



An
Bord
Pleanála

Report to Inspector (Appendix to main report) ABP- 312041-21

Development	Bóther Guidel Pedestrian and Cycle Bridge
Location	Bóthar Guidel, Carrigaline, Co. Cork
Applicant	Cork County Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000
Topic: Appropriate Assessment	Adequacy of information for purpose of Appropriate Assessment and Ecological impact assessment (recommendation)
Site visit	15 th February 2022
Ecologist	Maeve Flynn BSc. PhD. MCIEEM
Planning Inspector	Alaine Clarke

1.0 Introduction

1.1. Background

Cork County Council is seeking approval under Section 177(AE) of the Planning and Development Act (2000) to undertake construction of a cycle and pedestrian bridge at Bóthar Guidel, Carrigaline, Co. Cork. The proposed bridge will cross the Owenabue River (also known as Owenboy River) which is part of the Cork Harbour Special Protection Area (SPA) and part of the Natura 2000 Network of European Sites for nature conservation. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on a European site.

1.2. Scope of 'Report to Inspector'

This report to the Inspector and available to the Board is a written record of my review of the submitted information provided by the applicant in relation to the adequacy of the information for the purpose of determining the likely significant effects on a European Site and assessment of likely effects on the environment (Ecological impact assessment). I made a site visit with the Inspector on the 15th of February 2022.

I have reviewed the following documents including relevant drawings (plans and particulars):

- NIS and NIS addendum
- AA Screening report and Screening Determination by Cork County Council
- Ecological Impact Assessment Report
- Construction and Environmental Management Plan

The documents have been reviewed with respect to the following current best practice guidance:

- CIEEM (2019) Ecological Impact Assessment Checklist (as relevant to Irish legislation)
- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (2011) Guidelines on the implementation of the Birds and Habitats Directives in Estuaries and coastal zones
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC
- EC (2021) Assessment of plans and projects in relation to Natura 2000 sites. Methodological guidance on Article 6(3) and 6(4) of the Habitats Directive 92/43/EC

1.3. Technical content of Ecological Reports

The Ecological Impact Assessment Report (EclA) and the Natura Impact Statement were prepared by suitably qualified and experienced Ecologists from Dixon Brosnan Environmental consultants. The scope structure and content of the EclA and the NIS is in accordance with good practice guidance, including industry specific guidance. Scientific information on surveys, sites, species, and habitats is adequate and up to date (at the time of submission) and included desk study, habitat survey and detailed surveys for invasive species, breeding birds, wintering birds, mammals and bats. The ecological surveys were undertaken in line with published good practice methods and at the optimum seasonal periods providing a robust baseline for the impact appraisal as part of the EclA and the NIS.

2.0 Consideration of the Likely Significant Effects on a European Site

2.1. Article 6(3) of the Habitats Directive

The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, section 177AE of the Planning and Development Act 2000 (as amended) are considered in this section. 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.

2.2. Screening for Appropriate Assessment

The first test of Article 6(3) is to establish if the proposed development could result in likely significant effects to a European site.

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). A screening determination on the need for appropriate assessment was made by Cork County Council (Ecologist, Sharon Casey) informed by a screening report prepared by Dixon Brosnan. It concluded that the proposed project poses a risk of causing significant negative impact to the Cork Harbour Special Protection Area and determined that Appropriate Assessment under Section 177V of the Planning and Development Act 2000 is required.

The Great Island Channel SAC was identified as being within a potential zone of influence, with an indirect hydrological connection to the site, however, potential impacts were excluded based on distance.

The potential impacts that were identified include:

- potential disturbance risks to Species of Conservation Interest for which the Cork Harbour SPA is designated which could be associated with increased noise, additional lighting and increased human activity within the vicinity of the estuary at both construction and post construction phases;
- potential damage to wetland habitats including mudflats and the river associated with inadvertent spillages of hydrocarbons and/or other chemicals during construction phase;
- potential damage to wetland habitats including mudflats and the river associated with escapement of silt to the estuary during the construction phase;
- potential damage to estuarine habitats caused by construction related activity being undertaken immediately adjacent to the river;

- potential spread of invasive species associated with ground disturbance activities during the construction phase

2.3. Screening Determination

Having regard to the information presented in the AA Screening Report, NIS, the 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, I consider that the applicant has identified all potential significant impacts and that appropriate assessment is required in order to determine if adverse effects on site integrity can be excluded.

2.4. The Natura Impact Statement (overview)

An NIS and NIS addendum (further considering in-combination effects) has been prepared.

Scientific information was collated from desk study, field survey and information from the National Parks and Wildlife Service resources (www.npws.ie).

Wintering bird surveys undertaken in the vicinity of the proposed development site between November 2020 and March 2021 provide information on bird use of habitats at this location in combination with information from the I-WeBS data base relevant to the Owenabue Estuary. As would be expected, the greatest concentrations of wintering birds were recorded on areas of exposed mudflat located 130m east of the existing Bothar Guidel Bridge with relatively few birds recorded near the bridge.

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 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 NIS concludes that, subject to the implementation of the recommended mitigation measures, the proposed works would not result in any adverse effects either

individually or in combination with other plans or projects on the Cork Harbour SPA in relation to the sites conservation objectives.

Having reviewed the NIS and the supporting documentation including appendices and the response received to the further information request, I am satisfied that together this provides adequate information in respect of the baseline conditions, clearly identifies the possible impacts and resultant any potential adverse effects and uses the best scientific information and knowledge to determine those effects. Details of mitigation measures to exclude adverse effects are provided and will be implemented via the CEMP, the final draft of which would be compiled by the eventual contractor.

I consider the mitigation measures as detailed to be standard, best practice and will be effective in achieving their aims. Detail is provided on sediment control, timing of works, concrete and hydrocarbon control, an emergency response plan and control of invasive species.

The NIS is not explicit in relating potential impacts and mitigation measures to the conservation objectives, attributes, and targets of individual special conservation interest bird species, instead, taking a more general approach to the assessment. However, I consider that there is adequate detail in the NIS to allow the Inspector and the Board to consider if the favourable conservation condition of the bird species and wetland habitat for which the SPA is designated can be maintained.

I am satisfied that the scientific information submitted including clarifications provided as part of the further information allows for the Board to undertake appropriate assessment of the proposed bridge.

3.0 Likely effects on the Environment: Ecological Impact Assessment

- 3.1.** The EclA report describes and evaluates the habitats, their representative flora and fauna and addresses the potential impacts of the development on the ecology of the site and the surrounding area. This report considers ecological aspects outside of the strict requirements of the Appropriate Assessment which only considers impacts that could affect qualifying interests/ Special conservation interests.
- 3.2.** I am satisfied that all nature conservation sites have been clearly and correctly identified including European Sites (Cork Harbour SPA, Great island SAC) and

nationally protected sites including the Owenabue River proposed Natural Heritage Areas. In addition Cork Harbour is a Ramsar Site and Important Bird Area (IBA).

- 3.3. Protected species likely to be affected have been identified and surveyed including otter, bats, breeding birds in addition to the wintering bird survey. Invasive species, impact on fisheries and water quality are also assessed in the EclA.
- 3.4. The assessment of impacts is based on clearly defined development proposals with the avoidance of key estuarine habitats a feature of the development. Cumulative impacts are also considered.
- 3.5. The EclA clearly identifies proposed mitigation measures and how they will address significant effects and provides detail on how they will be implemented. 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.
- 3.6. 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.

4.0 Conclusion

In Screening the proposed Bothar Guidel Bridge development, Cork County Council found that the likelihood of significant effects could not be excluded and therefore the project requires Appropriate Assessment under the provisions of S177AE.

Following an examination of the material submitted as part of the application and as further information, my findings are that the information before the Board comprehensively addresses all issues and concerns regarding potential adverse effects on the Cork Harbour SPA. I consider that the information provided is more than adequate to ensure that all aspects of the project can be assessed to provide

for complete, precise, and definitive findings for the purpose of Appropriate Assessment and a finding of no significant effects on biodiversity as part of the Ecological Impact Assessment



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Inspectorate Ecologist

20th June 2022