



An
Bord
Pleanála

Board Order ABP-303247-18

Planning and Development Acts, 2000 to 2019

Planning Authority: Cork City Council

Application by Cork City Council for approval under section 177AE of the Planning and Development Act 2000, as amended, in accordance with plans and particulars, including a Natura Impact Statement, lodged with An Bord Pleanála on the 13th day of December, 2018, as amended by the further information received by An Bord Pleanála on the 11th day of July, 2019.

Proposed Development: Proposed development works comprising remedial works to the existing quay walls, construction of public realm improvement works and flood defence works between Parliament Bridge and Parnell Bridge along Morrison's Quay and Fr. Matthew Quay, and a short section along Union Quay close to Trinity Footbridge, Morrison's Quay, Cork City.

Decision

Approve the above proposed development based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the European Union Habitats Directive (92/43/EEC),
- (b) the Birds Directive (74/409/EEC as amended by 2009/147/EC),
- (c) the European Communities (Birds and Natural Habitats) Regulations 2011,
- (d) the Environmental Impact Assessment Directive 2014/52/EU amending Directive 2011/92/EU,
- (e) the European Union Water Framework Directive 2000 (2000/60/EEC),
- (f) the European Union Directive 2007/60/EC on the Assessment and Management of Flood Risks,
- (g) the document entitled “Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government (amended 2010),
- (h) the Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment issued by the Department of Housing, Planning and Local Government (2018),

- (i) the Planning System and Flood Risk Management Guidelines, published by the Department of Environment, Heritage and Local Government in 2009,
- (j) the National Planning Framework 2040, published by Government in February 2018,
- (k) the Regional Spatial and Economic Strategy for the Southern Region, which came into effect on the 31st day of January, 2020,
- (l) the Design Manual for Roads and Streets, published by Government in 2013,
- (m) the Cork City Development Plan 2015-2021,
- (n) the submissions and observations received in relation to the likely effects on the environment,
- (o) the report and recommendation of the reporting Inspector and Senior Ecologist,
- (p) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European site.

Appropriate Assessment: Stage 1

The development has been considered in light of the assessment requirements of Sections 177AE and 177V of the Planning and Development Act 2000 as amended. The Board completed a screening for appropriate assessment of the project. In completing a screening for Appropriate Assessment, the Board accepted and adopted the screening assessment and conclusion carried out in the report of Dr. Maeve Flynn Senior Ecologist and the report of the Inspector in respect of the identification of the European sites which could potentially be affected, and the

identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed Morrison's Island Public realm and Flood Relief development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European sites, in view of the sites' conservation objectives other than the Great Island Channel Special Area of Conservation (Site Code: 001058) and Cork Harbour Special Protection Area (Site Code: 004030). Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.

Appropriate Assessment: Stage 2

The Board completed an Appropriate Assessment exercise in relation to the potential effects of the proposed development on the affected Natura 2000 sites, namely the Great Island Channel Special Area of Conservation (Site Code: 001058) and the Cork Harbour Special Protection Area (Site Code: 004030) and in doing so took into account the nature, scale and location of the proposed development, the Natura Impact Statement submitted with the application, the further information submitted to the Board on the 11th day of July, 2019, the submissions on file, the report of Dr. Maeve Flynn, Senior Ecologist and the report of the Inspector's assessment. In completing the Appropriate Assessment, the Board accepted and adopted the appropriate assessment carried out in the report of Dr. Maeve Flynn, Senior Ecologist and the report of the Inspector in respect of the potential effects of the proposed development on the aforementioned European sites, having regard to the sites' conservation objectives. The Board concluded that the proposed scheme would not have an adverse effect on the integrity of the European sites, having regard to the Conservation Objectives for the sites.

Having regard to the nature, scale and extent of the proposed development and to the location of the site in an established, built-up urban area in the heart of Cork City, and to the poor quality of the public realm and inefficient use of the riverside area which is dominated by traffic and parked cars, to the poor state of repair of the historic quay walls, and to the severity and hardship experienced by residents and businesses in the area, the Board considers that, subject to compliance with the conditions set out below, the proposed development would deliver significant benefits in terms of reducing the risk of tidal flooding in the area, would provide for necessary remedial works to the quay walls, would provide for a much improved public realm along the waterside, would deliver a safe environment for pedestrians and cyclists and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the current Cork City Development objectives for the area, would not adversely affect the environment, would not seriously injure the amenities of the area or property in the vicinity, and would be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars, including the Environmental Report, the Environmental Impact Assessment Screening Report and Natura Impact Statement and other associated documentation, lodged with An Bord Pleanála on the 13th day of December, 2018 and the 11th day of July, 2019, except as may otherwise be required in order to comply with the conditions set out below. Where any mitigation measures set out in the Environmental Report and Natura Impact Statement or any conditions of this approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

Reason: In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures and associated monitoring outlined in the plans and particulars submitted with the application and as amended by the Further Information response received by An Bord Pleanála on the 11th day of July 2019, including the Environmental Report and Natural Impact Statement, shall be carried out in full, except as may otherwise be required in order to comply with other conditions. Prior to commencement of the development, details of a time schedule for implementation of the mitigation measures and associated monitoring shall be prepared by the local authority and placed on the file and retained as part of the public record.

Reason: In the interest of clarity and protection of the environment and in the interest of public health.

3. Prior to the commencement of development, the local authority or any agent acting on its behalf shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), that adheres to best practice environmental management. The CEMP shall include specific proposals for monitoring of the effectiveness of the environmental management measures outlined in the CEMP, shall include hours of working for the construction of the proposed development and shall be placed on the file and retained as part of the public record.

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

4. Prior to commencement of the development, details of measures to protect fisheries and the water quality of the river systems shall be outlined and placed on file. Full regard shall be had to the Inland Fisheries Ireland's published updated guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). A programme of water quality monitoring shall be prepared in consultation with the Contractor, the local authority and relevant statutory agencies and the programme shall be implemented thereafter. Details of the programme shall be placed on the file and retained as part of the public record.

Reason: In the interest of protection of receiving water quality, fisheries, and aquatic habitats.

5. A suitably qualified ecologist shall be appointed by the local authority to oversee the site set-up and construction of the proposed development in accordance with the mitigation measures set out in the Natura Impact Statement. Upon completion of the construction stage, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the local authority to be maintained on the file as part of the public record.

Reason: To ensure the protection of the designated sites during construction.

6. The detailed design of the proposed tie-ins between the flood defence walls and Parliament Bridge and all interventions to the quay walls including fenders, shall be the subject of a report by a Conservation Specialist prior to the commencement of works on the site, which shall be placed on the file and retained as part of the public record.

Reason: To ensure that the detailed design respects the special interests of Parliament Bridge and associated maritime features.

