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|  | **Inspector’s Report**  |
| **312041-21** |
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| **Development** | Bóther Guidel Pedestrian & Cycle Bridge |
| **Location** | Bóthar Guidel, Carrigaline, Co. Cork |
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| **Local Authority** | Cork County Council |
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| **Type of Application** | Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment) |
| **Prescribed Bodies** | Transport Infrastructure Ireland, Inland Fisheries Ireland, Geological Survey Ireland |
| **Observer(s)** | Brian Murphy (Cork Cycling Campaign), Joanne O’Sullivan |
| **Date of Site Inspection** | 15th February 2022 |
| **Inspector** | Alaine Clarke |

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1. Introduction
	1. Cork County Council is seeking approval from An Bord Pleanála to undertake construction of a cycle and pedestrian bridge at Bóthar Guidel, Carrigaline, Co. Cork. The proposed bridge will traverse the Owenabue River (also known as Owenboy River) which forms part of the Cork Harbour SPA, a designated European site. The Great Island Channel SAC is proximate to the proposed works (see further analysis below). A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority based on the proposed development’s likely significant effect on a European site.
	2. Section 177AE of the Planning and Development Act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare a NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.
2. Proposed Development
	1. It is proposed to bypass the existing road bridge, Bóthar Guidel/Church Road, and traverse the Owenabue River via a new bridge to the immediate east of the existing bridge, catering for both pedestrians and cyclists. The proposed new pedestrian and cycle bridge seeks to enhance the safety and connectivity between the towns of Carrigaline and Crosshaven for all road users, particularly focusing on active travel modes.
	2. The proposed works comprise the following:
* a new bridge approx. 6m wide and 31m long and comprising a 2-way cycle facility and footpath;
* The bridge will consist of 12 no. concrete beams with concrete deck and reinforced concrete abutments of pile construction behind the existing wing walls;
* The deck of the bridge will be surfaced with an asphalt or bonded resin surface course.
* Handrails will be constructed of stainless-steel parapet posts supporting a stainless steel hand-rail.
* Parapets will include tension wire mesh and will be fitted with LED low energy lighting;
* Modifications to the boundary wall of the Sail Garden; this will entail the removal of the existing wall where the bridge ramp intersects with the existing sail wall to allow the ramp to integrate with the existing footpath.
* It is proposed to tie in with the proposed dedicated pedestrian and cycle walkway along Bóthar Guidel north of the Owenabue River.
* It is proposed to tie in with the existing footpath on the R612 south of the Owenabue River and east of the R612 roundabout.
	1. **Accompanying documents:**

The application is accompanied by the following documents:

* Natura Impact Statement (NIS);
* Ecological Impact Assessment (EcIA) Report;
* Road Safety Audit;
* Flood Risk Assessment;
* Construction and Environmental Management Plan;
* Environmental Impact Assessment (EIA) Screening Report and Determination;
* Appropriate Assessment (AA) Screening Report and Determination;
* design drawings; and,
* a list of Prescribed Bodies and copies of public notices;

Further information in respect of the following was requested by An Bord Pleanála:

* the likely consequences for the proper planning and sustainable development of the area;
* cumulative impact/in-combination effects of projects and plan;
* elevation drawings of the proposed bridge and associated works; and,
* an invitation to respond to submissions and observations received by the Board.

In response to a request for further information, the following information was submitted to An Bord Pleanála:

* an Addendum AA Screening Report and NIS;
* an Addendum to EIA Screening Report;
* elevational drawings;
* information in relation to the likely consequences for the proper panning and sustainable development of the area; and,
* a response to submissions/observations.

The further information was assessed in accordance with section 177AE of the Planning and Development Act, 2000, as amended, and was considered not to constitute significant further information.

1. Site and Location
	1. The proposed bridge will traverse the Owenabue River c. 250m east of Main Street (and associated bridge), Carrigaline. The site is in an urban location and is located immediately east of the existing Bóthar Guidel Road Bridge (R612). The Owenabue Sail Garden, located to the south, forms part of the site and extends along the Owenabue River. Lidl supermarket, associated carpark and the R612 4-arm roundabout are located south of the site. The Skate Park, located to the north, forms part of the site and also extends along the Owenabue River.
	2. Bóthar Guidel runs parallel in a north/south direction to Main Street and associated bridge. North of the bridge, Bóthar Guidel is a dual lane carriageway with dedicated cycleway to the east of the road, and a footpath to the west. The road narrows at bridge entry, and footpaths either side of the existing bridge are narrow.
	3. The site is located within the Cork Harbour SPA (site code 004030) and the proposed Natural Heritage Area (pNHA), Owenboy River (site code 001990).
2. Planning History
	1. The site of the proposed works partially overlaps with approved Part 8 scheme: Bóthar Guidel/Church Road Improvement Works. The scheme is located north of Bóthar Guidel bridge and extends northwards encompassing part of Church Road. The scheme included the following:
* the provision of improved 2-way cycle facilities along the eastern side of Bóthar Guidel;
* localised road widening on Church Road;
* an increase in length of the right turn lane on Bóthar Guidel; and,
* the provision of a right turn lane serving the Owenabue car park
	1. Of note in the immediate vicinity is:
* Cork County Council Reg. Ref. 21/5966: Lidl Ireland GmbH have sought permission to: demolish existing discount foodstore; close the entrance to the R612 roundabout; construct a public town car park and provide a new entrance via the R612 Strand Road. Permission is also sought for a new discount foodstore. This application is undecided at the time of writing this report.
1. Legislative and Policy Context
	1. **The EU Habitats Directive (92/43/EEC)**

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

## European Communities (Birds and Natural Habitats) Regulations 2011

These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements. The Regulations in particular require in Reg 42(21) that where an appropriate assessment has already been carried out by a ‘first’ public authority for the same project (under a separate code of legislation) then a ‘second’ public authority considering that project for appropriate assessment under its own code of legislation is required to take account of the appropriate assessment of the first authority.

## National nature conservation designations

The Department of Housing, Local Government and Heritage and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

The proposal is within the following designated sites:

* Cork Harbour SPA, site code 004030;
* Owenboy proposed NHA, site code 001990.

The following European site is located in proximity to the subject site:

* Great Island Channel SAC, site code 001058, 8.6km north-east.
	1. **Planning and Development Act 2000 (as amended)**

Part XAB of the Planning and Development Act 2000, as amended, sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

* 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
* Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
* Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
* Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
* Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
* Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
	+ The likely effects on the environment.
	+ The likely consequences for the proper planning and sustainable development of the area.
	+ The likely significant effects on a European site.

## Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities

Guidance is provided for the competent authority to assess any plan or project. The impact of any plan or project alone or in combination with other projects on the integrity of the Natura 2000 site is considered with respect to the conservation objectives of the site and the structure and function.

## National Planning Framework (NPF)

National Policy Objective 2a of the NPF seeks to deliver 50% of national population and employment growth within the four cities of Cork, Waterford, Limerick and Galway and to improve the collective offer in terms of quality of life. A key part of growing and diversifying Cork’s employment is an enhanced urban environment, including better housing choice and quality, new employment locations, improved public spaces and enhanced public transport as well as safe and pleasant options for walking and cycling.

The NPF sets out a number of national policy objectives focused on sustainable transportation, greater accessibility and improved air quality arising from increased use of alternatives to the car, including:

* NPO 27 - Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility…
* NPO 28 - Plan for a more diverse and socially inclusive society that targets equality of opportunity and a better quality of life for all citizens, through improved integration and greater accessibility in the delivery of sustainable communities and the provision of associated services.
* NPO 64- Improve air quality and help prevent people being exposed to unacceptable levels of pollution in our urban and rural areas through integrated land use and spatial planning that supports public transport, walking and cycling as more favourable modes of transport to the private car…

## Regional Spatial and Economic Strategy (RSES) for the Southern Region

Section 6.3.6.10 of the RSES deals with walking and cycling. Regional Policy Objective (RPO) 174 includes a list of 16 objectives including:

* Delivery of high-quality safe cycle route network across the Region and cycling environments (applicable to cities, towns and villages) with provision for segregated cycle tracks;
* Development of a safe cycling infrastructure to cater for the needs of all groups of cyclists, especially new cyclists, school children, elderly etc;
* Safe walking and cycle routes especially in the approach to schools;
* Greenways in the Region shall be linked up to a network to improve connectivity within the Region for walking routes and commuter cyclists in addition to recreational amenity functions;
* Creating a safer environment for pedestrians and cyclists off the arterial roads shall be supported by large scale 30 km/h limits (except for main arterial roads) and adequate junction re-design;
* A cycle network that is coherent, continuous and safe, particularly when going through busy junctions;
* Enhance pedestrian facilities in all urban areas in the region;
* Support accessibility to walking routes for people with disabilities.

The RSES includes the Cork Metropolitan Area Strategic Plan (MASP), within which is located Carrigaline. Objective 1(e) is relevant:

* Support communities in Metropolitan Towns through regeneration initiatives, investment to support retrofitting holistic infrastructures (physical, social, recreational, public transport, active travel networks including enhanced filtered mobility for pedestrians and cyclists inter alia), seek vibrant metropolitan communities with a high quality of life, mixed uses and services and seek the infrastructure led sustainable compact growth of metropolitan settlements.

The following RSES policies objectives are relevant:

* Policy Objective 7(a): It is an objective to prepare a Cork Metropolitan Area Transport Strategy;
* Policy Objective 8 details key transport objectives

(h) Walking… Seek and support greenways for walking in addition to cycling.

(i) Cycling… invest in infrastructure to support the integration of the cycle networks throughout the Cork Metropolitan Area…

* Policy Objective 21(b) Support the role of Cork as a WHO Healthy City and seek investment in the delivery of recreation, environmental improvements, active travel and health services infrastructure ….

## Cork Metropolitan Area Transport Strategy 2040 (CMATS)

The CMATS, published in 2020, is a coordinated land use and transport strategy for the Cork Metropolitan Area and was developed by the National Transport Authority (NTA) in collaboration with Transport Infrastructure Ireland (TII), Cork City Council and Cork County Council. It sets out a framework for the planning and delivery of transport infrastructure and services to support the envisaged growth. A guiding principle is to prioritise sustainable and active travel and reduce car dependency.

## Cork County Development Plan 2022-2028

The Cork County Development Plan 2022-2028 came into effect on 6th June 2022. The plan sets out the overall planning and sustainable development strategy for the County. While it is noted that a Ministerial Direction has issued (under section 31 of the Planning and Development Act, 2000, as amended) in respect of the Plan, I am satisfied that the issues raised in the Direction do not relate to the nature or type of proposed development or the site the subject of this application. In my opinion, the Direction has no material bearing on the proposed development.

The plan promotes the 10-minute town concept which in the context of transport, reduces the distances travelled and offers the opportunity to choose active travel modes. The Plan promotes high quality urban environments that maximise sustainable travel permeability to the standards in the Design Manual for Urban Roads and Streets (DMURS) and notes that cycling needs to become the norm for short trips and that cycle specific infrastructure will be required.

The Plan supports the implementation of the Cork Cycle Network Plan for the metropolitan included in the Cork Metropolitan Area Transport Strategy (CMATS) which includes the ‘Lee to Sea Greenway’ which passes through Carrigaline.

The following active travel objectives are relevant:

* TM12-2-1: to deliver a high level of priority and permeability for walking and cycling to promote accessible, attractive, liveable, vibrant and safe settlements to work, live, shop and engage in community life, within a ten minute walk of one’s home…
* TM12-2-2: Promote and facilitate an active travel culture in the County where active travel is a viable choice…
1. Support the delivery of the cycle network set out in the Metropolitan Area Cycle Network Plan...

d) Support the development of a safe, coherent and continuous cycling infrastructure…

g) Promote sustainable pedestrian and cyclist greenway initiatives, maximising the potential for inter connections between greenways, and connections from residential and employment areas to greenways…

* TM12-2-5: New paths and cycleways/ greenways and upgrades to existing paths and cycleways/greenways will be sensitively designed having regard to environmental, nature conservation, landscape and other heritage considerations, and committing, in particular to providing appropriate set-backs from water courses where new paths and cycleways/greenways are proposed along rivers, streams, lakes or other sensitive areas…

The following biodiversity and environment objectives are relevant:

* BE15-2:
	+ a) Protect all natural heritage sites which are designated or proposed for designation under European legislation, National legislation and International Agreements…
	+ b) Provide protection to species listed in the Flora Protection Order 2015, to Annexes of the Habitats and Birds Directives, and to animal species protected under the Wildlife Acts in accordance with relevant legal requirements…
* BE 15-13: Noise and Light Emissions b) Ensure noise-sensitive developments are adequately protected from potential sources of noise…
* BE15-4 b): Fulfil Appropriate Assessment and Environmental Impact Assessment requirements and carry out Ecological Impact Assessment in relation to Local Authority plans and projects as appropriate.

The following water management objectives are relevant:

* WM 11-2: Surface Water Protection: Protect and improve the status and quality of all surface waters throughout the County, including transitional and coastal waters.
* WM 11-3: Groundwater Protection: b) prevent or limit, as appropriate, the input of pollutants into groundwater and prevent the deterioration of the status of all bodies of groundwater.
* WM 11-11: River Channel Protection c) Where river crossings are considered necessary, clear span river crossing structures shall be used on fisheries waters where possible…
* WM 11-15, WM11-16 and WM11-17 are relevant and relate to the overall approach to flood risk and development in flood risk areas.

Volume Four of the County Development Plan relates to South Cork and includes objectives for the Carrigaline Municipal District Area, section 1.5 refers. The following is relevant:

* Objective CL-GO-05: …Support and implement the provisions of the Carrigaline Transportation and Public Realm Enhancement Plan.
* Objective CL-GO-08: Further expand the network of designated walking and cycling routes to provide safe, convenient and pleasant routes between the town’s main residential areas, schools and the town centre.
* With respect to the Carrigaline Transport and Public Realm Enhancement Plan (TPREP) the plan notes that an application for the proposed pedestrian and cycle bridge over the Owenabue River was recently submitted to An Bord Pleanála. This will link the cycle facilities along Bóthar Guidel with the Crosshaven pedestrian and cycle route and is a key intervention on the wider Passage West/Glenbrook/Monkstown to Crosshaven network.

## Carrigaline Transportation and Public Realm Enhancement Plan (TPREP)

The Carrigaline Transportation and Public Realm Enhancement Plan (TPREP), July 2021, is a framework devised by Cork County Council to address the transportation infrastructural issues and enhance the public realm required to support sustainable development of the town.

The Carrigaline population is highly dependent on cars for travel. The latest CSO Census data shows that the town has unusually high car ownership compared to other towns in County Cork with less than 20% of trips carried out by walking, cycling or public transport.

The TPREP notes that the enhanced pedestrian and cycle network will include a short section of the Carrigaline to Passage West Cycleway over the Owenabue River to provide improved access to the local schools on Bóthar Guidel. This route is identified as a strategic cycle route network. The TPREP notes that river crossing will provide improved access to the local schools on Bóthar Guidel. The site is in an ‘active travel priority zone’.

Section 4 of the TPREP indicates that the roundabout on the R612 south of the proposed development site is to become a signalised junction.

1. The Natura Impact Statement
	1. Cork County Council’s application for the proposed development was accompanied by a Natura Impact Statement (NIS) and an addendum submitted as further information, which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the site’s conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.
	2. The NIS describes the elements of the project (along or in combination with other projects and plans) that are likely to give rise to significant effects on the European sites. Potential impacts are set out as well as an assessment of their possible adverse effects on the conservation objectives of qualifying interest features and the mitigation measures that are to be introduced to avoid, reduce or remedy any adverse effects on the integrity of the European site.
	3. The assessment of impacts presented in the NIS found that there is potential for significant effects from the proposed development to significantly impact the Cork Harbour SPA, via surface water runoff during construction and operation. However, with implementation of mitigation measures in full, it is considered, beyond reasonable scientific doubt, that no adverse effects on the integrity of the European site would occur in light of the conservation objectives of that site.
2. Consultations
	1. The application was circulated to the following bodies:
* Department of Environment, Climate and Communications,
* Department of Culture, Heritage and the Gaeltacht (National Monuments Service) (National Parks and Wildlife Service)
* Department of Marine and Natural Resources
* Inland Fisheries Ireland (IFI)
* Geological Survey of Ireland (GSI)
* The Heritage Council
* An Chomhairle Ealaíon
* Fáilte Ireland
* An Taisce
* National Transport Authority
* Transport Infrastructure Ireland (TII)
* ESB Networks
* Irish Water
* Office of Public Works
* Eirgrid Plc
* Planning Department, Cork County Council
* Roads Department, Cork County Council

Responses were received from IFI, GSI and TII.

IFI

The IFI state that it has no objection in principle to the proposed development. There is potential for contamination of adjacent waters either from suspended solids or concrete. Appropriate conditions are necessary to ensure no escapement to waters can occur i.e., preparation and implementation of a construction management plan. Provision should be made to capture, treat and dispose of contaminated site waters.

GSI

GSI encourage the use of reference to its datasets that may be useful, and states that its records show that there are no unaudited County Geological sites in the vicinity of the proposed bridge works. The groundwater data viewer indicates two aquifers classed as a ‘locally important aquifer underlie the proposed bridge works. The groundwater vulnerability map indicates the areas surrounding the proposed bridge are classed as Moderate to High Vulnerability.

TII

TII advise that it expects that the requirements of TII publications for structures shall be implemented.

* 1. **Public Submissions:**

The following submissions on the application were received from members of the public:

Joanne O’Sullivan

* Major concern is lack of segregation both on the bridge and approaches to it – referring to the Road Safety Audit (RSA), ambiguous layout is a problem and a dedicated segregated pedestrian/cycling facilities should be provided connecting the bridge with the existing shared surface.
* Requirement to dismount is a hazard.
* White line segregation required and implementation of ‘keep left, pass on right’ rule.
* Proposal to take away a continuous shared path and replace it with an unsegregated path is a retrograde step; suggest take a greater sweep from Sail Garden.
* Adding an uncontrolled crossing at Bóthar Guidel is insufficient given history of accidents, a raised table/pelican should be the minimum having regard to proximity of park, would also act as a traffic calming measure.
* The Construction Environmental Management Plan fails to adequately consider pedestrian and cyclists during construction as there are no alterative footpaths to direct pedestrians. Suggests a pedestrian throughway must be maintained.
* Parking on footpaths and cycle paths should not be allowed. Staff parking should be to the rear of Owenabue Car Park instead of the compound.

Brian Murphy, Cork Cycling Campaign

Cork Cycling Campaign is a voluntary group that advocates for improved cycling conditions. The benefits to cycling are outlined. The proposal is welcome; considers segregation of pedestrians and cyclists has been achieved; scope for further improvement; council working toward one of the infrastructural elements of the proposed Strategic Cycle Route Network; urges the council to complete the development of the cycle corridor through Carrigaline. The TPREP lists the location of the scheme as an ‘active travel priority zone’ – the road junction is proposed to be upgraded to signalised junction and will be assigned to the Central Distributor Zone. Statistics on car dependency are referenced.

The following suggestions are made:

* Space given to southern junction area appears to be constrained and less than the overall width of the proposed bridge. The roundabout will become a signalised junction – suggest the planting area should be moved alongside the traffic lane to allow for cycle stacking/directness of route and improved legibility.
* Note that drawings indicate a 6m wide pedestrian and cycle walkway is proposed under a separate application. Preference is for segregation of pedestrians and cyclists.
* A dropped kerb proposed to the north of bridge but with no signalised crossing is unsafe. A road crossing point is needed at this location as per the RSA. If it is to facilitate cyclists to join the greenway, then the cycle desire line should be angled.
* Proposed steps to the south towards existing bridge are unsuitable for cyclists and may be incompatible with the proposed signalised junction and the proposed east-west greenway.
* Use of tactile paving should be reconsidered, as they can be dangerous for cyclists.
1. Assessment
	1. **The likely consequences for the proper planning and sustainable development of the area:**

The matters of relevance in this section are firstly, compliance with planning policy and secondly, accessibility and design, which I will address in turn.

Compliance with National, Regional and Local Policy

With regard to the principle of the proposed development, as outlined in Section 5 of this report, the National Planning Framework, the Regional Spatial and Economic Strategy for the Southern Region, the recently endorsed Cork Metropolitan Area Transport Strategy 2040 (CMATS) and the Cork County Development Plan 2022-2028 all support the transition from the car to more active travel modes, particularly for shorter trips.

I note Objective CL-GO-05 of the County Development Plan (Volume Four) to support and implement the provisions of the Carrigaline Transportation and Public Realm Enhancement Plan (TPREP). The TPREP notes the modal share in relation to walking and cycling are currently at 11% and 1% respectively and needs significant improvement in Carrigaline. In addition, it is noted that the Carrigaline population is highly dependent on cars for travel, with an unusually high car ownership of 95%. The TPREP notes that the existing road bridge within Carrigaline on the R612 Road (Bóthar Guidel) caters for the passage of vehicles over the Owenabue River and has relatively narrow footpaths on each side. The width of the paths flanking each side are not suitable to cater for both pedestrians and cyclists, thus forcing cyclists onto the busy road mixing with vehicular traffic. The existing bridge currently acts as a pinch point with the general area frequently suffering from traffic congestion on all approaches but more on Crosshaven Road in the mornings and Currabinny Road in the afternoons.

The enhancements include the improvement of the route safety and connectivity between the towns of Carrigaline and Crosshaven for all road users with particular focus on active travel modes. The proposal also encourages a modal shift to increased cycling and walking and a reduction of reliance on the car, particularly for short journeys, such as to nearby schools or the playground. The TPREP recognises the opportunity to connect this recreational and commuting facility to the heart of the town and to other orbital pedestrian and cycling routes.

Having regard to the foregoing it is abundantly clear that the development of the proposed bridge is considered to be a pivotal piece of infrastructure within the overall plan for the improvement of walking and cycling facilities in Carrigaline but will also facilitate the development of part of the cycling network as identified in Carrigaline TPREP. It is important to note that this plan is endorsed by the Elected Members of the Carrigaline Municipal District and is supported in the recently adopted County Development Plan. As such the proposed development is embedded within the statutory documents which guide the future development of Carrigaline.

Having regard to the foregoing, I am satisfied that the proposed development is in accordance with the policies and objectives of the Cork County Development Plan 2022-2028 and all other relevant National and Regional Plans as outlined above and would contribute towards a fully integrated and enhanced safety pedestrian/cycle route along Bóthar Guidel.

Accessibility & Design

The application is accompanied by a Preliminary Design Report, prepared by Arup & Partners Ireland Ltd, and a Road Safety Audit, prepared by Barry & Partners, Consulting Engineers.

As stated above, the new bridge will cater for both pedestrians and cyclists and will be approximately 6m wide and 31m long. The proposed development will link the improvement works project to the north with the existing pedestrian facilities to the south of the river. The deck of the bridge will comprise a concrete slab that will be surfaced with an asphalt or a bonded resin surface course. The handrails will be constructed of stainless steel. The parapets will include tension wire mesh and will be fitted with LED low energy lighting. The support structure of the bridge will be two precast concrete girders and will be fabricated off site. No structure or lighting columns are proposed above handrail height. A wooden bench is proposed mid-span. The bridge shall be demarcated in the form of surface finishes and lighting to segregate cyclists and pedestrians.

The central river span comprises double U trough prestressed concrete girders tied together with precast concrete deck slabs and a concrete topping slab which allows for a relatively slender overall structural depth (1.5m) for the span**.** The bridge deck level is to be similar to the carriageway surface level on the existing bridge. The bridge is to be set 2m from the edge of the existing bridge in accordance with TII publication DN-STR-03005-02 to prevent people crossing between both bridges.

It is proposed to tie in with the proposed dedicated pedestrian and cycle walkway along Bóthar Guidel north of the Owenabue River. A 1 in 20 gradient is proposed over 6m to make up the level difference from the existing ground level of +3.8mOD to the proposed bridge level of +4.1mOD. It is proposed to tie in with the existing footpath on the R612 south of the Owenabue River and east of the R612 roundabout. The Design Report notes that the existing footpath is substandard in width, and works are recommended to link the proposed pedestrian and cycle bridge with the Crosshaven greenway c. 50m further east, however these works are outside the scope of the current application. The Design Report indicates that the existing R612 roundabout may be reconfigured to a signalised junction; a position supported in the TPREP.

While no submission was received by the NTA, and the TII restricted its comments to request that the TII publications are adhered to, I note that the 2 no. submissions from members of the public raised concerns regarding specific design issues, which can be summarised as follows:

1. Move proposed planting area closer to the traffic lane;
2. Lack of proper segregation between cyclists and pedestrians;
3. Proposed dropped kerb north of bridge may encourage vulnerable road users to cross where it is not safe to do so;
4. The use of ladder tactile paving is dangerous to cyclists;
5. The proposed steps to the south of the bridge may be incompatible with any future signalised junction and any proposed east-west greenway;
6. Queries whether the existing path is a shared path as there is no ‘end’ sign at either approach to the existing bridge;
7. Pedestrian and cyclist safety during construction.

Having regard to the Road Safety Audit (RSA) and the detailed response to the submissions/further information prepared by Arup I consider the issues raised a) to g) below in the order set out in section 8.1.13 above.

1. Planting area:

The response to submissions states that the proposed planting arrangement is a temporary measure to ensure cycle and pedestrian safety coming from the bridge, pending proposals for a signalised junction in place of the R612 roundabout. The response states that it is not possible to move the planting area closer to the traffic lane, as the footpath needs to be retained to facilitate wheelchair users; it has however been reduced to give additional space to the new path. Having regard to the foregoing, I am satisfied the slight modification to the planting area is sufficient and allows for an increased area of cyclists while still accommodating the existing footpath alongside the road.

1. Segregation:

I note that the bridge will be shared use so that cyclists and pedestrians will occupy the same space together however demarcation in the form of surface finishes and lighting will be provided to increase user safety. I note section 1.9.4 of the National Cycle Manual which states that non-traffic short flat bridges are suitable for shared use with pedestrian priority. I am satisfied that the design elements of the bridge generally complies with the requirements set out in National Cycling Manual. I note that pedestrians have priority within the shared environment, i.e., pedestrian priority is required to be given in the mixed area at bridge access/egress aprons. I note the RSA recommended an interim and short-term measure south of the proposed bridge – to add signage for cyclists to dismount after crossing the bridges and the use of barriers to prevent cyclists entering the existing roundabout. The further information submitted by Arup now proposes to replace the ‘cyclist dismount’ sign with a ‘cyclist yield to pedestrians’ sign and further states that it is envisaged the upgrade of the roundabout to a signalised junction will allow for better integration of cycle and pedestrian facilities at this location. While I accept the ‘yield’ option may be an appropriate mechanism to deal with the transition zone and mix of pedestrian and cyclists, in this instance the Design Team initially suggested a dismount sign to address the Audit Team’s concerns; this measure was accepted by the Audit Team and for this reason I am reluctant to deviate from the recommendation set out in the RSA. I consider the dismount sign is necessary and note that it is a short-term measure, pending upgrade of the junction. Regarding segregation of cyclists on the approaches to the bridges, this issue is outside the scope of the current proposal though I note that planned Bóthar Guidel Road Improvement works provides for a segregated pedestrian and cyclist path on the approach to the bridge from the north.

1. Dropped kerb:

The proposed dropped kerb/lack of crossing point to the north of the bridge is addressed in section 2.5 and appendix 2 of the RSA. The RSA notes that the existing car park northwest of the bridge will act as a trip attractor to park and cycle on the greenway, which increases the risk of collision between pedestrian and cyclist and recommends that an appropriate crossing point should be provided on the desire line between the existing car park and the northern tie-in of the proposed bridge. The RSA feedback form (appendix 2) indicates that the recommended measure is accepted. The further information, however, states that it is not considered necessary or safe to provide an additional signalised junction, as there is an existing signalised junction 20m to the north; and that ‘no change’ to the plans are recommended. I am not satisfied that this issue is satisfactorily addressed. The RSA clearly calls for an appropriate crossing point at this location, which was accepted by the Design Team, yet no provision is made for same in the drawings or in the further information. Having regard to the proximity of the signalised junction 20m to the north and the obvious safety risk with the provision of a dropped kerb at this location in the absence of a signalised junction particularly for the visually impaired, I consider it appropriate that the proposed dropped kerbs north of the existing Bóthar Guidel bridge are omitted.

1. Tactile paving:

I note the further information response which states that the use of ladder paving is a safety measure to identify a change in environment. I further note that the National Cycling Manual at section 4.10.2 recommends the use of ladder tractile paving when transitioning from a cycle lane to a shared pedestrian footpath. I note the revised General Arrangement drawing (drawing no. 279224-ARUP-ZZ-ZZ-DR-CB-0004) submitted as further information extends the ladder tactile paving area across the width of northern transition area. I am satisfied that use of the ladder paving at this location is a necessary safety feature and is recommended practice in the National Cycling Manual.

1. Steps:

With respect to the proposed steps to the south of the proposed bridge, I note the further information which states that the steps are necessary to maintain pedestrian access to the existing bridge and that it is not intended that these steps would form part of the east-west cycleway. I consider that the response is reasonable and the need for the steps as this location is justified.

1. Existing path:

The submission claims that the existing footpath along the bridge is a shared path because there are no ‘end’ signs at either approach to the existing bridge. The existing footpath is not in use as a shared path, nor is it proposed to make this footpath a shared path. I am satisfied that the legibility of the paths along the proposed bridge and extent of the project will be satisfactorily demarcated having regard to the technical drawings submitted with the application / as part of the further information.

1. Construction works:

With reference to pedestrian and cycle safety during construction works, I note the further information which clarifies that pedestrian and cycle access from Bóthar Guidel to Carrigaline and Crosshaven will not be affected. I have therefore no concerns that pedestrian and cyclist safety will be unduly affected during construction works.

I have reviewed the National Cycle Manual and consider that the proposed bridge in terms of lane widths, transition zones, falls and gradients and materials to be used are in accordance with the standards of the manual. I note too that the Design Report and further information submitted on behalf of Cork County Council indicates compliance with TII documents including DN-STR-03005-02 Design Criteria for Footbridges and AM-STR-06030 Loads for Highway Bridges.

To conclude on matters relating to accessibility and design, I am satisfied that the proposed development is generally in accordance with the relevant provisions of the National Cycle Manual and the TII documents listed in section 8.1.15 above. Save for (i) the installation of the dropped kerbs off the existing Bóthar Guidel bridge, and (ii) a change of signage from ‘cyclist dismount’ to ‘cyclist yield to pedestrians’, which could give rise to traffic hazards, I am satisfied that the proposed development is otherwise satisfactory from an accessibility and design perspective.

## The likely effects on the environment

There is no provision under Section 177AE of the Planning and Development Act, 2000 as amended, to require Environmental Impact Assessment or to carry out a formal EIA Screening Determination for a Local Authority project, which was submitted under this section of the Act.

* + 1. The proposed development described as a pedestrian and cycle bridge (with a length of 31m) is not of a development type for the purposes of Part 10 listed in Schedule 5 of the Planning and Development Regulations, 2001 (as amended).  Furthermore, the proposal does not fall under any prescribed type of road development pursuant to Section 50 Roads Act, 1993 (as amended) that requires the preparation of an Environmental Impact Assessment Report.
		2. Section 2.3.3 of the “Environmental Impact of National Road Schemes – Practical Guide” (National Roads Authority, 2008) in relation to the Consideration of Environmentally Sensitive Sites states that if a proposed sub-threshold road scheme would be located on an environmentally sensitive site, the road authority shall decide whether it would or would not be likely to have significant environmental impacts.  In this regard, it is stated that in cases *“where the road authority concludes that significant environmental impacts are likely, it informs An Bord Pleanála, and, where the Board concurs, it issues a direction to the road authority to prepare an EIS. It is important to note that where the road authority considers that significant environmental effects are not likely, there is no requirement to inform the Board. However, in such circumstances, the grounds for the road authority’s conclusion should be recorded.”*
		3. An EIA Screening report has been prepared on behalf of Cork County Council to determine whether an EIAR is warranted for the proposed project. This document investigates whether the project has significant negative impacts on the environment having regard to its characteristics, location and type and characteristics of the potential impact. An addendum to the EIA Screening report is included with the further information submitted by Cork County Council which assesses the cumulative impact of the proposed scheme with additional nearby plans and projects.  The EIA Screening Report and addendum report concludes that there is no real likelihood of significant effects on the environment arising from the proposed development and that an EIA is not required.
		4. Cork County Council has therefore been advised that significant environmental impacts are not likely, notwithstanding the fact that Appropriate Assessment Screening concluded that an NIS was necessary.  I am in agreement that it is not necessary to inform the Board and Cork County Council’s conclusion is recorded within the EIAR Screening assessment of September 2021, as updated in April 2022.

In conclusion, I consider that while the proposed development would not give rise to significant environmental impact, the proposed works have the potential to give rise to a number of environmental effects largely related to flood risk, water quality, traffic, noise and vibration, visual amenity and biodiversity. The Appropriate Assessment Section of this report will consider these impacts in relation to the qualifying interests of the surrounding European designated sites.

Hydrogeology and Hydrology

A Flood Risk Assessment (FRA) has been prepared by Arup. It follows the guidance set out in ‘The Planning System and Flood Risk Management - Guidelines for Planning Authorities’ (DoEHLG, 2009). The flood hazard map shown indicates that the site of the proposed bridge is in Flood Zone A. Flooding associated with an extreme fluvial event in the Owenabue River is identified as the primary potential flood risk to the proposed development.

From a review of the Groundwater Flooding Data Viewer (GSI database), I note that the site is not impacted by groundwater flooding/flood risk at the site of the proposed bridge.

According to floodinfo.ie the proposed Carrigaline Flood Relief Scheme is under review to confirm the technical aspects and viability of the scheme and subject to outcomes, will then progress to Outline Design and Planning. I note section 1.4.73 in Volume 4, ‘South Cork’ of the Cork County Development Plan 2002-2028 which relates to Carrigaline and states in respect of flooding that “until the flood relief scheme is completed, significant new development in Flood Zones A and B is considered premature. Development in built up areas should be limited to minor development as defined by Section 5.28 of the Guidelines for Planning Authorities ‘The Planning System and flood Risk Management”. Whilst section 5.28 of the Guidelines relates to minor development, such as small extensions to houses, I am of the opinion that the proposed bridge is neither a minor development nor a ‘significant new development’. As stated, I am satisfied that the FRA submitted with the application has been prepared in accordance with the Flood Risk Management Guidelines. I further note that elsewhere, at section 1.4.16 of Volume 4 of the County Development Plan, that provision is made for the development of the pedestrian and cycle bridge over the Owenabue River.

The FRA notes, in respect of tidal flood risk, that there is a significant risk of tidal flooding in the vicinity of the site as both the existing bridge and area south of it are all within the 0.5% Annual Exceedance Probability (AEP) tidal flood extent. From an examination of floodinfo.ie I note that part of the site is also located within the 10% AEP tidal flood extent (high probability). A Stage 2 Initial Flood Risk Assessment, completed on behalf of Cork County Council, indicate that the proposed bridge site is within the 1% AEP floodplain from fluvial sources and the 0.5% AEP from coastal flooding.

Design flow estimation and modelling are considered in the FRA. Taking account of maximum tidal water levels at the site and applying a conservative approach (1 in 200 year (0.5 AEP) maximum tidal water level and allowing for climate change and a freeboard of 300mm, the site flood defence level equates to 3.64m OD. This level is lower than the proposed deck level of the bridge i.e., 4.1m OD and according to the FRA indicates a negligible impact on flooding at the proposed site and elsewhere. The bridge deck level will be similar to the carriageway surface level on the existing bridge.

The structure is designed to sit within the envelope of the existing bridge in order to ensure minimal impact on the flooding characteristics of the existing watercourse. It is also noted that the soffit of the proposed bridge has been set at +2.6mOD, 100mm higher than the soffit of the existing bridge. It is noted too that as the new bridge is downstream of the existing bridge and the abutments are to be set behind the existing bridge abutments the hydraulic capacity of the river due to debris is not deemed a concern.

As part of the site is within Flood Zone A the assessment contains a Justification test as outlined in Box 5.1 of the Flood Risk Management Guidelines with the development considered to be less vulnerable development as it is not intended for vehicular use or for emergency access.

Having regard to the information submitted including that the proposed development will be finished at a height above any potential flood levels I am satisfied that sufficient detail has been provided to support the conclusion that the proposed development would not be subject to flooding nor would it give rise to the risk of flooding elsewhere.

I note the EIA Screening Report states that there may be a requirement to pump excess water that enters the excavation areas however the volume of water will be low and limited to rainfall. The report notes that where dewatering is required, it shall be overseen and approved by a qualified hydrogeologist and will be passed through filtration tanks. I note section 5.2.6 of the CEMP submitted with the application indicates that competent experts may be engaged by the contractor to fulfil the obligations under the CEMP, which include a water specialist. I am satisfied, having regard to the CEMP that appropriate measures are provided for to ensure that any impacts on surface water, in particular the water quality of Owenabue River, can be appropriately mitigated.

Traffic Impact

The EIA Screening Report prepared by Arup considers potential effects, including those relating to traffic and transportation. The Report states that the level of traffic generated during the construction phase of the proposed development will be relatively low and will largely consist of general construction traffic for material deliveries, removal of waste material, and general plant (excavators, lifting equipment etc.).

During construction there may be a need to implement some minor traffic management measures on the R612 and Bóthar Guidel to facilitate the following:

* Works requiring multiple vehicle deliveries, such as concrete pours, will be planned so as to ensure there will no queuing on the public roadways around the working areas. Deliveries will be limited to outside of peak hours.
* The bridge beams will be constructed off-site and will be delivered to site on large flatbed trucks. Delivery and installation is likely to take place at night and/or during the weekend with road closures in place. This will be for a short period only to minimise impact to road users.
* The lifting of some or all of the new bridge components will need to be carried out from the existing vehicular bridge. This will involve the closure of the existing Bóthar Guidel bridge for one night.

The effect on the road network is expected to be temporary for the duration of construction and locally moderate negative. Application documentation indicates that traffic management proposals will be developed at construction stage.

The existing road bridge within Carrigaline on the R612 road (Bóthar Guidel) that caters for vehicles over the Owenabue River has narrow footpaths on each side of the carriageway allowing for limited pedestrian access across the bridge and forcing cyclists onto the busy road mixing with vehicular traffic. The operational phase of the proposed development will create a safe environment for pedestrians and cyclists and increase opportunities for active pedestrian and cycle transport with the potential to result in a modal shift away from private vehicle transport, towards more sustainable transport use. An overall significant positive effect on transportation is therefore likely to occur in the operational phase of the proposed development.

In conclusion, I consider that the proposed development will result in temporary disruption to traffic on the local road network affected by the project and would not result in any long-term negative traffic impacts. The proposed development, in in my opinion, will create a safer local traffic environment and will assist in facilitating an increase in active travel.

Noise and Vibration

The application is supported by a Construction Noise and Vibration Impact Assessment (CNVIA) prepared by Arup. The Assessment was prepared having regard to best practice documents, including Transport Infrastructure Ireland’s (TII) Good Practice Guidance for the treatment of Noise during the planning of National Road Schemes (TII 2014).

During the construction phase, noise and vibration arising from the operation of the plant and machinery as well as the construction methodologies being employed on site have the potential to cause local noise and vibration nuisances. Significant impacts are not expected during the operational phase.

Two noise sensitive residential locations were assessed. The Cork Harbour SPA was considered as a general sensitive area for the assessment. With respect to vibration, the same residential locations were used for vibration assessment. Indoor criteria were deemed appropriate to use outside in the absence of other guidance. Given that ground vibration levels can be perceptible whether they are felt inside or outside a building I consider this methodology acceptable.

The CNVIA notes that the site is located within a busy urban setting on the outskirts of Carrigaline. High levels of noise and disturbance from motor traffic as well as pedestrians and recreational park usage were noted throughout site surveys, both during the day and at night. The EIA Screening Report notes that according to the Cork City Council Noise Mapping, the R612 has an existing average daytime (7am- 7pm) noise value of 65-69dB. As such, there is a relatively high level of traffic noise in the baseline scenario.

For the noise sensitive residential locations, all noise levels are predicted to comply with TII guidance noise limits. For noise sensitive fauna locations the impact rating for all construction phases is predicted to be high for the unmitigated case, and moderate for the mitigated case. With respect to vibration, all vibration levels are predicted to comply with project vibration limits for vibration sensitive residents. Vibration velocities in the Owenabue Estuary are expected to exceed the vibration limit for continuous vibration activities. The negative impact on sensitive fauna is expected to be short term, with no long-lasting residual impacts.

A list of noise mitigation measures is proposed in section 5 of the CNVIA. With mitigation measures in place, noise and vibration impacts are expected to be short-term with no residual effects.

I am satisfied, having regard to the location of the proposed development in a busy urban environment, the baseline noise data, together with the temporary nature of the works, the best practice construction practices and mitigation measures that noise and vibration impacts are not significant and would be short-term with no residual effects.

Biodiversity

Along with the Natura Impact Statement (NIS), the application is also accompanied by an Ecological Impact Assessment (EcIA) prepared by qualified ecologists from Dixon Brosnan, Environmental Consultants and a Construction and Environmental Management Plan (CEMP) prepared by Arup. The EcIA was supported by a number of surveys including, habitat mapping, survey for invasive species, breeding bird surveys, winter bird surveys, mammal survey and a bat detection survey. In addition to the foregoing, this assessment has had regard to the Inspectorate Ecologist’s report, attached as an appendix to this report.

It is noted that works will take place within the boundary of the Cork Harbour SPA and the Owenabue River pNHA in the Sail Garden south of the River. The EcIA notes that this area of the pNHA is within an existing amenity area with low value scrub/woodland habitat. I agree that this part of the pNHA is of low value habitat. With the exception of the pedestrian and cycle path it is proposed to reinstate the habitat following completion of the works. The habitats within the Owenabue River pNHA are valuable for their support of wintering birds. No works will take place within estuarine habitats. The EcIA states there will be no impact on the pNHA as a result of the proposed development.

No rare species of flora were recorded during the site survey. No scheduled or high-risk invasive species were recorded within the proposed development site or works area. Two other invasive species namely Buddleia and Traveller’s Joy were recorded within the site boundary; these will be removed via mechanical movement and herbicide treatment if required. The EcIA considers there will be no risk from the spread of these species during the construction phase or during the operational phase.

In respect of fauna, the EcIA notes the following:

* Otter have been recorded within the Owenabue River at the Bóthar Guidel Bridge on occasion and use the river, both upstream and downstream of the site. No holts, couches or sprainting sites were noted during ecological surveys carried out for the proposed development.
* The survey area is considered of high local value as a foraging resource for local bat populations. It is probable that the bats recorded during site surveys are roosting in relatively close proximity to the proposed development area. The Bóthar Guidel Bridge does not have the structural elements to be of value as a bat roost. It is noted that trees within the proposed development site do not provide suitable roosting habitat for bats i.e., cracks/crevices.
* Due to the habitats present within the proposed site other species could occur, i.e., Pygmy Shrew and hedgehog.
* A total of 31 bird species were recorded during breeding surveys including one Annex I species, Little Egret. While only three species were confirmed to be breeding, the majority of terrestrial species recorded are likely to breed in the vicinity of the study area. Kingfisher, an Annex I species, was recorded on the banks of the Owenabue Estuary during winter bird surveys. No Kingfisher nesting sites were recorded. There is no suitable breeding habitat for either Cormorant and Grey Heron, (both of which are SCI species for the Cork Harbour SPA), in the vicinity of the proposed development site.
* A total of 18 waterbirds were recorded during winter surveys. No birds were recorded in nationally or internationally important numbers. Ten Special Conservation Interest (SCI) species for the Cork Harbour SPA were recorded. Overall bird numbers within the study area were reported to be low.

The proposed development has the potential to impact on the water quality of the Owenabue River, and the wetland habitats of Cork Harbour SPA, if emissions or sediments from the construction works area or compound were to enter the river. The introduction of alien species on machinery could also have an impact. Increased pedestrian activity, noise and lighting associated with the proposed bridge could potentially increase levels of disturbance. Increased dust levels during construction could have localised impacts on vegetation and habitats. The issues arising from the proximity/connectivity to European Sites and impacts on water dependent habitats and key species of conservation interest are dealt with in the Natura Impact Statement and is considered in more detail in Section 8.3 of this report.

Given the busy urban setting and the existing bridge adjacent to the proposed bridge, the EcIA considers that the impact on local populations of protected mammals is predicted to be imperceptible, and impacts on other fauna i.e., rabbit, fox, badger and hedgehog species will be imperceptible.

During construction, night-time works will be limited to deliveries and the positioning of the bridge, which will be completed in one night. Construction lighting at night will be minimal. During operation the lighting of the bridge will be incorporated into the parapet posts and there will be no lights above handrail height, thus ensuring no light spillage.

While the limited tree removal may result is a slight loss of foraging habitat for bats, there will be no significant impact on foraging or habitat connectivity for bats.

The proposed construction activities will result in an increase in noise and disturbance, however it will not be significant in the context of the otter’s ability to move away from and/or adapt to short-term disturbance.

Mitigation measures will ensure light and noise levels during construction will be kept to a minimum. Following construction, noise and disturbance is likely to return to pre-construction levels. While the proposed bridge will be closer to the estuarine habitat than the existing bridge it will not result in a significant change in disturbance levels.

With respect to birds, whilst works could potentially disrupt local feeding patterns of breeding and wintering birds, the impact is predicted to be slight given the availability of similar habitat in the area. A range of noise levels have been identified as potentially causing disturbance to waterbirds.

Mitigation measures are addressed fully in section 12 of the EcIA. The measures include details specified in industry specific guidelines (e.g. NRA/TII and Inland Fisheries Ireland), general “good housekeeping” measures which includes management of waste, working hours, detail on fencing and hoarding to reduce visual impacts, services and lighting, noise and vibration. A surface water management plan, fuel and oil management plan, erosion and sediment control measures will be implemented to protect the Owenabue River and Estuary. Mitigation measures are detailed for habitat and tree protection, bats, otter and the prevention of spread of invasive species. I am satisfied that these measures once implemented and supervised will be effective in avoiding significant effects. No operational mitigation measures are required.

I consider that adequate information has been submitted regarding the baseline ecological conditions and potential impacts. Having regard to the information in the EcIA and the CEMP, and the Inspectorate Ecologist’s assessment (appended to this report) I am satisfied that subject to best work practices and the implementation of prescribed mitigation measures, there will be no significant negative impact on biodiversity as a result of the proposed development.

Visual Amenity

The EIA Screening Report submitted with the application includes consideration of landscape and visual impacts of the proposed development.

The Cork County Development Plan 2022-2028 indicates that the site is located within the ‘City Harbour and Estuary’ landscape character area, a ‘very high value landscape’ with a ‘very high sensitivity landscape’; these landscapes are extra vulnerable landscapes which are likely to be fragile and susceptible to change.

Whilst the proposed development will introduce a new structure of significance in terms of use or purpose, the location of the proposed bridge and the lightweight massing of the bridge with similar height dimensions to the existing adjacent road bridge would not in my opinion significantly alter the character of the surrounding landscape and would be an acceptable intervention in the townscape setting. I consider that the proposed bridge will provide an attractive amenity for pedestrians and cyclists to enjoy views of the estuary and the surrounding area and will provide a significantly improved experience in terms of safety and enjoyment of this river crossing. It is also important to note that the proposed bridge is not visible upstream.

* 1. **The likely significant effects on a European site:**

The areas addressed in this section are as follows:

* Compliance with Articles 6(3) of the EU Habitats Directive
* The Natura Impact Statement
* Appropriate Assessment

Compliance with Articles 6(3) of the EU Habitats Directive

The Habitats Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Article 6(3) of this Directive requires that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. The competent authority must be satisfied that the proposal will not adversely affect the integrity of the European site.

The proposed development is not directly connected to or necessary to the management of any European site and is therefore subject to the provisions of Article 6(3).

The Natura Impact Statement

As stated,the application was accompanied by a NIS which described the proposed development, the project site and the surrounding area. The NIS and Addendum to NIS submitted as further information should be read together. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required on the basis that there is potential for the proposed development, alone or in combination with other projects, to significantly impact the Cork Harbour SPA via impacts on water quality and disturbance to qualifying interests. The NIS outlines the methodology used for assessing potential impacts on the wetland habitat and bird species that are qualifying interests of the SPA. It identifies and assesses the potential for adverse impacts on qualifying interest features and mitigation measures are detailed and described and in-combination effects assessed.

The NIS was informed by the following studies, surveys and consultations:

* A desk top study
* Habitat surveys
* Bird breeding surveys
* Winter bird surveys
* Reference to a number of publications, data and datasets.

The NIS considers the main impacts to be related to the impact from surface water runoff during construction, impacts to bird species from visual disturbance and noise during construction and in-combination effects. There will be no direct impacts in the SPA and no loss of wetland habitat associated with the bridge construction.

The report concluded that, subject to the implementation of mitigation measures, that the construction and operation of the proposed development will not adversely affect (either directly or indirectly) the integrity of any European site, either alone or in combination with other plans or projects.

Having reviewed the NIS and supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions, clearly identifies the potential impacts, and uses best scientific information and knowledge. Details of mitigation measures are provided, and they are summarised in Section 6 of the NIS and will be implemented via the CEMP, the final draft of which would be compiled by the eventual contractor. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

Appropriate Assessment Screening

Section 177AE sets out the requirements for appropriate assessment (AA) of development carried out by or on behalf of a local authority. Section 177(AE) (3) states that where a Natura Impact Statement has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the AA. There is no requirement for the Board to undertake screening in these cases as it presupposed that the Local Authority has established the need for AA through its own screening process (unless issues arise as to the adequacy or otherwise of the screening determination by the applicant). Nonetheless, it is considered prudent to review the screening process to ensure alignment with the sites brought forward for AA and to ensure that all sites that may be affected by the development have been considered.

I note that a screening statement from Cork County Council, updated in the further information, was provided with the application. The statement concluded on the basis of objective information and in view of best scientific knowledge, the possibility of significant effects from the proposed project on European sites could not be ruled out and therefore an Appropriate Assessment was required. The AA screening concluded that there was potential for the proposed development to significantly impact the Cork Harbour SPA, via surface water runoff during construction and operation.

Screening Determination

Having regard to the information and submissions available, nature, size and location of the proposed development and its likely direct, indirect and cumulative effects, the source pathway receptor principle and sensitivities of the ecological receptors the following European Sites are considered relevant to include for the purposes of initial screening for the requirement for Stage 2 appropriate assessment on the basis of likely significant effects.

European sites considered for Stage 1 screening are listed in table 8.1.

**Table 8.1: European sites considered for Stage 1 screening**

| **European site (SAC/SPA)** | **Qualifying Interests and conservation objectives****M: maintain favourable conservation condition****R: restore favourable conservation condition** | **Distance** |
| --- | --- | --- |
| **Great Island Channel SAC****Site Code 001058** | Mudflats and sandflats not covered by seawater at low tide [1140] MAtlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] R | 8.6km northeast of the proposed development. |
| **Cork Harbour SPA****Site Code 004030** | M for all:Little Grebe (Tachybaptus ruficollis) [A004]Great Crested Grebe (Podiceps cristatus) [A005]Cormorant (Phalacrocorax carbo) [A017]Grey Heron (Ardea cinerea) [A028]Shelduck (Tadorna tadorna) [A048]Wigeon (Anas penelope) [A050]Teal (Anas crecca) [A052]Pintail (Anas acuta) [A054]Shoveler (Anas clypeata) [A056]Red-breasted Merganser (Mergus serrator) [A069]Oystercatcher (Haematopus ostralegus) [A130]Golden Plover (Pluvialis apricaria) [A140]Grey Plover (Pluvialis squatarola) [A141]Lapwing (Vanellus vanellus) [A142]Dunlin (Calidris alpina) [A149]Black-tailed Godwit (Limosa limosa) [A156]Bar-tailed Godwit (Limosa lapponica) [A157]Curlew (Numenius arquata) [A160]Redshank (Tringa totanus) [A162]Black-headed Gull (Chroicocephalus ridibundus) [A179]Common Gull (Larus canus) [A182]Lesser Black-backed Gull (Larus fuscus) [A183]Common Tern (Sterna hirundo) [A193]Wetland and Waterbirds [A999] | 0m - Development site is within this European Site |

Based on my examination of the NIS report and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, their conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I would concur that a Stage 2 Appropriate Assessment is required for one of those European sites referred to above, that being the Cork Harbour SPA.

Great Island Channel SAC can be screened out from further assessment because of the nature and scale of the proposed works, the nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the European site. It is therefore reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site no. 001058, Great Island Channel SAC, in view of the site’s conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for the site. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Appropriate Assessment

Cork Harbour SPA - Description of Cork Harbour SPA

Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenabue and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour.

Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e., > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Redbreasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank, Blackheaded Gull, Common Gull, Lesser Black-backed Gull and Common Tern. The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland and Waterbirds.

Cork Harbour SPA – Conservation Objectives

The Conservation Objectives for the Cork Harbour SPA notes that the overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. The NPWS has prepared site specific conservation objectives, attributes and targets for the special conservation interests (SCI) associated with the Cork Harbour SPA, which can be found online at the NPWS website.

It is a conservation objective for Cork Harbour SPA to maintain the favourable conservation condition of the qualifying interests 23 no. bird species and that of the wetlands habitat listed in Table 8.1. I consider the qualifying interests are at risk of potential impact from the proposed development.

Cork Harbour SPA – Potential Direct Impacts

The NIS (Table 19 – Predicted impact as a result of the proposed development) states that there will be no direct loss of habitat within the Owenabue Estuary/River. I also note that no instream works are proposed within the Owenabue Estuary. The permanent area occupied by the wetland habitat will not be affected and therefore there will be no direct adverse effect on this aspect of the SPA.

I note that the Screening Report states that structures adjacent to an estuarine environment have the potential to create a collision risk for birds under certain circumstances. However, I note and agree with the Screening report that the proposed bridge will not be a collision risk for birds for the following reasons:

* The proposed bridge is adjacent to the existing bridge and follows the same contours and height as the existing bridge;
* There is sufficient clearance underneath for flying birds;
* No lighting columns or glazing is proposed;
* Two cranes will be used for a temporary period of 2-3 days and no significant risk of bird collision will occur.

I am satisfied, based on the information provided in the NIS, and having regard to the nature and scope of works proposed that there will be no potential direct impacts on the qualifying interest habitats or species of the Cork Harbour SPA.

Cork Harbour SPA – Potential Indirect Effects

The NIS notes that given the proximity of the proposed development site to the SPA boundary, potential effects could occur. The NIS considered the following potential impacts:

* Impacts from surface water runoff during construction;
* Impacts from visual disturbance during construction;
* Impacts from noise disturbance during construction; and
* In-combination impacts.

The NIS states that during the construction phase, the scale of the works will be small and there is no potential for significant hydrocarbon spills. Therefore, in the unlikely event of a minor hydrocarbon spill and in the context of the available dilution in Owenabue Estuary and Cork Harbour, impacts are highly unlikely to occur. Although no instream works are proposed within the Owenabue Estuary, there is potential for sources of silt to arise during construction works, particularly during concrete pouring for bridge abutments, to enter the watercourse.

The NIS states with the exception of the bridge placement works, which will take place over one night, the largest visual disturbance to waders will be the presence of the pilling rig and cranes during piling works and the presence of personnel at the Sail Garden. Works on the northern banks will be largely screened from the SPA by existing riparian vegetation which will be retained. No significant visual disturbance impacts are predicted to occur during the operational stage of the development.

With respect to noise disturbance, the NIS states that potentially increased noise associated with construction works could cause disturbance/ displacement of SCI species. Noise levels from piling works are expected to reach 90dB at 10m distance. The NIS further states that noise levels of 70dB and above are regularly cited within the literature as being the threshold beyond which disturbance to estuarine bird species can be predicted to occur, whilst acknowledging that the site is in a high noise environment, adjacent to a busy road.

I am satisfied, having regard to the NIS that there will be no significant decrease in the range, timing or intensity of use of areas by any of the SCI species of the SPA other than that occurring from natural patterns of variation.

Potential in-combination effects

The NIS and addendum to the NIS, submitted as further information, consider relevant plans and development proposals in the area that could result in cumulative effects. The NIS and addendum to same states that in-combination impacts of plans and projects is unlikely to have a significant effect on the Cork Harbour SPA. I do not consider that there are any specific in-combination effects that arise from other plans or projects and agree with findings of the NIS in this regard.

Mitigation measures

Section 6 of the NIS details mitigation measures to be employed during construction, including environmental management, duties, and responsibilities pf personnel. The mitigation measures include:

* piling works will avoid peak bird numbers within the October to March period;
* hoarding or fencing, c. 2.4m hoarding of density of at least 7kg/m2, will be provided around construction works before any significant construction activity commences in that working area to avoid visual disturbance and reduce noise emissions to birds foraging within the SPA;
* lighting will be positioned and directed as not to unnecessarily intrude on adjacent ecological receptors;
* during construction, regular inspections will be undertaken to ensure that the noise and vibration minimising methods are adopted on site and are working effectively;
* site representatives will be appointed to be responsible for matters relating to noise and vibration;
* chemicals will be stored in sealed containers and applied in such a way as to avoid any spillage or leakage;
* any spillages will be immediately contained, and contaminated soil removed from site and disposed of in a licence waste facility;
* potential soil and water pollution will be minimised by the implementation of good construction practices. Such practices will include adequate bunding for oil containers, wheel washers and dust suppression on site roads, and regular plant maintenance;
* where at all possible, soil excavation will be completed during dry periods and undertaken with excavators and dump trucks;
* a contingency plan for pollution emergencies will also be developed prior to the commencement of works and regularly updated, which would identify the actions to be taken in the event of a pollution incident;
* sediment fences/silt traps will be provided at locations where surface water run-off may enter/leave the working areas;
* pre-cast concrete will be used where possible. Concreting works will be carried out in dry conditions where possible and concrete works will be strictly controlled and monitored;
* disposal of raw or uncured waste concrete will be controlled;
* wash water from cleaning ready mix concrete lorries and mixers may be contaminated with cement and is therefore highly alkaline, therefore, washing will not be permitted on site;
* on reinstatement, the surface of the ground restored as near as practicable to its original condition.

In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

Residual effects/Further analysis

In consideration of the outlined mitigation measures which shall be implemented to prevent any potential impact on the qualifying interests of the Cork Harbour SPA, I am satisfied that no residual impact is anticipated as part of this proposal.

NIS Omissions

None noted.

Cork Harbour SPA - Suggested related conditions

A number of measures are proposed which can be implemented by way of condition, should be Board decide to grant permission, and are set out in full in section 6 of the NIS, some of which are set out in section 8.3.40 above and relate to timing of works, good house-keeping, noise and vibration minimisation and pollution control. I consider it appropriate, in the event of a grant of permission, and having regard to the nature of the works in in a SPA to require the appointment of a project ecologist oversee the construction works. Application of mitigation measures are expressly provided for in the schedule of conditions below.

Cork Harbour SPA - Conclusion:

Following an examination and evaluation of the material submitted with the application, and the report from the Inspectorate Ecologist on the adequacy of the information submitted with the application, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on Cork Harbour SPA. I am satisfied that the applicant has examined all the features that could be affected in view of the individual conservation objectives attributable to the Cork Harbour SPA. I consider that the information provided in the NIS and Addendum to same allows for a detailed assessment of the implications of the proposal on the conservation objectives of this European Site and complete, precise, and definitive findings for the purpose of Appropriate Assessment.

Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA, in view of the sites Conservation Objectives, subject to the implementation of mitigation measures outlined above. In my view the mitigation measures are appropriate to the risks identified and would if implemented correctly be sufficient to avoid any adverse effect on site integrity.

Appropriate Assessment Overall Conclusion:

The proposed Bóthar Guidel pedestrian and cycle bridge have been considered in light of the assessment requirements of Section 177AE of the Planning and Development Act 2000, as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that the project may have a significant effect on Cork Harbour SPA. 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.

This assessment is informed by the report from the Inspectorate Ecologist. Following an examination and evaluation of the material submitted as part of the application, and the report from the Inspectorate Ecologist, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on Cork Harbour SPA.

Following Appropriate Assessment, my recommendation is that it can be ascertained beyond reasonable scientific doubt that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of Cork Harbour SPA or any other European site, in view of their Conservation Objectives.

I am satisfied that the project will not cause any delays or interrupt progress towards achieving the conservation objectives of the sites and will not disrupt factors that help maintain the favourable conservation conditions of the site.

1. Recommendation

On the basis of the above assessment, I recommend that the Board approve the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

**Reasons and Considerations**

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

1. the EU Habitats Directive (92/43/EEC),
2. the European Union (Birds and Natural Habitats) Regulations 2011-2021,
3. 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,
4. the conservation objectives, qualifying interests and special conservation interests for the Cork Harbour SPA (site code:004030),
5. the policies and objectives of the Cork County Council Development Plan, 2022-2028,
6. the nature and extent of the proposed works as set out in the application for approval,
7. the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
8. the submissions and observations received in relation to the proposed development, and
9. 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 Cork Harbour SPA (site code:004030), is 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, the report from the Inspectorate Ecologist and the Inspector’s assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Cork Harbour SPA (site code: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:

1. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
2. the mitigation measures which are included as part of the current proposal, and
3. the conservation objectives for the European Site.

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 Site, 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 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:

(a) have significant negative effects on the environment or the community in

the vicinity,

(b) give rise to a risk of pollution,

(c) be detrimental to the visual or landscape amenities of the area,

(d) seriously injure the amenities of property in the vicinity,

(e) adversely impact on the cultural, archaeological and built heritage of the

area and

(f) 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**

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|  | The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and additional plans and particulars submitted on 11th April 2022, 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. |
|  | The mitigation and monitoring measures identified in the Natura Impact Statement submitted with the application shall be implemented in full except as may otherwise be required in order to comply with other 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. |
|  | 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 Ecological Impact Assessment and demonstration of proposals to adhere to best practice and protocols. The CEMP shall include:1. all mitigation measures indicated in the Natura Impact Statement;
2. specific proposals as to how the measures outlined in the CEMP will be measured and monitored for effectiveness;
3. methods to avoid pollution of the Owenabue River / Estuary;
4. methods to avoid and minimise disturbance to SCI bird species.

**Reason:** In the interest of protecting the environment. |
|  | The scheme shall be modified as follows:1. the proposed dropped kerbs immediately north of the existing bridge (east and west of Bóthar Guidel) shall not be installed as part of the works under this scheme;
2. A ‘cyclist dismount’ sign shall be erected south of the proposed bridge for a temporary period until such time as the planned upgrade works to the R612 junction are undertaken.

**Reason:** In the interest of pedestrian and traffic safety. |
|  | The following nature conservation requirements shall be complied with:1. piling works and bridge abutment works will take place outside the winter bird season i.e., October to March.
2. The works shall be carried out in compliance with the Inland Fisheries Ireland document “Guidelines on protection of fisheries during construction works in and adjacent to waters.” 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.
3. A pre-construction otter survey shall be carried out on behalf of the local authority before works commence. If Otter holts are recorded at that time, a supervising ecologist will determine the appropriate means of minimising effects i.e. avoidance, moving works, timing of works etc.

**Reason**: In the interest of biodiversity and nature conservation. |
|  | 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. |
|  | 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 Natura Impact Statement and the Ecological Impact Assessment. 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.**Reason:** In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity. |

1. The construction of the development shall be managed in accordance with a Construction and Traffic Management Plan.

**Reason**: In the interests of amenity, public health and safety.

1. 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 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.

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| **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. |
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| * 1. Alaine ClarkePlanning Inspector 23rd June 2022
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Appendix A

Report from Inspectorate Ecologist, dated 20th June 2022