway between the proposed development and the Natura 2000 sites as a result of the topography of the area and surface water system currently in place which includes a stormwater drain discharging to the River Blackwater. Given the nature and scale of works and the standard construction measures to be implemented, impacts on the areas protected under legislation resources are unlikely. An Appropriate Assessment Screening was carried out by CCC which corroborates this conclusion.

Pollutants from motor vehicles may enter the surface water drainage network on during operation – this is to be expected in such an urban location where motor vehicles are present. This is a relatively minor change in traffic patterns is not considered to increase or decrease the likelihood of pollutants entering the surface water drainage network.

While the areas protected under legislation are considered to be environmentally sensitive, they have capacity to absorb the proposed development subject to standard and best practice construction and operation measures.

Sites of Historical, cultural or Archaeological Significance

In respect of the historic character and setting of this area, the design would largely assimilate with its surrounds. The capacity of Christchurch, the ACA, protected structures and SMR to absorb the proposed development is raised by the applicants due to the architectural designations adjoining the street. While the designations are noted and an impact may arise, it is considered that, based on the design of the proposed development, the ACA, protected structures and SMR would have the capacity to absorb the proposed development in the context of the wider significance at this location in an urban area. This is clearly evidenced in the information

submitted under Point 2 of the letter of 29th April 2024 from CCC which sets out conclusions of a cultural heritage and archaeology assessment. Its conclusions are considered reasonable and the comments of the CCC Conservation Officer are noted.

8.3.3. Types and Characteristics of the Potential Impact

8.3.3.1. Nature, magnitude and extent of the impact

The extent of the impact in terms of geographical area and the size of the population likely to be impacted is limited to the immediate town of Fermoy. There is limited downstream impacts on designated sites owing to the hydrological connections. Traffic patterns may also be impacted in the short term. None are considered significant.

Population and Human Health

During the construction and operation phases impacts arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures. It is considered unlikely that significant impacts would arise on population and human health.

While there will be a temporary impact on the residential, commercial and community receptors in the area in particular the community hall (to rear of church) and sporting pitches in proximity to the proposed development. These will be short term. Once the revised junction is in operation, there will be some impact due to the loss of six car parking spaces. However, this will be short term and the loss will be assimilated in the wider area. The loss of six car parking spaces could not reasonably be seen as detrimental to any use in an urban area given the levels of car parking in proximity to the site. Vehicular access and egress to Christ Church will remain unchanged. Pedestrian access and egress will be improved with safer routes to parking in the wider area.

The applicant is of the view that the current proposed development will give higher priority to plants, animals and wildlife than humans. In actuality, the purpose of the scheme is to give increased priority to human beings by improving safety at the junction. There are in fact very limited measures for plants, animals and wildlife over and above that existing. It is unclear on what basis the applicant makes this assertion.

The proposed development is likely to have a positive impact for vulnerable road users, in particular pedestrians and will facilitate safer access to Christ Church which is current marooned by heavily traffic roads.

Biodiversity

There is no direct impact to the site of the proposed development. Given the high level of human activity at this site it is not considered that significant displacement of any species would be likely to occur as a result of the proposed development.

Having regard to the separation distance from the European sites; the environment between the site and the River Blackwater; the design of the proposed development including the surface water drainage systems and design measures to limit transference of pollutants, the nature of the site which is surrounded by existing urban development; and the scale of the proposed development, and best practice construction and operation practices to be used it is considered that impacts to the European Sites during the construction phase would be limited.

On this basis it considered unlikely that significant impacts would arise on biodiversity.

Land, Soil, Water, Air and Climate

Having regard to the characteristics and location of the proposed development, it considered unlikely that significant impacts would arise on land and soil.

During the construction and operation phases impacts arising from pollution and nuisances listed in Section 8.3.1.6 would be controlled as part of the standard and best practice construction and operation measures. It is, therefore, considered unlikely that significant impacts would arise on water, air and climate.

Material Assets, Cultural Heritage and the Landscape

There will be a visual impact associated with the proposed development and in particular on the ACA, protected structures and SMR identified in the development plan. It will be a new design for the street and will be a noticeable change.

However, when considering the size and design of the public realm improvements which incorporates additional tree planting it is considered that junction upgrade and associated the public realm improvements will assimilate into the architectural townscape and the ACA, protected structures and SMR and would not be visually

obtrusive and would not, interfere with the character of the ACA, protected structures and SMR and form an obtrusive or incongruous feature. It is considered unlikely that significant impacts would arise on the ACA, protected structures and SMR.

It is noted that the proposed development is located in a 'High Value Landscape'. Given the limited nature of the works and its location within a settlement – the visual impact has been minimised and will improve the landscape (or townscape in this instance) through higher development standards (layout, design, landscaping, materials used) than that existing.

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise on material assets and cultural heritage and the landscape.

Traffic and Transport

The development is not associated with any significant generation of traffic which could result in significant negative effects to the surrounding road network. The road network is relatively permeable in this area and any temporary displacement of traffic or parking during construction phase would be minimal in the context of the wider town. It is also noted that the junction in its current form is considered a High Collision Location by the TII. The need for its improvement is clearly justified in the context of traffic and transport impacts.

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise in relation to traffic and transport.

Major Accidents or Disasters

Having regard to the characteristics and location of the proposed development, it is considered unlikely that significant impacts would arise in relation to major accidents and disasters.

Interaction between the factors

There is potential for interactions between various environmental factors. These would be controlled as part of the standard and best practice construction and operation measures. On this basis it is considered unlikely that significant impacts would arise from the interaction between factors.

8.3.3.2. Probability, intensity and complexity of impacts

Temporary noise, dust and traffic impacts may also arise. Having regard to the nature and scale of the proposed development, the nature of the environmental impacts are not complex or intense.

Having regard to the nature and scale of the proposed development and noting the measures outlined in documentation it is considered that the nature of the environmental impacts during the construction and operation phase are not particularly complex or intense.

8.3.3.3. Expected onset, duration, frequency and reversibility of the impact

Having regard to the nature and scale of the proposed development, it is expected that the impacts will be on-going, long term and will generally only be reversible if the constructed elements of the scheme are removed. The construction phase impacts, of approximately 6 months will be of short duration and limited frequency.

8.3.3.4. Transboundary nature of impact

There will be no transboundary impacts associated with the proposed development.

8.3.3.5. Cumulation of Impact

Having regard to Section 8.3.1.2 it considered unlikely that significant cumulative impacts would arise.

8.3.3.6. Possibility of effectively reducing impact

The implementation of standard best practice methodologies during the construction and operation phase of the proposed development will result in a reasonable possibility of effectively reducing potential impacts.

9.0 Other Issues

The applicant suggests a modification to the proposed development whereby the 'raised table' is redesigned into car parking to serve a number of uses including the church and adjoining community and sporting amenities. The application under Article 120 of the PDR does not provide for an assessment of reasonable alternatives. The Board will be aware that the assessment is limited to whether the proposed development as presented in the Part 8 planning application would be likely to have significant effects on the environment.

10.0 Recommendation

Having regard to the above assessment, it is considered that the proposed development would not be likely to have significant effects on the environment and, accordingly, an Environmental Impact Assessment is not required.

It is therefore recommended that Cork County Council be advised that the preparation and submission of an Environmental Impact Assessment Report is not required in respect of the proposed development.

11.0 Reasons and Considerations

Having regard to the following:

- the criteria set out in Schedule 7 and the information provided in Schedule 7A of the Planning and Development Regulations 2001, as amended,
- the limited nature and scale of the proposed development which is under the threshold in respect of Class 10 (b) (iv) (Infrastructure – Urban Development) of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned in the Cork County Development Plan 2022-2028, the built-up area served by existing public infrastructure and the existing pattern of development in the vicinity
- the limited potential for significant impacts arising from the proposed development,
- the submission made by the local authority,
- the submissions made by the applicant requesting a determination,
- the report and recommendation of the Inspector,

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

Professional Declaration

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Tomás Bradley,

Senior Planning Inspector

24th May 2024