



An  
Bord  
Pleanála

# Inspector's Report

## ABP-312302-21

---

<b>Development</b>	Passage Railway Greenway Improvement Scheme Phase II.
<b>Location</b>	Mahon to Passage West, Cork City.
<b>Planning Authority</b>	Cork City Council
<b>Developer</b>	Cork City Council
<b>Type of Application</b>	EIA Direction
<b>Date of Site Inspection</b>	01 <sup>st</sup> and 02 <sup>nd</sup> February 2022
<b>Inspector</b>	Máire Daly

## **Contents**

1.0 Introduction.....	3
2.0 Site Location and Description .....	3
3.0 Proposed Development .....	4
4.0 Legislative Context .....	6
5.0 Policy Context.....	10
6.0 Cork City Council EIA Screening Report .....	13
7.0 Assessment.....	15
8.0 Conclusion and Recommendation .....	31
9.0 Reasons and Considerations.....	32

## 1.0 Introduction

- 1.1. Under the provisions of Section 50(1)(c) of the Roads Act 1993 (as amended), Cork City Council is seeking a direction from An Bord Pleanála as to whether or not the following scheme requires the preparation of an Environmental Impact Assessment Report (EIAR). The scheme which forms the second phase of the larger greenway (which begins at the Marina to the north) involves the improvement of a section of the existing Passage Railway Greenway from the northern side of the N40 to the southern City Boundary at the approach to Passage West for a distance of approximately 3.5km; and also improvement to an additional 1.5km of existing tracks to Mahon Industrial Estate and Mahon Interchange
- 1.2. Improving and upgrading the existing greenway from Páirc Uí Chaoimh to Mahon, N40 (South Ring Road) is currently underway as part of Phase I, a separate Part VIII project, construction of which commenced in December 2020. This project is due for completion by early Q3 of 2022. The current proposed project (Phase II) will tie into Phase I to provide an improvement on the extended network south to Passage West. At a more strategic level, the upgrading of the Passage Railway Greenway is expected to form part of a larger proposed 'Lee to Sea' Greenway that will serve the wider Cork Metropolitan Area.
- 1.3. Cork City Council has itself concluded that the proposed development has the potential to have significant effects on the environment and that an EIA would be required.

## 2.0 Site Location and Description

- 2.1. The proposed project location comprises of a stretch of the existing Passage Railway Greenway which is a recreational amenity that runs along the alignment of the former Cork-Blackrock and Passage railway line. It commences north of the subject site at the Marina, adjacent to the River Lee, and continues along the old railway alignment through the southeast suburbs of Cork City and onwards to Passage West. The sections under consideration comprise of a total of c.3.5 km of existing greenway, commencing just to the north of the N40, southwest of the Mahon Point Shopping centre and the Jack Lynch Tunnel and continuing on to the western outskirts of the settlement of Passage West, and another section of c.1.64km to the

north of the N40 roadway, which branches off the aforementioned route, travelling along existing pathways to the east (towards the Mahon Interchange) and west (towards Bessboro Road and the Mahon Industrial Estate).

- 2.2. The existing greenway from Mahon to Passage West, runs in a south easterly direction along the tidal estuary of Lough Mahon and is comprised of a bitumen surface with the Black Bridge providing a crossing over the Douglas River at the Mahon side. Another spur of the greenway can be seen heading east along the edge of Jacobs Island, which in turn loops northwards in towards Blackrock and Cork City centre along the River Lee for a distance of c. 4km.
- 2.3. The distance to the Cork harbour (Lough Mahon) estuary edge varies from between 10m and 40m and at points the current greenway/route is separated by existing housing along the Rochestown Road. Various vegetation is located along the greenway, with long stretches along the route from Rochestown to Passage screened by existing deciduous planting on both sides, though I note exposed patches on the estuary (northern) side.

### 3.0 Proposed Development

- 3.1. The proposed development of Phase II of the greenway can be broken down into four sections. The proposed improvement works on which are outlined as follows:

#### Section 1 – North of the N40 to former Rochestown Railway Station – c.1.26km

- widen existing greenway from c.3 to c.4m, including replacement decking to the Black Bridge, which is a triple-span former railway bridge with an iron deck and is listed as a National Monument (Ref: C010741 and on the National Inventory of Architectural Heritage (NIAH) (Ref: 20872013).
- Public lighting also to be updated, however same will utilise existing ducting and cables running along the northwest side of the existing greenway.
- Public realm/landscape measures including seating area to north of Black Bridge.
- Major landscaping upgrade in the area to the south of the former Rochestown railway platform including planting, additional seating, bike racks and small play area.

- Proposed new pedestrian bridge to cross the Moneygurney\_010 watercourse (EPA name, also known as the Hop Island Stream) and restored riparian corridor to the south of the former Rochestown railway platform.

Section 2 – Former Rochestown Railway Station to Hop Island car park – c.1.9km

- Upgrade existing greenway to a width of 4m with minimum 1.5m segregated zone between greenway and Rochestown Road (R610). To achieve this requirement the adjacent R610 Rochestown Road will be narrowed (to approx. 6m) and realigned, south of its current position, up to the location of the pedestrian/cycling entrance to Hop Island Car Park.
- Requirement to source a section of land up to 2m wide from the front of residential properties at No.1 – No. 10 Island View. This land will be required over a distance of 75m (total area approx. 150m<sup>2</sup> of land take).
- Works to include the deconstruction of parts of existing greenway and reconstruction, relocation of existing public lighting and installation of new lighting.
- Removal and replacement of stone wall.
- Culvert of existing drainage channel under R610 and entrance to Hop Island car park.

Section 3 – East of Hop Island car park to end of phase of works (City Council boundary to the west of Passage West) – c.1.55km

- Widen greenway from 3m to 4m.
- Update existing public lighting utilising the existing ducting and cables running along the southside of the existing greenway.
- New rest areas and focal points along this section.

Northern Section - Links to Mahon Industrial Estate and Mahon Interchange – c.1.64km

- Enhancement works to existing earthen /unsurfaced pathways to provide a newly surfaced shared use footway/cycleway up to 3 metres in width where possible.
- New lighting along this section – with design being sensitive to the local environment.

- 3.2. The City Council's request is accompanied by two documents:'
1. 'Passage Railway Greenway Improvement Scheme, Phase II – Mahon to Passage West, EIA Screening Report' dated 1<sup>st</sup> October 2021, and
  2. 'Passage Railway Greenway Improvement Scheme, Phase II – Mahon to Passage West, Screening for Appropriate Assessment Report' dated 25<sup>th</sup> August 2021.

## 4.0 Legislative Context

### 4.1. Roads Act 1993, as Amended

- 4.1.1. This request for an EIAR direction is being sought under the Roads Act 1993, as amended ('the Roads Act'). Section 68(1) of the Roads Act states that a 'cycleway' means "a public road or proposed public road reserved for the exclusive use of pedal cyclists or pedal cyclists and pedestrians". I am satisfied that the Passage Railway Greenway Improvement Scheme (Phase II) would constitute a 'cycleway', as defined in the Roads Act.
- 4.1.2. Section 50(1)(a) of the Roads Act, 1993 (as amended), lists road developments in respect of which there is a mandatory requirement to carry out Environmental Impact Assessment (EIA) as follows-
- (i) the construction of a motorway,
  - (ii) the construction of a busway,
  - (iii) the construction of a service area, or
  - (iv) any prescribed type of proposed road development consisting of the construction of a proposed public road or the improvement of any existing public road.
- 4.1.3. With regard to category (iv), I note that Article 8 of the Roads Regulations 1994 (S.I. 119 of 1994) states that: "The prescribed types of proposed road development for the purpose of subsection (1)(a)(iii) of section 50 of the Act shall be –
- a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such

new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500m or more in length in an urban area;

b) the construction of a new bridge or tunnel which would be 100m or more in length.”

- 4.1.4. Under Section 50(1)(b), if An Bord Pleanála considers that any road development proposed (other than development to which Section 50(1)(a) applies) would be likely to have significant effects on the environment it shall direct that the development be subject to an Environmental Impact Assessment.
- 4.1.5. Under Section 50(1)(c), where a road authority considers that a road development that it proposes (other than development to which Section 50(1)(a) applies) would be likely to have significant effects on the environment, it shall inform the Board in writing prior to making any application for approval under Section 51.
- 4.1.6. Under Section 50(1)(d), a road authority is required, in particular, to decide whether or not a proposed road development (again, other than development to which Section 50(1)(a) applies) would be likely to have significant effects on the environment, where it would be located on a European Site, a nature reserve, land designated as a refuge for fauna or land designated a natural heritage area.
- 4.1.7. Cork City Council (as the road authority) has carried out an EIA Screening determination under the provisions of section 50(1)(d) of the Roads Act 1993, as amended and concluded that the proposed development is likely to have significant effects on the environment.
- 4.1.8. Under Section 50(1)(e), in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board or the road authority shall take into account the relevant selection criteria specified in Annex III of the EIA Directive.
- 4.1.9. Section 50(1A)(a) states that unless the Board is satisfied that a proposed road development (other than development to which section 50(1)(a) applies):
- (i) would not be likely to have significant effects on the environment, or
  - (ii) would be likely to have significant effects on the environment,

the Board shall require the road authority to provide it with information on the characteristics of the road development proposed and its likely effects on the environment.

- 4.1.10. The remainder of section 50(1A) sets out requirements for such information, and procedures to be followed subsequently. The Board should note that this includes a requirement that their determination be made within 90 days from the date on which the road authority has submitted all information required by the Board (except in exceptional cases).

#### **4.2. EIA Directive 2014/52/EU**

- 4.2.1. EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment, entered into force on 15th May 2014. The EIA Directive 2014/52/EU reaffirms that ‘Annex I projects’ shall be subject to EIA and that for ‘Annex II projects’, Member States shall determine whether the project should be subject to EIA on a case-by-case basis or subject to thresholds or other criteria set by the Member State. The screening determination must be based on the information provided by the developer and if mitigation measures are influential to a screening determination, these must be stated by An Bord Pleanála, as the competent authority, in a screening determination.

- 4.2.2. Annex III of the EIA Directive sets out the revised criteria for determining whether projects should be subject to an EIA, under three headings as follows:

1. Characteristics of projects:

- (a) the size and design of the whole project;
- (b) cumulation with other existing and/or approved projects;
- (c) the use of natural resources, in particular land, soil, water and biodiversity;
- (d) the production of waste;
- (e) pollution and nuisances;
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge;



(g) the risks to human health (for example due to water contamination or air pollution).

2. Location of projects:

(a) the existing and approved land use;

(b) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;

(c) the absorption capacity of the natural environment, paying particular attention to the following areas: (i) wetlands, riparian areas, river mouths; (ii) coastal zones and the marine environment; (iii) mountain and forest areas; (iv) nature reserves and parks; (v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC; (vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure; (vii) densely populated areas; (viii) landscapes and sites of historical, cultural or archaeological significance.

3. Type and characteristics of the potential impact:

(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);

(b) the nature of the impact;

(c) the transboundary nature of the impact;

(d) the intensity and complexity of the impact;

(e) the probability of the impact;

(f) the expected onset, duration, frequency and reversibility of the impact;

(g) the cumulation of the impact with the impact of other existing and/or approved projects;

(h) the possibility of effectively reducing the impact.

### 4.3. **Relevant Guidance**

- 4.3.1. Following transposition by the EU of Directive 2014/52/EU, guidance document 'EIA of Projects - Guidance on Screening' (2017) and other documents were prepared on behalf of the European Commission to assist competent authorities, developers and EIA practitioners in the EU Member States. The 'Guidance on Screening' document outlines a stepped approach to the screening process for competent authorities, as well as two checklists to assist in case-by-case screening.
- 4.3.2. The 'Environmental Impact Assessment Guidance for Consent Authorities regarding Sub-threshold Development' published in 2003 by the Department of the Environment, Heritage and Local Government, provides guidance on the criteria to be assessed when deciding whether or not a proposed development is likely to have significant effects on the environment. More recent guidance is also provided in the 'Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment' published in 2018 by the Department of Housing, Planning and Local Government. The Office of the Planning Regulator also published Practice Note PN02, entitled 'Environmental Impact Assessment Screening', in June 2021.

### 4.4. **Appropriate Assessment**

- 4.4.1. The Board should note that a Screening for Appropriate Assessment Report completed on behalf of the road authority by external consultants (RPS) has also been submitted which concludes that a Natura Impact Statement (NIS) is required to inform a Stage 2 Appropriate Assessment.

## 5.0 **Policy Context**

### 5.1. **Development Plan**

- 5.1.1. The operative development plan is the Cork City Development Plan 2015-2021. This includes the following Objective 11.13 Amenity Routes which states it is the Council's aim *"to pursue the development of a network of high quality amenity routes, particularly along waterways, and linking existing and proposed parks and public open spaces, and to work with Cork County Council and other stakeholders to achieve and improve external linkages subject to Ecological Assessment and*

*Appropriate Assessment Screening*". This list includes for - Mahon Industrial Estate – through Bessboro – South Link Walkway. These Amenity Routes are shown in green/black and Proposed New Amenity Routes/Upgrades in blue/black on Mapped Objectives – Map 6 of Southeastern Suburbs Objectives (Cork City Development Plan 2015-2021).

## **5.2. Draft Cork City Development Plan 2022-2028**

5.2.1. Table 4.3 – ‘Walking and Cycling Improvements’ outlines the Passage Railway Greenway and a description of the initiative which includes for the subject stretch of greenway and improvements to same which include for widening of the route, provision of public lighting and enhanced access. Included within this Table 4.3 is the ‘Lee to Sea’ Greenway which is described “*as a high quality walking, running and cycling route through Cork city, county and around its harbour. Commencing at Inniscarra Dam, the Lee to Sea will follow the River Lee through Cork City Centre via the City quays before travelling along the western shore of Cork harbour before terminating at the Harbour mouth. The greenway will connect the city and its hinterland to the two defining features of the local landscape the glacial Lee valley and Cork harbour.*”

5.2.2. Volume 2 – Mapped Objectives – Map 6 and 14 include for the subject walkway/cycleway site.

5.2.3. The northern part of the improvement scheme passes through a Landscape Preservation Zone (ZO 18) as identified in the Draft Cork City Development Plan 2022-2028. The southern portion of the routeway travels through Sustainable Residential Neighbourhoods (ZO 01) and City Hinterland (ZO 21).

## **5.3. Transfer of Planning Services within extended city boundary from Cork County Council to Cork City Council after 31<sup>st</sup> May 2019**

5.3.1. Within the Transfer Area, which includes the area of the subject works the planning policy which previously applied under the Cork County Development Plan 2014 and the Ballincollig Carrigaline Local Area Plan 2017-2023 currently remains in force and is implemented by Cork City Council. The plans will continue to apply in the Transfer Area until such time as they are superseded by new plans, prepared by Cork City Council i.e., the Cork City Development Plan 2022-2028.

#### 5.4. **Cork County Development Plan 2014-2020**

- 5.4.1. The current development plan states that the County 'Greenway' Programme is being developed to facilitate more extensive leisure cycling opportunities particularly on former rail routes.
- 5.4.2. Chapter 8 refers to Greenways and highlights the success of greenways developed along coastal rail lines including that along the western side of Cork harbour linking Rochestown and Passage West.
- 5.4.3. County Development Plan Objective TO 7-1 states "*Walking/Cycling and Greenways promote the development of walking and cycling routes throughout the County as an activity for both international visitors and local tourists in a manner that is compatible with nature conservation and other environmental policies*".

#### 5.5. **Built Heritage Designations**

- 5.5.1. National Monuments and Protected Structure - The route traverses the Black Bridge over the Douglas River Estuary; this feature is a National Monument (Ref no. CO10741) and a feature listed on the National Inventory of Architectural Heritage (Ref no. 20872013). Features in the vicinity also include National Monuments in the form of an Ice-House (Ref no. C010720), Midden (Ref no. C010860), a Country House (Ref no. C010750) and a Recorded Protected Structure – Bessboro Convent (RPS ID PS490) listed in the Cork City Development Plan 2015-2021.

#### 5.6. **Natural Heritage Designations**

- 5.6.1. The designated European sites within the vicinity of the site are as follows:
  - Proposed Natural Heritage Area (pNHA) - Douglas River Estuary pNHA (Site code: 001046).
  - Special Protection Area (SPA) - Cork Harbour SPA (Site Code:004030).
  - Special area of Conservation (SAC) - Great Island Channel SAC (Site Code: 001058)
- 5.6.2. Of the above sites, the proposed development traverses the Douglas River Estuary pNHA (Site code: 001046) and the Cork Harbour SPA (Site Code:004030) by virtue of the Black Bridge which spans the river inlet to the west of Jacob's Island. The

Cork Harbour SPA is directly adjacent to the majority of the proposed works area; however I note that no physical works are proposed within the SPA boundary.

## 6.0 Cork City Council EIA Screening Report

6.1. The request for a direction from the Board as to whether or not the greenway Improvement Scheme would be likely to have significant effects on the environment, necessitating the preparation of an Environmental Impact Assessment Report (EIAR), is accompanied by an 'EIA Screening Report' prepared by RPS. Mandatory EIA for this project was discounted. The issue of sub-threshold EIA is addressed in the report. A formal EIA screening exercise was undertaken for this project. It was concluded that the development could have a significant effect on the environment taking into account the 3 no. relevant criteria specified in Annex III of EIA Directive 2014/52/EU which are as follows:

1. Characteristics of projects.
2. Location of projects.
3. Types and characteristics of the potential impact.

The report is summarised as follows:

6.2. **Section 1** of the report sets out overview, background and description of the project, which outlines the four sections of the greenway and the works proposed to each section. The main works proposed have been outlined above under Section 3 of this report. As the project primarily comprises works on an existing greenway, the report also provides information on existing user numbers on the Passage Railway Greenway (based on surveys undertaken in November 2020) and predicted future usage levels based on population increases stated in the Cork Metropolitan Area Strategic Plan (MASP). Table 1.1 of the submitted report outlines the existing, short term and long term figures, with user demand/numbers on the subject stretch of greenway predicted to increase by c. 761 users in the short term up to 2023 and by up to c.3,680 users in the long term up to 2040. The historic context of the project and the need for the proposed improvements are also outlined and these refer to problems relating to the existing greenway which include issues with accessibility, connectivity and disconnection of segregated offline sections between the former

Rochestown Railway Station and Hop Island Car Park. In addition, poor deck surfacing associated with the existing Black Bridge is also highlighted. This current decking is not compliant with the National Cycle Manual requirements for a proposed greenway surface.

- 6.3. The Board should note that Section 1.1. of the submitted EIA Screening report states that two reports informed the content and findings of this EIA Screening exercise, these include an AA Screening Report and an Invasive Alien Species Report, both of which were completed by RPS in 2021. While I note the Screening for Appropriate Assessment Report has been submitted to the Board to inform their determination, the Invasive Alien Species Report has not been received. However, I do note that the results of ecological surveys completed in 2020 and 2021 which included a study of invasive species is discussed in the report (page 32). I consider this information sufficient to inform the Board's determination.
- 6.4. With regard to a requirement for sub-threshold EIA, **Sections 2 – 4** of the report address the various criteria for determining whether projects should be subject to EIA, generally in accordance with the criteria set out in Annex III of the EIA Directive 2014/52/EU. The Board will note in this regard that section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III. My assessment of the proposed development against these criteria is set out in Section 7 below.
- 6.5. **Section 5** of the report provides a conclusion and recommendation, and states that in parallel to the EIA Screening process an Appropriate Assessment Screening was also undertaken. I note the conclusion of the submitted Screening for Appropriate Assessment Report which states there is potential for direct and indirect effects on Cork Harbour SPA (Site Code: 004030) and indirect effects on Great Island Channel SAC (Site Code: 001058). Therefore, it is concluded that a Natura Impact Statement (NIS) is required to inform Stage 2 Appropriate Assessment.
- 6.6. This 'Conclusion' section of the EIA Screening Report outlines possible impacts that the proposed works may have on the surrounding environment and highlights that the proposal may have:

- Potential significant effects on the Cork Harbour SPA (given its proximity immediately adjacent to the greenway);
- Potential impacts as a result of the works due to the presence of extensive areas of Third Schedule invasive species and protected species (birds, bats, otters);
- Potential cumulative effects on biodiversity in the area given that the greenway in the future is likely to form part of a wider “Lee to Sea” Greenway within the Cork Harbour area;
- Potential for cultural heritage impacts as a result of direct works on the Black Bridge and indirect impacts on the periphery of the historic Bessborough Estate (the significance of impacts which is stated cannot be determined at this stage);
- Potential for negative effects on the affected residents at Island View (as a result of traffic, construction activity, land take and future usage of the greenway).

6.7. The report concludes that based on the sensitivity of the natural environment, cultural heritage value of the area and overall potential for cumulative effects of developing a wider greenway network in Cork City it is considered that an EIAR should be completed.

## 7.0 **Assessment**

### 7.1. **Introduction**

7.1.1. Section 50(1)(e) of the Roads Act requires that, in deciding whether a proposed road development would or would not be likely to have significant effects on the environment, the Board shall take into account the criteria specified in Annex III of the EIA Directive. Annex III groups criteria for determining whether projects listed in Annex II of the Directive should be subject to an EIA under three headings, as follows:

1. Characteristics of projects.
2. Location of projects

3. Type and characteristics of the potential impact.

- 7.1.2. The Directive lists matters that require consideration under each of these criteria, which are addressed in my assessment below.

7.2. **Characteristics of the Project**

Size and design of the whole project

- 7.2.1. A description of the proposed development based on information provided by Cork City Council is set out in Section 3 above. The proposed development is split into 4 sections in total. From north of the existing N40 footbridge to the southern city boundary on the outskirts of Passage West comprises three of these sections which total 4.71km. In addition, the Link to Mahon Industrial Estate (1.15km) and the link to Mahon Interchange (0.49km) combine to form the fourth section which has an additional length of 1.64km. The majority of the proposed works involves widening of the existing greenway and incorporation of amenities at various location. Details of each section and the proposed works are set out in further detail below:
- 7.2.2. **Section 1:** North of the N40 to former Rochestown Railway Station – Approx. 1.26km in length where it is proposed to generally widen the existing greenway from 3m to 4m. Restrictions to widening occur on approach to the Black Bridge and it is proposed to have a width of c. 4m on the bridge, where it is proposed to replace both the decking plates and the surface over an area of circa 227.9m<sup>2</sup>. Surface preparation/grit blasting to the deck plate soffit and application of Paintwork Protection to the deck plate soffit over an area of circa 328m<sup>2</sup> is proposed. Other proposals in this area include for a seating area to the north of the Black Bridge and landscaping upgrades including planting, bike racks and a small play area at the location of the former Rochestown Railway platform.
- 7.2.3. **Section 2:** This section is approx. 1.9km in length and stretches from the former Rochestown Railway Station to Hop Island Car Park. It is proposed to upgrade the existing greenway to a width of c. 4m and provide a minimum 1.5m landscaped segregation zone between the greenway and the R610 Rochestown Road. The existing concrete greenway will be broken up and removed over a length of c.452.1m and area of c.1310m<sup>2</sup>. Based on the assumption that the concrete will be 100mm in depth, this will result in c.131.0m<sup>3</sup> of concrete to be removed offsite. There will be a requirement to excavate c.76.3m<sup>3</sup> of earth within St. Gerard's Place and c.194.5m<sup>3</sup>



through an undeveloped field to permit the build-up of the new greenway. There will also be a requirement to source a section of land up to 2m wide (total area of approx. 150m<sup>2</sup>) from the front of No.1 – No. 10 Island View which may result in the loss of garden/parking spaces to the front of these houses. In addition, a section of the eastbound carriageway of the R610 Rochestown Road will be lost to allow for the widened cycleway facility. An area of c. 958.3m<sup>2</sup> of existing paved surface is to be removed and replaced by a landscaped grass verge area of c. 1100m<sup>2</sup> and sections of the new greenway. The realignment of the road southwards will result in the construction of an area of approximately 500m<sup>2</sup> of new pavement. There will also be a requirement to excavate 671m<sup>2</sup> of verge and earth/rock embankment on the southern side of the R610 Rochestown Road. A new culvert in place of the existing drainage channels will also be required running under the R610 Rochestown Road between 'Lennoe' and the pedestrian/footway entrance to Hop Island Car Park.

- 7.2.4. **Section 3:** This section stretches from east of Hop Island Car Park to the end of the proposed scheme improvement for c. 1.55km in length. It is proposed to generally widen this existing section of greenway from 3m to 4m. Rest areas and focal points along this section are also proposed, as well as bike storage facilities at the car park east of Hop Island.
- 7.2.5. **Section 4:** This section includes the 1.15km link to Mahon Industrial Estate to the west and 0.49km link to the Mahon Interchange to the east. It is proposed to enhance these two links by providing a newly surfaced shared use footway/cycleway of c. 3m in width.
- 7.2.6. The proposed development also includes ancillary elements, such as alterations to existing utility chambers, hard and soft landscaping, lighting, seating, bike stands, a new bus shelter along the Rochestown Road (R610), a new clear span pedestrian bridge to cross the Moneygurney\_010 (Hop Island) watercourse (referred to in the report as the Pouldougheric Stream) within the vicinity of the Rochestown Railway Platform, accommodation works and safety features. In addition, the removal and treatment of Japanese knotweed is required along the route. Taking account of the works proposed on each section I do not consider that in terms of overall size and design, the impact is likely to be of a significant level as to warrant EIA.

### Cumulation with other existing and/or approved projects

- 7.2.7. The submitted EIA Screening report outlines a number of developments accompanied by EIARs within 2km of the proposed greenway. Two of these applications are located to the east, across Cork Harbour at Little Island and one is located to the southeast, associated with a development in Cobh. Given the separation distances involved between the proposal and these projects, I would not consider that the proposed greenway improvement works cumulatively with these other approved projects would result in any likely significant effects.
- 7.2.8. A number of walking and cycling improvements are noted in Table 4.3 of the Cork City Draft Development Plan 2022-2028. Included within this Table 4.3 is the 'Lee to Sea' Greenway. The submitted Screening Report states that if the Lee to Sea route progresses there will be an increase in user numbers on the proposed section of the Phase II Greenway. This predicted increase in figures has already been outlined under Section 6.2 above. The submitted report states that the cumulative impacts of the Passage Greenway with the Lee to Sea Greenway has the potential to result in significant impacts to wildlife (in particular birds) and/or residents along the greenway due to the increase in user numbers. The report also states that potential cumulative construction impacts to the human and natural environment may also occur should works to sections of the Lee to Sea route occur at the same time as the greenway Phase II. I accept that the potential may/may not exist for cumulative effects depending on the scale, nature, location and duration of future development. I would note, however, that any future proposals will also be subject to scrutiny under the EIA Directive and also that the policies and objectives which support the future expansion of greenway facilities in the surrounding area have been subject to Strategic Environmental Assessment under the relevant CDP which concludes that the transportation objectives of the city and its environs are balanced with environmental protection to deliver a sustainable transport system for the area.
- 7.2.9. In relation to cumulative effects with Part VIII developments in the vicinity, it is anticipated that the works for the Phase I of the greenway will be completed prior to the commencement of Phase II and therefore no significant cumulative impacts are expected. I have also considered Article 4(2) of the EIA Directive and in particular projects referred to in Annex II (10 and 13) including an examination of the improvement works which sees a change/widening of an existing roads/greenway

project. Having regard to the aforementioned, no significant adverse impacts on the environment are expected as a result of the proposal. Other projects identified in the area broadly relate to small scale extensions, industry development, residential modifications, site access works, and residential extensions, from which no significant cumulative impacts are expected.

#### The Nature of any Associated Demolition Works

- 7.2.10. The demolition works include taking up a section of R610 Rochestown Road carriageway over a length of 452.1m and area of 1310m<sup>2</sup>. A total length of 37.4m (1m high) plaster blockwork wall is proposed for demolition and removal of 10 gates in front of No.1 – No. 10 Island View are also proposed. In addition, 68.0m (1m high) plaster blockwork wall (total volume circa 13.6m<sup>3</sup>) is to be removed between the existing greenway and the green space at St. Gerard's Place and 168m of existing stonework wall between 'Lennoe' and the pedestrian/footway entrance to Hop Island Car Park. A 10m<sup>2</sup> section of the wall is also proposed for removal at the Hop Island Car Park to make way for the new exit junction onto the R610 Rochestown Road. While I acknowledge that the demolition works involved, in particular the works required along the R610 and to the boundaries to the front of the houses at Island View may impact on road users, residents and greenway users at construction stage, the demolition works associated with the development will be limited and small scale and the duration of works will also be limited in nature.

#### The use of Natural Resources, in particular Land, Soil, Water and Biodiversity

- 7.2.11. The majority of the works involved are located along the existing alignment of the greenway, however land take as part of the proposed improvements to the greenway will require a section of land up to 2m wide from the front of No.1-No.10 Island View totalling 150m<sup>2</sup>. 377m<sup>2</sup> permanent land take will be required to the south of the R610 and 260m<sup>2</sup> temporary land take will also be required for the construction of a retaining wall. In total construction related excavation will amount to an estimated 3,286.1m<sup>3</sup> and earthworks (material import) of 2,928.7m<sup>3</sup>.
- 7.2.12. New gullies will be required along the new northern kerblines, over a 470m section of the R610 Rochestown Road. A minor stream that flows north/south on the eastern side of 'Lennoe' property and under the R610 Rochestown Road will require a culvert and culverting of an existing stream at the pedestrian/footway entrance to

Hop Island Car Park will also be required. The proposed new pedestrian footbridge over the Pouldougheric Stream (Moneygurney\_010 (Hop Island) watercourse) will be clear span and therefore no instream works are required. Once operational, the proposed drainage for the Greenway will be over the edge drainage which may have an impact on localised water quality as identified in the submitted AA Screening, which also acknowledged that further assessment of effects is required in the form of an NIS. I would concur with same conclusion but do not believe that this issue alone would generate the requirement for an EIA.

- 7.2.13. Some vegetation and soil stripping will be required as part of the site clearance, however the majority of existing trees along the route will be retained. Japanese knotweed has been identified along the route and this will require treatment as part of the project which will have a positive outcome.
- 7.2.14. The nature and scale of the proposed development, which comprises improvements to public amenities and works to an existing Greenway would not result in a significant use of natural resources. The issue of pollution and impacts on protected sites is dealt with elsewhere in this assessment, and as such I would not consider that the use of natural resources would result in significant adverse effects that would require the preparation of an EIAR.

#### Production of Waste

- 7.2.15. Having regard to the nature of the proposed development, the key phase for the potential production of waste is the construction phase, this is likely mainly to be in the form of soil and surface materials (totalling c. 3,286.1m<sup>3</sup>). Subject to the appropriate management of waste arising, in compliance with a suitable Construction Environmental Management Plan, I do not consider that the production of construction phase waste would cause significant adverse effects of a type that would require EIA.
- 7.2.16. To prevent any pollution from waste generated by users of the Greenway at operational stage bins are to be provided at Harty's Quay and Hop Island and at focal points/rest areas along the scheme especially at rest areas. I noted on site visit that bins in these areas are currently not provided.

### Pollution and Nuisances

- 7.2.17. There is clear potential for works associated with the proposed development to result in pollution of waterbodies, dust and noise emissions, construction traffic-related impacts, or nuisance/disturbance to protected species.
- 7.2.18. The submitted report states that the construction works will last for a period of approx. 10 months and therefore traffic impacts, noise, dust and sediment run off as a result of construction activities could result in negative impacts on residents, species and road users in the area. The road authority has stated that when works along the R610 Rochestown Road are taking place there is likely to be traffic restrictions in place with lane closure in operation at times.
- 7.2.19. During the construction period there will be an increase in traffic volumes as a result of employees (estimated 100 employees split into 2 crews) travelling to and from the site and those involved in the delivery and disposal of construction related materials.
- 7.2.20. Given the scale of the proposed development, there is also potential for pollution and nuisance to impact on nearby residents along the Rochestown Road, Island View and St. Gerard's Place during the construction phase, although given the linear nature of the development, the duration of such impacts may be short-term and not significant, subject to compliance with best practice construction methods.
- 7.2.21. During operational phase the greenway will see an increase in users and also additional traffic travelling to the area and seeking parking in the area to avail of the amenity, however it is considered that any impacts on local residents and landowners will be offset by the reduction in noise and air pollution from the long-term modal shift to cycling and walking. Having regard to the nature of the proposed development, no significant air, noise or water pollution impacts are likely to arise during the operational phase.

### The Risk of Major Accidents and/or Disasters which are Relevant to the Project concerned, including those caused by Climate Change

- 7.2.22. Having regard to the nature of the proposed development and the receiving environment, it is not anticipated that the project is a type which would cause an increased risk of major accidents / disasters including those caused by climate change.

7.2.23. Construction activities will be undertaken in accordance with best practice and best practice will be followed in the design of the greenway including bridge crossings, signage, gradients etc. I note the proximity of the proposed greenway to waterbodies, and to public roads, which will require public safety to be considered as part of the detailed design process. The greenway is mainly mapped outside the Coastal Flood Extent Zones (Low, Medium or High) however I note that certain potential areas of flood risk come within close proximity to the routeway and that evidence of Surface Water Flooding from the GSI is also evident along the greenway, in particular north of the Black Bridge. The submitted EIA Screening Report did not refer to this, however it did acknowledge that a past flood event was recorded in February 2014 approximately 200m to the east of Hop Island Car Park, which encroached onto the R610 Rochestown Road, this type of flooding is occasional depending on tides and winds. I note that the proposed works are centred on the upgrading of an existing greenway and will not create large areas of hardstanding that would increase any potential for flood risk.

7.2.24. With regard to climate change, I note that part of the rationale for the proposed development is to encourage a modal shift from the private car to more sustainable modes of transport and reduce reliance on private cars. From a climate change perspective, therefore, any impacts are likely to be positive, albeit not significant.

The Risks to Human Health (for example due to Water Contamination or Air Pollution)

7.2.25. During the construction phase there is potential for air/dust pollution or releases of contaminants to water bodies. Such impacts can be addressed through the Construction Environmental Management Plan and adherence to best practice and protocols. Having regard to the nature of the proposed development, such impacts are not likely to be of sufficient magnitude as to result in a significant risk to human health.

7.2.26. The proposed improvement scheme, once operational, is likely to result in human health benefits as a result of increased cycling and pedestrian activity and less reliance on car travel. Similar positive benefits are likely to arise as a result of improved road safety resulting from separation of vehicular and bicycle/pedestrian traffic which would be to the benefit of all road users in the area.

### 7.3. Location of Proposed Development

#### Existing and Approved Land Use

- 7.3.1. The greenway improvement scheme route is located within urban and semi-urban residential and commercial/industrial areas, with a significant portion of the route also in coastal strips along Cork Harbour. The existing Cork City Development Plan 2015-2021 has a mapped objective 'Amenity Routes' in green/black and 'Proposed New Amenity Routes/Upgrades' in blue/black (spur up to Bessboro Road) designated for the route.
- 7.3.2. In the context of the urban environment, any impacts from the proposed improvement scheme would be small scale and insignificant in terms of land use. Existing land uses in the area will not be significantly impacted since the proposed improvement works makes use of the existing alignment for much of its route.
- 7.3.3. Existing facilities for pedestrians and cyclists on the existing greenway are currently impacted by the limited width of the carriageway and footpaths. The proposed scheme will significantly improve infrastructure for both transport modes and improve connectivity from the south city area to the city centre.

#### Abundance, availability, quality and regenerative capacity of natural resources in the area and its underground

- 7.3.4. The site is currently developed with hard surfacing in place for the majority of the route facilitating the existing greenway. The proposed improvement scheme will see the widening of the greenway at certain locations and also works to the existing Black Bridge and new structures to be constructed and placed on site, including a new pedestrian bridge close to the old Rochestown railway station platform. There will be some vegetation and soil stripping required as part of the site clearance and also the requirement to treat the Japanese knotweed found throughout the route. The majority of existing trees along the greenway are to be retained but a minimal number of trees will need to be removed to facilitate pinch point locations along the route. The removal of these trees and their associated habitat does not have any affinity to Annex I habitats. The habitat which includes for tree removal is considered to be of Local Importance (lower value) as it is of local importance for wildlife such as common bird species. Culvert works to drainage channels in the area on the eastern side of 'Lennoe' property and under the R610 Rochestown Road as part of the

formation works will be required. The significance of the impact as a result of the development would be influenced by the overall design of these new features including the bridge, culverts, materials to be used on the existing Black Bridge, and removal of trees in certain areas along the route, as well as the incorporation of additional amenity features. I consider that these impacts can be addressed at detailed design stage and do not warrant full environmental impact assessment of the entire project.

#### Absorption Capacity of the Natural Environment

- 7.3.5. This part of Annex III requires the absorption capacity of the natural environment to be considered with particular attention paid to the following areas:
- Wetlands, Riparian Areas, River Mouths and Coastal Zones and the Marine Environment:
- 7.3.6. The subject site includes an area at the mouth of the Douglas River and stretches for a distance of c. 2.8km along the western and southern side of Cork harbour. Cork harbour is designated as a SPA for its wetlands and waterbirds and the Douglas River Estuary is also designated as a proposed NHA. An area of Saltmarsh Coastal Habitat with potential *Spartina* clump/mudflat mosaic (Mudflats and sandflats not covered by sea water at low tide) is located to the immediate west of Hop Island and two other identified areas are located to the immediate south, between Hop Island and the existing greenway. I also note that sections of the works, such as the culverting works and the proposed works on a clear span pedestrian bridge over the Pouldouheric stream (The Moneygurney\_010 (Hop Island)), are located within riparian areas.
- 7.3.7. Construction of the proposed development has the potential to result in significant impacts on these watercourses due to the requirement for culvert and bridge repair, and the possibility of contaminants or sediments entering the watercourses and impacting on water quality and/or the habitats and species therein. The water quality ratings for the watercourses indicate that some of them are likely to have very limited absorption capacity. The proposed greenway is bordered by the Lough Mahon transitional waterbody which has a Transitional Waterbody risk of 'at risk' and a Moderate Water Framework Directive (WFD) Transitional waterbody status. The Moneygurney\_010 (Hop Island) watercourse crosses the proposed greenway



improvement works close to the junction with the R610 and Monastery Road, this watercourse WFD Risk is currently under review. The significance of the impact would be influenced by the overall design of the new bridge, height, width and materials used. I consider that these impacts can be addressed at detailed design stage and do not warrant full environmental impact assessment of the entire project.

- Mountains and forest areas:

7.3.8. There are no mountains in proximity to the proposed development. There is however an area of Annex I Old Oak Woodland habitat located to the south of Hop Island, separated from the site by the R610. In my opinion given the separation distance involved, the proposed improvement works are not likely to impact on this area.

- Nature Reserves and Parks:

7.3.9. There are no designated nature reserves or parks in proximity to the proposed development.

- Areas Classified or Protected under National Legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC:

7.3.10. Portions of the proposed greenway development are located within or adjacent to the Cork Harbour SPA (Site Code:004030), the qualifying interest for which are: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern. Cork harbour is of major ornithological significance and an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. 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 & Waterbirds.

7.3.11. Given that significant portions of the proposed development are located adjacent to the SPA, with smaller portions such as the Black Bridge traversing the SPA, there is the potential for significant effects to arise during the construction phase as a result, for example, of disturbance, release of pollutants/contaminants to waterbodies,

removal of breeding and feeding habitats, introduction of invasive species or changes to drainage patterns. In addition, there is potential at operational stage for impacts on bird species as a result of increased usage, noise and resultant disturbance.

7.3.12. A Screening for Appropriate Assessment report has been submitted by the road authority and it is accepted by the road authority that AA (and submission of an NIS) will be required in respect of the proposed development. In these circumstances under the provision of Section 177AE of the Planning and Development Act 2000, as amended, Cork City Council may submit an application for approval for the development. In addition to the likely significant effects on European sites, the likely consequences for the proper planning and sustainable development of the area would be considered and assessed.

- Areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure:

7.3.13. The proposed greenway is bordered by the Lough Mahon transitional waterbody which has a Transitional Waterbody risk of 'at risk' and a Moderate Water Framework Directive (WFD) Transitional waterbody status. The Moneygurney\_010 (Hop Island) watercourse crosses the proposed greenway improvement works close to the junction with the R610 and Monastery Road, this watercourse WFD Risk is currently under review.

- Densely Populated Areas:

7.3.14. As noted in Section 2 above the greenway links the city centre (via the connecting greenway Phase I) to the Cork harbour and Rochestown areas. The link to Mahon Industrial Estate is within a built-up area dominated with commercial/industrial premises in the Mahon Industrial Estate. It is noted that housing developments have also recently been proposed within this primarily industrial estate area e.g., the approved Hormann Electronics Site (35 no. houses) and proposed 67 no. apartments located to the southeast of the Bessboro centre (refused by the Board ABP Ref. 309560). Rochestown Quay and village are existing built-up areas and mainly residential in nature, with some higher density apartment development at Harty's Quay.

7.3.15. I do not consider that the proposed development is likely to result in any significant effects on densely populated areas, with positive impacts more likely to arise in terms of human health, public safety and sustainable transport.

- Landscapes and Sites of Historical, Cultural or Archaeological Significance

7.3.16. A section of the route starting approx. 270m east of Hop Island to Passage West to the city boundary is within the designation of Prominent and Strategic Metropolitan Greenbelt Areas which the plan states should act as a source of recreation and amenity and to allow for open countryside to be within easy reach of most built up areas. In my view the proposed improvement works would seek to achieve this aim.

7.3.17. Archaeological features in the vicinity of the proposed works (however removed from the proposed site area) include National Monuments in the form of an Ice-House (C010720), Midden (C010860), a Country House (C010750) and a Recorded Protected Structure – Bessboro Convent (RPS ID PS490). The route traverses the Black Bridge over the Douglas Estuary, this feature is a National Monument (CO10741) and also a feature listed on the National Inventory of Architectural Heritage (20872013). The National Excavations Database 1970-2016 ([www.excavations.ie](http://www.excavations.ie)) indicates that two archaeological excavations took place in the vicinity of the study area. The first is located in the section along the link to Mahon Interchange. No features or finds of archaeological significance were revealed. The second is located in the area of Harty's Quay which revealed a possible shell midden.

#### **7.4. Type and Characteristics of Potential Impact**

##### Magnitude and Spatial Extent of the Impact

7.4.1. Having regard to the foregoing and to the low density of development in the surrounding area, I am satisfied that the extent of the potential impact in terms of geographical area and the size of the population is limited. During construction, there will be some limited impact on local residents and the surrounding environment arising from construction traffic, noise and dust and works including the realigning of the Rochestown Road. These impacts however will be short term and would be mitigated by good construction practices. Land take will be required from the residents of No. 1-10 Island, the EIA Screening Report states that at this stage in time the severity of potential impact is unknown, however given that the land take

involved will be minimal I would not consider the impacts to be of a level of significance that would require EIA.

- 7.4.2. I note that given the R610 Rochestown Road is a key arterial route in the Cork City road network no full road closures are envisaged. Having regard to the nature, scale and linear location of the proposed development, in my opinion the project would have a minor localised impact along the Rochestown Road, and some minor local impacts on traffic, however there would be limited significant impacts on the wider environment.
- 7.4.3. The works on the Black Bridge will require the replacement of the decking which will result in the need for the existing greenway to be closed for through flow for a circa 18-week period which will result in slight to moderate negative effects to users of the greenway, however as this will be on a temporary basis any impacts are not considered significant.
- 7.4.4. Ecology and biodiversity - The footprint of the greenway improvement scheme is relatively small and will entail the re-use of existing pathways and the widening of existing routes, as well as amenity improvements. However, there is potential for impact on ecological sites arising from the necessity for construction works adjacent to the Cork Harbour SPA, and Douglas River Estuary pNHA. The closest European site that contains Special Conservation Interest (SCI) bird species is Cork Harbour SPA which is directly adjacent to the proposed works area. Any works within this area would have the potential to adversely impact on habitats and species within these sites which have a significant spatial extent. The likely significant effects of noise, vibration, lighting and the presence of humans and vehicles during the construction phase on SCI birds cannot be ruled out. Equally the improved scheme would generate additional users i.e., cyclists and pedestrians when operational, which could have a negative effect on the foraging, nesting and roosting habitat and behaviours of SCI bird species.
- 7.4.5. Impacts on bat species which use vegetation along the greenway for foraging and commuting habitat may also be negatively impacted as a result of tree felling and loss of potential or actual roost sites. In addition, otters that frequent the harbour area may also be impacted by loss/impact on habitat and increased visitor numbers.

- 7.4.6. Japanese knotweed was recorded in a number of different areas within the boundary of the proposed development site, while three-cornered garlic, common cord-grass and rhododendron were recorded in very close proximity or adjacent to the proposed greenway. There is therefore potential for significant negative effects through the spread of invasive species associated with the works in the absence of treatment/mitigation prior to commencement and during the works.
- 7.4.7. The road authority concludes in their submitted screening for AA report that an NIS is required and a subsequent Stage 2 AA. As indicted previously by virtue of this determination an application to the Board under section 177AE of the Planning and Development Act 2000, as amended, would be required which should be accompanied by the NIS. I consider that the potential impacts on biodiversity and on Natura 2000 sites can be adequately dealt with under the AA and planning assessment on foot of that application.
- 7.4.8. Cultural Heritage - The submitted EIA Screening Report states that there is potential for both negative and positive impacts as a result of the proposed works to the Black Bridge, which I would concur with. In relation to the northern portion of the site, part of the proposed greenway extension to the Mahon Industrial Estate would travel adjacent to the boundary of the Bessboro estate. I note that permission for 179 no. apartments, creche and all associated site works (ABP Ref. 308790) was refused by the Board in May 2021 at Bessboro. The reason for refusal stated that the Board considered that it would be premature to grant permission for the proposed development prior to establishing whether or not there is a children's burial ground location within the site and the extent of any such burial ground. This proposal included for a new pedestrian and cyclist entrance onto the Passage West Greenway. The proposed improvement scheme works appear to be outside of the aforementioned site boundary, however given the sensitivity of the site, in my opinion the road authority should investigate any possible impacts on Cultural Heritage as part of their assessment. I note that a Cultural Heritage Assessment to fully evaluate the likely potential for significant effects and to set out mitigation measures if required is recommended by the road authority. These matters can be addressed as part of a section 177AE application, and I do not consider that significant adverse impacts on sites of historical, cultural or archaeological significance are likely to occur such as would require EIA.

7.4.9. Water - There is potential for water pollution and in-turn impacts to protected species and habitats during the construction and operation phases of the proposed project. This is due to the possible release of sediment or accidental spillages of construction related materials on site. In particular there is potential for impacts on water quality associated with the works to the Black Bridge. Any potential impacts to water quality may result in indirect impacts to the feeding habitats for SCI bird species of Cork Harbour SPA and otters. It is considered that these matters can be adequately dealt with under the Habitat's Directive (Appropriate Assessment) and Ecological Impact Assessment on foot of a section 177AE application and an EIA is not warranted.

Transboundary Nature of the Impact

7.4.10. There will be no transboundary impacts associated with the proposed development.

Probability, Intensity and Complexity of the Impact

7.4.11. The potential for complexity primarily arises from the proximity of the proposed development to cultural heritage features and ecologically sensitive sites, and the nature of the development which may impact on aspects of the environment including water quality and biodiversity. Having regard to the limited scale of the proposal however, which for the most part involves a widening of an existing pathway and enhancement measures, the nature of environmental impacts are not considered significantly complex or intense.

Expected Onset, Duration, Frequency and Reversibility of the Impact

7.4.12. Any significant adverse impacts arising from the proposed development are likely to be associated with the construction phase and be short-term or temporary in nature. There will be permanent loss of existing vegetation and habitat along the existing alignment, and there is potential for impacts on the qualifying interests of the adjoining SPA, however it is considered that any possible adverse impacts associated with the works can be assessed and mitigated as part of a NIS, an EclA and associated biodiversity enhancement proposals that may form part of the application to be made to the Board under section 177AE.

Cumulation of the Impact with the Impact of other Existing and/or Approved Projects

7.4.13. Both the current plan for the city and the proposed future (draft) plan have been subject to Strategic Environmental Assessment which has concluded that significant

environmental impacts are not likely to arise from the adopted development scenario. As already noted (see sections 7.2.7-7.2.9) there are some current proposals/projects (proposed/existing/permitted) in the vicinity of the site, however from an examination of these it is not anticipated that the proposed improvement scheme would give rise to any significant negative cumulative effects with these other projects.

#### Possibility of Effectively reducing the Impact

- 7.4.14. I note that further detailed design work, including ecological and environmental surveys and investigations are required for the proposal. In my opinion, the development of a design approach that adheres to best practice guidance for greenways and for construction in environmentally sensitive areas, and the identification of suitable mitigation measures (including, possibly mitigation by avoidance) will result in a reasonable possibility of effectively reducing the impact of the development.

## **8.0 Conclusion and Recommendation**

- 8.1. Having regard to the submitted information, including the 'EIA Screening Report and the Screening for Appropriate Assessment Report' and associated maps, and having conducted a site inspection, I consider that the proposed development of the Passage Railway Greenway Improvement Scheme, Phase II – Mahon to Passage West would not be likely to have significant effects on the environment. I therefore recommend that Cork City Council be advised that the preparation and submission of an environmental impact assessment report is not therefore required.
- 8.2. I accept that the proposed development is located in a sensitive location, however having regard to the nature and scale of the proposed development I consider that the issues arising from connectivity to European sites can be adequately dealt with under the Habitats Directive (Appropriate Assessment). Cork City Council have accepted that an NIS is required to inform Appropriate Assessment.
- 8.3. I therefore consider that the likely consequences for the proper planning and sustainable development of the area arising from potential impacts on biodiversity, water, cultural heritage and population can be addressed in a section 177AE application to the Board.

## 9.0 Reasons and Considerations

### 9.1. Having regard to:

- (i) the information provided by the road authority to An Bord Pleanála;
- (ii) the Roads Act, 1993 (as amended);
- (iii) Annex III of EU Directive 2014/52/EU of 16th April 2014, amending Directive 2011/92/EU (the EIA Directive) on the Assessment of the Effects of Certain Public and Private Projects on the Environment;
- (iv) the document 'EIA of Projects - Guidance on Screening' (2017) issued by the European Commission;
- (v) the document 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development' issued by the Department of Environment, Heritage and Local Government in August 2003,
- (vi) the ecological sensitivity of the receiving environment, including Cork Harbour SPA (Site Code: 004030) and the Douglas River Estuary pNHA (Site Code: 001046);
- (vii) the nature, scale and characteristics of the proposed improvement works to the existing greenway development, including construction works;
- (viii) The characteristics of potential impacts, including, in particular those of biodiversity, water, cultural heritage and population (including land take);
- (ix) The limited potential for significant impacts arising from the proposed development; and
- (x) the report and recommendation of the Board's Inspector.

It is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required.



It is considered that the impacts likely to arise including potential impacts on European sites and the likely consequences for the proper planning and sustainable development of the area arising from impacts on biodiversity, water, cultural heritage and the local population can be addressed in a Section 177AE application to the Board.

---

Máire Daly

Planning Inspector

14<sup>th</sup> February 2022