

An
Bord
Pleanála

Board Direction
BD-016986-24
ABP-317575-23

The submissions on this file and the Inspector's report were considered at a Board meeting held on 15/07/2024.

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

Reasons and Considerations

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

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011-2015,
- (c) 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,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Great Island Channel SAC (001058) and the Cork Harbour SPA (004030)
- (e) the policies and objectives of the Cork County Development Plan 2022-2028,
- (f) the nature and extent of the proposed works as set out in the application for approval,

- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions and observations received in relation to the proposed development,
- (i) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter

Appropriate Assessment:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Great Island Channel SAC (001058) Cork Harbour SPA (004030) are the only European Sites in respect of which the proposed development has the potential to have a significant effect.

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Sites, namely the Great Island Channel SAC (001058) and the Cork Harbour SPA (004030), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and
- iii. the conservation objectives for the European Sites.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the

potential effects of the proposed development on the integrity of the aforementioned European Sites, having regard to the site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Sites, in view of the site's conservation objectives.

Proper Planning and Sustainable Development/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, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

While the Board agreed with the Inspector that there was limited information on file regarding the exact location of the proposed viewing platforms, the Board considered that, given their minor nature and scale and the indicative locations shown on Masterplan drawing WR (90) LP101, this element of the proposed development could be dealt with by way of condition.

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.

Reason: In the interest of clarity

2. All the mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those relating to management of Invasive Species, or as may be required in order to comply with the following conditions shall be implemented. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

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

3. The following additional mitigation measure shall be incorporated: -
 - a) All non-grassed surfaces within the park shall comprise bound material and/or paving slabs and no loose gravel or other unbound materials shall be used.

Reason: In the interest of protecting the environment.

4. Prior to the commencement of development, finalised plans and particulars regarding the precise location of the five proposed river viewing platforms shall be documented, following consultation with Inland Fisheries Ireland. Full details, including the outcome of this consultation, shall be provided and kept on file as part of the public record.

Reason: In the interest of clarity and of protecting the environment.

5. 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.

6. 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.

7. A suitably qualified Ecologist/Environmental Manager/Ecological Clerk of Works 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 EclA and NIS. The person shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed person 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.

8. The County Council and any agent acting on its behalf shall facilitate the preservation, recording, protection or removal of archaeological materials or features that may exist within the site.
 - a. A suitably qualified archaeologist shall be appointed by the County Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction works including all subsurface ground works.
 - b. Archaeological monitoring shall be carried out under a Section 26 (National Monuments Act 1930) licence and in accordance with an approved method statement. The method statement shall lay out the monitoring strategy for each location where works are proposed.


Should human remains be identified during the course of archaeological monitoring the services of a suitably qualified osteoarchaeologist should be on hand to provide professional advice and assistance.

- c. Licensed metal detection shall be undertaken in tandem with the monitoring. The method statement shall contain a Finds Retrieval Strategy that includes provision for the spreading, systematic searching and metal detection of a representative sample of excavated deposits in order to retrieve archaeological objects. The proposed percentage of spoil assessed should reflect the scale of proposed works for the Park and should be across the site. This should be set out in the submitted method statement. It can allow for the scaling down of metal detection if after an agreed timeframe there is minimal artefactual evidence forthcoming. A Detection Device consent (Section 2 1987 National Monuments Act) will be required for the metal detecting works. Note a period of 3-4 weeks should be allowed to facilitate processing and approval of licence applications and method statement.
- d. In order to ensure full communication is in place between the monitoring archaeologist and the works contractor at all times, a communication strategy shall be implemented that provides the monitoring archaeologist with adequate notice of all forthcoming works that require their attendance. Sufficient, suitably experienced and qualified, archaeological personnel shall be in place to cover all aspects of the monitoring works.

Prior to the commencement of development, details of the method statement and a time schedule for implementation of all measures above and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

Board Member


Martina Hennessy

Date: 16/07/2024