



An  
Bord  
Pleanála

## Inspector's Report ABP 307670-20

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<b>Development</b>	Construction of 67. No residential units and associated works.
<b>Location</b>	Junction of Hawke's Road and Bishopstown Road. Bishopstown. Cork.
<b>Local Authority</b>	Cork City Council
<b>Type of Application</b>	AA Screening Determination
<b>Applicant</b>	Connie Creed
<b>Date of Site Inspection</b>	September 8 <sup>th</sup> , 2020
<b>Inspector</b>	Breda Gannon

## 1.0 Site Location and Description

- 1.1. Cork City Council in collaboration with OBR Construction Group (“the developer”) is proposing to develop an apartment scheme at the junction of Hawke’s Road/Bishopstown Road. Cork. This case comprises a request from Connie Creed (Bishopstown Residents) for a direction from the Board to Cork City Council that an Appropriate Assessment of the proposed development should be carried out.
- 1.2. There is a concurrent request for the Board to make a screening determination under Article 250 of the Planning and Development Regulations 2001, as amended, as to whether the development application would be likely to have significant effects on the environment requiring EIA (ABP 307680-20).

## 2.0 Site Location and Description

- 2.1. The site is located in Bishopstown in the south-western suburbs of Cork city and is approximately 4km from the city centre. The site, which has a stated area of 1.06ha, lies at the junction of Hawke’s Road and Bishopstown Road. It is bounded by Bishopstown Road to the south, by Hawke’s Road and existing residential development to the east and existing residential development to the north and west. The site would be accessed from the south off Bishopstown Road and is connected to the N40 a short distance away at the Bandon Road Roundabout (Junction 3).
- 2.2. The area is predominantly residential in character comprised of detached/semi detached dwellings on substantial sites. The site is located close to local services/shops at Curraheen Road and to Wilton Shopping Centre. The area is also well serviced by several health and community facilities including Cork University Hospital (1.2 km) and Cork Institute of Technology.

## 3.0 Proposed Development

- 3.1. The proposal is to construct 67 no. apartment units over 8 blocks, in two and three storey blocks together with ancillary development. The scheme would include the following accommodation:
  - 10 No.1 Bedroom Apartments

- 17 No. 2 Bedroom Apartments
- 34 No. 2 Bedroom Maisonette Units, and
- 6 No. 3 Bedroom Maisonette Units.

3.2. It also includes 23 no. car parking space and 34 no. bike parking spaces, public open space and landscaping. The site would be connected to public water and foul water services. The wastewater generated by the proposed development would be treated in the Carrigrennan WWTP, located c.12km to the east at Little Island in Cork Harbour.

A copy of the Part 8 application was received from Cork City Council on August 18<sup>th</sup> 2020. It includes the following documents:

- Copy of site notice and newspaper notice
- Planning Statement
- Architectural Design Statement
- AA Screening Report
- EIA Screening Report Architectural Drawings
- Infrastructure Report
- Outdoor Lighting Report
- Engineering Drawings
- Architectural Drawings

## 4.0 Planning History

4.1. The planning statement prepared in support of the development provides some detail of the planning history relating to the site. The applications were for residential development or modifications to same. The most recent decision was in 2008 (08/32995) and related to alterations to previously approved development under 06/31158 and 05/30273

## 5.0 Request for Direction

- 5.1. In a letter received by the Board on July 15<sup>th</sup>, 2020, Ms Connie Creed, Bishopstown Residents Association, submitted a request for an AA screening determination. She raised concerns regarding the authenticity of Cork City Council's screening process. She noted conditions attached to a previous permission (05/30273) which required that measures be put in place to protect birds, bats, trees and hedgerows. These environmental considerations were not addressed in the current application.

## 6.0 Planning Authority Submission

- 6.1. An Appropriate Assessment Screening Report concludes that the proposed development would not be likely to have a significant effect on any Natura 2000 site.

## 7.0 Legislative Provisions

- 7.1. Under the provisions of article 250(3)(b) of the Planning and Development Regulations 2001, as amended, where any person considers that a development proposed to be carried out by a local authority would be likely to have a significant effect on a European site, he or she may apply to the Board for a determination as to whether the development would be likely to have such significant effect. Where the Board determines that a development would be likely to have a significant effect on a European site it would require the local authority to prepare a Natura Impact Statement.
- 7.2. The guidance contained in '*Appropriate Assessment for Plans and Projects in Ireland -Guidelines for Planning Authorities*' (DoEHLG 2009) advises that all plans and projects not directly connected to, or, for the management of a Natura 2000 site must be assessed for its potential significant effects on that site before any decision is made to allow that plan or project to proceed. Each plan or project must also be assessed for its possible in combination effects with other plans or projects. This process is designated 'appropriate assessment' and arises from obligations under Article 6(3) and 6(4) of the Habitats Directive.

## 8.0 Assessment

- 8.1. The proposal is to clear the site (1.06 ha) of existing rubble and vegetation and to construct an apartment scheme and associated development. Drainage from the site will be into the existing public collection system. Foul waste from the development would discharge into the existing foul sewer, treated in the Carrigrennan Waste Water Treatment Plant (WWTP) prior to discharge to the transitional water of Lough Mahon. The WWTP operates under a wastewater discharge licence (D0033-01).
- 8.2. A desktop and field survey was conducted to establish baseline conditions on the site. The habitats which were recorded during the site visit were classified according to Fossitt (2000). The habitats consist of Recolonising Bare Ground (ED3), Scattered Trees and Parkland (WD5), Scrub (WS1), Dry Meadows and Grassy Verges (GS2), Treelines (WL2) and Buildings and Artificial Surfaces (BL3). All of the habitats present on the site are rated of low ecological value and noted to be common in the wider landscape. No habitats listed as qualifying habitats for the SAC or corresponding with Annex 1 were identified. No high-risk invasive species were recorded.
- 8.3. A mammal survey was also undertaken during the site visit (8<sup>th</sup> October 2018). No protected mammals (otter, badger, bats) or signs of protected mammals were recorded. The bird species recorded within the site are listed in Table 8 of the Screening Report and are common in the Irish landscape. None of the bird species that occur on the site are qualifying interests of the SPA. No Red List bird species were recorded. Robin, Starling and Goldcrest are of moderate conservation concern (amber listed).
- 8.4. The site is not located within or immediately adjacent to any European site. The nearest site is Cork Harbour SPA located c 6 km to the east. It is acknowledged that the proposed development has the potential to result in significant effects on European sites in the area. The proposed development is not directly connected with, or necessary to the management of Natura 2000 sites, which triggers the requirement for Screening for Appropriate Assessment.
- 8.5. The AA Screening Report considers Natura 2000 sites within a 15km radius of the proposed development. There are no designated sites proximate to the development site. The report identifies 2 no. sites which could potentially be significantly impacted

through a source-pathway-receptor link. The sites are the Great Island Channel SAC (Site code: 001058) and the Cork Harbour SPA (Site code 004030). The sites are identified below, together with their qualifying interests and the distance to the development site.

European site (SAC/SPA)	Qualifying Interests	Distance
Great Island Channel SAC (Site code:001058)	[1140] Tidal Mudflats and Sandflats [1330] Atlantic Salt Meadows	5.93km
Cork Harbour SPA (Site code:004030)	[A004] Little Grebe [A005] Great Crested Grebe [A017] Cormorant [A028] Grey Heron [A048] Shelduck [A050] Wigeon [A052] Teal [A052] Pintail [A056] Shoevler [A069] Red-breasted Merganser [A130] Oystercatcher [A140] Golden Plover [A141] Grey Plover [A142] Lapwing [A149] Dunlin [A156] Black-tailed Godwit [A157] Bar-tailed Godwit [A160] Curlew [A162] Redshank [A179] Black-headed Gull [A182] Common Gull [A183] Lesser Black-backed Gull	12.67km

European site (SAC/SPA)	Qualifying Interests	Distance
	[A193] Common Tern [A999] Wetland and Waterbirds	

### Potential Impacts on European Sites and test of Likely significant effects

- 9.1.1. Great Island Channel SAC is located c12.67 east of the site. It comprises the north-eastern part of Cork Harbour. It stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains other sites of conservation interest. The site is of conservation interest for ‘*Tidal Mudflats and Sandflats*’ and ‘*Atlantic Salt Meadows*’, habitats listed on Annex 1 of the EU Habitats Directive.
- 9.2. Site specific conservation objectives have been published for the site and that is to maintain the favourable conservation condition of *Mudflats and Sandflats* and to restore the favourable conservation condition of *Atlantic salt meadows* as defined by identified attributes and targets. The site is also noted to be of high ornithological importance supporting important numbers of waders and wildfowl. The site synopsis identifies sewage outflows as one of the greatest threats to its conservation significance as well as road works, infilling and potential marina development. Much of the SAC falls within Cork Harbour SPA.
- 9.3. Cork Harbour SPA is located c 6km from the development site. It comprises a large sheltered bay system with several river estuaries. The site comprises most of the intertidal areas of Cork Harbour including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. The SPA is of major ornithological significance and is selected for a wide range of birds, some of which are included in Annex 1 of the Bird’s Directive. Site specific

conservation objectives have been published for the site which is to maintain the favourable conservation condition of all qualifying bird species.

- 9.4. The submitted AA Screening Report identifies the potential impacts that could arise during the construction and operational stages of the proposed development as follows:
- Loss of habitat
  - Impacts from noise and disturbance
  - Impacts on water quality
  - Cumulative impacts
- 9.5. Construction activity will take place entirely within the boundaries of the site, which removes the potential for any direct impacts on the SAC or the SPA during the construction or operational stages of the development. There will be no loss of habitat within the Natura 200 site and the habitats within the development site do not correspond to habitats listed on Annex 1 of the Habitats Directive, or to the qualifying habitats for the SAC. While the site may be used as feeding/foraging habitat for birds which are common in the Irish landscape, there will be no loss of any ex-situ foraging or roosting site for species of conservation interest.
- 9.6. There is potential for noise/disturbance to birds and mammals that may be present on the site. However, the site survey suggests that the site is not used by birds which are qualifying interests of the SPA. The bird species for which the SPA is selected are largely coastal, wetland and waterbirds, which with the exception of Golden Plover, Lapwing and Lesser Black-headed Gull would not generally favour inland habitats, particularly in a busy urban setting. No protected mammals were recorded on the site. The Board will note that the submission from Ms Connie Creed takes issue with the lack of provision for bats which are stated to exist within the development area. The SAC is not selected for bat species and accordingly this is a matter for consideration by the Board under the provisions of Article 250.
- 9.7. No watercourses have been identified within, or, in the immediate vicinity of the site which would act as conduits for pollutants during construction. No hydrological links between the development site and the designated sites have been identified. There



is, therefore, no potential for indirect impacts on any designated habitat or water dependent species arising from the construction stage of the development.

- 9.8. During the operational stage there is potential for indirect effects on the SPA/SAC arising from surface water and wastewater discharges. I note that stormwater will be directed to an attenuation tank to be provided on the site. It will be designed to cater for the 100-year storm event and will be provided with both hydrocarbon interception and silt storage capacity. This will prevent pollutants from being discharged from the site and facilitate controlled discharge during storm conditions.

Foul effluent will be discharged to the Carrigrennen WWTP, which has its primary outfall to the transitional waters of Lough Mahon. The outfall lies outside the boundaries of both the SAC and the SPA. Cork City Council have confirmed that the treatment plant has the capacity to treat the additional load associated with the proposed development.

The AA Screening Report refers to the 2017 Annual Environmental Report (AER) for the treatment plant, which provides a summary of the current operating conditions for the WWTP. There were non-compliances for the emission limit values (ELV's) set in the licence for Total P and Total N and this occurs as the plant does not provide nutrient removal. The discharge complies with the emission limit values under the Water Framework Directive. I note that water quality close to the primary discharge point in Lough Mahon is 'moderate' status. The overall conclusion reached in the AER report is that the treatment plant does not have an observable impact on receiving water quality. I note that similar conclusions are reached in the more recent 2018 AER.

I draw the attention of the Board to a report <sup>1</sup> referred to in the documentation submitted by Cork City Council. The report, which was completed in 2014, was commissioned by Cork County Council. Its purpose was to determine the current conservation status of the qualifying interests of Little Island SAC and to assess the likely impacts on the designated site of increased wastewater loadings generated by the 2022 population targets given in the draft Cork County Council Development Plan 2013.

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<sup>1</sup> Assessment of the Conservation Status of the Great Channel SAC. F.H O'Neill, J.T Brophy, F.M Devaney, R Nash & S.J Barron (June 2014)

In terms of the overall condition of the designated habitats, the conservation status of *Mudflats and sandflats* was assessed as *Unfavourable-Bad*. The conservation status of *Atlantic salt meadows* was assessed as *Unfavourable-Inadequate*. Inadequate water quality was identified as an issue within the SAC and it was noted that waste water treatment plants at Carrigtohill and Midleton discharged directly into the site and both were failing to meet the requirements of the Urban Waste Water Treatment Directive.

The conclusion reached was that the population targets proposed in the Plan would put further pressure in the SAC and upgrading waste water treatment infrastructure is listed as a priority, in terms of maintaining/restoring the favourable conservation of *Mudflats and sandflats*. Great Island Channel overlaps with the Cork Harbour SPA and the mudflats within the SAC are noted to be an important food source for birds and that the saltmarshes provide high tide roosts. It was also stated that eutrophication could affect the development of saltmarsh habitat. In terms of corrective action, I note that an upgrade of the Carrigtohill WWTP has been completed. I am not aware if any upgrade has been completed to the Midleton plant.

- 9.9. The Carrigrennan WWTP is not referred to in this report, possibly because the primary discharge point is located outside the SAC. The EPA licence documents state that Irish Water are in the process of resolving issues at the plant through the installation of a new ferric dosing unit, providing phosphorous treatment by 2020. Cork City Council have not indicated that such works are in progress/completed.
- 9.10. The proposed development will increase loadings to the Carrigrennan WWTP. This increase will be negligible (0.05%) compared to the overall capacity. The existing plant has a treatment design capacity of 413,200 P.E, which is currently operating to an average population equivalent of 325,748. It can, therefore, easily accommodate the P.E of 202.5 persons associated with the proposed development.
- 9.11. I am satisfied therefore that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in such concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

## **In Combination or Cumulative Impacts**

- 9.12. Cumulative impacts are considered in section 10.4 of the AA Screening Report. It is noted that the surrounding area is heavily urbanised with wastewater from other settlements and from local industries also discharging into Cork Harbour.
- 9.13. The expansion of Cork city is catered for through land use planning, including the Cork City Council Development Plan. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects on the integrity of any Natura 2000 sites. The city's wastewater treatment plant at Carrigrennan is considered to have adequate capacity to serve the city region's population targets set out in the Core Strategy.
- 9.14. The proposal is for a small residential development on zoned lands within the urban area. While the development will add marginally to the loadings to the WWTP, it is not considered that there would be any measurable impact on water quality or significant negative effects on Natura 2000 sites or their qualifying interests.

## **10.0 Conclusion on AA Screening**

- 10.1. The only pathway for potential impacts on Natura 2000 sites is via the discharge of wastewater to the WWTP. Having regard to the nature and limited scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built up urban area, the distance to the nearest European sites, and the insignificant additional loading to the wastewater treatment plant, which is operating without any significant impact on water quality, I consider that it is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on Great Island Channel SAC (site code:001058) or Cork Harbour SPA (site code 004030), in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

## 11.0 Recommendation

11.1. I recommend that the local authority be directed not to prepare a Natura Impact Statement in respect of the said development for the reasons and considerations set out below.

### Reasons and Considerations

Having regard to:

- (a) The nature and limited scale of the proposed development,
- (b) The separation distance between the proposed development and European sites,
- (c) the lack of identified hydrological connections between the proposed development and European sites,
- (d) the identified capacity in the Carrigrennan Waste Water Treatment Plant to cater for the discharges associated with the development,
- (e) the submission made on behalf of the local authority, including the Appropriate Assessment Screening Report dated January 2020.
- (f) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter,

It is considered reasonable to conclude that on the basis of the information available, which is considered adequate to issue a screening determination, that the proposed development, either individually and in combination with other plans or projects, would not be likely to have a significant effect on Great Island Channel SAC (site code:001058) or Cork Harbour SPA (site code 004030), in view of the conservation objectives of these sites and that a Stage 2 Appropriate Assessment and the submission of a Natura Impact Statement for the proposed development is not, therefore, required.

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Breda Gannon  
Senior Planning Inspector

16<sup>th</sup>, September 2020.