

Proposed Improvement Works at Mallow Town Park,  
Mallow, Co. Cork

Screening for EIA and Preliminary Examination (in accordance  
with Article 120 of the Planning & Development Regulations 2001  
(as amended))

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**Built.  
Environment.**

Client:

Cork County Council

Date:

24 May 2021

**DOCUMENT CONTROL SHEET**

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# 1 Introduction

Cork County Council proposes to carry out proposed improvement works at Mallow Town Park and the accompanying Mallow Town Playground which are situated at the south of Mallow Town Centre and Mallow Castle grounds, County Cork.

Brady Shipman Martin was appointed by Cork County Council to prepare a screening for a requirement for mandatory Environment Impact Assessment (EIA) and a Preliminary Examination of the proposed sub-threshold development, which examines the characteristics and sensitivities of the receiving environment and the location, character and likely environmental effects of the Proposed Development.

The report has been prepared for Cork County Council by Thomas Burns, (B.Agr.Sc. (Landscape); Dip. E.I.A. Mgmt., Ad.Dip. Plan. & En. Law) Partner with Brady Shipman Martin, environmental, landscape and planning consultants.

The application for the Proposed Development is also accompanied by a Natura Impact Assessment (NIS) prepared by Dixon Brosnan (ecologists and environmental consultants).

## 1.1 Environmental Impact Assessment

EIA requirements derive from Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, as amended by Directive 97/11/EC, 2003/35/EC and 2009/31/EC. The Directive and its amendments were subsequently codified and replaced by Directive 2011/92/EU, as amended in turn by Directive 2014/52/EU. This amending Directive was transposed into national planning consent procedures in September 2018 through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018).

The objective of the EIA Directive is to ensure a high level of protection of the environment and human health, through the establishment of minimum requirements for environmental impact assessment prior to development consent being given, of public and private developments that are likely to have significant effects on the environment.

EIA is mandatory for certain projects and for other projects that meet or exceed a stated threshold as set out in Annexes I and II of the Directive (and Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended). Projects that do not meet or exceed a stated threshold are subject to a preliminary assessment for the requirement, or not, for 'sub-threshold' EIA.

The Proposed Development is a local authority own development and therefore, the requirement for sub-threshold EIA is addressed under Article 120 of the Planning and Development Regulations 2001-2021, which states:

*(a) Where a local authority proposes to carry out a subthreshold development, the authority shall carry out a preliminary examination of, at the least, the nature, size or location of the development.*

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*(b) Where the local authority concludes, based on such preliminary examination, that—*

*(i) there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required,*

*(ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or*

*(iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—*

*(I) conclude that the development would be likely to have such effects, and*

*(II) prepare, or cause to be prepared, an EIAR in respect of the development.*

## 2 Description of the Site, the Proposed Development and the Planning Context

### 2.1 Site Location, Significance and Sensitivity

Mallow Town Park is an existing public amenity park located in the centre of Mallow Town on the north side of the River Blackwater (see Figure 1). The existing park follows the River Blackwater from the Railway Bridge/N20 Bridge in the west to Lover's Leap in the east. The overall site area is c. 23.2 ha. The approximate extent of the proposed amenity improvement works area is c. 2.41ha.

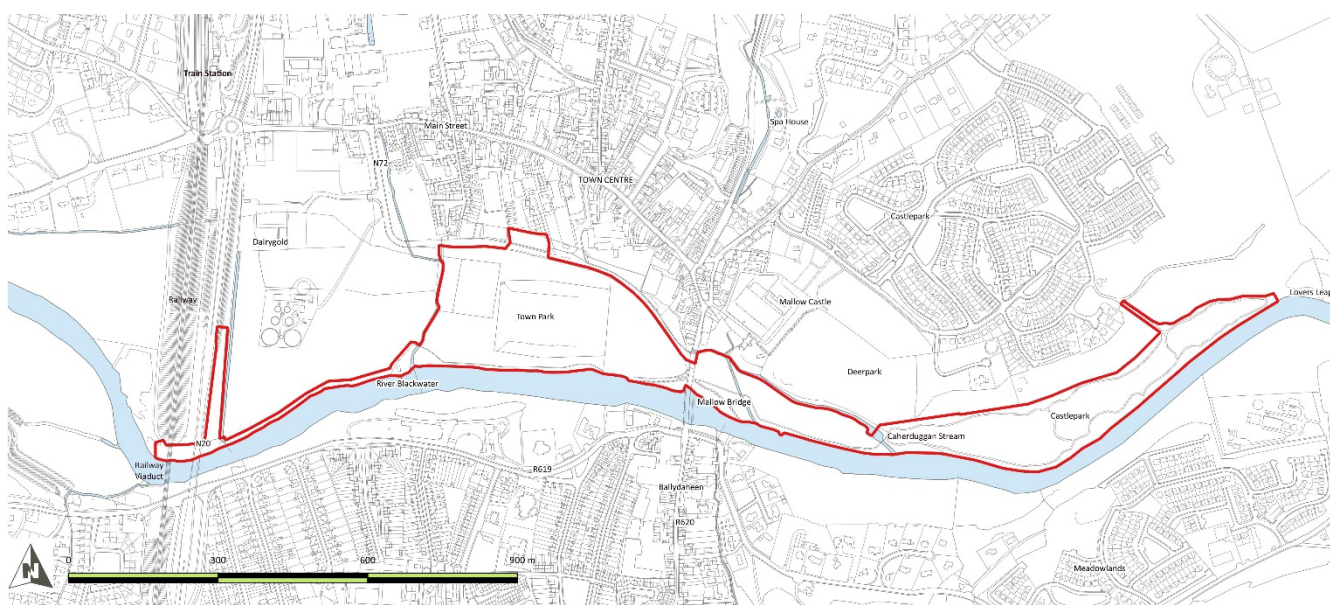


Figure 1 Site Location

The existing town park is a low-lying and relatively level area within the River Blackwater floodplain comprising extensive open green space with a riverside footpath. The boundaries are defined by deciduous trees enclosing the open space. The western portion of the site is managed as amenity grass with three existing sports pitches (soccer, GAA and rugby).

The park is bisected at the centre by Mallow Bridge, a listed structure in the Records of Monuments and Places (RMP), which crosses the River Blackwater and connects the town centre to the settlement area south of the river.

Improved pedestrian and cycling connectivity to the south of the town is being provided by a boardwalk currently under construction and due for completion in 2021.

Irish Water have recently appointed a works contractor to construct the Mallow Sewer Upgrade Works, which will install a new sewer network through the town connecting to the existing pumping station to the south east of Mallow Bridge and onto the water treatment works south of the River Blackwater at Lover's Leap. This infrastructure will install a large collection/carrying sewer along the northern edge of

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the park inside the trees along Park Road/N72. Park improvement works have been designed and coordinated with this infrastructure project.

To the west of Mallow Bridge, a 10kV power line runs above ground along the southern edge of the main park parallel to the riverbank to the Hospital stream and Dairygold lands to the west.



Figure 2 Site context - Mallow Town Park and Riverwalk west towards Railway Bridge

17 & 18 respectively).

The proposed works are within the Zone of Archaeological Notification of a number of Recorded Monuments, CO033-093----, CO033-094----, CO033-009001-, CO033-009—6-, and CO033-009004, as entered in the Record of Monuments and Places for County Cork.

East of Mallow Bridge, Mallow Castle, a house (also New Mallow Castle, or Mallow Manor) is located 145m north east the park and its demesne lands include this area historically as they extend along the northern bank of the River Blackwater. The remnant ruins of the original Mallow Castle, a fortified house is located 35m north of the park boundary (see Figure 1 and Figure 3).

Mallow Castle House is a protected structure (Ref. No. 15) in the Mallow Town Plan, as is the earlier Mallow Castle (Ref. No. 13) and the southern garden complex, entrance gates & lodge, outbuilding, and complex of outbuildings (Ref. Nos. 14, 16,

The house, old castle, ruined tower, garden and demesne features as well as the Blackwater Bridge to the south and the historic town centre to the northwest are all listed as in the Records of Monuments and Places (RMP). Further details on archaeology are provided in the Archaeological Impact Assessment report which accompanies the consent application.

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The proposed works are within the curtilage of a number of Protected Structures, RPS No's 79, 120, 22, 124, 129 and 130 of the Mallow Development Plan 2010-2016 (still in effect), and are within the Architectural Conservation Area 1 for Mallow Town (See Figure 4).

The house, old castle, entrance gates, railings, walls and lodge, garden and outbuildings as well as the Blackwater Bridge to the south and buildings within the historic town centre to the northwest are all listed as in the National Inventory of Architectural Heritage (NIAH). Further details on architectural heritage are provided in the Architectural Heritage Impact Assessment report which accompanies the consent application.

The grounds immediately surrounding Mallow Castle / House, including its gardens, are situated on a plateau above the park. The lands support a valuable collection of mature trees, which are important to the character of the demesne – though none are recorded on the Tree Register of Ireland<sup>1</sup>. There are a number of Tree Preservation Orders (TPO's) relating to trees in the demesne, but none of the trees on the application site are subject to a TPO.

The park extends eastwards along the floodplain and is characterised by open green space flanked by trees as far as the Caherduggan/Spa Glen. Beyond this point in Castlepark, the park extends to Lover's Leap, where the ground rises steeply to a dramatic wooded escarpment overlooking the Blackwater.

At Castlepark, a looped path lined with Norway maple trees is a well-used public amenity walkway, with entrance to the large residential Castlepark estate to the north. The green space is open, but recently planted with mixed native deciduous woodland. The site boundaries continue to be defined by well-established mixed native trees, including along the riverbank.

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<sup>1</sup> <https://treecouncil.ie/treeregisterofireland/>



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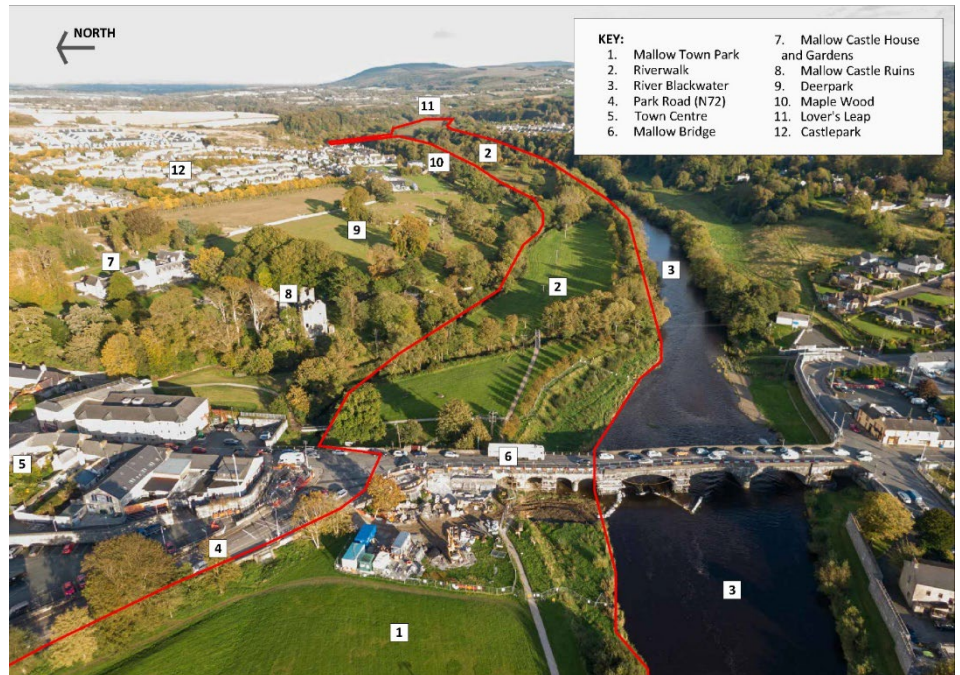


Figure 3 Site context - Mallow Town Park and Riverwalk west towards Lover's Leap

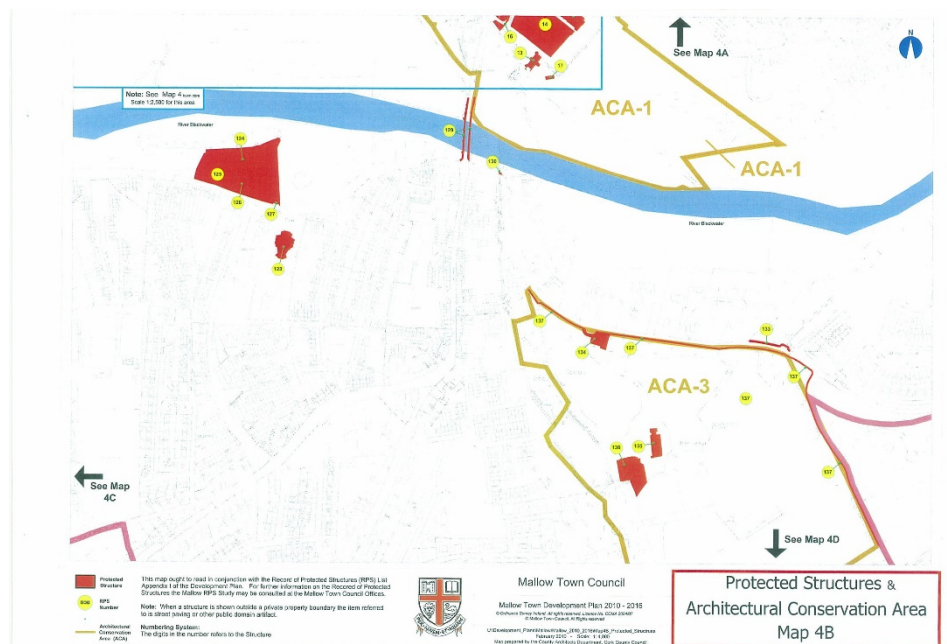


Figure 4 MTDP 2016 – Protected Structures & Architectural Conservation Areas

Following the River Blackwater, much of the southern section of the Town Park to the west of the Mallow Bridge, along with much of the park to the east of the bridge are within the Blackwater (Munster) Special Area of Conservation (SAC Site code 002170), (See Figure 5). Further detail on the ecological/biodiversity aspects are provided in the accompanying Natura Impact Statement, Ecological Impact Assessment and Invasive Species Management Plan, prepared by Dixon Brosnan.

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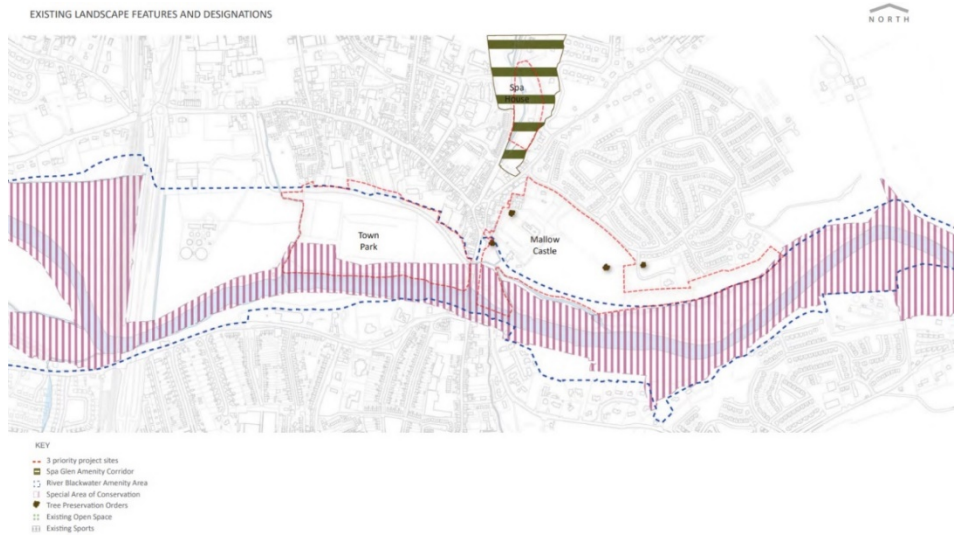


Figure 5 River Blackwater (Cork/Waterford) Special Area of Conservation (SAC)

Referring to the EPA water features database<sup>2</sup>, the Caherduggan/Spa Glen Stream enters the Park from the north under Bridge Street, where it runs along the northern boundary with Mallow Castle grounds before exiting the site as it joins the River Blackwater. All of the proposal site is situated in the River Blackwater flood extents (See Figure 6). Further detail on the flooding aspects are provided in the accompanying Flood Risk Assessment, prepared by Arup Consulting Engineers.



Figure 6 River Flood Extents (Source OPW)

Tree Preservation Orders (TPO's) are identified on Map 2 Heritage and Environmental Parameters (Mallow Town Development Plan). Whilst there are a number of TPO's in the vicinity of the application site, there are none within the application site boundary.

<sup>2</sup> <https://gis.epa.ie/EPAMaps/>

## 2.2 The Proposed Development

Whilst the overall town park area extends to c. 23.2ha, the proposed improvement works are limited to c. 2.41ha and include (see Figure 7 below):-

### 2.2.1 Entrances and circulation

- Enhancement/ refurbishment of existing 3 no. pedestrian and 2 no. vehicular controlled entrances to the Park from Park Road.
- Construction of 2 no. pedestrian entrances from Park Road (N72) and 1no. new entrance to the existing footpath on the N20 to the west, providing better connectivity and accessibility to Mallow Town. The entrance and pathway linking the N20 to the river path will require the removal of 4no. Lombardy Poplar (*Populus nigra* 'Italica') along the N20 road embankment to allow for the construction of the proposed pedestrian path and cycle path from the existing N20 to the lower river paths. These mature trees are c. 18m in height, in fair condition, and are growing in a distinctive avenue of trees along the N20. The proposed connection will provide access and connectivity between the Town Park/River walk with the existing path along the N20 which runs north/south, connecting to Mallow Train Station c.570m to the north and to Mallow Town to the south of the River Blackwater c. 700m to the south.
- Widening of existing concrete riverside footpath from 2m to 3m along a length of 1,540m.
- Construction of new 3m wide concrete footpaths at a total length of c.1,230m as part of circulation and access network improvements. This includes the construction of a new path from the west end of Town Park up to the existing footpath on the N20 to the west.
- Construction of a c.425m long 2m wide reinforced grass path along the northern edge of Town Park.
- Widening of the existing pedestrian bridge (c.1.2m wide) within the Town Park over the Caherduggan/Spa Glen Stream to 3m in width.

### 2.2.2 Play

- Refurbishment of an existing play ground on the northside of the N72 to include new play equipment and a skate park.
- Construction of a 'pump' track (for non-powered bikes, skateboards, rollerblades, scooters).

### 2.2.3 Active sports

- Relocation/extension of the existing GAA pitch (145m x 90m) c.15m north, including the removal of the existing mounding, including demolition of former entrance gates to GAA pitch. Entrance plaque to be relocated and incorporated in to new park entrance (opposite St James Avenue). Perimeter post and rail spectator fencing to pitch and ball catch posts/netting.

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- Retention and improvement of existing soccer and rugby pitches.
- Provision of a grass training area (c. 155m x 35m).
- Provision of permanent orienteering course within the park.

### 2.2.4 Other amenities

- Construction of reinforced grass multi-use events area at a surface area (c.147m x 73m).
- Construction of angling stands to Inland Fisheries Ireland Standards along the banks of the Blackwater River with due consideration of the SAC designation, to include:-
  - 1 no. concrete accessible stand under the Railway Viaduct/Road Bridge (N20) (measuring 5.2x2.5m), and
  - 4 no. fishing stands constructed of recycled plastic measuring 2.4x1.8m, located downstream of the Caherduggan/Spa Glen stream and Lover's Leap with Castlepark to the east of the town park.
- Construction of landscaped and permeable car park at a total surface area c. 2,590m<sup>2</sup> for Town Park with capacity for 96 car parking spaces, 5no. disabled and 4no. parent and child parking, with 64no. cycle parking spaces and associated landscape planting. Access will be via the existing entrance gate at the northwest corner of the park. During winter months/risk of flood events the car park will be closed to parking. The parking area will be landscaped, incorporating SuDS and lighting.
- Construction of a reinforced grass parking area (only for use only in association with authorised seasonal/summer events when the flood risk is very low). Total surface area c.4,720m<sup>2</sup> with capacity for car parking 114 spaces, including 3no. setdown spaces, and include vehicular entrance to the car park.

### 2.2.5 Landscape Improvement Works

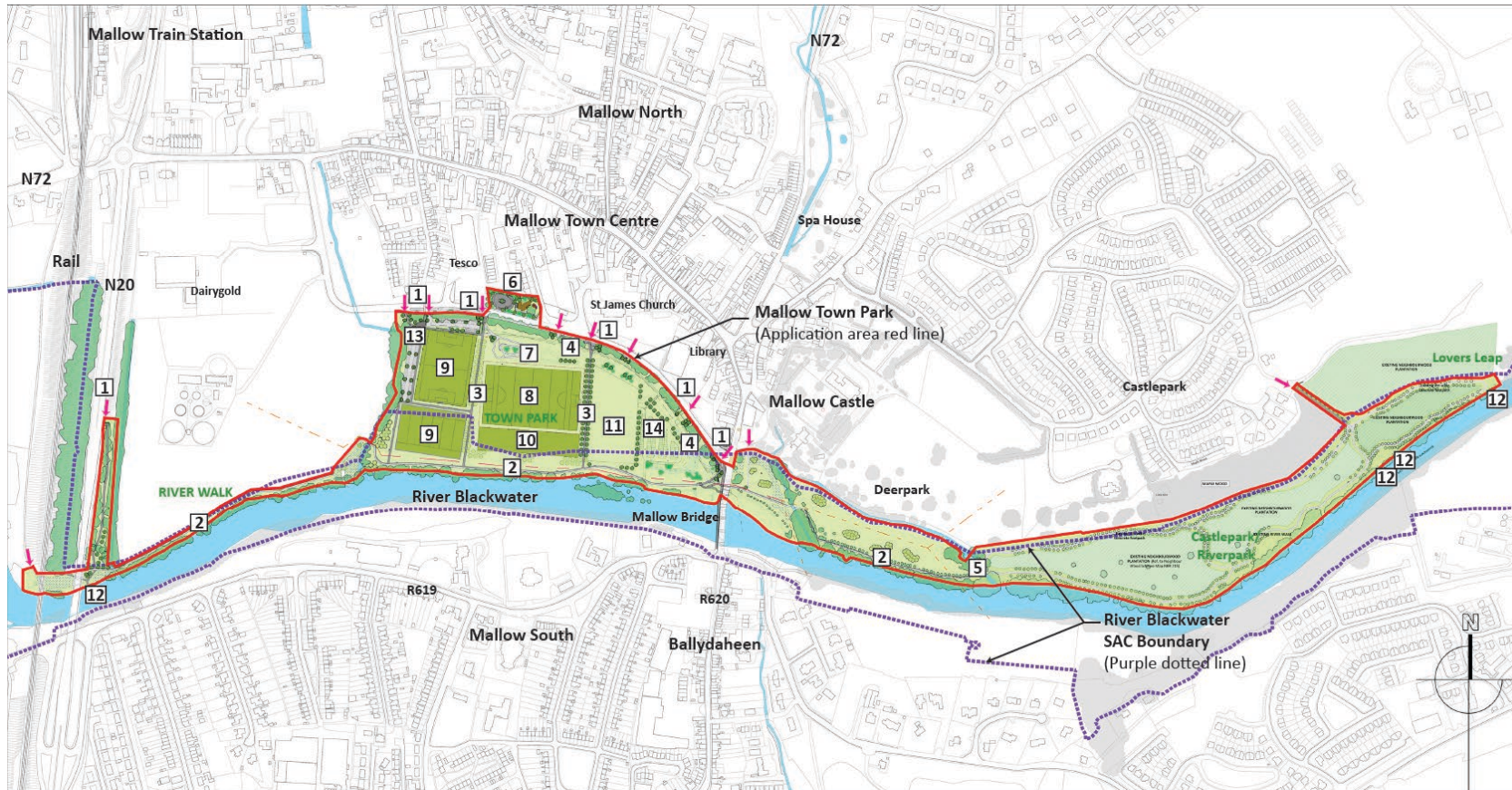
- Supporting locational and wayfinding signage, seating and services, including wayfinding signage to nearby existing car parking.
- Undergrounding of existing overhead power line in the Town Park to the west of Mallow Bridge.
- Provision of surface water detention basin.
- All associated site development, fencing, park furniture, planting, landscape and biodiversity improvement works.
- Planting of over 196 semi-mature trees and 400 lin.m. of primarily native hedges.

The proposed development will connect to existing public utilities.

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Figure 7 Proposed Improvement Plan



### Key to proposed improvement works

#### Access and circulation

1. Improved Park Entrances
2. Widening of existing paths to 3m
3. New concrete paths
4. New reinforced grass paths
5. Widening of existing pedestrian bridge to 3m

#### Play

6. Refurbishment of playground with new equipment and skate park
7. Construction of pump track

#### Active Sports

8. Extend existing GAA pitch c.15m north
9. Improve existing rugby and soccer pitches
10. Provision of grass training area

#### Other amenities

11. Multi-use events grass area
12. Angling stands
13. Parking area (bike and car)
14. Reinforced grass event parking area

## 2.3 Planning Policy

### 2.3.1 Cork County Development Plan 2014-2020 (CCDP)

The following key references from the Cork Development Plan are relevant to the site and the Proposed Development (Refer to Figure 8 and 9).

The CCPD refers to the designation of Mallow as a 'Hub' town in the National Spatial Strategy 2020-2020 (NSS) and the population target set at 20,000 people for Mallow by the South West Regional Planning Guidelines 2010 (SWRPG).

The CCPD identifies the strategic aim for Mallow as a Hub Town, including the retention and enhancement of the town centre as a vibrant place.

Mallow Town Park and Riverside Amenity Walk lie within Landscape Character Type 5: Fertile Plain with Moorland Ridge. The eastern portion of the proposal site extending from Blackwater Bridge are also within an area of High Amenity Landscape.

### 2.3.2 Draft Cork County Development Plan 2021 (dCCDP)

Mallow, Mallow Castle and Town Park have a number of specific objectives in the latest Draft County Development Plan (dCCDP, 2021)<sup>3</sup>. See Figure 8 below.

In Section 2.3.29, the significance of Mallow Town Park to the Town is noted:-

*'Of strategic importance are the existing gardens and historic landscape at Mallow Castle together with the main public spaces at Mallow Town Park and Spa House Park all located within walking distance of the town centre. The vision for this trio of amenities is to create a well-connected, high quality public amenity and tourist destination in the form of an integrated multi-use park network. The Council continues to advance its plans (Mallow Framework Plan) for the future development of these significant assets, which combined, will function as a regional scale facility with potential to act as a catalyst for further development as well as boosting the local economy. Between them these areas cover approximately 50 hectares'.*

In Section 2.3.31 of the draft CDP, it notes that:-

*'There remains a strong need to improve movement and accessibility to existing recreational facilities. The southside of the town is relatively underprovided for in terms of recreational infrastructure and will benefit considerably from the enhanced connectivity that will be provided by the new boardwalk once completed'.*

The boardwalk at Mallow Bridge is currently under construction and due to be open in 2021, with connection into the Town Park at the N72 junction. A further pedestrian and cycle connection is provided to the N20 at the western end of the park. Whilst not part of this application, provision has been made for a potential

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<sup>3</sup> <https://www.corkcoco.ie/sites/default/files/2021-04/volume-3-north-cork-fermoy-kanturk.pdf>

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future pedestrian/cycle bridge crossing of the Blackwater into the Park (as part of the Framework Plan).

The River Blackwater (An Abhainn Mhór), with its significant flood plain, forms a central green infrastructure feature within Mallow and its hinterland. The Blackwater flows from west to east through the town centre, and the river itself, as well as a substantial part of the floodplain, is designated as a Special Area of Conservation (SAC) - a site designated for nature conservation under the EU Habitats Directive.

Mallow Town Park forms part of the Blackwater Amenity Corridor following the River Blackwater from the Railway/N20 bridges to the west to Lover's Leap in the east.

The advancement of a linear green recreational corridor along the Blackwater in Mallow has been long promoted and there has been significant progress in recent years in delivering different aspects of this, particularly in the area south and east of the town centre (including Mallow Castle and Spa House Park). Existing walkways in the Town Park have been enhanced and expanded and there is now a continuous link from the walkway to the west of the railway line via the town park/Mallow castle and as far as the picturesque Lovers Leap to the east of the town. To complement this a nature themed inclusive children's playground amenity at Mallow Castle partly funded by the Urban Regeneration and Development Fund (URDF) is due to be completed in the summer of 2021.

Section 2.3.35 of the draft CDP notes:-

*'The Blackwater Amenity Corridor represents the primary piece of multifunctional green infrastructure in Mallow and taking into account both existing and planned attractions within or proximate to this corridor as well as its undoubted habitat value, it is considered to be of regional significance.'*

Section 2.3.37 highlights the ecological sensitivity of the landscape:-

*'The River is flanked for much of its extent through the town by treelines. These act as ecological corridors linking other areas of woodland and wetland habitat. The river supports otter, freshwater pearl mussel, white-clawed crayfish and lamprey species, all qualifying interests of the SAC. The grounds of Mallow Castle and eastern parkland adjoining the Blackwater support an impressive collection of veteran trees (some of which are potentially of regional importance) and habitat rich meadow. In recent years substantial areas of grassland are being managed by the Council in this area to support species rich swards. This Blackwater Amenity Corridor has been zoned as MW-GR-04.'*

**Objective MW-GR-04** outlines the specific development objectives for the Blackwater Amenity Corridor:-

*'Protect and enhance the habitat, landscape, visual and amenity qualities of the River Blackwater (including **town park**) and its flood plain so that they can contribute to the environmental diversity of the area for future generations and can be used for recreation and other compatible uses during the lifetime of the Plan. Opportunities to extend the riverside park should be considered over the lifetime of the plan including provision of further pedestrian crossings over the river to link the north and south parts of the town. Protect and enhance vistas of Mallow Castle and other landmarks within the town and environs. The Castlelands area (south and east of Mallow Castle) is subject of a Tree Preservation Order*

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*designation. Some of this area is located within or close to the Blackwater Special Area of Conservation and any proposals within this area will need to give appropriate consideration to this designation.'*

### 2.3.3 Mallow Town Development Plan 2010-2016 (MTDP)

Mallow Town Park and Riverside Amenity Walk are identified as important assets to Mallow across a number of planning policy areas including, environment, heritage, tourism, sport, recreation and town centre improvement.

From a strategic urban form and function perspective, the application site is situated in two of the four town centre 'quarters' described under section 5.2 of the MTDP. See Figure 9 below. These are the Community/Recreation Quarter and Historic Quarter respectively. The MTDP states that regarding the Community/Recreation Quarter, it *"could be further enhanced to provide for recreation, community and amenity uses, whilst functioning as a significant visual and tourist attraction in the town."*

The Mallow Town Development Plan states that due to the characteristics of the areas to the north and south of the River Blackwater as it flows through the town:

*"The opportunity is therefore afforded to create a substantial riverside park along the banks of the River Blackwater and this should be enforced where possible."* (MTDP, Section 9.2.1 Black Water Corridor).

This ambition for a riverside park is addressed in the MTDP Land Use Zoning Objectives shown on Map No. 5a where land both sides of the River Blackwater is identified as 'Blackwater Amenity Corridor'. All of the application site is within the Blackwater Amenity Corridor, except for the existing playground on the north side of Park Road,

There are a number of relevant plan objectives and supporting policies associated with the Blackwater Amenity Corridor and therefore the proposed Mallow Town Park improvements. These include:

*"Objective EH1 – Protect the habitat, landscape, visual and amenity qualities of the River Blackwater and its flood plain so that they can contribute to the environmental diversity of the area for future generations and be used for recreation and other compatible uses during the lifetime of the Plan.*

*Objective EH2 – Protect and enhance the setting of the town park and to develop it into an attractive amenity in line with the recommendation and findings of the study 'The Strategy for the Future Provision of Community, Social and Recreational Infrastructure in the Mallow Area'.*

*Objective EH3 – Protect the ecological integrity of the designated areas around Mallow Town including the River Blackwater, the Special Area of Conservation (SAC) and the Spa Glen Amenity Area. Outside these designated areas, the natural and semi-natural habitats, their linkages and the diversity of the life therein shall be protected."*

These objectives are supported in Policy EH2 which is specific to the Blackwater Amenity Corridor:



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*“EH2-1 - The Blackwater Corridor shall be retained as an undeveloped green corridor for recreational and amenity use. Proposals inconsistent with passive and/or active recreational use of these areas shall not be permitted.*

*EH2-2 - The Town Park is located within the Blackwater Amenity Corridor and therefore only uses compatible with the provision of passive or active recreational use shall be permitted within the park.”*

As noted previously, part of the application site is included in an Architectural Conservation Area (ACA-1). Whilst there are no proposed buildings or amendments to buildings or protected structures proposed, elements of **Policy EH4-3**, pertaining to the setting of protected structures, and **Policy EH4-4** requiring proposals to clearly demonstrate have no adverse impacts on the character or integrity of a protected structure or views to or from it, are relevant.

The importance of open space as a multifunctional asset that provides several services to the people and town is highlighted in the MTDP (Section 10.2.1). The Blackwater Amenity Corridor and Town Park in particular are referred to:

*“The majority of open space in Mallow comprises that undeveloped land located around the River Blackwater and identified as the Blackwater Corridor. The town park comprising 11 hectares of land is the single biggest area of open space with significant recreational and amenity potential for the town.”*

The open space in which the improvements are proposed makes a substantial contribution to the open space provision requirements envisaged for a population target of 20,000 for Mallow and its environs set is a core objective for Mallow as a ‘Hub Town’.

The wide array of sporting and recreational clubs in and around Mallow are highlighted as an important characteristic of the town and *“If the population of Mallow is to increase to 20,000 over the next 15 years it is vital that there is enough land zoned to allow existing clubs to expand and new clubs to open.”* Furthermore, the MTDP refers to the majority of existing clubs and sporting bodies not having the required finances to develop their own facilities, which highlights the importance of retaining and enhancing the function of the existing sports and recreation provision in Mallow Town Park where the opportunity arises. This is reflected in **Objective CR4** and **Policy CR3-1**, which makes specific reference to the retention and protection of existing playing fields within the town and the land for recreational purposes.

**Objective CR2** states a specific commitment to the development of Town Park for community and recreational purposes. The importance of community and recreation provision within the Community/Recreational Quarter to the delivery of town centre objectives is reinforced by **Objective TC8**.

Similarly, the MTDP recognises the importance of play provision in the town (Section 10.2.3 – Playgrounds). The need for investment is highlighted to address previous under provision and decline in the quality of play areas and supported by **Objective CR3**, **Policy ENV1-1** and **Policy ENV1-2**.

Under section 11.2 – Tourism Arts and Cultural Provision, The River Blackwater is highlighted as *“a significant natural asset running through the heart of the town, an asset which has not been fully realised to date.”* It refers to the untapped potential

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for the provision of valuable open space and to facilitate a vibrant tourist sector including the potential to accommodate fishing stands, develop walking routes and encourage boating activities. These potential enhancements are referred to in:

- **Objective TAC1** relating to fishing stands on the River Blackwater and the facilitation of boating in line with **Policy TAC1-1**.
- **Objective TAC2** to provide a pedestrian trail on the northern and southern banks of The River Blackwater.
- **Objective TAC 6** to improve signposting of scenic routes walks, riverside trails, historic and archaeological features.

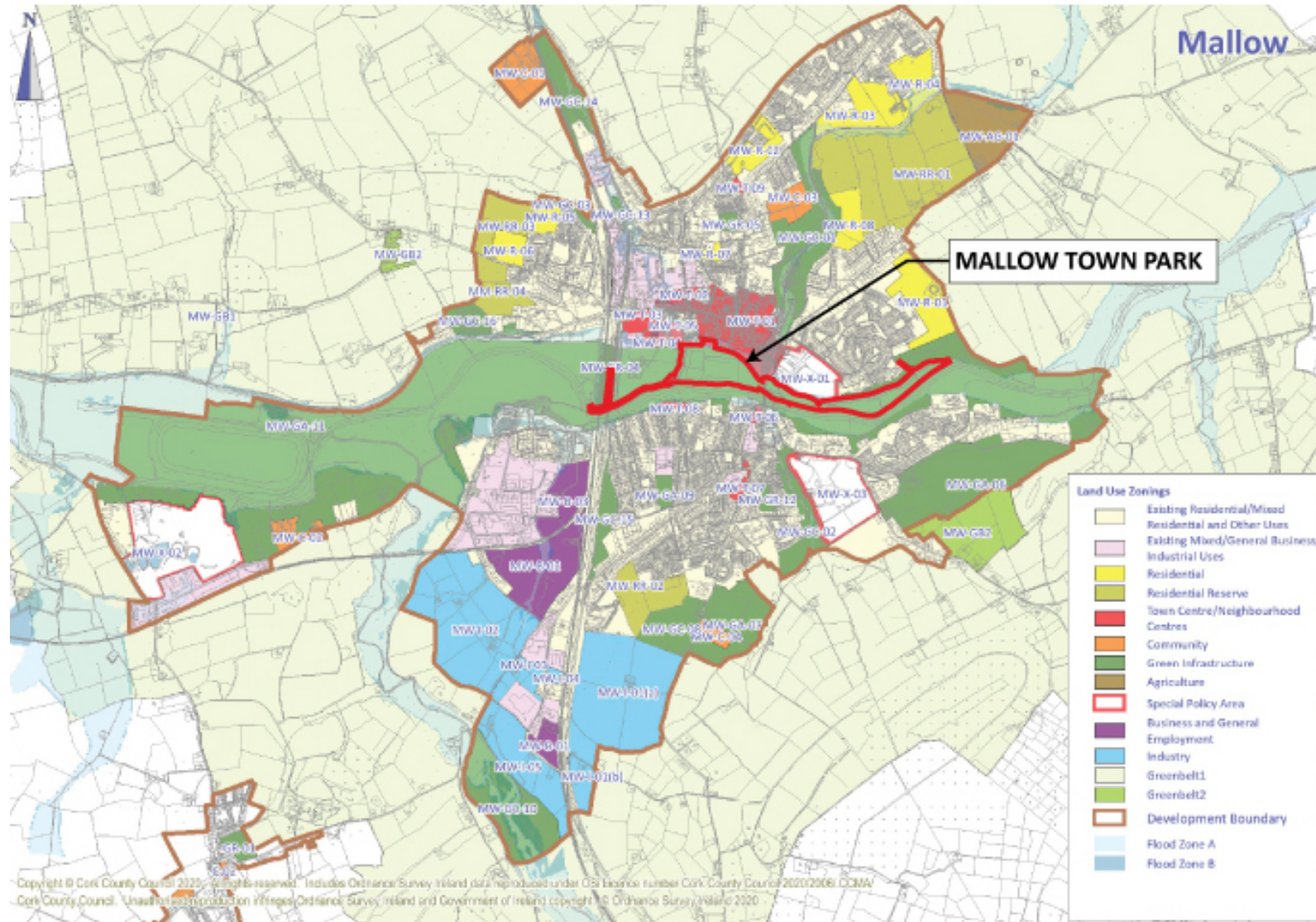
**Policy TC7-1** seeks to support proposals that enhance and develop the tourist industry. Together with policies aimed at supporting arts and culture in the town, Town Park, offers centrally located contiguous outdoor space for arts and cultural events, providing a resilience for the creative industries in a post COVID 19 environment.

Enhancing the connectivity of Mallow town centre and the town centre to surrounding neighbourhoods is an essential part of achieving the ‘walkable town’ aims of the Plan. Transport **Objective T6** emphasises provision for walking and cycling, which complements the commitments objectives set out in the Plan to provide and enhanced network of walks and trails. The connectivity across the River Blackwater with a new combined pedestrian /cycle route is stated in **Policy T4**, which proposed development should facilitate.

The proposed open space improvements are located on land which is within the River Blackwater flooding zone. Therefore, **Objective IU1** relating to the preservation and/or achievement of good quality status of waters in line with the Water Framework Directive is relevant. **Policy IU3-1** relating to the use of SUDs, **Policy IU3-2** relating to the ‘greenfield’ run off rate and **Policy IU3-3** regarding water quality at discharge to natural water course are all relevant.

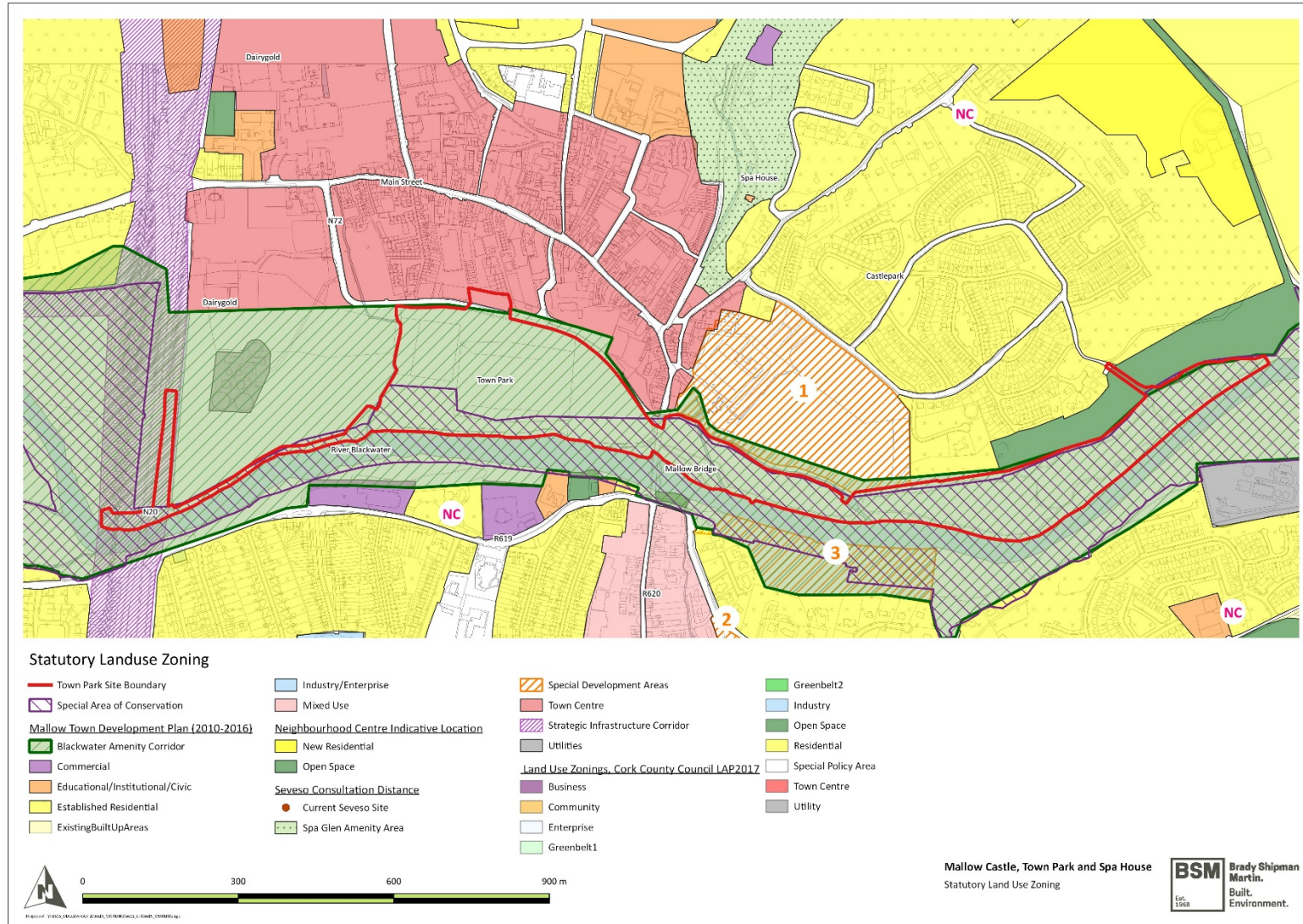
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Figure 8 Landuse Zoning – Mallow Town Park boundary overlaid on Draft Cork County Development Plan (North Cork) 2021



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Figure 9 Landuse Zoning – Mallow Town Park boundary overlaid on Mallow Town Development Plan 2010-2016 (as extended)



## 3 Screening for Environmental Impact Assessment (EIA)

### 3.1 Introduction

Screening is a process used to establish whether EIA is required for a Proposed Development. There are a number of steps in the screening process.

The mandatory requirement for EIA is generally based on the nature or scale of a Proposed Development, as set out in EIA Directive 2011/92/EU, as amended by Directive 2014/52/EU. These mandatory requirements are transposed into Irish Law in the Planning and Development Act 2000, as amended (hereafter the PDA, 2000), and the Planning and Development Regulations 2001, as amended (hereafter the PDR, 2001) and relevant European and national guidance, including: *Environmental Impact Assessment of Projects Guidance on Screening, EU, 2017*, and *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, August 2018*.

These identify certain types and scales of development, generally based on thresholds of scale, for which EIA is mandatory.

Projects require EIA where:

- they meet or exceed the stated thresholds in Schedule 5 Part 1 of the PDR 2001, as amended, or where no thresholds are set, or
- where they meet or exceed national thresholds set out in Schedule 5 Part 2 of the PDR 2001, or where no thresholds are set.

Where EIA is required, the applicant (developer) must prepare and submit an Environmental Impact Assessment Report (EIAR) and the Directive sets out the minimum information, which the EIAR must include in Annex IV (also provided in Schedule 6 of the PDR 2001).

Developments which correspond to Schedule 5 Part 2 project types (Classes) but which are below the given threshold are considered for the requirement for potential sub-threshold EIA.

### 3.2 Mandatory EIA

Section 172 of the PDA, 2000, as amended, provides the legislative basis for mandatory EIA. It states:

*“An environmental impact assessment shall be carried out by a planning authority or the Board, as the case may be, in respect of an application for consent for proposed development where either:*

*(a) the proposed development would be of a class specified in –*

*(i) Part 1 of Schedule 5 of the Planning and Development Regulations 2001, and either –*

*1. such development would exceed any relevant quantity, area or other limit specified in that Part, or*

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*II. no quantity, area or other limit is specified in that Part in respect of the development concerned,*

*or*

*(ii) Part 2 of Schedule 5 of the Planning and Development Regulations 2001 and either –*

*I. such development would exceed any relevant quantity, area or other limit specified in that Part, or*

*II. no quantity, area or other limit is specified in that Part in respect of the development concerned,*

*or*

*(b) (i) the proposed development would be of a class specified in Part 2 of Schedule 5 of the Planning and Development Regulations 2001 but does not exceed the relevant quantity, area or other limit specified in that Part,*

*and*

*(ii) the planning authority or the Board, as the case may be, determines that the proposed development would be likely to have significant effects on the environment.”*

Projects listed for the purposes of EIA in Part 1 of Schedule 5 typically include major industrial, chemical, energy, waste, infrastructure and intensive agricultural developments. The Proposed Development at does not correspond to a class of development set out under Part 1 of Schedule 5 and therefore, EIA is not a mandatory requirement under this provision.

The Proposed Development does not come within the meaning or scale of project as listed under Classes 12 (or sub-classes 12(a) to 12(e)) of Part 2 of Schedule 5a, which relates to Tourism and Leisure Projects.

While possibly not directly applicable, given the nature of the works and their location within a public town park, the Proposed Development maybe considered under Class 10 and specifically Class 10(b)(iv):

*“Class 10(b) (iv). 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.”\**

\* Being located in a built-up area, outside of a business district the appropriate threshold under Class 10(b)(iv) is 10 hectares.

However, given that the site is an existing town park amenity and the proposed works are limited to proposed amenity improvement works within an area of c. 2.41ha of the park, the most appropriate Project Type is No. 13 ‘Changes, extensions, development and testing’ and specifically type 13(a)

*(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 –*

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- 25 per cent, or
- an amount equal to 50 per cent of the appropriate threshold,  
whichever is the greater

The Proposed Development may be considered under ‘changes’ to Project Type 10(b)(iv) of Schedule 5 Part 2. However, the Proposed Development does not ‘result in an increase in the size’ of the park and the proposed ‘changes’ relate to an area of c.2.41 hectares, which is below 50 per cent of the appropriate threshold (i.e. 50 per cent of 10 hectares, which is 5 hectares).

Therefore, EIA is not a mandatory requirement for the Proposed Development under Part 2 of Schedule 5 of the PDR 2001. However, as the Proposed Development does fall below the stated threshold for development specified in Class 13(a) of Part 2 of Schedule 5, and as such is subject to Preliminary Assessment for the requirement for EIA as a ‘sub-threshold’ development – having regard to the requirements of Article 120 of the PDR 2001.

### 3.3 Preliminary Examination for Sub-Threshold EIA

The Preliminary Examination was undertaken pursuant to the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018) which transposed Directive 2014/52/EU and having regard to the ministerial Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (August 2018)<sup>4</sup>. In the ministerial guidelines the preliminary examination process is described in chapter 3 “Pre-Application stage” and under the sub-heading “Screening”.

This preliminary examination was based on professional expertise and experience, and having regard to the ‘Source – Pathway – Target’ model which identifies the source of likely significant impacts, if any; the environmental factors which will potentially be affected; and the route along which those impacts may be transferred from the source to the receiving environmental factors.

Generally it is noted that a screening determination “*is a matter of professional judgement, based on objective information relating to the proposed project and its receiving environment. Environmental effects can, in principle, be either positive or negative*” (section 3.1 of Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment, 2018). However, the process must also have regard to the ruling of the European Court that the EIA Directive has a “*wide scope and a broad purpose*” when determining if EIA is required<sup>5</sup>.

As the proposed project is a local authority own development, this Preliminary Examination was carried out in accordance with the provisions of Article 120 of PDR 2001.

The Preliminary Examination considered the nature, size and location of the Proposed Development and this report sets out the reasoning that “*there is no real*

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<sup>4</sup> Prepared by the Department of Housing, Planning and Local Government.

<sup>5</sup> ECJ cases C-72/95, C-2/07 and C-275/09.

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*likelihood of significant effects on the environment arising from the proposed development” and “that an EIA is not required.”*

### **3.4 Information to be provided under Schedule 7A of Planning and Development Regulations 2001-2021**

The information for determining if a development would, or would not, be likely to have significant effects on the environment is set out in Schedule 7 to the PDR 2001. The information is set out under three headings as follows:

1. A description of the proposed development;
2. A description of the aspects of the environment likely to be significantly affected by the proposed development; and
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, and
  - (b) the use of natural resources, in particular soil, land, water and biodiversity.

The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

Responses to Items 1 to 3 are set out in the following sections. Specific response to the criteria set out in Schedule 7 are also provided in Section 3.5 of this report.

#### **3.4.1 Description of the Proposed Development**

The Proposed Development comprises improvement works on c.2.41 hectares of the existing c.23.2 hectare town park in Mallow. A detailed description of the proposed development is provided in Section 2.2 of this report, as well as having regard to the criteria set out in Schedule 7 of PDR 2001, in Section 3.5.1 and Table 3.5.1 of this report.

#### **3.4.2 Description of aspects of the environment likely to be significantly affected by Proposed Development**

Having regard to the criteria set out in Schedule 7 of PDR 2001, aspects of the environment likely to be affected by the Proposed Development are detailed in Section 3.5.3 and Table 3.5.3 of this report.

#### **3.4.3 Description of likely significant effects from:**

##### **3.4.3.1 Expected residues and emissions and the production of waste, where relevant**

Normal site clearance works are included in the construction stage of the Proposed Development. The nature of the works allows for reuse of material on site as appropriate.

There are no unusual aspects to the Proposed Development. An outline Construction and Environmental Management Plan (CEMP) accompanies the proposal.



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Therefore, production of waste will be limited and subject to appropriate recycling or removal to approved, licensed facilities. No likelihood of significant environmental effects arises.

**3.4.3.2 Use of natural resources, in particular soil, land, water and biodiversity**

The Proposed Development is for improvements to areas of existing open space provision and does not propose any changes contingent to this current use of the land. There will be a small net loss of existing amenity grassland through the widening of existing and construction of new paths, angling stand, play features and parking area.

Use of natural resources will be limited to the normal use of building materials for a carpark, enhanced access arrangements and improved path network.

The lands will continue to be used for amenity purposes as per the existing use.

Biodiversity enhancements will lead to a nett gain in woodland and treeline habitat at the site. A temporary wetland is likely to increase habitat for amphibians, invertebrates and other fauna. Following construction, noise and disturbance is likely to return to pre-construction levels. While there could potentially be increased use of the park, the location of playing pitches, parking etc. within one core area of the site and the provision of paths will retain quieter areas within the park for wildlife. With the exception of the paths to the angling stands, no new pathways will be created, and wildlife which use the area will be habituated to a similar level of disturbance. In the long term, biodiversity enhancements and landscaping means that the proposed development is likely to have a positive impact on local flora and fauna

There is no likelihood of significant environmental effects.

**3.5 Criteria under Schedule 7 of Planning and Development Regulations 2001-2021**

The criteria for determining if a development would, or would not, be likely to have significant effects on the environment is set out in Schedule 7 to the PDR 2001. The criteria are grouped under three headings as follows:

1. Characteristics of the Proposed Development
2. Location of Proposed Development
3. Characteristics of Potential Impacts

Each of the above groupings includes a number of sub-criteria and information is provided for each in the following sections 3.5.1 – 3.5.3 respectively.

**3.5.1 Characteristics of the Proposed Development**

Table 3.5.1 assesses the environmental sensitivity of the characteristics of the Proposed Development and the potential for significant impact.

**Table 3.5.1 Characteristics of the Proposed Development**

Type and Characteristics of Proposed Development	Comment
a) the size and design of the whole of the proposed development,	The overall area of the existing town park is c. 23.2 hectares of public amenity open space. The proposed works primarily comprise improvements to existing open space and recreation infrastructure, extending

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Type and Characteristics of Proposed Development	Comment
	<p>to c. 2.41 hectares, with enhanced access, provision of controlled car parking within existing urban area, refurbishment of a playground, provision of skate park, pump track and supporting infrastructure for seasonal events.</p> <p>The works represent modest enhancement of existing amenities and there is no likelihood of significant environmental effects by reason of the size and design of the Proposed Development.</p>
<p>b) cumulation with other existing development and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment,</p>	<p>The Proposed Development is for improvements to existing open space provision and does not propose any changes to the community and recreation uses currently on the land.</p> <p>There are no other projects of relevance for potential cumulation of effects with the Proposed Development.</p> <p>There is no likelihood of significant environmental effects by reason of cumulation with other development for the purposes of Section 172(1A)(b) of the PDA, 2000.</p>
<p>c) the nature of any associated demolition works,</p>	<p>No significant demolition works are required, other than removal of short sections of walls along Park Road/N72, (and which will be reconstructed to provide ramped access over the wall), and normal site clearance works included in the construction stage of the Proposed Development.</p> <p>There is no likelihood of significant environmental effects by reason of the small-scale demolition works.</p>
<p>d) the use of natural resources, in particular land, soil, water and biodiversity,</p>	<p>The Proposed Development is for improvements to areas of existing open space provision and does not propose any changes contingent to this current use of the land. There will be a small net loss of existing amenity grassland through the widening of existing and construction of new paths, angling stand, play features and parking area.</p> <p>Use of natural resources will be limited to the normal use of building materials for a carpark, enhanced access arrangements and improved path network.</p> <p>The lands will continue to be used for amenity purposes as per the existing use.</p> <p>There is no likelihood of significant environmental effects.</p>

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Type and Characteristics of Proposed Development	Comment
e) the production of waste,	<p>There are no unusual aspects to the Proposed Development. An outline Construction and Environmental Management Plan (CEMP) accompanies the proposal.</p> <p>Normal site clearance works are included in the construction stage of the Proposed Development. The nature of the works allows for reuse of material on site as appropriate.</p> <p>Therefore, production of waste will be limited and subject to appropriate recycling or removal to approved, licensed facilities. No likelihood of significant environmental effects arises.</p>
f) pollution and nuisances,	<p>Construction works have the potential for noise disturbance. However, any such disturbance will be temporary (limited to the construction period), localised and controlled and mitigated by standard construction best practice and normal day-time working hours, as set out in the outline CEMP.</p> <p>No other pollution or nuisances are identified and no likelihood of significant environmental effects arises.</p>
g) 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, and	<p>There are no unusual aspects to the Proposed Development.</p> <p>No particular risks are identified and no likelihood of significant environmental effects arises.</p>
h) the risks to human health (for example, due to water contamination or air pollution).	<p>There are no unusual aspects to the Proposed Development. Surface water infrastructure to parking area drained using SuDS. No new wastewater infrastructure is proposed.</p> <p>No particular risks to human health are identified no likelihood of significant environmental effects arises.</p>

#### Summary

There is no likelihood of significant effects on the environment arising from the nature of the Proposed Development.

The Proposed Development relates to improvement works within c. 2.41 hectares of the existing town park.. The works are of an landscape intervention nature and are of a modest scale to deliver improvements to existing uses on site. Therefore, the scale of the Proposed Development, when viewed individually and / or cumulatively, is small in terms of the extent and substantially below relevant EIA thresholds.

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This scale of Proposed Development will not give rise to significant effects on the environment either by way of its size or design.

Any potential pollution aspect will be avoided through appropriate standard construction practice management regimes.

Any noise and nuisance associated with the proposed construction works will be short-term and subject to standard construction management and best practice procedures.

Any waste arising will be modest in quantity and reused on site if appropriate, taken from the site for reuse or for disposal, subject to normal statutory controls.

### 3.5.2 Location of the Proposed Development

Table 3.5.2 assesses the location of the Proposed Development with regard to the environmental sensitivity of the geographical area likely to be affected and the potential for significant impact. Details of applicable planning and environmental policy is also provided at Section 2.1 of this report.

**Table 3.5.2 Location of Proposed Development**

Type and Characteristics of Potential Impacts	Comment
i) the existing and approved land use	<p>The site of the Proposed Development comprises c. 23.2 hectares of green public open space / town park ranging from open amenity grassland, sports pitches to recently planted mixed native woodland defined on the boundaries by established native trees.</p> <p>The Proposed Development is to provide improvements to c 2.41 hectares of the park to enhance the delivery of the existing functions and benefits provided to people in its current use as public open space.</p> <p>No likelihood of significant environmental effects arises.</p>
j) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,	<p>The proposed development will have negligible impact on the quality and regenerative capacity of natural resources in the area.</p> <p>No likelihood of significant environmental effects arises.</p>
k) the absorption capacity of the natural environment, paying particular attention to the following areas:	<p>Having regard to the criteria listed below, it is considered that the site has a moderate absorption capacity for the scale and type of development proposed and no likelihood of significant environmental effects arises.</p>
(i) wetlands, riparian areas, river mouths;	<p>While works will take place adjacent to the River Blackwater for the provision of angling stands, no instream works are proposed within any watercourse</p>

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Type and Characteristics of Potential Impacts	Comment
	<p>and mitigation measures have been outlined to protect freshwater habitats during the construction phase, which are outlined in the CEMP.</p> <p>No significant impacts on water quality are predicted to occur and subsequently there will be no impact on pNHAs downstream of the proposed development site.</p>
(ii) coastal zones and the marine environment;	No impact arises.
(iii) mountain and forest areas;	No impact arises.
(iv) nature reserves and parks;	The Proposed Development is located on a site of c.2.41 hectares of amenity lands within the existing 23.2 hectare public park. This use will continue to be provided over the full extents of the site. No impact arises.
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;	<p>The site is located within The River Blackwater (Cork / Waterford) Special Area of Conservation (SAC Site code 002170).</p> <p>A separate Natura Impact Statement (NIS) has been prepared. Mitigation measures have been proposed to offset potential minor, localised effects during the construction of the angling stands. Once constructed, it is considered that that will be no adverse impacts on European Site (refer to NIS).</p>
(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;	No issues arise.
(vii) densely populated areas;	<p>The Proposed Development is located on a site within Mallow Town. While residential and town centre development lies to the south and north respectively, the site itself is public open green space and will continue in this use.</p> <p>No likelihood of significant environmental effects arises.</p>

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Type and Characteristics of Potential Impacts	Comment
(viii) landscapes and sites of historical, cultural, or archaeological significance.	<p>A portion of the site is part of the demesne lands of Mallow Castle / House and forms part of the setting for this cultural heritage asset, which affords cultural and landscape significance.</p> <p>Proposals in this area of the site are restricted to the widening of an existing footbridge and the construction of 4no. angling stands on the north bank of the River Blackwater.</p> <p>Likelihood of environmental effects has been appropriately addressed in the application documentation, reports, and drawings.</p>

### Summary

Whilst part of the Proposed Development site is located on land adjacent to a place of archaeological, cultural, ecological and landscape significance, the nature of the proposed works are not likely to result in significant effects on these heritage assets.

Due to the fact that sections of the park are within and adjoins the Blackwater (Munster) SAC, a Natura Impact Statement (NIS) accompanies this application. The NIS concludes that the Proposed Development, by itself or in combination with other plans and projects, in light of best scientific knowledge, will not, in view of the conservation objectives of the site, adversely affect the integrity of any European Sites.

The site can successfully accommodate the Proposed Development without significant environmental effects.

### 3.5.3 Type and Characteristics of Potential Impacts

The likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2 (*i.e.* Sections 3.5.1 & 3.5.4.2 and Tables 3.5.1 and 3.5.2 above), with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of ‘environmental impact assessment report’ in section 171A of the PDA, 2000, taking into account the assessment provided in Tables 3.5.3 & 3.5.4.

**Table 3.5.3 Type and Characteristics of the Potential Impacts**

Type and Characteristics of Potential Impacts	Comment
a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),	<p>Any potential impact will be temporary, short-term and limited to the immediate vicinity of the works within the town park site.</p> <p>Therefore, the geographical extent and population likely to be affected are very small and likelihood of significant environmental effects does not arise.</p>

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Type and Characteristics of Potential Impacts	Comment
b) the nature of the impact	Whilst located within a European Site (SAC) and adjacent to a site of archaeological, cultural and landscape significance, there are no unusual aspects to the proposed development and any potential impacts are readily addressed in standard construction and operation management guidelines.
c) the transboundary nature of the impact	No transboundary impacts arise.
d) the intensity and complexity of the impact,	No impact of an unusual intensity or complexity will arise.
e) the probability of the impact	N/A
f) the expected onset, duration, frequency and reversibility of the impact,	Any potential impacts will be temporary or short-term associated with the normal construction and / or early operation stage of the Proposed Development.  No medium or long-term impact arises and no likelihood of significant environmental effects arises.
g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and	The Proposed Development does not give rise to cumulation with other development for the purposes of Section 172(1A)(b) of the PDA, 2000.
h) the possibility of effectively reducing the impact.	Any potential impacts will be temporary or short-term associated with the normal construction and / or early operation stage of the proposed development.  Such potential impacts may be appropriately mitigated through standard construction best practice and control of working hours.  No likelihood of significant environmental effects arises

**Table 3.5.4 Assessment against the factors specified in Section 171A(b) of the Planning and Development Act 2000, as amended.**

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EIA Factor	Comment
Population	<p>Positive impact in providing for enhanced access and use of the lands.</p> <p>Negative impact does not arise.</p>
Human Health	<p>Positive impact through the provision of enhanced access to and functionality of the open space, sport and recreation uses.</p> <p>Negative impact does not arise.</p>
Biodiversity	<p>Overall the development will impact primarily on low value habitats. There will be a nett loss of amenity grassland and a small number of (4no.) trees which could be used as nesting habitats for common bird species. No trees suitable as bat roosting habitat will be significantly affected. While works will take place adjacent to the River Blackwater for the provision of angling stands, no instream works are proposed within any watercourse and mitigation measures have been outlined to protect freshwater habitats during the construction phase.</p> <p>No significant impacts on water quality are predicted to occur and subsequently there will be no impact on pNHAs downstream of the proposed development site.</p> <p>Biodiversity enhancements will lead to a nett gain in woodland and treeline habitat at the site. A temporary wetland is likely to increase habitat for amphibians, invertebrates and other fauna. Following construction, noise and disturbance is likely to return to pre-construction levels. While there could potentially be increased use of the park, the location of playing pitches, parking etc. within one core area of the site and the provision of paths will retain quieter areas within the park for wildlife. With the exception of the paths to the angling stands, no new pathways will be created, and wildlife which use the area will be habituated to a similar level of disturbance. In the long term, biodiversity enhancements and landscaping means that the proposed development is likely to have a positive impact on local flora and fauna.</p>
Land	<p>The c. 23.2 hectare site is green public open space / town park. The Proposed Development (widened / new footpaths and entrances, grass training / multi-use events area, playground and parking areas), extends to c. 2.41 hectares of the town park site, and is focused on improving the use of the existing public open space. No significant negative impact arises.</p>
Soil	<p>The circa 23.2 hectare site is green public open space / town park, with works extending to c. 2.41 hectares</p>



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EIA Factor	Comment
	within the park. The Proposed Development has a minor impact on soil but no significant impact arises.
Water	<p>The Caherduggan stream and the River Blackwater adjoin the Town Park. The Park is subject to flooding being within the floodplain of the River Blackwater. A flood risk assessment accompanies the proposal. There is no development of a kind that is incompatible with the flood risk of the site is proposed.</p> <p>There are no proposals that materially affect the requirement for maintaining the 'greenfield' surface water run off rate from the site. Appropriate surface water management and discharge measures are provided.</p> <p>No significant impact arises.</p>
Air and Climate	<p>Positive impact on air quality and local climate through the planting of additional trees as part of landscape improvements.</p> <p>Negative impact does not arise.</p>
Material Assets	No significant impact arises.
Cultural Heritage	Whilst adjacent to a site of archaeological, cultural and landscape significance and a portion of the site is within an Architectural Conservation Area, there are no significant works proposed as part of the landscape improvements that will give rise to any impact on these assets or their setting.
Landscape	<p>The proposal is principally interventionist landscape works in nature, which will not change the current character and use of the site.</p> <p>The removal of 4no. Lombardy Poplar trees at the proposed N20 pedestrian entrance does not give rise to significant effects. Planting of over 190 trees and 400 lin.m. of hedgerow will be positive.</p> <p>No significant impact arises.</p>
Interaction between factors	Other than discussed above, no significant impact arises as a result of any potential for interaction between environmental factors.

### Summary

The type or characteristics of the potential impacts arising from the Proposed Development will not give rise to significant environmental impacts.

There are no medium or long-term negative impacts, and the Proposed Development is considered to be appropriately located and capable of successful integration in the surrounding environment.

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Whilst temporary or short-term impacts relating to noise levels and dust are typical of any small-scale construction phase. The proposed works will be confined to the site of the Proposed Development and any potential impact on nearby receptors will be effectively managed through standard best-practice construction measures.

The Proposed Development does not give rise to any significant impact on environmental (EIA) factors provided in Section 171A(b) of the PDA, 2000.

## 4 Conclusion

The Proposed Development is not a development for which there is a mandatory requirement for Environmental Impact Assessment either under Part 1 or Part 2 of Schedule 5 of Planning and Development Regulations 2001-2021.

This Preliminary Examination has considered the nature, size and location of the Proposed Development and having regard to the information required in Schedule 7A and the criteria set out in Schedule 7 of the Planning and development Regulations, 2001-2021 concludes, in accordance with Article 120(1)(b)(i) that where *“there is no real likelihood of significant effects on the environment arising from the proposed development, it shall conclude that an EIA is not required.”*

This conclusion is made on the basis that the Proposed Development:

- involved landscape interventions and improvements, which will not change the existing use of the site, except to enhance its functionality and ability to provide benefits to people as a multifunctional public green space;
- will not give rise to any likelihood of significant effects on the environment;
- will not adversely impact Natura 2000 Sites or sensitive habitats either on its own or in combination with other projects; and
- falls significantly below any stated thresholds for EIA set out in any applicable Class of Part 2 of Schedule 5 of the Planning and Development Regulations 2001-2021.

This Preliminary Examination has been informed by a desk study, site visits and review of the Natura Impact Statement (NIS), and of the drawings and reports prepared as part of the application.

The nature, characteristics or impacts of the Proposed Development will not have significant effects on the environment.

Standard best practice methodologies employed during the construction phase will limit any potential disturbance to the surrounding area and prevent any risk of pollution (i.e. noise/air pollution) from the site, as outlined in the CEMP and Sections 3.4 and 3.5 of this report.

No significant negative effects on the environment have been identified and the project will have a long-term positive impact on amenity and natural heritage of the Park, allowing for enhanced access to and enjoyment of this significant landscape asset.

The type and characteristics of the potential impacts are not significant, taking into account the characteristics of the Proposed Development and its location.

Screening for EIA and Preliminary Examination (in accordance with Article 120 of the Planning & Development Regulations 2001 (as amended))

All aspects of the environment likely to be significantly affected by the Proposed Development have been considered and it can be concluded that there is no real likelihood of significant effects on the environment arising.

The overall conclusion and determination is that there is no requirement for Environmental Impact Assessment of the Proposed Development and that preparation of an Environmental Impact Assessment Report is not required.

## 5 Key References

*Cork County Development Plan 2014-2020*, Cork County Council 2014.

*Draft Cork County Development Plan 2021*, Cork County Council 2021

*Mallow Town Development Plan*, Cork County Council, 2010 (as amended).

*Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment.*

*Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.*

*Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports*, Environmental Protection Agency, 2017.

*Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*, Department of Environment, Heritage and Local Government, 2003.

*Environmental Impact Assessment of Projects: Guidance on Screening*, European Commission, 2017.

*Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning and Local Government, 2018.

*Planning and Development Act 2000, as amended.*

*Planning and Development Regulations 2001, as amended.*

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