



An  
Bord  
Pleanála

## Inspector's Report

### ABP-317703-23

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<b>Development</b>	Repair and rehabilitation of Glanmire Bridge
<b>Location</b>	Glanmire Bridge, Glanmire, Cork
<b>Local Authority</b>	Cork City Council
<b>Type of Application</b>	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
<b>Prescribed Bodies</b>	Department of Housing, Local Government and Heritage, Office of Public Works
<b>Observer(s)</b>	No Observations
<b>Date of Site Inspection</b>	2 <sup>nd</sup> October 2023
<b>Inspector</b>	David Ryan

## 1.0 Introduction

- 1.1. Cork City Council is seeking approval from An Bord Pleanála to undertake the repair and rehabilitation of the existing structure of Glanmire Bridge in close proximity to Cork Harbour SPA which is a designated European site. There is one other designated European site in proximity to the proposed works (see further analysis below). 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. 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 an 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.

## 2.0 Site Location

- 2.1. The site is located within Glanmire Village c.5.5km to the north-east of Cork City centre. The bridge connects Glanmire Village and the road network to largescale residential development to the east and northeast.
- 2.2. The existing three span arch bridge with a further arch to the eastern part of the structure carries the L-2999 across the Glashaboy River and a mill race, situated between the Glanmire Road (R639) to the west and East Cliff Road and L-2998 to the east. The bridge has a span of c.47 metres and is approx.9.6 metres wide with a 7.3 metres wide carriageway which accommodates two-way traffic. The humpback

bridge has a span higher than the ramped approaches either side and includes a concrete pavement on the north flank. Vegetation is present on the structure with trees in riparian areas surrounding the development.

- 2.3. The bridge is a Protected Structure listed on the Cork City Development Plan 2022-2028 under Ref. PS1181, is included on the National Inventory of Architectural Heritage (NIAH) under Ref. 20907505 and is on the Record of Monuments and Places Ref. CO075-048.
- 2.4. The river drains to Lough Mahon within Cork Harbour c.1.8km downstream of the bridge.
- 2.5. The bridge is exposed to the R-639 to the north and is screened by existing vegetation to the south, east and northeast. Residential, commercial and utility development are present in the immediate vicinity of the bridge.

### **3.0 Proposed Development**

- 3.1. The proposed repair and rehabilitation of the existing bridge will include the erection of a temporary site compound, vegetation treatment and root removal, masonry parapet repair, general repointing, spandrel wall repair, cutwater repair, and grouted tie bar installation along the northwestern approach wall. Parapet heights are to be increased with the total height above the carriageway on the south side being 1.4 metres (existing height being approx.1.18 metres at locations) and the height above the footpath on the northern side being 1.2 metres (existing height being approx. 0.85 metres at locations). Spandrel wall repair will involve the erection of scaffolding platforms adjacent to the spandrel wall both upstream and downstream, alternately a mobile under-bridge access platform can be used. Cutwater repair will include demolition down to good stone with the stone removed from cutwater retained and reused where possible, with no works proposed above the waterline. The operational phase of the structure will include the bridge remaining in-situ and functioning as it currently exists.

3.2. The application is accompanied by:

- An Appropriate Assessment Screening Report and Natura Impact Statement prepared by Fehily Timoney Consultants in Engineering, Environmental Science & Planning dated July 2023,
- Ecological Impact Assessment prepared by Fehily Timoney dated July 2023,
- Planning Statement prepared by Fehily Timoney dated July 2023,
- Conservation Report for Glanmire Bridge prepared by JCA Architects RIAI dated July 2023
- Photomontage of Rehabilitation works Glanmire Bridge Cork prepared by Model Works Ltd dated July 2023
- Design Drawings prepared by Fehily Timoney dated July 2023, including a bridge plan, elevations, bridge details and scope of rehabilitation works
- Copy of newspaper notice published 26<sup>th</sup> July 2023
- Copy of site notice erected 26<sup>th</sup> July 2023
- A list of prescribed bodies notified of the proposed development

## 4.0 Planning History

4.1. The bridge has not been the subject of any previous planning applications. The National Inventory of Architectural Heritage outlines the bridge was built c.1790. The bridge is present on the Ordnance Survey Map of Ireland (OSI 6inch Cassini), which was conducted between 1829 and 1842.

4.2. There are a number of recent planning applications made in the vicinity, which are pertinent to the application currently before the Board.

**ABP Ref. 317710-23** – Pending application for approval made by Cork City Council under Section 177(AE) of the Planning and Development Act, 2000 (local authority

development requiring appropriate assessment) for repair and rehabilitation of Rathcooney Bridge, Glanmire

**ABP Ref.314940-22** - Pending application for approval made by Cork City Council under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment) for repair and rehabilitation of Glyntown Bridge, Glanmire

## 5.0 Legislative and Policy Context

- 5.1. **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).
- 5.2. **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.
- 5.3. **National nature conservation designations:** The Department of Culture, Heritage and the Gaeltacht 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.

5.4. European sites located in proximity to the subject site include:

- Cork Harbour SPA 004030
- Great Island Channel SAC 001058

pNHAs located in proximity to the subject site include:

- Glanmire Wood pNHA 001054
- Dunkettle Shore pNHA 001082
- Douglas River Estuary pNHA 001046
- Great Island Channel pNHA 001058
- Rockfarm Quarry, Little Island pNHA 001074

5.5. **Planning and Development Acts 2000 (as amended):** Part XAB of the Planning and Development Acts 2000-2017 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 NIS 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 assessment 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.

5.6. **Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010).** This guidance is intended to assist and guide planning authorities in the application of articles 6(3) and 6(4) of the Habitats Directive as it relates to their roles, functions, and responsibilities in undertaking AA of plans and projects. It applies to plans and projects for which public authorities receive an application for consent, and to plans or projects which a public authority wishes to undertake or adopt.

5.7. **National Planning Framework/Regional Planning Guidelines**

Architectural Heritage Protection Guidelines. Refers to the main features of the Planning and Development Act 2000, as amended and to the requirement for planning authorities (PA) to create a record of protected structures and to the responsibilities given to owners to maintain them and the additional powers given to PA's to ensure that protected structures are not endangered.

5.8. **Regional Spatial & Economic Strategy - Southern Region**

The RSES for the southern region was adopted in January 2020 and provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. It seeks to achieve balanced regional development and full implementation of the NPF.

- Cork MASP Policy objective 5 states 'It is an objective to ensure quality infrastructure and quality of place is prioritised as an incentive to attract people to live and work in sustainable settlement patterns in the metropolitan area'.

#### 5.9. **Cork City Development Plan 2022-2028**

The relevant provisions of the plan are set out below:

- The site is located within the Urban Town of Glanmire and is zoned *ZO 01, Sustainable Residential Neighbourhoods*, which states 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'.
- Transport and Mobility Development Objectives (Strategic Objective 3) states 'To support the implementation of the Cork Metropolitan Area Transport Strategy (CMATS)' and 'To integrate land-use and transportation planning to improve movement for all across Cork City'.
- Section 4.114 (Roads) states 'it is recognised that the roads infrastructure maintains a central position in Cork City's overall transportation network, catering for the movement of buses, goods vehicles, pedestrians, cyclists, as well as the private car. During the lifetime of this plan Cork City Council will strive to roll out adequate road infrastructure to ensure the sustainable, economic development of the City'.
- Section 4.21 (Glanmire Roads Improvement Scheme) states 'this scheme contains measures designed to address connectivity issues in the Glanmire



Area and will allow for more seamless connections between the three villages that comprise the settlement, Glanmire, Sallybrook and Riverstown’.

- Section 10.286 (Future Growth) states ‘Glanmire will require significant infrastructure including a new road bridge over the Glashaboy River (forms part of the Cork Harbour Special Protected Area), additional school services, passive and active open space, local shops, community services and facilities, water and wastewater services, energy, telecommunications etc’.
- Objective 10.69 South Glanmire Expansion Area states ‘To support the compact growth and development of South Glanmire Expansion Area as a strategic City consolidation and expansion area, as identified in the Core Strategy’.
- Objective 10.70 Glanmire Town Centre Framework Plan states ‘During the lifetime of the Plan, Cork City Council in consultation with relevant stakeholders will prepare and implement a Framework Plan to identify short, medium and long term regeneration objectives to provide a distinctive town centre for Glanmire’.
- Objective 10.71 South Glanmire Framework Plan states ‘Cork City Council will work with relevant stakeholders to produce a Framework Plan to support the sustainable growth of Glanmire and provide a coherent and coordinated land use plan for south Glanmire and its immediate environs’.
- Objective 8.19 Record of Protected Structures states ‘To maintain a Record of Protected Structures (RPS) which shall include structures or parts of structures which are of special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest, and which it is an objective to protect’.
- Objective 8.1 Strategic Archaeology Objective states ‘a. To protect and preserve archaeological monuments as listed in the Sites and Monuments Record (SMR), Record of Monuments and Places (RMP)’.

- The bridge forms part of Cork City Scenic Route Ref. HVP5 Road from Dunkettle to Glanmire and eastwards to Caherlag and Glounthaune. Objective 6.15 Development on Scenic Routes affords protection to views and prospects obtainable from scenic routes identified in the Plan.
- Objective 6.23 (Designated Sites and Protected Species) states ‘To protect and enhance designated sites and areas of natural heritage and biodiversity and the habitats, flora and fauna for which it is designated, and to protect, enhance and conserve designated species’.

## 6.0 Consultations / Observations

6.1. The application was circulated to the following prescribed bodies:

- Cork City Council
- Department of Housing, Local Government and Heritage
- The Heritage Council
- An Taisce
- The Office of Public Works
- National Parks and Wildlife Service
- An Comhairle Ealaíon
- Inland Fisheries Ireland
- Fáilte Ireland
- Waterways Ireland

Responses were received from the following:

6.2. **Department of Housing, Local Government and Heritage**

6.3. The submitted report sets out heritage related observations/recommendations under the headings of Nature Conservation and Underwater Archaeology. The report is summarised as follows:

#### Nature Conservation

- Proposed bridge repairs are approx. 600m upstream of the Cork Harbour SPA (SPA No.4030), this European Site is designated under the European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 (S.I. No. 391 of 2021) for a range of duck, wader and waterbird species, as well as wetland habitat used by waterbirds.
- Proposed bridge repairs are approx. 200m upstream of Glanmire Wood proposed Natural Heritage Area (pNHA no.1054), although the site is not listed for protection in Cork County Development Plan 2022-2028, the woodland remains of conservation importance for several plant species.
- Otter and bat species are also strictly protected under the Birds and Habitats Regulations.
- Taking into account results of ecological assessments, the following is recommended:
  - A pre-construction bat roost (emergence) survey will be carried out at an appropriate season, and prior to vegetation/material removal, any cracks will also be surveyed for bats, to avoid damage to a breeding site/resting place of a protected species.
  - Scaffolding impermeable barriers to catch falling fresh mortar should be erected prior to parapet rebuilding, to avoid fresh mortar entering the river

#### Underwater Archaeology

- It is noted that the proposed development will affect the Recorded Monument CO075-048-Bridge. Recommends conditions to include:

- all works shall be carried out in accordance with Departments standards of practice in *Architectural Heritage Protection Guidelines for Planning Authorities (2011)* and Advice Series Booklet *Ruins: The Conservation and Repair of Masonry Ruins (2010)*
- all works in river to be notified and agreed in advance with Department
- appointment of monitoring archaeologist and obtaining of dive survey licence to monitor and investigate instream, underwater works and underwater archaeological material recovery
- monitoring strategy to include communication strategy
- archaeological recording of structure,
- reuse of stonework
- agreement on location of mortar sampling, mortar analysis and specifications
- submission of archaeological report
- monitoring project to inform further schemes of stabilisation, conservation and repair

#### 6.4. **Office of Public Works**

#### 6.5. The report is summarised as follows:

- Given proposal is maintenance and not proposed to alter the hydraulic openings of structure, proposed works will not require consent under Section 50 of Arterial Drainage Act 1945 as amended
- Construction methodology that could restrict conveyance through bridge opes may require Section 50 consent. Consultation required to confirm any consent requirements on methodology.
- Damming of watercourse may be subject to consent under Section 47 of Arterial Drainage Act, and temporary pipes, culverts, and/or bridges required

to cross /divert watercourse will require consent under Section 50 of Arterial Drainage Act

- In seeking consent under Section 50, current required design standard for bridges/culverts is based on flood with annual exceedance probability of 1% (1 in 100 year flood), increased by 20% to cater for effects of climate change. Bridges/culverts are required to convey this design flood without significantly altering hydraulic characteristics of watercourse and guidelines are outlined.
- As Cork City Council leading bridge project and are acting as agents for Glashaboy Flood Relief Scheme, recommended teams within CCC liaise to determine locations where projects interact. May include phasing to benefit projects and limit impacts on local community and ensure implications for flood relief scheme flow management strategy are considered.
- Request condition placed on any approval requiring applicant to apply for and receive any Section 47 and /or Section 50 consent that require it.

6.6. No observations or submissions have been received by the Board from any other prescribed body or third party on foot of the public notices.

## 7.0 **Assessment**

### **1. The likely consequences for the proper planning and sustainable development of the area**

7.1. The policies of the current Cork City Development Plan identify Glanmire as an Urban Town, with an associated strategic aim 'to support the compact growth and development of South Glanmire (Ballinglanna) Expansion Area as a strategic City consolidation and expansion area' (Volume 1, Objective 10.69). Section 4.114 (Roads) of the Plan states 'it is recognised that the roads infrastructure maintains a central position in Cork City's overall transportation network, catering for the

movement of buses, goods vehicles, pedestrians, cyclists, as well as the private car'. In relation to future growth of the settlement, Section 10.286 states 'Glanmire will require significant infrastructure including a new road bridge over the Glashaboy River'. The existing Glanmire Bridge traverses the Glashaboy River, which discharges into Cork Harbour SPA, which is afforded protection under the natural heritage policies of the Plan.

- 7.2. The site is zoned *ZO 01, Sustainable Residential Neighbourhoods*, which states 'To protect and provide for residential uses and amenities, local services and community, institutional, educational and civic uses'. The sites current use is public road/bridge.
- 7.3. The existing bridge is identified in the Plan as a Protected Structure (no. PS1181) and policies of the plan afford protection to such structures. Under Section 58 of the Planning and Development Act, 2000 as amended, the owner of the bridge, the applicant /Cork City Council is obliged to ensure that the structure is not endangered.
- 7.4. The proposed development is for the repair and rehabilitation of the existing Glanmire Bridge over the Glashboy River and along a local road in Glanmire Village. Fehily Timoney and Company who have been engaged by Cork City Council to prepare the application state the structure is 'considered to be in poor condition due to sections of the masonry having had many repairs and rebuilds over the year'. It is stated the structure includes for road surface and parapet defects and 'that the works outlined...should be carried to ensure that safety for road users at the location of the structure is increased and the condition of the structure does not deteriorate further'. It is further stated 'Glanmire Bridge...in its current condition does meet the criteria in accordance with AM-STR-06002', which I note is the Transport Infrastructure Ireland publication for 'Assessment of Road Bridges and Structures'.
- 7.5. The existing road bridge was built c. 1790, carrying the road over the Glashaboy River and millstream. The Conservation Report submitted details the historical context of the bridge and describes its current poor state of repair, which includes for a breach to its northern flank. The report includes for an Architectural Heritage

Impact Assessment entailing an assessment of impact methodology, statutory obligations, physical and visual impacts of proposed works and a photographic survey. Conservation recommendations have been set out to guide the repair and rehabilitation works with a central focus to keep interventions to a minimum while also enabling the works to meet road safety requirements.

- 7.6. Given the condition of the existing road bridge as described in the application and following my site inspection, I consider the proposed development would improve and maintain the road network at this location and would be consistent with and support the relevant provisions of the Plan.
- 7.7. The proposed development would maintain the existing bridge soffit and span and would also maintain the existing road level, alignment and width, with the bridge to remain in-situ and function as it currently exists. The proposed development would be consistent with the Plans road provisions, policy objective in respect of supporting the compact growth and development of the South Glanmire Expansion Area and the statutory requirement to ensure the protection of listed structures. As set out in Section 7.67 of this inspectors report the proposed development would also be consistent with Objective 6.23 in that the proposed repair and rehabilitation development is compliant with EU environmental directives in relation to the protection of designated sites and protected species.
- 7.8. Having regard to the foregoing, I consider that the proposed development would be consistent with the relevant planning framework and would accord with the proper planning and sustainable development of the area.

## **2. The likely effects on the environment**

- 7.9. The proposed development involves the repair and rehabilitation of the existing bridge. As set out in Section 2.2 of the NIS the construction phase will include the following: preliminaries entailing the setting up of a site compound near the site with three site options identified, services verification and setting up of a lifeline downstream in event of person falling into the river, vegetation removal, parapet

masonry repair, spandrel wall repair, repointing, cutwater repair, grouted tie bar installation. The proposed site compound will be located in one of three site options, Riverstown FC Car Park (300 metres northeast of site), car park between AIB and Glanmire Chiropractic (30 metres southeast) or Monkey Maze car park (40 metres south), with the NIS outlining all options entail existing hard surfaces. The bridge may need to be reduced to one lane during parapet repair works.

7.10. Aspects of the proposed development that could have effects on the environment are addressed in this section of the inspector's report. The impact of the proposed development on European Site (s) is specifically considered in section 7.3.

7.11. There is a potential for impacts to arise on **Residential Amenity** as a result of the proposed development. Having regard to the proximity of the proposed development to existing residential development, with the closest residential property located approx. 11 metres from the site, I consider there is the potential for environmental impacts to arise during construction including potential pollution events, noise and disturbance and dust and dirt on the roads. In the absence of a CEMP, I consider that the residential amenities of established residents could be adversely affected by the construction phase. Should the Board be minded to grant permission, I consider that a construction and environmental management plan, including for a traffic management plan and mitigation measures to control environmental emissions should be prepared, prior to the commencement of development works on the site and should be required as a condition of any planning permission.

7.12. In relation to **Biodiversity**, An Ecological Impact Assessment (EclA) has been submitted with the application. Direct impacts of the proposed works include vegetation removal, debris from vegetation removal and rehabilitation works entering into watercourse, sediment run off from vegetation removal, release of contaminants from fuel spillage, mortar and herbicide usage, disturbance and spread of invasive species, temporary noise impacts.

7.13. The EclA was informed by a desk study and field surveys. Surveys considered the fisheries value of the Glashaboy River, biological water quality (Q sampling)



macrophytes, otters, bats, riparian and bridge structure bird survey, an aquatic and riparian habitat appraisal and invasive species survey. Four habitats within the study area were identified as key ecological receptors in Table 4-2, including stone walls and other stonework, treelines, mixed broadleaved woodland, tidal river. Potential receptors in the immediate vicinity of the site entail fauna including birds, bats, otters, fisheries, red squirrel, hedgehog, snails, bee. Four invasive species were recorded in the vicinity of the proposed works including Himalayan balsam, cheery laurel, buddleia and sycamore. Other potential receptors within the vicinity include Dunkettle Shore pNHA and Douglas River Estuary pNHA and their associated habitats and bird species. The EclA outlines SACs and SPAs are considered in the Appropriate Assessment Screening Report and NIS.

- 7.14. In the absence of mitigation measures, the impact on the Glashaboy River is classified as moderate, negative, short term in a river basin district/estuarine system context. Impacts include minor habitat and vegetation removal, potential surface water emissions/pollutants, potential disturbance during bird nesting season, impacts on otter and fisheries due to potential reduction in water quality, impacts on bats and foraging habitat, potential impact on foraging habitat of red squirrel and hedgehog, potential for impacts to foraging and nesting of bumble bee and snails, disturbance and spread of invasive species. The EclA outlines there is a possibility of negative effects to habitats and bird species within the Dunkettle Shore pNHA and Douglas River Estuary pNHA due to changes in water quality during the construction phase. I consider no operational phase effects would be likely to be envisaged as the road would return to current usage.
- 7.15. Standard and well-proven construction mitigation measures are set out in Section 6 of the EclA. Measures relate to vegetation removal, plant inspections, waste management, scaffolding lining, overspill minimisation of mortar, fluid handling, spill control, debris control, herbicide controls, and measures for protection of breeding and roosting birds, otter, bats, fisheries.

7.16. I note that the EclA identifies that otters use the river and adjacent mill race channel for commuting and foraging only, that there were no otter holts or crouches present within 150 metres of the bridge structure. A pre-construction otter survey will be carried out to ensure no resting or breeding areas are located within 150 metres of the bridge (should any become utilised between the survey date and works commencing to reconfirm the findings of the EclA). It is outlined should these be identified a derogation licence will be acquired from the National Parks and Wildlife Service in advance of works and mitigation measures adjusted accordingly. In relation to terrestrial mammals, mitigation also includes the minimising of the works footprint area on the structure and riparian area for clearance for access, and the replanting of trees or scrub removed with native species. Should the Board be minded to grant permission a suitable condition could be attached to ensure that the above requirements are met.

7.17. The EclA details the bridge is part of a landscape considered to be of moderate-high suitability for bats, being of high suitability for brown long-eared bat, common pipistrelle, soprano pipistrelle and Leisler's bat, and of moderate suitability for Daubenton's bat, whiskered bat and Natterer's bat. It was also identified that vegetation at the site provides suitable foraging habitat for bats. A roost assessment identified the bridge had poor suitability for bat roosting under the arches in the barrels as they were rendered, however the faces of the bridge may support bats given good suitability with small crevices present, with the bridge attaining a score of 2 = i.e crevice ideal for bats but no evidence of usage. An emergence survey identified no roosts were located within the structure and no bats were observed emerging from the structure. However the EclA outlines as a precautionary measure the bridge will be subject to a roost survey prior to commencement of works to determine the presence/absence of bats, to reconfirm the findings. If any new roosts are found during the surveys a bat derogation license shall be sought prior to construction and works carried out under the terms of the licence and this will include any felling works being undertaken which will be timed to ensure no bats are harmed. Other measures include for works to take place in daylight hours to

minimise disturbance to bat species, lighting to be switched off at night and minimising vegetation removal. Should the Board be minded to grant permission a suitable condition could be attached to ensure that the above requirements are met.

- 7.18. An invasive species management plan sets out measures and mitigation to be employed for invasive species.
- 7.19. I note that among the numerous mitigation measures set out, there is reference to the employment of an Ecological Clerk of Works being employed for the duration of the construction phase.
- 7.20. The observations of the DAU in respect of otter and bat species state these are strictly protected under the Birds and Habitats Regulations. In taking into account the results of the ecological assessments the DAU recommend that a pre-construction bat roost (emergence) survey will be carried out at an appropriate season, and prior to vegetation/material removal, any cracks will also be surveyed for bats, to avoid damage to a breeding site/resting place of a protected species. The DAU also recommend that scaffolding impermeable barriers to catch falling fresh mortar should be erected prior to parapet rebuilding, to avoid fresh mortar entering the river. As highlighted the EclA mitigation measures include for pre-construction bat roost and otter surveys and derogation licences if required, with measures also set out to safeguard the watercourse and I consider the recommendations of the DAU can be addressed by condition.
- 7.21. The observations of the DAU in respect of Glanmire Wood proposed Natural Heritage Area state that, although not listed for protection in Cork County Development Plan 2022-2028, the woodland remains of conservation importance for several plant species. The EclA outlines there is hydrological connectivity between the proposed development and the pNHA via the Glashaboy River, however due to the terrestrial nature of the features of interest at Glanmire Wood and the steep topography of the wood, ecological connectivity is extremely remote. The EclA considers as this pNHA will not be subject to habitat loss, disturbance and/or displacement during the construction phase of the development, no impact is

envisaged on this pNHA. Having regard to the site location and details set out in the EclA, I consider this conclusion is reasonable.

- 7.22. Having regard to the existing baseline, EclA submitted and the mitigation measures as set out, I am satisfied that the mitigation measures are capable of being successfully implemented. This is a relatively common construction project of relatively limited construction phase duration and I do not consider that the proposed development would have an undue adverse impact on the biodiversity of the area.
- 7.23. The proposed development is of such limited scale that there is not likely to be any impact on **land, soil, water, air and climate**. Additional land take is not proposed and any impact on soil would be minimal. It is not proposed to alter any existing river flows and I consider the proposed development would not have any significant impact on water. Issues of air and climate would not be affected by the limited scale of the proposed works.
- 7.24. I consider that the proposed development would have a positive impact on **material assets, cultural heritage and the landscape**.
- 7.25. The existing bridge is in poor condition, and works are required to prevent its further deterioration and therefore the material asset of public infrastructure would be improved as a result of the proposed development.
- 7.26. In relation to cultural heritage, the bridge is a Protected Structure and is included on the national inventory of architectural heritage (NIAH).
- 7.27. On file is a Conservation Report which identifies that vegetation removal, wall and cutwater repair and repointing will have a positive impact on the material integrity of the bridge, with the rebuilding and raising of the parapet walls, which are required for road safety, having a moderate negative impact on the original form and character of the walls. The report outlines some mitigation against this impact is provided by construction recommendations which include for utilisation of construction techniques, re-use of existing materials and the sourcing of matching construction materials. I consider the proposed development would facilitate the repair and

restoration of a Protected Structure. The proposed works as set out would minimise interventions to the structure and would enable works to meet road safety requirements, on a bridge which currently exhibits a number of structural defects and is in a poor condition.

- 7.28. The bridge is a Recorded Monument and the proposed repair and rehabilitation of the existing bridge will include for cutwater (wedge of bridge pier) repair. The observations of the application by the DAU in respect of archaeology, recommend conditions to include works being carried out in accordance with standards, works in river to be notified and agreed in advance, archaeological monitoring and investigation of instream, underwater works and underwater archaeological material recovery, a monitoring strategy, archaeological recording, reuse of stonework, agreement on location of mortar sampling, mortar analysis and specifications, an archaeological monitoring report and the monitoring of the project to inform further schemes of stabilisation, conservation and repair. Having regard to the nature of the works, archaeological heritage onsite and the observations of the DAU, I consider conditions including for archaeological monitoring and reporting to be appropriate and these issues can be addressed by condition.
- 7.29. In terms of landscape the site is located adjoining Cork City Scenic Route Ref. HVP5 and is within a built up area as outlined in *Figure 6.5 Prominent and Strategic Cork City Hinterland Areas* in the Cork City Development Plan 2022-2028. Works include for parapet masonry repair entailing the rebuilding and raising of the parapet walls. The operational phase of the structure will include the bridge remaining in-situ. The site is screened by vegetation to the south and northeast and is exposed to the road network to the north/northwest. A photomontage of the rehabilitation works has been submitted to provide a visual context for the proposed works. Photomontages of the subject development are included from 4 viewpoints in the immediate area of the site.
- 7.30. Having regard to the site inspection, I consider that the photomontages demonstrate the visual and landscape effects of the proposed development. I do not consider that

the proposed works, if permitted will result in any significant visual impacts in the landscape due to the scale and extent of the repair and rehabilitation works together with the design and material finishes proposed.

7.31. *Other matters raised by OPW.* The OPW outline consultation is required to confirm any consent requirements which may be applicable under the 1945 Arterial Drainage Act, as amended and request a condition apply requiring applicant to obtain Section 47 and/or Section 50 consent where applicable. These matters fall outside the planning system and are not considered here. The OPW also recommends sections within Cork City Council liaise with each other in relation to where the bridge project and Glashaboy Flood Relief Scheme interact, to benefit project phasing and the management of the flood relief scheme and to limit impacts on the local community. As the applicant the City Council is the one entity and acting as agents on the Flood Relief Scheme, I consider a condition relating to issues of project co-ordination is not warranted in this instance.

7.32. Having regard to the foregoing, I consider that the repair and rehabilitation of the existing structure of Glanmire Bridge is acceptable in principle, and it would not have any undue adverse environmental impact. The design of the rehabilitated bridge is appropriate to its function as a local road bridge as part of the local road network. It would not generate any additional traffic. Mitigation measures proposed as part of the AA process, as set out below, would also apply to biodiversity issues that may arise. I conclude that the proposed development would not have any likely significant effects on the environment.

**3.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**

7.33. 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 Natura Impact Statement**

- 7.34. The application is accompanied by an NIS which describes the proposed development, the project site and area, European Sites within the zone of influence, includes an assessment of potential impacts, an in-combination assessment, mitigation and a conclusion.
- 7.35. The NIS contained a Stage 1 Screening Assessment which concluded that a Stage 2 Appropriate Assessment was required. The screening determination at Section 3.5 found that likely significant effects on the qualifying interests of the Cork Harbour SPA cannot be excluded on the basis of objective scientific information and an NIS has been completed. I note the screening conclusion is inconsistent with the above finding stating 'the AA screening process has considered potential effects which may arise during all phases of the proposed project.....it has been evaluated that there are **no likely significant** adverse effects on the qualifying interests, special conservation interest or the conservation objectives of any designated European site'. It is unclear why this statement was included in the screening conclusion given it discounts the process whereby likely significant effects on the SPA cannot be excluded and this is possibly down to a typo. However, on the basis of the screening assessment carried out and that the applicant has rightly proceeded to the completion of an NIS and Stage 2 of the AA process following the screening process

carried out where likely significant effects on the SPA cannot be excluded, I am of the opinion that the proposed development can be considered from an AA perspective.

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

- A search was conducted using GIS to identify any European Sites with Groundwater Dependant Ecosystems within the catchment area of the project
- Examination of SACs and SPAs using GIS mapping
- Ecological and site walkovers conducted May 19<sup>th</sup> and July 4<sup>th</sup> 2023 to assess habitats, identify invasive species, identify links to European site
- A number of field surveys including bird and otter survey conducted May 20<sup>th</sup> 2023, aquatic and riparian habitat appraisal conducted 19<sup>th</sup> and 20<sup>th</sup> May 2023
- Cork City Development Plan 2022-2028
- National Biodiversity Action Plan 2017-2021
- Cork City Planning Enquiry System
- Geohive datasets
- An Bord Pleanala development applications
- Department of Housing, Local Government and Heritage's EIA Portal
- NPWS Conservation Objective documentation
- Biodiversity Map Viewer

7.37. The screening assessment considers there is potential for likely significant effects to Cork Harbour SPA arising from water quality and in-combination effects. The site is hydrologically connected to the SPA and this may result in potential effects on foraging SCI. However the NIS at Section 4.5 *Residual Effects on the Integrity of Cork Harbour SPA* states 'taking cognisance of measures incorporated into the



project design and mitigation measures to avoid effects that are considered in the preceding section, the proposed rehabilitation works will not adversely affect the integrity of Cork Harbour SPA'. The NIS concludes 'In the light of the conclusions of the assessment which it shall conduct on the implications for the European sites concerned, the competent authority is enabled to ascertain that the proposed rehabilitation works will not adversely affect the integrity of any European Site'.

7.38. I note an observation has been received from the DAU of the Department of Housing, Local Government and Heritage which relates to impact on a European Site and species protected under the Birds and Habitats Regulations. I also note that no observation or submission has been received from any third party or any other prescribed body that relates to impact on a European site.

7.39. Having reviewed the NIS and the supporting documentation, I am satisfied that it provides adequate information in respect of the baseline conditions and does clearly identify the potential impacts. In relation to the use of best scientific information and knowledge I note the applicant has not referenced all of the qualifying interests and conservation objectives set out in the 'Conservation Objective Series Cork Harbour SPA 004030' in sections within the NIS, and has not referenced 'S.I. No.391/2021 European Union Conservation of Wild Birds Regulations 2021' for the affected European Site i.e Cork Harbour SPA. I expand on this issue in paragraph 7.49 below. Details of mitigation measures are provided and they are summarised in Section 4.4 of the NIS. I am satisfied that the information is sufficient to allow for appropriate assessment of the proposed development (see further analysis below).

#### Appropriate Assessment (AA)

##### Stage 1 Screening

7.40. Section 177AE of the Planning & Development Act, 2000 (as amended), sets out the requirements for AA of development carried out by or on behalf of a local authority. Section 177AE(3) states that where a NIS 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 is 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 site(s) brought forward for AA and to ensure that all site(s) that may be affected by the development have been considered.

7.41. A 15km radius from the application site is the distance normally used for considering the potential for impact of a proposed development on a European site, though this is extended or reduced depending on the type and scale of the proposed development, the nature of the European site etc. Having regard to the information available, the nature, size, and location of the proposed development, its likely direct, indirect, and cumulative effects, the source-pathway-receptor principle, and sensitivities of the ecological receptors, the only European sites that I consider relevant for inclusion for the purpose of initial screening on the basis of likely significant effects are those in the immediate proximity or those that are hydrologically linked, given the nature of the proposed works. The European sites that meet these criteria are:

European sites considered for Stage 1 screening:

European site (SAC/SPA)	Qualifying Interests QI / Special conservation interests (SCI)	Distance
Cork Harbour SPA (004030)	A004 Little Grebe <i>Tachybaptus ruficollis</i> A005 Great Crested Grebe <i>Podiceps cristatus</i> A017 Cormorant <i>Phalacrocorax carbo</i> A028 Grey Heron <i>Ardea cinerea</i> A048 Shelduck <i>Tadorna tadorna</i>	320 metres closest point

European site (SAC/SPA)	Qualifying Interests QI / Special conservation interests (SCI)	Distance
	A050 Wigeon <i>Anas penelope</i> A052 Teal <i>Anas crecca</i> A054 Pintail <i>Anas acuta</i> A056 Shoveler <i>Anas clypeata</i> A069 Red-breasted Merganser <i>Mergus serrator</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A142 Lapwing <i>Vanellus vanellus</i> A149 Dunlin <i>Calidris alpina alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A160 Curlew <i>Numenius arquata</i> A162 Redshank <i>Tringa totanus</i> A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> A182 Common Gull <i>Larus canus</i> A183 Lesser Black-backed Gull <i>Larus fuscus</i> A193 Common Tern <i>Sterna hirundo</i> A999 Wetlands	480 metres hydrological connection
Great Island Channel SAC (001058)	1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows ( <i>Glaucopuccinellietalia maritimae</i> )	3.7km closest point 6.8km hydrological connection

- 7.42. I note 'S.I No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021' made 21 July 2021 which includes for 2 no. additional protected bird species (Mallard, Greenshank) to the qualifying interests list set out in the 'Conservation Objective Series for Cork Harbour SPA (004030)'. I also note Greenshank (A164) is listed as a conservation objective for the SPA in the 'Conservation Objective Series for Cork Harbour SPA (004030)'.
- 7.43. Based on my examination of the NIS report and supporting information such as the EclA, 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, the sites conservation objectives and taken in conjunction with my assessment of the subject site and the surrounding area, I agree with the applicants screening for AA and conclude that a Stage 2 Appropriate Assessment is required for the Cork Harbour SPA only.
- 7.44. The remaining Great Island Channel SAC site 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 linkage between the proposed works and the European site. The screening report outlines pollutants could be transported via the Glashaboy River and both the SAC and Glashaboy River enter the Cork Harbour estuarine area. The screening report states however due to the unlikelihood of mixing of these watercourses within the SAC, and frequent tidal flushing, the hydrological pathway is minimal. The screening report outlines due to dilution, lack of mixing, low magnitude of works and temporary duration, significant effects are not likely to the SAC, either alone or in combination, and no likely significant effects arise.
- 7.45. I consider that the hydrological pathway from the source to the SAC which is via a river and tidal marine waters at a significant distance of approx.6.8km is weak given the separation distance, that there is no significant tidal linkage between the areas

where the Glashaboy River enters the Cork Harbour estuarine area and the Great Island Channel, and that dilution and dispersion of any potential pollutants in waters would occur. I therefore consider that the proposed development would not be likely to have a significant effect on the SAC. 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 sites conservation objectives and a Stage 2 Appropriate Assessment is not therefore required for this site.

### Stage 2 AA

#### **Cork Harbour SPA (004030)**

##### *Description of Site*

- 7.46. Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets. Owing to the sheltered conditions, the intertidal flats are often muddy in character. Salt marshes are scattered through the site. Some shallow bay water is included in the site. The site also includes some marginal wet grassland areas. Cork Harbour is an internationally important wetland site.

##### Conservation Objectives

- 7.47. The conservation objectives are set out in the 'Conservation Objectives Series for Cork Harbour SPA (004030)' document published by the Department of Arts, Heritage and the Gaeltacht. The overall aim of the Habitats Directive is to maintain or

restore the favourable conservation status of habitats and species of community interest. Site attributes, targets and measures are set out for each QI. For all QI the conservation objective is to maintain the favourable conservation condition. I note 'S.I No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021' made 21 July 2021 which includes for 2 no. additional protected bird species (Mallard, Greenshank) to the qualifying interests list set out in the 'Conservation Objective Series for Cork Harbour SPA (004030)'. I also note Greenshank (A164) is listed as a conservation objective for the SPA in the 'Conservation Objective Series for Cork Harbour SPA (004030)'.

7.48. For the QI/SCI and conservation objectives (aside from Common Tern, Wetlands) set out in the 'Conservation Objectives Series for Cork Harbour SPA (004030)' document, I note targets and attributes state 'long term population trend stable or increasing' and 'No significant decrease in the range, timing or intensity of use of areas, other than that occurring from natural patterns of variation'. For the QI/SCI Common Tern, targets and attributes outline no significant decline in breeding population, distribution of breeding colonies, no significant decline in prey biomass, no significant increase in barriers to connectivity. For QI/SCI Wetlands, targets and attributes state 'the permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation'.

7.49. The NIS includes *Table 4.2 Summary of the potential occurrence of qualifying interests in watercourses connected to the bridge rehabilitation and Cork Harbour SPA*. The NIS states while none of the SCIs of the SPA were recorded at the bridge, all SCIs of the SPA may potentially be within the zone of influence of the project due to their potential to occur in the Glashaboy River downstream. The NIS outlines a vantage point and bridge survey were carried out on 20<sup>th</sup> May 2023 where it was identified there was overall poor suitability for nesting birds underneath the structure given historical rendering and no potential for nest attachment. The survey identified that while there was some low potential for nest presence in the vegetation over the

cutwaters, no nests or adult birds were observed inclusive of the millrace channel and no species from Cork Harbour SPA were observed. The NIS also includes *Table 4.3 Conservation Objectives and Targets for Relevant Qualifying Interests with Potential for Adverse Effects on the Site Integrity of Cork Harbour SPA*. I note that the NIS has not referenced S.I. No. 391/2021 nor included two no. protected bird species (Mallard, Greenshank) cited within in Tables 4.2 or 4.3. I also note that Table 4.3 does not include for four Qualifying Interests including Pintail, Shoveler, Golden Plover, Grey Plover, and the conservation objective Greenshank as set out in the 'Conservation Objectives Series for Cork Harbour SPA (004030)' document. In my view, notwithstanding the non-use of the most up to date data available, I consider the potential direct and indirect impacts have been adequately described in the NIS and using S.I. No. 391/2021 and that including all of the qualifying interests and conservation objectives as set out in the 'Conservation Objectives Series for Cork Harbour SPA (004030)' document would not alter the conclusion presented.

7.50. I have examined the Cork Harbour SPA conservation objective document and the conservation objectives supporting documents for the site through the NPWS website for the SCI species. I have examined 'S.I. No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021' made 21 July 2021 which includes for 25. no. protected bird species including Mallard and Greenshank.

- Common Tern – 6 attributes are set out in the Cork Harbour SPA document. Its diet includes fish. One of the attributes is 'prey biomass availability' which could be affected by a decrease in water quality.
- While the attribute of 'prey biomass availability' is not outlined in the Cork Harbour SPA conservation objective document for the remaining SCI species, the conservation objectives supporting document details the diet of the 5 SCI species, including Cormorant, Grey Heron, Great Crested Grebe, Little Grebe, Red-breasted Merganser is/includes fish.

7.51. I note that the NIS has cited one SCI species above, the Common Tern, as being impacted in the event of pollution run off to the Glashaboy River. Having regard to the foregoing, I concur with the applicant.

*Potential Direct Impacts*

7.52. The NIS states none of the special conservation interests of the SPA were recorded at the bridge. The NIS states there is no direct pathway for disturbance from the bridge to reach the SPA due to the presence of a bend in the river and intervening land with trees and built structures which forms a barrier/buffer between the bridge and the SPA, and that the project is small scale, temporary and therefore there is no potential for long term effects on populations or distribution or productivity rate. The NIS outlines the project will not result in a loss of wetland habitat. I agree with the applicant on this assessment of impacts.

*Potential Indirect Impacts*

7.53. The NIS describes in the event of pollution run off to the Glashaboy River, prey species could be negatively impacted in Glashaboy Estuary section of SPA. Given the potential for water quality to affect prey biomass availability of one of the SCI species, and the potential for water quality to affect foraging of a further 5 SCI species, I consider this would be an indirect impact of the proposed development. Having regard to the separation distance to the SPA (480 metres) and the receiving waters, I consider that the effects of dilution and dispersion would serve to reduce this potential indirect impact.

7.54. The screening report considers the use of the site by SCI associated with the SPA. It outlines the grey heron could potentially forage on the Glashaboy outside the SPA in the vicinity of the bridge and be subject to noise or visual disturbance due to human presence and noise from repair works. It considers there is abundant availability of displacement habitat, with heron known to acclimatise to disturbance. The screening report outlines there are potential indirect effects to grey heron however these will be temporary and localised and not likely to be a significant effect. The report considers that other SCI species are unlikely to occur near the bridge due to the absence of



suitable habitats, with the remainder of SCI species being waterbirds and do not frequent the river higher up than the mudflats and estuarine waters which begin at the SPA boundary c.300m southwest and c.500m downstream of the bridge. The screening report outlines due to the lack of a pathway, works will not give rise to likely significant effects in terms of noise or visual disturbance to these remaining SCI. Impacts by way of disturbance are therefore screened out for SCI species.

7.55. I note that an indirect physical pathway exists via mobile SCI species of the SPA. However having regard to the limited nature and scale of the works, the sites urban location which is subject to heavy traffic and associated traffic noise, and the details presented in the screening report in relation to the location of the development, SCI and habitats, I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance.

7.56. In conclusion, I therefore consider there is a potential for indirect effects to occur on SCI by way of impacts on water quality only. I consider there is no real likelihood of any significant effects to arise on SCI by way of indirect noise/visual disturbance.

#### *Mitigation Measures*

7.57. Mitigation measures are set out in section 4.4 of the applicant's NIS. Relevant measures relate to ecological supervision, construction management and water quality impacts. These include, for example, employment of an on-site ECoW to supervise construction works and ensure mitigation is implemented effectively, mortar management including scaffolding to be lined with impermeable membrane to prevent mortar from entering watercourse and overspill clearance, hydrocarbon management including fuel, lubricant and fluid handling to avoid spillage, fuel spill containment, accidental spill measures, debris/sediment management including use of protective barrier on scaffold to capture debris, herbicide management including use of targeted methods such as herbicide plugs, biosecurity measures for invasive species/pathogen introduction including machinery being disinfected and visually inspected before works commence.

- 7.58. The NIS outlines with regard to the project design and mitigation measures considered 'the proposed rehabilitation works will not adversely affect the integrity of Cork Harbour SPA'.
- 7.59. I note the observation of the DAU which outlines the proposed bridge repairs are approx. 600m upstream of the Cork Harbour SPA (SPA No.4030), a European Site designated under the European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 (S.I. No. 391 of 2021) for a range of duck, wader and waterbird species, as well as wetland habitat used by waterbirds.
- 7.60. I consider that the proposed mitigation measures are appropriate and have a high degree of likely success. I note in particular the appointment of an ECoW. The proposed development is a routine construction project, and these are standard and well-proven mitigation measures.

*Residual effects /further analysis*

- 7.61. In consideration of the outlined mitigation measures, I am satisfied that no residual impact is anticipated.

*Potential in-combination effects*

- 7.62. The NIS does not consider there would be in-combination effects. Having reviewed the details submitted in the NIS, the Cork City Council website and the Department of Housing, Local Government and Heritages EIA map portal, I note there are a number of projects of scale in the general works area. This includes the consented Glashaboy River (Glanmire/Sallybrook) Flood Relief Scheme, the permitted upgrade to the Glanmire Waste Water Pumping station and the consented Dunkettle Interchange Improvement Motorway Scheme, all of which were subject to AA. The permitted Strategic Housing Development at Ballinglanna, Glanmire screened out from the requirement for AA. I also note the pending Cork City Council Bridge Rehabilitation projects ABP Ref. 317710-23 located c.2.1km to the northwest of the site at Rathcooney Bridge, and ABP Ref. 314940-22 located 1km to the northeast of

the site at Glyntown Bridge, currently at Board level of assessment. While these projects are within the Glashaboy catchment, I note both of these projects which are relatively limited in scale and nature are subject to the strict protection requirements of AA and have not yet been approved. These projects may only be consented if adverse effects on the integrity of the European Site(s) can be objectively ruled out during the AA process.

- 7.63. Having regard to the foregoing, I am satisfied that no plans or projects are considered to give rise to potential for adverse effects on the European Site in combination with the proposed development. Having regard to the online resources referred to and the very limited nature and scale of the proposed development, I concur that the proposed development would not be likely to have any in-combination effects together with any other project.

*NIS omissions*

- 7.64. I previously referred to the non-use of ‘S.I. No. 391/2021 European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021’ and to the omission of a number of qualifying interests and a conservation objective as set out in the ‘Conservation Objectives Series for Cork Harbour SPA (004030)’ document in the applicants NIS. Notwithstanding, I consider that a robust Stage 2 AA can be and has been carried out based on the NPWS data and the information contained within the submitted NIS.

*Suggested related conditions*

- 7.65. Given the relatively limited nature and scale of the proposed development, I do not consider any specific related conditions are necessary in addition to the mitigation measures proposed.

*Integrity test*

- 7.66. Following the implementation of mitigation, I am able to ascertain with confidence that the construction and operation of the proposed development would not

adversely affect the integrity of Cork Harbour SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

#### Appropriate Assessment (AA) Conclusion

7.67. Having regard to the foregoing, I consider that it is reasonable to conclude on the basis of the information on the file, and other available information, which I consider adequate in order to carry out a Stage 2 AA, that the proposed development, individually or in combination with other plans and projects, would not adversely affect the integrity of the European site no.004030, or any other European site, in view of the sites' conservation objectives.

#### **4. Environmental Impact Assessment**

7.68. No EIA screening report was submitted with the application. Notwithstanding, the proposed development does not fall under any category in Schedule 5 of the Planning & Development Regulations, 2001 (as amended) or section 50(1)(a) of the Roads Act, 1993 (as amended) for a mandatory environmental impact assessment report (EIAR).

#### **8.0 Recommendation**

8.1. 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:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations, 2011 (as amended),

- (c) 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,
- (d) the conservation objectives, qualifying interests and special conservation interests for Cork Harbour SPA (site code 004030),
- (e) the policies and objectives of the Cork City Development Plan, 2022-2028 (as varied),
- (f) the nature and extent of the proposed works as set out in the application for approval,
- (g) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (h) the submissions received in relation to the proposed development, and
- (i) 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 Cork Harbour SPA (site code 004030) is the only European site 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, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely Cork Harbour SPA (site code 004030), in view of the sites' 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:

- i. the likely direct and indirect impacts arising from the proposed development both individually or in combination with other plans or projects,
- ii. the mitigation measures which are included as part of the current proposal, and,
- iii. the conservation objectives for the European site.

In completing the appropriate assessment, the 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 sites' 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 sites' conservation objectives.

**Proper Planning and Sustainable Development / Likely Effects on the Environment:**

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution or significantly adversely affect biodiversity in the area, would not be detrimental to the visual or landscape amenities of the area, would not adversely impact on the cultural, archaeological and built heritage of the area, would not interfere with the existing land uses in the area, and would improve the standard and safety of the public road. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 9.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure the protection of the environment.

2. The mitigation measures outlined in the plans and particulars relating to the proposed development, including those set out in Section 4.4 of the Natura Impact Statement and Section 6 of the Ecological Impact Assessment shall be implemented in full. 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 and European Site, and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare 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 a traffic management plan and appropriate mitigation measures for noise and dust and for monitoring of such levels.

**Reason:** In the interests of protecting the environment, European Site, and in the interest of public safety and health.

4. A pre-construction bat roost (emergence) survey will be carried out at an appropriate season, and prior to vegetation, stone or loose mortar removal, any cracks will also be surveyed for bats (using an endoscope where necessary). These details shall be placed on the file and retained as part of the public record.

**Reason:** In the interest of protecting bat species.

5. Prior to the commencement of development, details of measures to protect fisheries and water quality of the river systems shall be outlined and placed on file. Full regard shall be had to Inland Fisheries Ireland's published guidelines for construction works near waterways (Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, 2016). 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.

**Reason:** In the interest of the protecting of receiving water quality, fisheries and aquatic habitats.

6. 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. 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.

7. (a) The City Council and any agent acting on its behalf shall facilitate the preservation, recording and protection of archaeological materials or features that exist within the site. A suitably qualified monitoring archaeologist shall be appointed by the City Council to oversee the site set-up and construction of the proposed development and the archaeologist shall be present on site during construction work.
- (b) All works, including temporary structures, machinery movements, in the river must be notified to and agreed in advance with the Department of Housing, Local Government and Heritage prior to the commencement of any instream works.
- (c) The monitoring archaeologist shall obtain a dive survey licence in order to facilitate investigation of any in-stream, underwater works and underwater archaeological materials should they be uncovered in the course of the monitoring.
- (d) Should archaeological material be found during the course of the archaeological monitoring, the archaeologist shall have work on site stopped pending a decision regarding appropriate mitigation. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to any mitigating action (this may include recommendations for redesign to allow for preservation in situ, further dive surveys, excavations and

or monitoring). The developer shall facilitate the archaeologist in recording any material found.

- (e) The Department of Housing, Local Government and Heritage shall be furnished with a final archaeological report describing the results of archaeological monitoring and of any archaeological investigative work/excavation required, following the completion of all archaeological work on site and any necessary post-excavation specialist analysis. All resulting and associated archaeological costs shall be borne by the developer.

**Reason:** In order to conserve the archaeological heritage of the site and to secure its preservation and protection.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

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David Ryan

Planning Inspector

23<sup>rd</sup> October 2023