



An
Bord
Pleanála

Inspector's Report

ABP-317710-23

Development	Repair and rehabilitation of the existing structure of Rathcooney Bridge
Location	Rathcooney Bridge, Rathcooney Road at the L-2979 junction, Glanmire, Co. Cork
Local Authority	Cork City Council
Type of Application	Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)
Prescribed Bodies	OPW
Observer(s)	None
Date of Site Inspection	2 nd October 2023.
Inspector	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 Rathcooney 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 and Location

- 2.1. The site is located 5.5km northeast of Cork city centre and c. 450 metres west of Glanmire village.
- 2.2. The existing single span clapper stone bridge carries the Rathcooney Road (L2974) across the Lisnahorna Stream, a tributary of the Glashaboy River at the L2979 junction. The bridge has maximum culvert span of 0.95m and is 7.5 metres wide with a 4.7 metres wide carriageway. The existing bridge is at gradient with the local road on both approaches.
- 2.3. The stream runs in a southeasterly direction and discharges to the Glashaboy River 1km south-east of the site, at a confluence which is c.60-70 metres lower than Rathcooney Bridge. The Glashaboy drains to Lough Mahon within Cork Harbour, c. 5.1km downstream of the confluence and 6.1km downstream of Rathcooney Bridge.

The bridge is exposed to the L-2979 to the west and screened by existing vegetation to its east. Residential development is present at and upstream of the bridge which is surrounded by agricultural land. The stream is surrounded by riparian woodland and agricultural land downstream.

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, parapet masonry repair with increased height, installation of new vehicular restraint system, carriageway resurfacing, spandrel wall repair, soffit repair, abutments repointing/repair and scour embankment repair. The existing section of parapet wall is to be taken down to the north of the structure and a new parapet wall is to be constructed, which will be 700mm in height above the adjacent carriageway. 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,
- Design Drawings prepared by Fehily Timoney dated July 2023,
- A list of prescribed bodies notified of the proposed development and copies of public notices

4.0 Planning History

4.1. The Cork City Council online planning viewer outlines the following at/adjacent the site:

L.A. Reg. Ref. 185459 – Permission granted 26th November 2018 to E. Horan for construction of dwelling house, associated site works and to remove existing septic

tank and install new sewage treatment unit to serve existing dwelling house.
Construction has not commenced.

4.2. Applications within the site vicinity

ABP Ref. 317703-23 – 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 Glanmire Bridge.

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.

L.A Reg. Ref. 2241448 - Permission granted in March 2023 to Irish Water to upgrade Glanmire Waste Water Pumping Station to accommodate increase in flow capacity. Application was subject to AA.

ABP Ref. 300543-18 – 10 year permission granted in March 2018 for Strategic Housing Development including 608 no. residential units, crèche, conversion of former coach house to provide retail/professional services, reservation of 1.2ha site for 16 classroom school, road improvements and associated site works at Ballinglanna, Glanmire. Application was screened out from the requirement for AA.

ABP Ref. HA04G.HA0039 – Approval granted in April 2013 for Dunkettle Interchange Improvement Motorway Scheme 2012. Application was subject to AA.

4.3. Drainage Scheme

Ref. DPE63-9-2018 – Consent granted by Ministerial Order in January 2021 to Commissioners for Public Works for Glashaboy River (Glanmire/Sallybrook) Drainage Scheme involving the construction of direct flood defences and

conveyance improvement measures along the Glashaboy River and its tributaries. Application was subject to AA.

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.

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

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

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) states where an AA is required in respect of development the local authority shall 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:
 - (i) The likely effects on the environment.

- (ii) The likely consequences for the proper planning and sustainable development of the area,
- (iii) The likely significant effects on a European site.

5.5. **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.

5.6. **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'.

5.7. **Cork City Development Plan 2022-2028**

The relevant provisions of the plan are set out below:

- The site is located to the west and outside of Glanmire settlement boundary and is zoned ZO 20, City Hinterland which states 'To protect and improve rural amenity and provide for the development of agriculture'. The site is located within 'Prominent and Strategic Metropolitan Green Belt Areas' in the Cork City Hinterland Areas.
- 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 4.117 states ‘the road projects planned for Cork City include: The northern distributor road’. The proposed development site is located to the eastern area of the Northern Distributor Road Study area set out in Figure 4.9 of the Cork City Development Plan.
- 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 10.281 (Transport and Connectivity) states Glanmire has local road network challenges and this is exacerbated by high car dependency with 81% people choosing the private car to travel to work and education. This could improve with improved sustainable and active travel infrastructure and services.
- 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’.
- City Scale Green and Blue Infrastructure Opportunities makes provision for ‘Proposed protection/restoration of river channels and riparian area’ along Lisnahorna Stream at the site of the bridge.
- 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
- Minister for 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

A response was received from the following:

6.2. **Office of Public Works:**

6.3. The submitted report sets out observations/recommendations. 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 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, prior to going to tender

6.4. No observations or submissions have been received by the Board from any other 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 proposed development is for the repair and rehabilitation of the existing Rathcooney Bridge over the Lisnahorna Stream and along a local road. Fehily Timoney and Company who have been engaged by Cork City Council to prepare the application state 'the structure is in poor condition due to missing masonry at South abutment. Vegetation growth and pointing loss at parapets, wing walls and head walls, with masonry loss to the parapets. Therefore, it is possible to declare the structure unsatisfactory for use in its current condition, with works to Rathcooney Bridge now required to ensure that safety for road users at the location of the

structure is increased'. It is stated 'Rathcooney 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'.

- 7.2. The planning framework to the proposed development is set out in the Cork City Development Plan 2022-2028 where the site is zoned *ZO 20, City Hinterland* which states 'To protect and improve rural amenity and provide for the development of agriculture'. The sites current use is public road/bridge.
- 7.3. Section 4.114 (Roads) of the Cork City Development Plan 2022-2028 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 and 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.
- 7.4. The proposed development site is located to the eastern area of the Northern Distributor Road Study area set out in the Cork City Development Plan. The site also represents a City Scale Green and Blue Infrastructure Opportunity site in the Plan making provision for the proposed protection/restoration of river channels and riparian area.
- 7.5. Given the condition of the existing road bridge as described in the application, I consider the proposed development would improve and maintain the road network at this location and would be consistent with the relevant provisions of the Plan.
- 7.6. 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. For the north of the structure the existing section of parapet wall is to be replaced by a new parapet walls. In addition to being a structural improvement to the existing bridge, I consider the proposed development would be appropriate at this location and would not represent a visual intrusion within the receiving landscape. As set out in Section 7.49 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.

7.7. 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

- 7.8. 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 setting up of site compound and services verification, vegetation removal, parapet masonry repair, deck surface, spandrel wall repair, arch/pier/abutment/repainting, scour embankment repair. The proposed site compound/temporary mobile welfare facility is to be located on the paved areas adjacent the site with the use of this area being facilitated by a road closure if required.
- 7.9. 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.
- 7.10. 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 and permitted residential development, with the closest existing house located approx. 21 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. I note that in the event of a road closure to facilitate construction, residents to the east and west of the bridge would not be cut off from Cork City/Glanmire but would have a longer journey to access these locations.

- 7.11. In relation to **Biodiversity**, An Ecological Impact Assessment (EclA) has been submitted with the application. Direct impacts of the proposed works include vegetation removal, temporary noise impacts, debris from rehabilitation works falling into watercourse, sediment run off from vegetation removal, release of contaminants from mortar and herbicide usage.
- 7.12. The EclA was informed by a desk study and field surveys. Surveys considered the fisheries value of the Lisnahorna Stream, biological water quality (Q sampling) macrophytes, otters, bats, riparian birds, sensitive habitats and invasive species. Three habitats within the study area were identified as key ecological receptors in Table 4-2, including scrub, depositing/lowland river, buildings and artificial surfaces. Other potential receptors include Dunkettle Shore pNHA and Douglas River Estuary pNHA and their associated habitats and species, and fauna including birds, bats, otters, fisheries, red squirrel. No invasive species were recorded within the works area. The EclA outlines SACs and SPAs are considered in the Appropriate Assessment Screening Report and NIS.
- 7.13. 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. In the absence of mitigation measures, the impact on the Lowland River is classified as moderate, negative, short term in a river basin/estuarine system context. Impacts include minor habitat and vegetation removal, potential surface water emissions/pollutants, disturbance during bird nesting season, impacts on otter and fisheries due to potential reduction in water quality, impacts on bats. I consider no operational phase effects are envisaged as the road would return to current usage.
- 7.14. 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 birds, otter, squirrel, fisheries. I note that the EclA identified that there were no otter holts or crouch sites within 150 metres of the bridge structure. The EclA also included for a Bat Survey and Dusk Emergence Survey which outlined bats were not roosting on the bridge, the bridge has low potential for roosting bats and there was no signs of usage. 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.

- 7.15. 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.
- 7.16. 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. Scour embankment repair is proposed however it is not proposed to alter any existing river flows and I consider the proposed development would not have any significant impact to water. Issues of air and climate would not be affected by the limited scale of the proposed works.
- 7.17. I consider that the proposed development would have a limited impact on **material assets, cultural heritage and the landscape**. The existing bridge is in poor condition, is unsatisfactory from a structural viewpoint 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. In relation to cultural heritage, the bridge is not a protected structure and is not included on the national inventory of architectural heritage (NIAH). The nearest recorded monument is located approx.240 metres to the northeast of the site (Ringforth-Rath, Ref. CO063-092). The planning statement outlines that the rehabilitation works will utilize traditional repair methods in keeping with the original construction. I consider that the proposed development entailing the repair and rehabilitation of the bridge would not have any undue impact on the historic fabric of the area. In terms of landscape there would be negligible visual impact. Works will include parapet masonry repair with increased height to the north of the structure and a new safety barrier to the west of the structure. The operational phase of the structure will include the bridge remaining in-situ. The site is screened to the east by vegetation and visibility is restricted to the immediate vicinity. I consider the bridge repair and rehabilitation design is appropriate to this rural location.

7.18. *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.

7.19. Having regard to the foregoing, I consider that the repair and rehabilitation of the existing structure of Rathcooney 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 significant likely 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

7.20. 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 (NIS)

- 7.21. The application is accompanied by an NIS which describes the proposed development, the project site and area, European Sites within the zone of influence, an assessment of potential impacts, an in-combination assessment, mitigation and a conclusion.
- 7.22. 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.
- 7.23. The NIS was informed by the following studies, surveys and consultations:
- A desk top study.
 - A search of GIS to identify any European Sites with Groundwater dependant ecosystems within the catchment area of the project.

- A number of field surveys including habitat and invasive species surveys, bird survey, otter survey, fisheries survey, Q sampling (all conducted 26th May 2023), and bat surveys (conducted 26th May, 5th July 2023).

7.24. The NIS at Section 4.5 *Residual Effects on the Integrity of the Sites within the Potential Zone of Influence of the Proposed Project* states ‘taking cognisance of measures incorporated into the project design and mitigation measures to avoid effects which are considered in the preceding section, the proposed project will not have any adverse effect on the integrity of Cork Harbour SPA considering this sites conservation objectives and status’. The NIS concludes ‘In 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 project will not adversely effect the integrity of any European Site’.

7.25. I note that no observation or submission has been received from any third party or prescribed body that relates to impact on a European site.

7.26. 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 ‘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 7.35. 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

7.27. 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.

7.28. 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> 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>	2.1 km closest point 3.5km hydrological connection

European site (SAC/SPA)	Qualifying Interests QI / Special conservation interests (SCI)	Distance
	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	
Great Island Channel SAC (001058)	1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)	7.5km at closest point 9.5km hydrological connection

7.29. 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 that set out in the 'Conservation Objective Series for Cork Harbour SPA (004030)'.

7.30. 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.

7.31. 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 Lisnahorna and Glashaboy Rivers and both the SAC and Glashaboy Rivers enter the Cork Harbour estuarine area. The 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 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. I consider that the hydrological pathway from the source to the SAC which is via a stream, river and tidal marine waters at a significant distance of approx.9.5km 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 consider therefore 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 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

7.32. 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

- 7.33. 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' which includes for 2 no. additional protected bird species to that set out in the 'Conservation Objective Series for Cork Harbour SPA (004030)'.
- 7.34. For 22 of the QI/SCI 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'.
- 7.35. 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 SCI of the SPA were recorded at the bridge, all SCIs may potentially be within the zone of influence due to their potential to occur in the Glashaboy River downstream. The NIS also includes Table 4.3 Conservation

Objectives and Targets for Relevant Species of Conservation Interest with Potential for Adverse Effects on 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. In my view, notwithstanding the non-use of the most up to date data available, I consider the following potential direct and indirect impacts have been adequately described in the NIS and using S.I. No. 391/2021 would not alter the conclusion presented.

7.36. 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. I have also examined Co.Galway site specific SPA Conservation objective documents for species common to both Connemara Bog Complex SPA and Cork Harbour SPA.

- 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.
- On examination of the Connemara Bog Complex SPA, seven attributes are set out for the Common Gull. Its diet includes fish. One of the attributes is 'prey biomass availability' which could be affected by a decrease in water quality.
- On examination of the Connemara Bog Complex SPA, seven attributes are set out for the Cormorant. Its diet is fish. One of the attributes is 'prey biomass availability' which could be affected by a decrease in water quality.

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

Potential Direct Impacts

7.38. 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 site to the SPA due to the intervening distance (2.1km) and the project will not result in a loss of wetland habitat. I agree with the applicant.

Potential Indirect Impacts

7.39. The NIS describes in the event of pollution run off to watercourses, prey species could be negatively impacted in Glashaboy Estuary section of SPA. Given the potential for water quality to affect prey biomass availability of three of the SCI species, and the potential for water quality to affect foraging of a further 4 SCI species, I consider this would be an indirect impact of the proposed development. Having regard to the separation distance to the SPA (2.1km) and the receiving waters, I consider that the effects of dilution and dispersion would serve to reduce this potential indirect impact.

Mitigation Measures

7.40. 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 containment, accidental spill measures, debris/sediment management including use of protective barrier on scaffold to capture debris, herbicide management including use of herbicide nails and drilling/injection, biosecurity measures including machinery being disinfected and visually inspected before works commence.

7.41. The NIS outlines with regard to the project design and mitigation measures considered 'the proposed project will not have any adverse effect on the integrity of Cork Harbour SPA considering this sites conservation objectives and status'.

7.42. 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

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

Potential in-combination effects

7.44. 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. 317703-23 located c.2.1km to the southeast of the site at Glanmire Bridge, and ABP Ref. 314940-22 located 1.7km to the southeast 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.

7.45. 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

- 7.46. 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’ 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

- 7.47. 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

- 7.48. 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

- 7.49. 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

- 7.50. 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 submission 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. 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.

5. All plant and machinery used during the works shall be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure the protection of the European site.

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.

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.

David Ryan

Planning Inspector

3rd October 2023