



An  
Bord  
Pleanála

## Inspector's Report ABP 320236-24

### Development

Request to alter terms of approved  
M28 Cork to Ringaskiddy Motorway  
Scheme (HA0053)

### Location

Townlands of Shanbally, Barnahely  
and Lough Beg, Co. Cork

### Applicant

Cork County Council

### Type of Application

Request to amend the terms of an  
approved development under Section  
146B of the Planning and  
Development Act, 2000, as amended.

### Site Visit

12<sup>th</sup> August 2024

### Inspector

Susan Clarke

## **1.0 Introduction**

- 1.1.1. Cork County Council was granted approval in June 2018 under section 51 of the Roads Act 1993, as amended by section 9(1)(e) of the Roads Act 2007 for the provision of a motorway scheme between Cork and Ringaskiddy, referred to as the proposed M28 Road Scheme (file ref. 04.HA0053).
- 1.1.2. The Council is now submitting this request to the Board, pursuant to section 146B of the Planning and Development Act 2000 (as amended) for alterations to the terms of that permission.
- 1.1.3. The proposed works include alterations to the existing Barnahely – Loughbeg 38kV overhead distribution electricity lines so as to facilitate the construction of the road development. In short, it is proposed to divert/realign an existing overhead line (rather than place it beneath the permitted motorway). This will require one further lattice steel mast structure (Type F) and a portal intermediate structure (Type B) to be provided in addition to what was permitted as part of the scheme to run the electrical line underground.
- 1.1.4. I note from my site visit that enabling works have commencement with respect to the approved motorway scheme.

## **2.0 Legislative Provisions**

Section 146B. — (1) Subject to subsections (2) to (8) and section 146C, the Board may, on the request of any person who is carrying out or intending to carry out a strategic infrastructure development, alter the terms of the development the subject of a planning permission, approval or other consent granted under this Act.

(2)(a) As soon as practicable after the making of such a request, the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a material alteration of the terms of the development concerned.

(b) Before making a decision under this subsection, the Board may invite submissions in relation to the matter to be made to it by such person or class of person as the Board considers appropriate (which class may comprise the public if, in the particular case,

the Board determines that it shall do so); the Board shall have regard to any submissions made to it on foot of that invitation.

(3)(a) If the Board decides that the making of the alteration would not constitute the making of a material alteration of the terms of the development concerned, it shall alter the planning permission, approval or other consent accordingly and notify the person who made the request under this section, and the planning authority or each planning authority for the area or areas concerned, of the alteration.

(b) If the Board decides that the making of the alteration would constitute the making of such a material alteration, it shall —

(i) by notice in writing served on the requester, require the requester to submit to the Board the information specified in Schedule 7A to the Planning and Development Regulations 2001 in respect of that alteration, or in respect of the alternative alteration being considered by it under subparagraph (ii)(II) , unless the requester has already provided such information, or an environmental impact assessment report on such alteration or alternative alteration, as the case may be, to the Board, and

(ii) following the receipt of such information or report, as the case may be, determine whether to —

(I) make the alteration,

(II) make an alteration of the terms of the development concerned, being an alteration that would be different from that to which the request relates (but which would not, in the opinion of the Board, represent, overall, a more significant change to the terms of the development than that which would be represented by the latter alteration), or

(III) refuse to make the alteration.

(3A) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information shall be accompanied by any further relevant information on the characteristics of the alteration under consideration and its likely significant effects on the environment including, where relevant, information on how the available results of other relevant assessments of the effects on the environment

carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account.

(3B) Where the requester is submitting to the Board the information referred to in subsection (3)(b)(i), that information may be accompanied by a description of the features, if any, of the alteration under consideration and the measures, if any, envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment of the alteration.

(4) Before making a determination under subsection (3)(b)(iii), the Board shall determine whether the extent and character of —

(a) the alteration requested under subsection (1), and

(b) any alternative alteration it is considering under subsection (3)(b)(ii)(II)

are such that the alteration, were it to be made, would be likely to have significant effects on the environment (and, for this purpose, the Board shall have reached a final decision as to what is the extent and character of any alternative alteration the making of which it is so considering).

Section 146B(5) provides that if the Board determines that the making of either kind of alteration referred to in subsection (3)(b)(ii) —

(a) is not likely to have significant effects on the environment, it shall proceed to make a determination under subsection (3)(b)(ii), or

(b) is likely to have such effects, the provisions of section 146C shall apply.

Under section 146B(8) before the Board makes a determination under sections 146B(3)(b) or 146B(4), it is required to make, or require the requester to make, information relating to the request available for inspection to certain persons and/or the public. Submissions and observations are to be invited and the Board is required to have regard to any such submissions or observations received.

Section 146C relates to the preparation of environmental impact statement for purposes of section 146B and applies to a case where the determination of the Board under section 146B(4) is that the making of either kind of alteration referred to in section 146B(3)(b) is likely to have significant effects on the environment.

## 3.0 Planning History

### 3.1. ABP Ref: 04. HA0053

3.1.1. An Bord Pleanála, under Section 51 of the Roads Act 1993 (as amended), approved the M28 Cork to Ringaskiddy Motorway Scheme, a 12.5km project, commencing at the Bloomfield Interchange on the existing N28/N40 junction and terminating at the Port of Cork to the east of the village of Ringaskiddy:

- Approximately 11 kilometres of Standard Dual divided motorway, consisting of two lanes and a hard shoulder in each direction divided by a segregating barrier passing through the townlands of Douglas, Monfieldstown, Mounthovel, Maryborough, Moneygurney, Castletreasure, Ballinimlagh and Ballinrea in the District Electoral Division of Douglas; Shannonpatrick, Hilltown and Carrigaline Middle in the District Electoral Division of Carrigaline; Ballyhemiken and Raffeen in the District Electoral Division of Monkstown Rural; Shanbally, Barnahely and Ballintaggart in the District Electoral Division of Carrigaline in the County of Cork.
- Approximately 1.6 kilometres of Type 1 single carriageway (Protected Road) consisting of one lane and a hard shoulder in each direction passing through the townlands of Barnahely, Loughbeg and Ringaskiddy in the District Electoral Division of Carrigaline in the County of Cork.
- A proposed service area approximately 1.8 hectares in size located in the townlands of Loughbeg and Ringaskiddy in the District Electoral Division of Carrigaline in the County of Cork comprising:
  - One full grade separated junction at Carr's Hill;
  - Three partial grade-separated junctions at Bloomfield/Rochestown Road, Shannonpatrick and Shanbally, with associated roundabouts and slip roads;
  - Four on-line roundabouts at Barnahely, Loughbeg, Ringaskiddy and Port of Cork;
  - Six new road underbridges;
  - One underbridge widening;

- One new underpass to facilitate pedestrian and cyclist movement along the Old Post Office Road;
- Shared use pedestrian/cyclist underpass at Carr's Hill Interchange;
- Removal of existing Maryborough Hill overbridge and construction of a new overbridge;
- 16 new retaining wall structures;
- 15 culvert structures;
- Utility diversions including overhead and underground electricity lines, gas mains, watermains and communication cables;
- Access road and accommodation works;
- All associated ancillary and consequential works.

3.1.2. The application was accompanied by an EIS and AA. The approval is subject to six conditions. The Board permitted minor amendments to the Order (ABP PL 04.HA0053M) in 2023.

### 3.2. **ABP Ref: 04.MA0014**

3.2.1. A CPO was confirmed under Section 76 of the Housing Act, 1996, as amended, on the same date as the Approval in relation to the subject project.

### 3.3. **ABP Ref: 319606-24**

3.3.1. In July 2024 the Board confirmed that alterations to the M28 Road Scheme comprising a diversion of a double circuit 110kV overhead line for a distance of approx. 1.3km and works to the Barnahely ESB Substation in Shanbally so as to facilitate construction of the road development would not constitute a material alteration to the permitted scheme.

## 4.0 **Proposed Alterations**

4.1. The Applicant states that the existing Barnahely – Loughbeg 38kV overhead line is in direct conflict with the motorway scheme. The Approved scheme includes for a new underground ducting and cable route through the approved motorway and the

retirement of the existing overhead line. This requires the provision of a new 12m mast where the new underground cable transfers back to an overhead line.

4.2. It is now proposed to realign the existing overhead line, which involves the following:

- Installing two lattice steel angle towers of a maximum height of 12m.
- One portal intermediate structure, with a minimum of 10m above ground and a maximum of 21.5m above ground, with a 4m steel crossarm fitted approximately 0.3m from the top of the poles and will be buried to a depth of approximately 2.3m.
- Installing 197m of overhead lines.
- Retiring of 203m of overhead lines.
- Retirement of one 12 metre lattice steel angle tower.

The proposed works are illustrated on the drawings BLB-S146-201 to BLB-S146-206 inclusive and PG567-D020-213-001-001.

All of the proposed amendment works are located wholly within the CPO lands.

## 5.0 Applicant's Case

5.1. The submission is accompanied by:

- Cover Letter (10<sup>th</sup> July 2024)
- Environmental Impact Assessment Screening Report (not dated)
- Report to Inform Screening for Appropriate Assessment (not dated)
- Correspondence from ESB Networks to An Bord Pleanála outlining the rationale for the proposed amendment (3<sup>rd</sup> April 2024)
- Plans and drawings of proposed alterations.

5.2. ESB Networks states that *“because of the passage of time since the original planning application, the diversion route as agreed with Cork County Council in 2016 does not meet current ESB Design Requirements and Standards for an underground 38 KV cable alteration. Furthermore, the installing of a potential control ring or earth ring outside the perimeter of the existing mast underground would now be required. Thus*

*having a significant impact on the adjacent property. This was not included in the CPO lands”.*

- 5.3. The Applicant considers that the proposed alteration constitutes a non-material amendment to the approved road development and, therefore, would qualify for determination under the provisions of section 146B(3)(a) of the Planning and Development Act, 2000 (as amended).
- 5.4. The Applicant's EIA Screening addresses the assessment criteria set out in Schedule 7: (i) characteristics of the proposed development, (ii) location of proposed development, and (iii) characteristics of potential impacts. The conclusions and reasoning for each of the criteria are summarised below:
- 5.4.1. **Characteristics of the Proposed Development** – it is concluded that the nature and scale of the proposed alterations to the approved road development are not considered to have likely significant effects on the environment. It is highlight that the works area will cover c0.2km. The scale of the proposed works, when viewed individually and cumulatively, is small in the context of both the EIA threshold criteria and types of projects listed on the regulations which require EIA. The works will be undertaken according to construction methodologies designed to reduce/eliminate the potential for environmental impacts. Condition No. 1 of the extant Approval in relation to mitigation will apply in equal force and effect to the proposed alterations. Any waste arising on site will be re-used for the permitted project. Any noise and nuisance associated with the proposed works will be short-term and subject to appropriate best practice procedures.
- 5.4.2. **Location of Proposed Development** – it can be concluded that there will be no significant direct or indirect impacts by virtue of the location of the proposed alteration to the approved development on the receiving environment, over and above those considered and assess in the extant Approval. Condition No 1 of the extant Approval in relation to mitigation will apply with equal force and effect to the proposed alterations.
- 5.4.3. **Characteristics of Potential Impacts** – it is concluded that the characteristics of the proposed impacts arising from the proposed alterations to the permitted road development are not significant. There are no long-term negative impacts which can be associated with the proposed alterations to the permitted road development. All

works will be confined to the permitted M28 Cork to Ringaskiddy project area and will cover a length of 0.2km with the extent permitted road development. The potential for any direct or indirect impact on habitats and protected species is low and the likelihood of any significant effects occurring as a result of the alteration works can be excluded.

## 6.0 Assessment

### 6.1. Consideration of Materiality

- 6.1.1. The first consideration in relation to this request to alter the terms of 04.HA0053 is to determine if the alteration would constitute the making of a material alteration of the terms of the M28 Road Scheme Cork to Ringaskiddy road development as approved.
- 6.1.2. As outlined above, the approved project includes for the diversion of electrical utilities. Specifically, at the location for the proposed Loughbeg Roundabout, the Scheme included for the installation of approx. 315m of underground ducting beneath the proposed Loughbeg Roundabout/Road between pylon No. 14 and poleset No. 16. This requires the retirement of a section of the existing overhead line and installation of a new 12m mast at the location where the new underground cable transfers back to the overhead line.
- 6.1.3. It is now proposed to divert the overhead power line for c.197m and install two lattice steel angel towers (max. height 12m) (Type F) and one portal intermediate structure (Type B) (with a minimum of 10m above ground and a maximum of 21.5m above ground (with a 4m steel crossarm fitted approximately 0.3m from the top of the poles and will be buried to a depth of approximately 2.3m). Approximately 203m of the overhead line will be retired in addition to a 12m lattice steel angel tower. When compared with the permitted scheme, the proposed amendments will result in one further mast structure and one portal intermediate structure, in addition to a section of the overhead line being diverted/realigned. All the works will occur within the CPO boundary for the permitted road scheme.
- 6.1.4. ESB Networks explains that the approved diversion of the utilities at this location *meet current ESB Design Requirements and Standards for an underground 38 KV cable alteration*. It states that the installation of a potential control ring or earth ring outside the perimeter of the existing mast underground would now be required. It is contended

that this would have a significant impact on adjacent property, and that these works would not be within the CPO lands.

- 6.1.5. The Applicant states that the proposed amendment to the detailed design would facilitate the operation of the approved motorway development. It is argued that no alterations would be required to the Conditions of the extant Approval. It is further stated that the environmental commitments enshrined in the extant Approval apply with equal force and effect.
- 6.1.6. As outlined above, Section 146B(2)(a) states that *the Board shall make a decision as to whether the making of the alteration to which the request relates would constitute the making of a **material alteration of the terms of the development concerned***. (Bold: My emphasis.) Accordingly, my assessment is founded in the context of the approved 12.5km motorway project.
- 6.1.7. Having regard to the scale and nature of the proposed amendments, in my view, they constitute enabling works and would not result in any material deviation or alteration to the design or operation of the approved motorway. As stated above, the approval facilitates the diversion of utilities including overhead and underground electricity lines. I reiterate that all the works will occur within the CPO boundary. Importantly, as highlighted by the Applicant, the environment commitments, including the Conditions attached to the Order, would apply with equal force and effect.
- 6.1.8. Having regard to the nature and extent of the proposed amendment (realignment of 197m of overhead lines and associated infrastructure), in close proximity to an existing 110kV overhead line, I do not consider the diversion to be a material alteration of the terms of the development (i.e. the construction of a new motorway). I highlight that the Board confirmed earlier this year that alterations to the M28 Road Scheme comprising a diversion of a double circuit 110kV overhead line for a distance of approx. 1.3km and works to the Barnahely ESB Substation in Shanbally so as to facilitate construction of the road development would not constitute a material alteration to the permitted scheme. I consider that the proposed amendments to the permitted motorway subject to this case are more minor in nature than to those proposed in previous case (ABP Ref: 319606-24).
- 6.1.9. The proposal will result in an additional angel tower and portal intermediate structure in a landscape that is already dominated by overhead lines and their associated

infrastructure and wind turbines. Accordingly, I do not consider that the proposed amendments would have a significant visual impact on landscape or character of the area. Whilst the Applicant states that the impact would be neutral to positive, in my opinion, there would be a neutral impact on nearby sensitive receptors.

- 6.1.10. In conclusion, in the context of the approved motorway development, which includes for utility diversions including overhead and underground electricity lines, I concur with the Applicant and consider that the proposed alterations are ancillary and consequential works. As discussed in further detail below, I do not consider that the proposed alterations give rise to any additional significant impacts over and above those contained in the EIS for the scheme, which were considered as part of the EIA of the scheme as approved.

## **6.2. Environmental Impact**

- 6.2.1. The permitted road development was accompanied by an EIS and the Board carried out EIA on the said project. The works are to be carried out in accordance with the conditions attached to the approval as well as the environmental commitments associated with same. As outlined below, in my opinion, no new considerations arise in relation to the impact on the environment which were not considered in the assessment of impacts for the motorway development for which EIA (and AA) was conducted.

### *Population and Human Health*

- 6.2.2. Having regard to the nature, scale and location of the proposed amendments in the context of the motorway project, in my opinion, no new considerations arise in terms of human beings. I note from my site visit that there is a new residential development under construction in close proximity to the proposed works area (see Figure 3 attached to this report). As outlined above, I consider that the proposed works will have a neutral visual impact on the area as its character is dominated by overhead lines and electrical infrastructure associated with the existing 38kV and 110kV power lines in the area (see photo 4 attached to this report). In addition, there are a number of wind turbines operating in close proximity to the works area. Accordingly, I do not consider that the proposed works would have a material impact on the residential amenity of area.

6.2.3. The applicant outlines in the EIA Screening Report that noise arising from the construction phase will be limited to plant operations and traffic movements to and from the proposed site, which are anticipated to be imperceptible/slight, temporary. As per Condition No. 1 of the Approval, the works will be restricted by various mitigation measures included in the EIS, including Section 14.6.1.1 which states *inter alia*: All Contractors will employ the Best Practicable Means to minimise noise emissions and will be obliged to comply with the general recommendations of BS 5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise. and BS 5228-2:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration (together referred to as B.S. 5228). Similarly, mitigation measures and good working practices stipulated in the EIS would ensure that there would no significant dust impacts. I submit that the proposed alterations will not alter the findings of the EIS and the EIA carried out by the Board.

#### *Biodiversity*

6.2.4. The proposed development is situated in an area with a variety of land uses in close proximity to each other, including *inter alia* residential, industrial, and recreational. The area immediate to the proposed works has a negligible to low ecological value. The Applicant highlights that there are no Annex I habitat, Annex II, Annex IV or Annex I bird species recorded at the proposed site and its environs during site surveys undertaken to inform the EIS for the permitted M28 project or pre-construction surveys undertaken within the proposed site between 2021 and 2024. The Applicant states that the proposed amendments would have a temporary, short-term indirect disturbance to birds that may be foraging or nesting within the treelines fringing the approved scheme. Having regard to the nature and scale of the works, I am satisfied that the alterations will not result in any additional impact on flora, fauna and avifauna over that as originally assessed in the EIS. I note that the Report to Inform Screening for Appropriate Assessment which accompanied the request states that there are no invasive species present within the site area. I submit that the proposed alterations will not alter the findings of the EIS and the EIA carried out by the Board.

### *Soils and Geology*

- 6.2.5. As the proposed works do not involve constructing an underground route, but rather redirecting an overhead power line, the excavation works required for the latter will be significantly less. The Applicant highlights in the EIA Screening Report that the excavation works will be minimal and that any surplus soil will be re-used within the wider project. I am satisfied that the submit that the findings of the EIS and the EIA carried out by the Board in respect of the approved scheme remain unchanged.

### *Water*

There are no watercourses or active drainage ditches within the proposed site and its immediate environs. As stated by the applicant, surface water management measures for both the construction and operational phases will be provided for in the Method Statement to be prepared by the contractor. The proposed alterations would not result in any increase in hard surface area and as such there will be no increase in stormwater run-off. Furthermore, the proposed amendments will not generate and wastewater/foul effluent. I accept the applicant's argument that the proposed alterations would not give rise to significant effects over that assessed in the EIS and the EIA undertaken by the Board.

### *Landscape*

As stated above, I consider that the proposed alterations would have a neutral impact on the character of the landscape noting the presence of the 38kV and 110kV overhead lines and their associated electrical infrastructure.

### *Air and Climate*

- 6.2.6. The dust suppression measures during the construction phase as detailed in the EIS which accompanied the original application will apply. Noting that the proposed works will not involve the same level of excavation and ground works as the permitted works, it is likely the former will result in slightly reduced dust emissions. No further considerations arise.

### *Cultural Heritage*

- 6.2.7. The proposed works at their closest point are approx. 200m from a Martello Tower (Protected Structure Ref: 00575). Notwithstanding that the approved motorway scheme will involve extensive ground works in this area, the proposed amendments

will reduce this type of activity as the underground cabling would be omitted. As such, potential negative impacts on unknown buried archaeological features from the construction of the motorway would be marginally reduced. As stated above, in my view, the amendment works would have a neutral impact on the landscape character. Accordingly, I do not consider that the works would have any material impact on the setting of the Martello Tower. Overall, I submit that the proposed alterations will not alter the findings of the EIS.

#### *Material Assets*

- 6.2.8. In my opinion, no new considerations arise in terms of material assets that would alter the findings of the EIS and the EIA carried out by the Board for the permitted scheme.

#### *Interaction of the Above and Cumulative Impacts*

- 6.2.9. I submit that the interaction of impacts does not materially alter those identified in the EIS and assessed in the EIA.

#### *Conclusion*

- 6.2.10. I submit that the alterations sought would not give rise to significant environmental effects beyond those already considered in the original EIS and the Board's previously completed EIA. The amendments would not result in new or different planning issues to those that were addressed prior to the grant of approval for the permitted road. The permitted development is subject to the preparation of a construction environmental management plan which includes matters such as hours of operation, details of construction traffic management, mitigations measures for dust, noise, site lighting and the monitoring of such levels. Thus the proposed alterations would be incorporated into the terms of the permitted development with appropriate mitigation measures required to be implemented. In summary, I am satisfied that the proposed alterations are of a minor nature in the context of the permitted road development and are not material.

### **6.3. Public Consultation**

- 6.3.1. I have considered the provisions of section 146B(2)(b) which provides for, at the Board's discretion, the inviting of submissions from persons, including the public. Having considered the nature, scale and extent of the alteration, the information on

file, the nature, scale and extent of the development approved under 04.HA0053 and the information on the said original file including the submissions from the public, I am of the opinion that inviting submissions from the public in this instance is not necessary and is not required for the purposes of the Board determining the matter.

#### **6.4. Appropriate Assessment**

- 6.4.1. Under ABP 04.HA00053 the Board completed an appropriate assessment screening exercise in relation to Natura 2000 sites within the zone of influence of the motorway project. The Board then undertook an appropriate assessment in relation to the effects of the development proposed on two sites that were not screened out namely: Great Island Channel SAC (site code 001058) and Cork Harbour SPA (site code 004030).
- 6.4.2. The Board concluded that the proposed development, by itself, or in combination with other plans or projects, would not be likely to adversely affect the integrity of the European Sites in view of the sites' conservation objectives.
- 6.4.3. The proposed alterations are located within the red line and CPO boundary of the approved development. As outlined above, I do not consider that the proposed alterations are material nor do they raise any new environmental considerations. Any potential pathways for impacts of the permitted motorway project have already been assessed under an Appropriate Assessment of that application and the proposed amendments do not give rise to any new or different issues or impact pathways that would now need to be assessed. The works will be carried out in the context of the environmental commitments for the permitted road development and will not require any additional measures over and above those already in place.
- 6.4.4. Having considered the Board's determination on appropriate assessment on ABP HA0053, section 21 of the Inspector's Report on the said file, the nature, scale and extent of the proposed alterations relative to the development subject of and approved under ABP HA0053, and the information on file which I consider adequate to carry out appropriate assessment screening, I consider it reasonable to conclude that the alterations proposed, individually or in combination with other plans or projects, would not be likely to have a significant effect on the European sites in view of the sites' conservation objectives.

## 7.0 Recommendation

I recommend that the Board decides that the making of the alterations subject of this request do not constitute the making of a material alteration of the terms of the development as approved under 04.HA0053.

Draft Order for the Board's consideration provided below.

**REQUEST** received by An Bord Pleanála on the 12<sup>th</sup> day of July 2024 from Cork County Council under section 146B of the Planning and development Act, 2000, as amended, to alter the terms of the permission for the M28 Road Scheme Cork to Ringaskiddy project subject of an approval under An Bord Pleanála reference number 04.HA0053.

**WHEREAS** the Board made a decision to grant approval subject to conditions for the above mentioned development by order dated the 29<sup>th</sup> day of June 2018.

**AND WHEREAS** the Board has received a request to alter the terms of the development, the subject of the approval,

**AND WHEREAS** the proposed alterations in respect of the utility diversion is described as follows:

- Installing two lattice steel angle towers of a maximum height of 12m.
- One portal intermediate structure, with a minimum of 10m above ground and a maximum of 21.5m above ground, with a 4m steel crossarm fitted approximately 0.3m from the top of the poles and will be buried to a depth of approximately 2.3m.
- Installing 197m of overhead lines.
- Retiring of 203m of overhead lines.
- Retirement of one 12 metre lattice steel angle tower.

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(b) of the Planning and Development Act 2000, as amended, not to invite submissions or observation from the public in relation to whether the proposed alteration would constitute the making of the material alteration to the terms of the development concerned,

**AND WHEREAS** the Board decided, in accordance with section 146B(2)(a) of the Planning and Development Act 2000, as amended, that the proposed alteration would not result in a material alteration to the terms of the development, subject of the permission,

**AND WHEREAS** having considered all of the documents on file and the Inspector's report, the Board considered that the making of the proposed alteration would not be likely to have significant effects on the environment or on any European Site,

**NOW THEREFORE** in accordance with section 146B(3) of the Planning and Development Act, 2000, as amended, the Board hereby alters the above mentioned decision so that the permitted development shall be altered in accordance with the plans and particulars received by An Bord Pleanála on the 12<sup>th</sup> day of July, 2024 for the reasons and considerations set out below.

### **REASONS AND CONSIDERATIONS**

Having regard to:

- (i) the nature and scale of the development approved under An Bord Pleanála reference number 04.HA0053 for the M28 Cork to Ringaskiddy Motorway Scheme
- (ii) the examination of the environmental impact, including in relation to Natura 2000 sites, carried out in the course of that application,
- (iii) the nature and location of the alterations now proposed,
- (iv) the nature and limited scale of the alterations when proposed in relation to the overall scale of the road development
- (v) the absence of any significant new or additional environmental concerns (including in relation to Natura 2000 sites) arising as a result of the proposed alterations, and
- (vi) the report of the Board's inspector, which is adopted,

it is considered that the proposed alterations would not be material. In accordance with section 146B(3)(a) of the Planning & Development Act, the Board hereby makes the said alterations.

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.

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Susan Clarke

Senior Planning Inspector

13<sup>th</sup> August 2024