



An
Coimisiún
Pleanála

Commission Order ABP-321292-24

Planning and Development Acts, 2000 to 2022

Planning Authority: Cork County Council

Application by Cork County 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 Coimisiún Pleanála on the 19th day of November 2024.

Proposed Development: The proposed upgrading of an existing 2-kilometre-long pedestrian and cycle route, including the following:

- Upgrading 2 kilometres of existing 2.5-metre-wide pedestrian and cycle path to an approximate 4-metre-wide pedestrian and cycle path.
- Alterations to existing opening to stone masonry wall at Passage West Maritime Museum.
- Repair to existing steps, next to slipway at Passage West.
- New ducting and Light Emitting Diode (LED) lighting.
- Planting of new native Irish trees to compensate for some tree felling along the route at a ratio of 3:1, including the planting of new native Irish hedgerows.
- Upgrading of existing paths at the tie in points at Robert's Bridge Car Park.
- Ancillary and amenity elements including fencing, signage, shared pedestrian and cycle track markings, information boards, bike racks, picnic tables and benches.
- All associated site development and landscaping.

All located from the County/City boundary along the R610 regional road to Mariner's Quay, Passage West in the townlands of Ardmore and Pembroke, County Cork.

Decision

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

Reasons and Considerations

In performing its functions in relation to the making of its decision, the Commission had regard to:

- (a) Section 15(1) of the Climate Action and Low Carbon Development Act 2015, as amended by Section 17 of the Climate Action and Low Carbon Development (Amendment) Act 2021, and the requirement to, in so far as practicable, perform its functions in a manner consistent with Climate Action Plan 2024 and Climate Action Plan 2025 and the national long term climate action strategy, national adaptation framework and approved sectoral adaptation plans set out in those Plans and in furtherance of the objective of mitigating greenhouse gas emissions and adapting to the effects of climate change in the State,
- (b) Directive 2000/60/EC, the Water Framework Directive and the requirement to exercise its functions in a manner which is consistent with the provisions of the Directive and which achieves or promotes compliance with the requirements of the Directive,
- (c) the European Union Habitats Directive (92/43/EEC),
- (d) the European Communities (Birds and Natural Habitats) Regulations 2011, as amended,
- (e) 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,

- (f) the conservation objectives, qualifying interests, and special conservation interests for the Cork Harbour Special Protection Area (Site Code: 004030),
- (g) Project Ireland 2040 – the National Planning Framework,
- (h) the Regional Spatial and Economic Strategy for the Southern Region,
- (i) the National Cycle Policy Framework, 2009-2020,
- (j) the Strategy for the Future Development of National and Regional Greenways, 2018,
- (k) the policies and objectives of the Cork County Development Plan 2022-2028,
- (l) the policies and objectives of the Cork City Development Plan 2022-2028,
- (m) the nature and extent of the proposed works as set out in the application for approval,
- (n) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (o) the submissions and observations received in relation to the proposed development, and,
- (p) the report and recommendation of the person appointed by the Commission, to make a report and recommendation on the matter.

Appropriate Assessment: Stage 1:

The Commission agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment: Stage 2:

The Commission 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 Commission completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Cork Harbour Special Protection Area (Site Code: 004030), in view of the Site's conservation objectives. The Commission considered that the information before it was adequate to allow the carrying out of an appropriate assessment.

In completing the appropriate assessment, the Commission 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 Site.

In completing the appropriate assessment, the Commission 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 Site, having regard to the Site's conservation objectives.

In overall conclusion, the Commission 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 Site, 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.

Conditions

1. The proposed 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 interests of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Chapter 7 of the Natura Impact Statement (AtkinsRéalis, October 2024) and those set out in Chapter 6 of the Ecological Impact Assessment (AtkinsRéalis, October 2024), shall be implemented in full or as may be required in order to comply with the following conditions. 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, the protection of European Sites 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 an Invasive Alien Plant Species Management Plan, which will address the eradication of Invasive Alien Plant Species, tasks associated with the construction phase to avoid the risk of transporting or spreading Invasive Alien Plant Species and landscaping/re-vegetation phase on completion of construction to avoid the risk of Invasive Alien Plant Species re-establishing. The Invasive Alien Plant Species Management Plan shall also address the non-Third Schedule species identified within the Greenway site and shall include recommendations to manage non-Third Schedule species, to prevent further spread.

Reason: In the interest of proper planning and sustainable development.

4. 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 all other relevant reports, and demonstration of proposals to adhere to best practice and protocols. The CEMP shall also include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interests of environmental protection, residential amenities, and public health and safety.

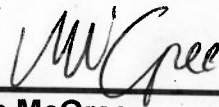
5. A suitably qualified Project Ecological Clerk of Works and Licenced Ecologist shall be retained by the local authority to oversee the site set up and construction phase of the proposed Passage Railway Greenway Improvement Scheme and the implementation of mitigation measures relating to ecology set out in the Natura Impact Statement. The ecologist shall be present during site construction 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. Where necessary, the project ecologist shall have 'Cease Works' powers.

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

6. All repair works to Robert's Bridge, Abbott's Bridge and Wooden Bridge (Protected Structures) shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in "Architectural Heritage Protection: Guidelines for Planning Authorities" issued by the Department of Arts, Heritage and the Gaeltacht in 2011. The repair works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to give rise to minimum interference with the fabric of the bridges.

Reason: To ensure that the character and integrity of the protected structures is maintained, and that the bridges are protected from unnecessary damage and loss of fabric.



Liam McGree

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 07th day of JULY 2025

