

An
Bord
Pleanála

Board Direction
BD-015417-24
ABP-314940-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/02/2024.

The Board decided to approve the development generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the following:

- the nature and scale of the proposed development,
- the likely significant effects on the environment arising from the proposed development.
- the likely significant effects on the proper planning and sustainable development of the area.
- The likely significant effects on European sites arising from the proposed development including
 - the location of the proposed development and the considerable separation distance between the bridge and the Natura 2000 site in question,
 - the hydrological connection between the site and the European site via an adjacent watercourse and the dilution, dispersion and assimilative capacity of this watercourse
- the planning application particulars submitted by the applicant.
- the report and recommendation of the Inspector.

It is considered that:

- the proposed development would not be likely to have significant effects on the environment
- the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the site's conservation objectives
- the proposed development would be in accordance with the proper planning and sustainable development of the area

Proper Planning and Sustainable Development and Likely effects on the environment.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution or significantly adversely affect biodiversity in the area, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural archaeological and built heritage of the area, would not interfere with the existing land uses in the area and would improve the standard and safety of the public road. The proposed development would therefore be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment

The Board agreed with the screening assessment, Appropriate Assessment and conclusions contained in the Inspector's report that the Cork Harbour SPA (site code; 004030) is the only European site for which there is a likelihood of significant effects.

The Board considered the submitted Natura Impact Statement and all other relevant documentation and carried out an Appropriate Assessment in relation to the potential effects of the proposed development on the above referenced European site in the vicinity of the application site. The Board noted that the proposed development is not directly connected with or necessary for the management of a European site and considered the nature, scale and location of the proposed development, as well as the report of the inspector. In completing the Appropriate Assessment, the Board

adopted the report of the inspector and concluded that the proposed development, by itself, or in combination with other plans or projects in the vicinity, would not be likely to have a significant effect on any European site in view of the site's Conservation Objectives.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of 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. 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), incorporating all mitigation measures indicated in the Natura Impact Statement and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:
 - (a) The location of site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) The location of areas for construction site offices and staff facilities.
 - (c) Details of site security fencing and hoardings.
 - (d) Details of any car parking facilities for site workers during the course of construction.
 - (e) Details of the traffic management plan to be implemented on the bridge during the construction period including any stop-go system and or any directional signage.

- (f) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of the bridge during construction works.
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network or within the river channel.
- (h) Details of the construction methodology of all in-stream works including the construction of cofferdams to carry out works associated with the underpinning of foundations or cutwater repair.
- (i) Details of mitigation measures for noise and dust and the monitoring of such levels.
- (j) Containment of all construction- related fuel and oil within specially constructed bunds to ensure that any fuel spillages are fully contained. Such bunds will be covered to exclude rainwater.
- (k) Off-site disposal of any construction and demolition waste including the removal of any vegetation.

A record of daily checks to ensure that works are being undertaken in accordance with the construction management plan shall be kept for inspection by the planning authority.

Reason: In the interest of protecting the environment, including European Sites downstream of the subject site and other sensitive receptors and in the interest of public health.

3. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published 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.

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

4. Removal of mature vegetation on the bridge and areas in the vicinity of the bridge shall take place outside the bird breeding season.

Reason: In the interests of protecting wildlife

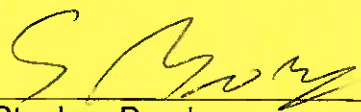
5. The County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

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

6. A suitably qualified ecologist shall be retained by the local authority to oversee the site set up and construction of the proposed development and implementation of mitigation measures relating to ecology set out in the Natura Impact Statement. The ecologist shall be present during site rehabilitation and repair works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

Board Member



Stephen Brophy

Date: 13/02/2024