



An  
Bord  
Pleanála

## Inspector's Report

### ABP-319445-24

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#### Development

Change of use of existing hostel into 10 apartments/studios to include internal alterations and communal storage areas; to change some existing rear elevation windows and doors into new fire escape windows and doors; new replacement windows and doors to all elevations; new external fire escape stairs and landing onto rear elevation; new external walkway over existing rear flat roof lobby/link with new fire escape doors to serve same; alteration of existing front elevation window to include new fire escape entrance door onto Strand Street; private external amenity spaces, general bin storage and bicycle storage for each apartment/studio, together with all associated site works and services.

#### Location

3 Strand Street, Youghal-Lands,  
Youghal, Co. Cork

<b>Planning Authority</b>	Cork County Council
<b>Planning Authority Reg. Ref.</b>	235184
<b>Applicant(s)</b>	Donal Lenane
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	James Curtin
<b>Observer(s)</b>	None
<b>Date of Site Inspection</b>	16 August 2024
<b>Inspector</b>	Claire McVeigh

## **1.0 Site Location and Description**

- 1.1. The subject site, with a stated area of 0.048ha, is located within Youghal the main settlement in East Cork Municipal District. No. 3 Strand Street is a mid-terrace three storey structure with two storey rear extension, located within the designated Architectural Conservation Area (ACA). The former use of the building is stated as hostel. The site is bounded to the north (wall height ranging between 6.59-6.72m), south (wall height 4.7m) and east (3.95m high). To the east and the rear of the subject site is the shoreline of Youghal harbour. There is a 1.2 m breach in the eastern boundary providing pedestrian access to Youghal Harbour beach.
- 1.2. Southeast of the subject site is the large Gaelscoil Choráin with dedicated school parking spaces delineated on the street outside the entrance gates. Adjacent to the school is 'The Old Monastery' apartment blocks with gated in curtilage surface parking area at the front.
- 1.3. Strand Street is a one-way street with double yellow lines running along the majority of the street with single yellow line immediately outside the subject site.

## **2.0 Proposed Development**

- 2.1. The proposed development, as revised following receipt of further information (19 January 2024) is for change of use of existing hostel into 9 no. apartments/studios and communal storage areas.
- 2.2. Works proposed include the provision of new fire escape windows and doors, new replacement windows and doors to all elevations, new external fire escape stairs and landing onto the rear elevation, new external walkway over existing rear flat roof lobby/link with new fire escape doors to serve same, alteration of existing front elevation window to include new fire escape entrance door onto Strand Street, general bin storage and bicycle storage for each apartment/studio together with all associated site works and services.

Schedule of proposed accommodation as revised:

Unit no.	Type	Total Floor Area	Kitchen/living room/dining total floor area	Floor Level
1	1 bedroom. Apartment	44 sq. m	23.7 sq.m	GF of existing extension building at rear
2	1 bedroom apartment	45 sq. m	23.6 sq. m	GF of existing extension building at rear
3	1 bedroom apartment	45 sq. m	23.5 sq. m	GF of existing extension building at rear
4	1 bedroom apartment	44	22.4 sq. m	GF Main Building
5	Studio	50 sq. m	30 sq. m (including bedroom)	FF of extension to rear
6	Studio	37 sq. m	30 sq. m (including bedroom)	FF of extension to rear
7	Studio	37 sq. m	28 sq. m (including bedroom)	FF Main Building
8	1 bedroom apartment	44 sq. m	21 sq. m	FF Main Building
9	1 bedroom apartment	64 sq. m	29 sq. m	SF Main Building

<b>Basement level (Main Building)</b>	Bicycle Storage 15 no. spaces with electric charging points
	2 no. storage rooms with dedicated storage space per unit

<b>Rear of site</b>	Communal Bin Storage/ part covered
	Communal amenity space (67.5 sq. m)

### 3.0 Planning Authority Decision

#### 3.1. Decision

On the 8 March 2024 the planning authority decided to grant permission subject to 15 no. conditions, non-standard conditions bespoke to the subject site are as follows:

Condition no. 5 detailed drawings and specifications for the outward opening fire exit door to the front elevation for the approval of the conservation officer prior to commencement of works.

Condition no. 6 all windows on the front elevation to be timber sliding sash.

Condition no. 7 all works shall be implemented in accordance with the mitigation measures specified in the Natura Impact Statement (NIS).

Condition no. 8 the site shall be landscaped in accordance with the landscaping scheme submitted on the 19/01/2024 and completed prior to first occupation of the proposed development. Landscape planting shall utilise native species of Irish provenance only, reflecting those species naturally occurring in the locality.

Please refer to section 12.0 in respect to the inclusion of all the above bespoke conditions in the recommendation.

#### 3.2. Planning Authority Reports

##### 3.2.1. Planning Reports

*Initial report:*

- Screens out the need for EIA.

- Further information (FI) is sought in respect to flood risk assessment, revision to the internal layout and numbers of residential units, details of the private amenity spaces and boundary details, details of the proposals to establish a management company and building lifecycle report, and as the site adjoins Youghal Harbour (within the Blackwater SAC/Blackwater Estuary SPA) determines that an Appropriate Assessment is required taking into account the proximity of the site to Youghal Harbour, the flood risk status of the site, the potential activities associated with construction and operation to impact on water quality and associated habitats and species and cause disturbance/displacement of in-situ and ex-situ qualifying species.

*Report following receipt of FI (taking into account additional comments of the SEP:*

- Notes the Area Engineer's assessment of the submitted FRA and the proposed alterations to the existing building to address any additional flooding issues.
- Notes that the basement unit has been omitted from the proposal (unit no. 4), reducing the total number of units proposed to 9. Unit 8 has been revised to unit 7 with 37 sq.m, communal open space has been moved along with bin storage to the eastern extent of the site, a bin and bicycle lift is proposed which will allow for greater accessibility of these amenities by residents, apartment 1, 4 and 8 in the revised design fall short of the 45 sq. m floor space for 1 bedroom apartments.
- Welcomes the development of the vacant building acknowledging the changes made to the proposals to include additional private storage within the lower ground floor. A condition requiring the provision of timber sliding sash windows to the front elevation to be attached.
- A condition to be attached to require the provision of native species planting in the proposed planters. Notes the proposal to retain the site masonry and blockwork boundary wall.

- Building Lifecycle report and proposed future management company notes and recommendation for condition to address the establishment of a management company for the proposed apartments.
- Cork County Council's ecologist concurs with the NIS assessment and conclusion that following the implementation of the recommended mitigation measures the proposed project will not have a significant impact on the qualifying interests and conservation objectives of any Natura 2000 site, either directly or indirectly, individually or in combination with other plans or projects.
- Studio no. 6 instead of proposed studio no. 1 (now removed from the scheme) is the proposed Part V unit. A condition shall be applied in respect to the requirements of Part V.
- Considers that the proposal for 9 no. studio and one-bed units acceptable given the demand for one-bed and studio units in this specific area which reflects the household formation in Youghal.
- The development complies with the site's zoning (existing residential/mixed residential and other uses).
- A development contribution applies as the existing use is a hostel and 'non-residential'- whereas the proposed use is 'residential'.

### 3.2.2. Other Technical Reports

- Ecology – Concurs with the conclusion of the submitted NIS and is satisfied that the proposed development, alone or in combination with other plans or projects does not pose a risk of having significant effects on any European designated sites (Please see also reference to the Ecologist's report in section 9.0 of my report and Appendix 3)
- Area Engineer's report – Initial verbal report 'no comment' as advised by letter from Cork County Council dated 3<sup>rd</sup> May 2024. Second report - Flood report from applicant shows how the proposed alteration to the existing building deals with any additional flooding issues. Recommends a grant of permission.
- Conservation Officer (FI report) – Notes that they are viewing this file at FI stage as at the time of the original assessment no conservation officer was

available for reporting. Agrees with the planner's original assessment with respect to proposals to create a fire escape door on the front elevation and recommends a condition be attached requiring detailed drawings and specifications for the outward opening fire door be agreed with the conservation officer prior to commencement of works.

- Housing Officer's report - The council have a demand for social housing in Youghal and there is no objection to planning being granted for this development, which is likely to be delivered in its entirety for social housing use through an approved housing body.
- No objection to the grant of permission on public lighting grounds subject to conditions, if the applicant is to install external lighting for the proposed development.

### **3.3. Prescribed Bodies**

None.

### **3.4. Third Party Observations**

Four observations were received, namely from Mr. Kevin Cronin (No. 2 Strand Street property immediately adjacent to the subject site), James Curtin Chairperson of the Marina Terrace Management Company Ltd (apartment block south of the subject site) and Sean Donovan & Ann Power residents of Strand Street. The concerns raised have been summarised and grouped as follows:

- Limited availability of on-street car parking – some 40m of parking spaces have been removed and dedicated to school bus parking, problems for access to houses for persons with disabilities, residents are obliged to seek parking in the environs of Strand Street, The Mall and Devonshire Square which are also full of residents.
- Waste Management – Concerns about the number of bins necessary to serve the development and the impact on the street when bins are placed out for collection.



- Design – internal sub-division contrary to national planning and building control policy. The proposal for 10 no. units is excessive for this location. Mix of units fail to provide for family occupancy and therefore could result in transient occupancy.

Tara McCarthy (No. 4 Strand Street property immediately adjoining the subject site) welcomes the redevelopment as the building has been vacant for some time, issues raised in summary:

- Clarification sought if the proposed new 1sq. m vent cover would result in overlooking.
- Part V requirements queried.
- Secure the rear of the property to prevent access to adjoining property

## 4.0 Planning History

D276/22 Declaration under Section 5 Planning and Development Act, 2000 (as noted in the planner's report information not available on ePlan).

EF 22/113 alleged unauthorised change of use of nursing/care home to multi-residential units (as noted in the planner's report information not available on ePlan)

*Site adjoining to the north (No. 4 Strand Street)*

Planning register reference: 0858031 Permission to convert existing boat house into dwelling and associated site works.

Planning register reference: 0658002 To convert existing ground floor only of dwelling to form new office with extension to rear and to form new external steps to rear providing access to first floor level.

*Site to the south (No. 2 Strand Street)*

Planning register reference: 226456 Permission at 2 Strand Street, Youghal, Co. Cork, a Protected Structure (Ref. 02874), for demolition of existing part single, part 2-storey rear extension and construction of part single, part 3-storey flat roofed

extension, all to rear of existing dwelling. Works to include replacement of existing front door, new internal lobby and all associated site works.

Planning register reference 0858013 To construct new extension to rear of existing dwelling at ground and first floor levels, alterations to existing dwelling and connection to existing sewer and associated site works to Protected Structure (Reference Number 72 Youghal Town Council Development Plan 2003)

## **5.0 Policy Context**

### **5.1. Cork County Development Plan 2022-2028**

The subject site is located within the urban area of Youghal. Strand Street is a designated Architectural Conservation Area, and the subject site is immediately adjacent to a protected structure no. 2 Strand Street (RPS 2874).

The subject site is zoned 'Existing Residential/Mixed Residential and Other uses' and sits within the designated High Value Landscape area.

County Development Plan Objective

HOU 4-6: Housing Mix

a) Secure the development of a mix of house types and sizes throughout the County as a whole to meet the needs of the likely future population across all age groups in accordance with the guidance set out in the Joint Housing Strategy and the Guidelines on Sustainable Residential Development in Urban Areas.

b) Require the submission of a Statement of Housing Mix with all applications for multi-unit residential development in order to facilitate the proper evaluation of the proposal relative to this objective. The Statement of Housing Mix should include proposals for the provision of suitable housing for older people and the disabled in the area.

Table 4.3.8 Youghal Population and Housing Supply indicates that 359 new units required (to 2028).

3.4.13 ...Housing affordability will also continue to be an issue and should be reflected in the range of house types provided.

3.4.15 It is acknowledged that the built form of the town centre can represent a challenge for modern retail development. In addition, traffic congestion, the lack of convenient public car parking and the poor pedestrian environment have presented difficulties for development in the town centre. It is important therefore that creative solutions are found to accommodate new development recognising the many opportunities that exist for sensitive new infill development, working with the existing built form of the town centre and its historic character.

3.4.19 The centre of Youghal comprises the original 16th Century town centre with the old walls of the town. Much of the building stock from the past four centuries which still survives in the town. A clear hierarchy of streets and spaces exists within the town, and it is important that these, and the various gateways to the town, landmark buildings, views, laneways and pedestrian access routes are respected in new development.

#### Public Transport

3.4.52 Buses run hourly between Cork City and Youghal and the average bus between Cork City and Youghal takes approximately 55 minutes.

YL-GR-13 Memorial Park – Specific Development Objectives for Youghal

## 5.2. Planning Guidelines/Standards

*Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities (2023)*

The guidelines provide a target standard where existing buildings are to be wholly or partly redeveloped or refurbished for residential use that includes apartments...

### Specific Planning Policy Requirement 2

For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha:

- Where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units

...All standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

4.29 For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, car parking provision may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

### **Departures from the Requirements of these Guidelines**

6.8 Proposals to modify current planning permissions, in full or in part, shall comply with the requirements of these guidelines, subject to Section 34(3A) of the Planning and Development Act. The requirement for the majority of apartments to exceed the minimum floor area standard by 10% (per para. 3.8 above) applies only to new apartment schemes applying for planning permission.

6.9 Planning authorities are also requested to practically and flexibly apply the general requirements of these guidelines in relation to refurbishment schemes, particularly in historic buildings, some urban townscapes and 'over the shop' type or other existing building conversion projects, where property owners must work with existing building fabric and dimensions. Ultimately, building standards provide a key reference point and planning authorities must prioritise the objective of more effective usage of existing underutilised accommodation, including empty buildings and vacant upper floors commensurate with these building standards requirements.

Appendix 1 Required Minimum Floor Area and Standards

### **5.3. Natural Heritage Designations**

The subject site is immediately adjacent to the Special Area of Conservation: Blackwater River (Cork/Waterford) SAC (Site Code 002170) and the proposed Natural Heritage Area: Blackwater River and Estuary (Site Code 000072).

The Blackwater Estuary SPA (site Code 004028) is approximately 500m north of the subject site.

## **6.0 Environment Impact Assessment (EIA) Screening**

See completed Appendix 1 and 2 on file. Having regard to the nature, size and location of the proposed development and to the criteria set out in Schedule 7 of the Regulations I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development. An EIA screening determination or an EIA, therefore, is not required.

## **7.0 The Appeal**

### **7.1. Grounds of Appeal**

One third party appeal has been submitted by James Curtin as Chairperson of Marina Terrace Management Company Ltd, in summary the issues of concern are:

- Concerns relating to plans for waste management and impact on the street (as designated Architectural Conservation Area).
- The application is a poor-quality design with an emphasis on quantity rather than quality with internal room layouts either to minimum or below minimum standards as per national design guidelines.
- The ground floor units do not have any privacy from the communal footpaths which are on all sides.
- The proposed is not a positive contribution to the streetscape.
- The area suffers from a lack of car parking currently with 44 residential units, not including the Old Monastery Apartments and National School placing

demands on on-street parking spaces (a stated 7 no. available parking spaces).

Appeal submission is supported by design specification of 240L Wheelie Bin and excerpt of the Design Manual for Urban Roads and Streets (DMURS) section 4.3 Pedestrian and Cyclist Environment.

#### **7.2. Applicant Response**

- None received.

#### **7.3. Planning Authority Response**

- The planning authority is of the opinion that all the relevant issues have been covered in the technical report already forwarded to the Board as part of the appeal documentation and has no further comments to make in this matter.

#### **7.4. Observations**

- None.

### **8.0 Assessment**

- 8.1. The proposed development comprises a change of use from existing hostel use. The application form states that the existing use is as a tourist hostel. There is no record of a planning permission relating to the existing authorised use of the building. The planning reference provided on the application form (07/96) appears, from my search of ePlan, to relate to a different address. I note that the previous use is not disputed by the planning authority or by the third parties in respect to the subject application. Notwithstanding the issue with respect to previous use, taking into account the land use zoning the proposed use as residential is acceptable in principle.
- 8.2. Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, the reports of the local authority and having inspected the site and having regard to the relevant

local/regional/national policies and guidance I consider that the substantive issues in this appeal to be considered are as follows:

- Quality of residential units (impact on future residents' amenity)
- Waste management (including contribution to the streetscape and impact on Architectural Conservation Area)
- Car parking

8.3. *Quality of residential units (impact on future residents' amenity)*

- 8.3.1. The revised proposal, following further information request, has reduced the total number of units to 9 no. from 10 no. by the omission of a studio apartment at basement level of the main building. It is now proposed to provide individually allocated storage cupboards for each apartment/studio within the basement area along with internal bicycle storage space for 15 no. bicycles all to be serviced with the electric charging points.
- 8.3.2. I have undertaken an assessment of the proposed 9 no. units against the apartment design parameters in the 'Sustainable Urban Housing: Design Standards for New Apartments (July 2023)'. There are proposed 3 no. studios and 6 no. apartments. The mix of units complies with SPPR 2, as noted in section 5.0, that where up to 9 residential units are proposed, notwithstanding SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises studio-type units for all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha.
- 8.3.3. Apartments 1, 4 and 8 (as per the revised numbering indicated on drawings dated 19 January 2024) are slightly below the minimum floor area for 1 no. bedroom apartments. I note that the width of their aggregate living/dining rooms exceed the minimum and in the case of apartments no. 4 and 8 these benefit from being on the upper floors within the main building having a generous floor to ceiling height of the historic building and dual aspect windows. Apartment no. 1 is located to the rear in the existing two storey extension and has a floor to ceiling height indicated as less than 2.4m. No private amenity space is available for the units; however, I note that the area of communal amenity spaces exceeds the minimum required under the 2023 apartment guidelines.

- 8.3.4. The planning authority in their report following receipt of FI considers the revised proposals as an improvement to the original proposal and note that it is an existing structure within an ACA, where it is desirable to address vacancy within a main serviced town. Against this context they consider it appropriate to invoke the flexibility provided for within the guidelines (see section 5.0 in respect to the updated 2023 Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities which allow for certain 'Departures from the Requirements of these Guidelines'). Notwithstanding the appropriateness of applying flexibility in this case I agree with the appellant that the quality of residential amenity and privacy of the proposed units to the rear will be somewhat affected by the communal pathways around the rear extension block that provide access to the shared communal amenity area and their outlook would be restricted by the existing high boundary walls. In addition, I note that proposed studio no. 6 (identified as the Part V unit) is solely lit by Velux rooflights and I am of the view that this would provide for a substandard residential amenity for future residents.
- 8.3.5. On balance, in light of the issues identified with the quality of accommodation proposed in the rear extension if the Board is minded to grant permission, I consider that it would be appropriate to further reduce the total number of units to a maximum of 7 units by omitting both proposed studio Apartment No. 5 and studio Apartment No. 6 at first floor level of the rear extension. Revised layouts for apartments 1, 2 and 3 within the rear extension, utilising the first floor and providing double height light well spaces would compensate the restricted outlook and could be addressed by way of condition. The storage space dedicated to units. No. 5 and 6 within the basement area shall be redistributed, this matter can be addressed by way of condition in the event the Board is minded to grant permission.
- 8.3.6. I am of the opinion that this small-scale building refurbishment scheme, as revised and subject to the further reduction of the number of units proposed to 7, would meet the amenity needs of the future residents, reduce the pressure on the site to accommodate bin storage for these units and would provide alternative accommodation options responding directly to the issue raised in section 3.4.13 of the development plan with respect to housing affordability and the range of house types provided.



#### 8.4. *Waste management (including impact on Architectural Conservation Area)*

- 8.4.1. The revised proposals as submitted to the planning authority on the 19 January 2024 indicate a communal bin storage area, to be part covered with a Perspex roof to the northeastern corner of the subject site. There are a total of 27 no. bins indicated, three bins per unit. The bins are proposed to be brought up through the main building and out onto the street for collection via a service lift. I consider that the refuse storage proposals are generally in line with the design considerations contained in section 4.9 of the apartment guidelines.
- 8.4.2. The appellant is concerned that bins will be on the public footpath each week and will potentially present danger to the public by reducing the available pavement space. From my site visit I noted that the pedestrian footpath is narrow along this section of Strand Street. As this is a small refurbishment scheme within an historic streetscape, I accept that there are limited alternatives to the current proposals with respect to waste management. Whilst I note the information contained within the building lifecycle report in respect to the management of the apartments is limited, I understand that not all bins will be out on the street for collection at the same time as the appellant states that there are rotating weeks for recycling bins and waste bins. In the absence of alternative bin collection practices in Youghal I am of the view that the proposals to place the bins on the street for collection, if properly managed, would not result in adverse impacts to the streetscape or pedestrian accessibility. As such, I am of the opinion that issues relating to the management of the waste collection can be addressed by way of condition.

#### 8.5. *Car parking*

- 8.5.1. The development plan acknowledges that traffic congestion and the lack of convenient public car parking have presented difficulties for development in the town centre in the past (paragraph 3.4.15, Volume 4). The proposed development has no car parking provision, but it includes bicycle parking storage facilities with electric charging points for 15 no. bicycles at basement level with a service lift to access the street level.
- 8.5.2. I concur with the appellant's comments in respect to the constraints of the street and from my site visit note the limited on street parking spaces available along Strand

Street and controlled parking zones delineated by double and single yellow lines on the road.

- 8.5.3. On balance, I am of the opinion that given the small-scale nature of the refurbishment scheme, the benefit to the street by the more effective use of an empty building and the compensatory bicycle storage proposals that the proposed impact on demand on existing on street car parking would not be so detrimental as to warrant a refusal on these grounds.

## **9.0 Appropriate Assessment**

- 9.1. The proposed change of use of existing hostel into apartments has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended. Please see Appendix 3 of this report.
- 9.2. Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Blackwater River Special Area of Conservation (SAC) [Site Code:002170] and the Blackwater Estuary Special Protection Area (SPA) [Site Code:004028]. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of these sites in light of their conservation objectives.
- 9.3. Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No [002170] and [004028], or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.
- 9.4. This conclusion is based on:
- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA.
  - Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
  - The Appropriate Assessment undertaken by the planning authority.

- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA.

## 10.0 Recommendation

I recommend that planning permission should be granted, subject to conditions, for the reasons and considerations as set out below.

## 11.0 Reasons and Considerations

Having regard to the subject site's zoning 'Existing Residential/Mixed Residential and Other uses', the proposal to reuse and refurbish a vacant building within the built envelope of Youghal Architectural Conservation Area (ACA) would provide an alternative housing type and tenure within the Youghal core close to existing services and would meet with the development plan objective HOU 4-6: Housing Mix. Taking into account the previous use which would have had an associated parking demand and established operational practices with respect bin collection, the benefit of the refurbishment and use of the structures to the vitality of Strand Street outweigh any potential increase in parking demand from the proposal and management of waste. As such, it is considered that, subject to compliance with conditions set out below, the proposed development would comprise the efficient use of existing building stock, would not result in adverse impacts to the streetscape or pedestrian accessibility and would not seriously injure the residential amenities of property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 12.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 19 day of January 2024, except as may otherwise be required in order to comply with the following conditions.

Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The mitigation measures contained in the submitted Natura Impact Statement (NIS), shall be implemented.

**Reason:** To protect the integrity of European Sites.

3. Construction activities shall be carried out in accordance with good practice as set out in CIRIA Guidelines Control of Water Pollution from Construction Sites – Guide to Good Practice.

**Reason:** To ensure no surface water impacts on the receiving environment.

4. The proposed development shall be amended as follows:

(a) The proposed studio unit (No. 5) and proposed studio unit (No. 6), as referenced on drawings received by the planning authority on the 19 January 2024, shall be omitted. For the avoidance of doubt this permission is for 7 no. units in total. The internal layout of proposed apartments No. 1, No. 2 and No. 3 (within the rear extension block) shall be so revised to incorporate the first-floor area of omitted unit no. 5 and no. 6 with the provision of an internal staircases and incorporating double height spaces in a revised layout.

(b) The storage space dedicated to units No. 5 and No. 6 within the basement area shall be redistributed.

(c) The proposed bin storage provision shall be reduced proportionately with the omission of the 2 no. units (namely units no. 5 and no. 6).

(d) All windows on the front elevation to be timber sliding sash.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interests of visual and residential amenity.

5. Prior to the commencement of development, the developer shall provide detailed drawings and specifications of the outward opening fire exit door to the front elevation for the written agreement of the planning authority.

**Reason:** In the interest of the preservation of the visual amenity of the Architectural Conservation Area and the protection of the architectural heritage.

6. Prior to the commencement of development, the developer shall submit details of external lighting within the development for the written agreement of the planning authority.

**Reason:** To enhance the safety of pedestrians accessing this development.

7. The landscaping scheme shown on drawing number 2003-P-.23, as submitted to the planning authority on the 19 day of January, 2024 shall be carried out within the first planting season following substantial completion of external construction works.

In addition to the proposals in the submitted scheme, the following shall be carried out:

- (a) The 1.2 metre wide breach on the eastern boundary (seawall) shall be infilled using stone to match existing stone within the boundary seaward side.
- (b) Landscape planting shall be native species of Irish provenance only, reflecting those species naturally occurring in the locality.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of residential and visual amenity.

8. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of open spaces and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

9. A plan containing details for the management of waste (and recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

10. Site development and building works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays inclusive, between 08:00 to 14:00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

11. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

12. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a

service connection(s) to the public water supply and/or wastewater collection network.

**Reason:** In the interest of public health and to ensure adequate water/wastewater facilities.

13. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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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Claire McVeigh  
Planning Inspector

6 March 2025

## Appendix 1: Form 1

### EIA Pre-Screening

<b>An Bord Pleanála</b>	319445-24		
<b>Case Reference</b>			
<b>Proposed Development Summary</b>	<p>Change of use of existing hostel into 10 apartments/studios to include internal alterations and communal storage areas; to change some existing rear elevation windows and doors into new fire escape windows and doors; new replacement windows and doors to all elevations; new external fire escape stairs and landing onto rear elevation; new external walkway over existing rear flat roof lobby/link with new fire escape doors to serve same; alteration of existing front elevation window to include new fire escape entrance door onto Strand Street; private external amenity spaces, general bin storage and bicycle storage for each apartment/studio, together with all associated site works and services.</p>		
<b>Development Address</b>	3 Strand Street, Youghal-Lands, Youghal, Co. Cork		
<b>1. Does the proposed development come within the definition of a 'project' for the purposes of EIA?</b> (that is involving construction works, demolition, or interventions in the natural surroundings)		<b>Yes</b>	√
		<b>No</b>	
<b>2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?</b>			
<b>Yes</b>	√	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units.	Proceed to Q3.
<b>No</b>			
<b>3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?</b>			
<b>Yes</b>			



<b>No</b>	√		Proceed to Q4
<b>4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?</b>			
<b>Yes</b>	√	Class/Threshold: Part 2 Class 10 (b) Construction of more than 500 dwelling units. The proposal, as revised following further information request, is for 9 no. units.  Change of use but includes some works.	Preliminary examination required (Form 2)

<b>5. Has Schedule 7A information been submitted?</b>		
<b>No</b>	√	<b>Pre-screening determination conclusion remains as above (Q1 to Q4)</b>
<b>Yes</b>		

**Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

## Appendix 2: Form 2

### EIA Preliminary Examination

<b>An Bord Pleanála Case Reference</b>	<b>ABP-319445-24</b>
<b>Proposed Development Summary</b>	Change of use of existing hostel into 10 apartments/studios to include internal alterations and communal storage areas; to change some existing rear elevation windows and doors into new fire escape windows and doors; new replacement windows and doors to all elevations; new external fire escape stairs and landing onto rear elevation; new external walkway over existing rear flat roof lobby/link with new fire escape doors to serve same; alteration of existing front elevation window to include new fire escape entrance door onto Strand Street; private external amenity spaces, general bin storage and bicycle storage for each apartment/studio, together with all associated site works and services.
<b>Development Address</b>	3 Strand Street, Youghal-Lands, Youghal, Co. Cork.
<p><b>The Board carried out a preliminary examination [ref. Art. 109(2)(a), Planning and Development regulations 2001, as amended] of at least the nature, size or location of the proposed development, having regard to the criteria set out in Schedule 7 of the Regulations.</b></p> <p><b>This preliminary examination should be read with, and in the light of, the rest of the Inspector's Report attached herewith.</b></p>	
<b>Characteristics of proposed development</b> (In particular, the size, design, cumulation with existing/proposed development, nature of demolition works, use of natural resources, production of waste, pollution and nuisance, risk of accidents/disasters and to human health).	<p>The proposed development is for change of use from hostel to 9 no. apartments/studies and associated site works.</p> <p>The proposed development comprises internal alterations</p>

	<p>and minor external works and changes to elevations.</p> <p>The project due to its size and nature will not give rise to significant production of waste during both the construction and operation phases or give rise to significant risk of pollution and nuisance.</p> <p>The construction of the proposed development does not have potential to cause significant effects on the environment due to water pollution, having regard to mitigation measures contained within the NIS. The project characteristics pose no significant risks to human health. The proposed development, by virtue of its type, does not pose a risk of major accident and/or disaster, or is vulnerable to climate change.</p>
<p><b>Location of development</b> (The environmental sensitivity of geographical areas likely to be affected by the development in particular existing and approved land use, abundance/capacity of natural resources, absorption capacity of natural environment e.g. wetland, coastal zones, nature reserves, European sites, densely populated areas, landscapes, sites of historic, cultural or archaeological significance).</p>	<p>The subject site is located in a designated Architectural Conservation Area and is in close proximity to ecologically sensitive sites, namely the Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA.</p> <p>The works to the existing building are principally internal and the external works are considered not to be of significance to require an EIA. Impacts on the Architectural Conservation Area (ACA) and architectural heritage are considered in the planning assessment.</p>

	<p>A Natura Impact Statement (NIS) has been submitted to assess the likely impacts and proposed best practice preventive measures to avoid effects. This matter is addressed in Appendix 3 and Section 9.0 of my report.</p> <p>Noting the threshold that would trigger an AA is different to that of EIA I am of the opinion that the proposed development is not likely to have potential to significantly effect on other significant environmental sensitives in the area.</p> <p>It is considered that, having regard to the limited nature and scale of the development, there is no real likelihood of significant effect on other significant environmental sensitivities in the area.</p>
<p><b>Types and characteristics of potential impacts</b> (Likely significant effects on environmental parameters, magnitude and spatial extent, nature of impact, transboundary, intensity and complexity, duration, cumulative effects and opportunities for mitigation).</p>	<p>The size of the proposed development is notably below the mandatory thresholds in respect of a Class 10 Infrastructure Projects of the Planning and Development Regulations 2001 as amended.</p> <p>There is no real likelihood of significant cumulative considerations having regard to other existing and/or permitted projects in the adjoining area.</p>

Conclusion		
Likelihood of Significant Effects	Conclusion in respect of EIA	Yes or No
There is no real likelihood of significant effects on the environment.	EIA is not required.	Yes
<del>There is significant and realistic doubt regarding the likelihood of significant effects on the environment.</del>	<del>Schedule 7A Information required to enable a Screening Determination to be carried out.</del>	No
<del>There is a real likelihood of significant effects on the environment.</del>	<del>EIAR required.</del>	No

Inspector: \_\_\_\_\_

Date: \_\_\_\_\_

DP/ADP: \_\_\_\_\_

Date: \_\_\_\_\_

(only where Schedule 7A information or EIAR required)

## Appendix 3: Appropriate Assessment

### 1.0 Appropriate Assessment

1.1. The requirements of Article 6(3) as related to appropriate assessment of a project under part XAB, sections 177U and 177V of the Planning and Development Act 2000 (as amended) are considered fully in this section. The areas addressed in this section are as follows:

- Compliance with Article 6(3) of the EU Habitats Directive
- Screening the need for appropriate assessment
- The Natura Impact Statement (NIS) and associated documents
- Appropriate assessment of implications of the proposed development on the integrity of the European site.

### 1.2. Compliance with Article 6(3) of the EU Habitats Directive

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

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

### 1.3. Screening the need for Appropriate Assessment

#### **Appropriate Assessment: Screening Determination**

##### **(Stage 1, Article 6(3) of Habitats Directive)**

I have considered the proposed change of use from hostel to apartments in light of the requirements of S177U of the Planning and Development Act 2000 as amended. A Screening report and Natura Impact Statement (NIS) has been prepared by *Axis Environmental Services* on behalf of the applicant and the objective information presented in that report informs this screening determination.

I highlight to the Board that the submitted NIS includes in Figure 2.6 the Site Layout as originally proposed not as revised following further information request. Notwithstanding, I am of the view that the revisions to the site layout are of a minor nature, not such that would fundamentally change the project description and potential impacts.

##### **Description of the proposed development**

It is proposed to change the use of the existing building from hostel to apartments, this would include works to refurbish the existing building.

I have provided a detailed description of the development in my report (Section 2.0) and detailed specifications of the proposal are provided in the NIS and other planning documents provided by the applicant.

In summary the proposed works include internal alterations and some changes to the elevations of the existing building, provision of a new external walkway over existing rear flat roof lobby/link and new external landscaped amenity spaces and communal bin storage area. Currently the foul sewer is gravity fed from the building back to a sump chamber. A macerating pump discharges to the road level at the front of the building. It is stated that this system will remain the same.

As part of the project works and the flood prevention mitigation measures it is proposed that there will be a new independent surface water outfall to the estuary which will be fitted with a no-return valve to isolate the surface drains for the site during a flood event.

The existing electrical supply will be used as a power supply during construction and there is no requirements for diesel fueled compressors etc. on site. During the operational stages, the apartments will have an air to water heating system in place ensuring no fuel storage on site.

##### **Consultations and submissions**

No submissions raised issues related to screening for appropriate assessment and the AA process generally, were received.

## European Sites

A review of the European sites both in and bordering the zone of influence carried out in the AA screening prepared by *Axis Environmental Services* identified seven European Sites (see Figure 3.1), namely:

- Blackwater (Cork/Waterford) SAC
- Blackwater Estuary SPA
- Ardmore Head SAC
- Ballymacoda Bay SPA
- Ballymacoda (Clonpriest and Phillmore) SAC
- Ballycotton Bay SPA
- Helvick Head to Ballyquin SPA

Following a consideration of potential impact of the project in respect to each of the seven European Sites in the AA screening report prepared by *Axis Environmental Services* two European Sites are identified as being located within a potential zone of influence of the proposed development, namely Blackwater River (Cork/Waterford) SAC and the Blackwater Estuary SPA.

*“The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. In times of heavy rainfall, the levels can fluctuate widely by more than 12 feet on the gauge at Careysville. The peaty nature of the terrain in the upper reaches and of some of the tributaries gives the water a pronounced dark colour. The site consists of the freshwater stretches of the River Blackwater as far upstream as Ballydesmond, the tidal stretches as far as Youghal Harbour and many tributaries, the larger of which include the Licky, Bride, Flesk, Chimneyfield, Finisk, Araglin, Awbeg (Buttevant), Clyda, Glen, Allow, Dalua, Brogeen, Rathcool, Finnow, Owentaraglin and Awnaskirtaun”* (taken from Site Synopsis, NPWS dated 2016).

*“The Blackwater Estuary SPA is a moderately-sized, sheltered south-facing estuary, which extends from Youghal New Bridge to the Ferry Point peninsula, close to where the river enters the sea. It comprises a section of the main channel of the River Blackwater to Ballynaclash Quay. At low tide, intertidal flats are exposed on both sides of the channel. On the eastern side the intertidal channel as far as Kinsalebeg and Moord Cross Roads is included, while on the west side the site includes part of the estuary of the Tourig River as far as Kilmagner”* (taken from Site Synopsis, NPWS dated 2014).

The ecologist's report from Cork County Council concurs with the identification of these two European Sites as being within a potential zone of influence of the proposed development as a result of disturbance impacts and impacts on water quality.



I am satisfied that the Blackwater River Special Area of Conservation and the Blackwater Estuary SPA as identified in the submitted AA screening and Natura Impact Statement (NIS) are the only two European Sites of relevance which could be impacted by the proposed development applying the source-pathway-receptor model.

European Site	Qualifying Interests	Distance	Connections
Blackwater River (Cork/Waterford) SAC [Site Code 002170]	<p><b>Habitats:</b></p> <p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]</p> <p>Mediterranean salt meadows (Juncetalia maritimi) [1410]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]</p> <p>Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p> <p>Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]</p> <p>*Taxus baccata woods of the British Isles [91J0]</p> <p><b>Species:</b></p> <p>Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]</p>	Immediately adjacent	Yes

	<p>Austropotamobius pallipes (White-clawed Crayfish) [1092]</p> <p>Petromyzon marinus (Sea Lamprey) [1095]</p> <p>Lampetra planeri (Brook Lamprey) [1096]</p> <p>Lampetra fluviatilis (River Lamprey) [1099]</p> <p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Trichomanes speciosum (Killarney Fern) [1421]</p>		
Blackwater Estuary SPA [Site Code 004028]	<p><b>Species:</b></p> <p>Wigeon (Anas penelope) [A050]</p> <p>Golden Plover (Pluvialis apricaria) [A140]</p> <p>Lapwing (Vanellus vanellus) [A142]</p> <p>Dunlin (Calidris alpina) [A149]</p> <p>Black-tailed Godwit (Limosa limosa) [A156]</p> <p>Bar-tailed Godwit (Limosa lapponica) [A157]</p> <p>Curlew (Numenius arquata) [A160]</p> <p>Redshank (Tringa totanus) [A162]</p> <p>Wetland and Waterbirds [A999]</p>	The proposed development site is located circa 500metres to the south of the Blackwater Estuary SPA	Yes

**Table 1.1**

The submitted NIS indicates under site sensitivities (section 2.1) that the site is occupied by an existing building with a concrete yard with grass to the rear of the property of approximately 91 sq. m. The site is bounded to the north, east and south with boundary walls and there is currently a 1.2m breach in the eastern boundary (Seawall) accessing onto a slipway immediately adjacent to this eastern boundary. The site is underlain with bedrock made of sandstone with mudstone and siltstone of the Gyleen Formation. It is part of a locally important aquifer which is moderately productive in local zones. The groundwater has been classed as good and 'not at risk' under the 3<sup>rd</sup> round of monitoring under the WFD.

#### **Likely impacts of the project.**

The proposed development will not result in any direct effects on the SAC as it relates to the Blackwater River or the Blackwater Estuary.

Due to the proximity of the proposed development to the Blackwater River SAC and Blackwater Estuary SPA, impacts generated by the construction and operation of the development require consideration.

The applicant has applied the source-pathway-receptor model in determining possible impacts and effects of the proposed change of use and refurbishment development.

Sources of impact include:

- Release of sediment, dust, hydrocarbons and other potential pollutants during site works.
- Reinstatement of the boundary wall and blocking of the breach.
- Noise disturbance and temporarily dislocation of species.
- Surface water discharges/flood risk.
- In combination activities that could potentially impact on water quality with the proposed developments include further construction in the area.

#### **Likely significant effects on the European sites in view of the conservation objectives**

Based on the information provided in the screening report and Natura Impact Statement (NIS), site visit, review of the conservation objectives and supporting documents, I consider that in the absence of mitigation measures beyond best practice construction methods, the proposed development has the potential to result in the following impacts:

- potential disturbance of species or the habitat on which they rely.
- potential damage to the River Blackwater associated with escapement of silt to the estuary during the construction phase; with many of the habitats and freshwater qualifying interest species dependent on water quality, an impact of sufficient magnitude could undermine the sites conservation objectives.

I concur with the applicants' findings that such impacts could be significant in terms of the stated conservation objectives of the SAC and SPA when considered on their own and in combination with other projects and plans in relation to pollution related pressures and disturbance on qualifying interest habitats and species.

### **In combination effects**

An examination and analysis of the potential for other plans and/or projects to act in combination with the proposed project to have a significant effect on any European site within its zone of influence is considered in section 5.3 and table 5.3.1 of the NIS.

## **Overall Conclusion**

### **Screening determination**

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of objective information provided by the applicant and the planning authority's ecologist, I conclude that the proposed development could result in significant effects on the Blackwater River SAC and Blackwater Estuary SPA in view of the conservation objectives of a number of qualifying interest features of those sites.

It is therefore determined that Appropriate Assessment (stage 2) under Section 177V of the Planning and Development Act 2000 of the proposed development is required.

## **1.5. The Natura Impact Statement (NIS)**

The application included a NIS prepared by *Axis Environmental Services*, received by the planning authority on the 19 January 2024, which examines and assesses potential adverse effects of the proposed development on the following European Sites:

- Blackwater River SAC [Site Code 002170]
- Blackwater Estuary SPA [Site Code 004028]

The applicant's NIS provides an assessment of the potential for adverse effects on the identified European Sites and prescribed mitigation. Residual effects are considered taking into account the proposed mitigation. The potential in combination effects of the proposed project on European Sites, when considered in combination with other plans and projects was considered.

The applicant's NIS concluded that: -

*“Following completion of a stage 2 Appropriate Assessment and given the mitigation measures proposed are implemented, it can be concluded that beyond reasonable scientific doubt, in view of best scientific knowledge, in the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed project, individually or in combination with other plans and projects, would not be likely to have a significant effect on any European sites including those of the Blackwater River SAC & Blackwater Estuary SPA”.*

Having reviewed the documents and submissions, I am satisfied that the information allows for a complete assessment of any adverse effects of the development, on the conservation objectives of the following European site alone, or in combination with other plans and projects:

- Blackwater River SAC
- Blackwater Estuary SPA

#### **1.6. Appropriate Assessment of implications of the proposed development**

The following is a summary of the objective scientific assessment of the implications of the project on the qualifying interest features of the European site using the best scientific knowledge in the field. All aspects of the project which could result in significant effects are assessed and mitigation measures designed to avoid or reduce any adverse effects are considered and assessed.

Guidance adhered to in my assessment includes:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service.
- European Commission (2002) Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC.
- Official Journal of the European Union (2019/C 33/01) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC.

### **1.7. European Sites**

The following sites are subject to Appropriate Assessment:

- Blackwater River (Cork/Waterford) SAC
- Blackwater Estuary SPA

A description of the sites and their Conservation and Qualifying Interests/Special Conservation Interests, including any relevant attributes and targets for these sites, are set out in the NIS and summarised in tables 1.1, 1.2 and 1.3 of this report as part of my assessment. I have also examined the Natura 2000 data forms as relevant and the Conservation Objectives supporting documents for these sites available through the NPWS website ([www.npws.ie](http://www.npws.ie)).

#### **Aspects of the proposed development.**

The main aspects of the proposed development that could adversely affect the conservation objectives of the European site include:

- Impacts to water quality and habitat quality through operational impacts (surface water management) and/or through construction related pollution events.
- Disturbance/displacement of qualifying species.

The planning authority's appropriate assessment, refer to the report 'Ecology – Further Information Response' prepared by Cork County Council's Ecologist concurs

with the conclusion of the submitted NIS and states that they are satisfied that the proposed development, alone or in combination with other plans or projects does not pose a risk of having significant effects on any European designated sites.

Examination and assessment of the aspects of the project that could result in potential adverse effects with regard to the conservation objectives for each qualifying interest that could be affected including targets and attributes is tabulated in AA Summary Matrix Table 1.2 and 1.3 at the end of this appendix. Both the submitted NIS by *AXIS Environmental Services* and Cork County Council's Ecologist's report has informed the examination and assessment.

A summary of the integrity test is included in table 1.2 and 1.3.

#### *Integrity test*

#### **Blackwater River (Cork/Waterford) SAC**

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Blackwater River (Cork/Waterford) SAC in view of the Conservation Objectives of this site.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

#### **Blackwater Estuary SPA**

Following the appropriate assessment and the consideration of mitigation measures, I am able to ascertain with confidence that the project would not adversely affect the integrity of Blackwater Estuary SPA in view of the Conservation Objectives of this site.

This conclusion has been based on a complete assessment of all implications of the project alone and in combination with plans and projects.

### **1.8. Appropriate Assessment Conclusion**

The proposed change of use and refurbishment of the existing building at no. 3 Strand Street has been considered in light of the assessment requirements of Sections 177U and 177V of the Planning and Development Act 2000 as amended.

Having carried out screening for Appropriate Assessment of the project, it was concluded that it may have a significant effect on the Blackwater River (Cork/Waterford) SAC and Blackwater Estuary SPA. Consequently, an Appropriate Assessment was required of the implications of the project on the qualifying features of the sites in light of their conservation objectives.

Following an Appropriate Assessment, it has been ascertained that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site No. 002170 and site no. 004028, or any other European site, in view of the site's Conservation Objectives. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

This conclusion is based on:

- A full and detailed assessment of all aspects of the proposed project including proposed mitigation measures and ecological monitoring in relation to the Conservation Objectives of the Blackwater River (Cork/Waterford) SAC and Blackwater Estuary SPA.
- Detailed assessment of in combination effects with other plans and projects including historical projects, current proposals and future plans.
- The Appropriate Assessment undertaken by the planning authority.
- No reasonable scientific doubt as to the absence of adverse effects on the integrity of Blackwater River (Cork/Waterford) SAC and Blackwater Estuary SPA.



<b>Table 1.2 Blackwater River (Cork/Waterford) Special Area of Conservation (SAC) [Site Code: 002170]</b>						
Summary of key issues that could give rise to adverse effects: Impact on water quality and water dependent habitats and species given proximity of the site to Youghal Harbour and the flood risk status of the site. Potential disturbance/displacement of in-situ and ex-situ qualifying species.						
Qualifying Interest feature (see section 'Aspects of the proposed development' - QIs that may occur in the vicinity of the site)	Conservation Objectives	Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
			Potential Adverse effects	Mitigation Measures	In combination effects	
[1130] Estuaries	To (M) maintain the favourable conservation condition of Estuaries in the Blackwater River (Cork/Waterford) SAC,	Habitat area: The permanent habitat area is stable or increasing, subject to natural processes.  Community extent: Maintain the extent of the Mytilus edulis-dominated community, subject to natural processes.  Community structure: Mytilus edulis density: Conserve the high quality of	It is not anticipated that the project will have any impact on this QI.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes

		<p>the <i>Mytilus edulis</i> dominated community, subject to natural processes.</p> <p>Community distribution: Conserve the following community types in a natural condition: Intertidal estuarine sandy mud community complex; Subtidal estuarine fine sand with <i>Bathyporeia</i> spp. community complex; Sand and mixed sediment with polychaetes and crustaceans community complex; Coarse sediment community complex.</p>				
[1140] Mudflats and sandflats not covered by seawater at low tide	To <b>(M)</b> maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in the	Habitat area: The permanent habitat area is stable or increasing, subject to natural processes.	Accidental material spillages, flooding events.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when	Yes

	Blackwater River (Cork/Waterford) SAC	<p>Community extent Maintain the extent of the Zostera- and Mytilus edulis-dominated communities, subject to natural processes.</p> <p>Community structure: Zostera shoot density: Conserve the high quality of the Zostera-dominated community, subject to natural processes.</p> <p>Community structure: Mytilus edulis density Conserve the high quality of the Mytilus edulis-dominated community, subject to natural processes.</p> <p>Community Distribution: The following community types should be conserved in</p>		impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
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		a natural condition: Intertidal estuarine sandy mud community complex and Sand and mixed sediment with polychaetes and crustaceans community complex.				
[1310] Salicornia and other annuals colonizing mud and sand	To <b>(M)</b> maintain the favourable conservation condition of Salicornia and other annuals colonizing mud and sand in the Blackwater River (Cork/Waterford) SAC	Habitat area :Area stable or increasing, subject to natural processes, including erosion and succession.  Habitat distribution No decline, or change in habitat distribution, subject to natural processes  Physical structure: sediment supply: Maintain natural circulation of sediments and organic matter, without any physical obstruction.	It is not anticipated that the project will have any impact on this QI.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off- site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes

		<p>Physical structure: creeks and pans : Maintain creek and pan structure, subject to natural processes, including erosion and succession.</p> <p>Physical structure: flooding regime Maintain natural tidal regime</p> <p>Vegetation structure: zonation Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation structure: vegetation height: Maintain structural variation within sward</p> <p>Vegetation structure:</p>				
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		<p>vegetation cover: Maintain more than 90% of area outside creeks vegetated.</p> <p>Vegetation composition: typical species and sub-communities: Maintain the presence of species-poor communities with typical species listed in saltmarsh Monitoring Project (McCorry and Ryle, 2009)</p> <p>Vegetation structure: negative indicator species: Spartina anglica: No significant expansion of common cordgrass (Spartina anglica), with an annual spread of less than 1%.</p>				
[1220] Perennial vegetation of stony banks	To <b>(M)</b> maintain the favourable conservation condition of	Habitat area: Area stable or increasing,	Given the limited nature and location of the project, it is not anticipated that the	Applying a precautionary principle approach	The proposed development will not result in any residual adverse	Yes

	<p>Perennial vegetation of stony banks in the Blackwater River (Cork/Waterford) SAC</p>	<p>subject to natural processes, including erosion and succession.</p> <p>Habitat distribution: No decline, or change in habitat distribution, subject to natural processes.</p> <p>Physical structure: functionality and sediment supply: Maintain the natural circulation of sediment and organic matter, without any physical obstructions.</p> <p>Vegetation structure: zonation: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation composition: typical</p>	<p>project will have any impact on this QI. No water quality impacts as mitigation will protect this habitat in any case.</p>	<p>mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)</p>	<p>effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.</p>	
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		<p>species and sub-communities: Maintain the typical vegetated shingle flora including the range of sub-communities within the different zones</p> <p>Vegetation composition: negative indicator species: Negative indicator species (including non-natives) to represent less than 5% cover.</p>				
[1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae)	To <b>(R)</b> restore the favourable conservation condition of Atlantic salt meadows (Glauco-Puccinellietalia maritimae) in the Blackwater River (Cork/Waterford) SAC.	<p>Habitat area: Area stable or increasing, subject to natural processes, including erosion and succession. For sub-site mapped: Kinsalebeg - 2.77ha.</p> <p>Habitat distribution: No decline or change in habitat distribution, subject to natural processes.</p>	Given the limited nature and location of the project, it is not anticipated that the project will have any impact on this QI. No water quality impacts as mitigation will protect this habitat in any case.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered	Yes



		<p>Physical structure: sediment supply: Maintain natural circulation of sediments and organic matter, without any physical obstructions</p> <p>Physical structure: creeks and pans Maintain creek and pan structure, subject to natural processes, including erosion and succession</p> <p>Physical structure: flooding regime Maintain natural tidal regime</p> <p>Vegetation structure: zonation Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation</p>			in-combination with other plans and projects.	
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		<p>structure: vegetation height maintain structural variation within sward.</p> <p>Vegetation structure: vegetation cover Percentage cover at a representative sample of monitoring stops Maintain more than 90% of the saltmarsh area vegetated.</p> <p>Vegetation composition: typical species and sub-communities Maintain range of sub- communities with typical species listed in Saltmarsh Monitoring Project (McCorry and Ryle, 2009).</p> <p>Vegetation structure: negative indicator species - <i>Spartina anglica</i></p>				
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		No significant expansion of common cordgrass ( <i>Spartina anglica</i> ), with an annual spread of less than 1%.				
[1410] Mediterranean salt meadows ( <i>Juncetalia maritimi</i> )	To <b>(M)</b> maintain the favourable conservation condition of Mediterranean salt meadows ( <i>Juncetalia maritimi</i> ) in the Blackwater River (Cork/Waterford) SAC	<p>Habitat area: Area stable or increasing, subject to natural processes, including erosion and succession. For sub-site mapped: Kinsalebeg: 1.36ha.</p> <p>Habitat distribution No decline, or change in habitat distribution, subject to natural processes.</p> <p>Physical structure: sediment supply Maintain natural circulation of sediments and organic matter, without any physical obstructions</p>	Given the limited nature and location of the project, it is not anticipated that the project will have any impact on this QI. No water quality impacts as mitigation will protect this habitat in any case.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes

		<p>Physical structure: creeks and pans Maintain creek and pan structure, subject to natural processes, including erosion and succession.</p> <p>Physical structure: flooding regime: Maintain natural tidal regime.</p> <p>Vegetation structure: zonation: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.</p> <p>Vegetation structure: vegetation height: Maintain structural variation within sward.</p> <p>Vegetation structure:</p>				
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		<p>vegetation cover: Maintain more than 90% of area outside creeks vegetated.</p> <p>Vegetation composition: typical species: Maintain range of sub-communities with typical species listed in Saltmarsh Monitoring Project (McCorry and Ryle, 2009).</p> <p>Vegetation structure: negative indicator species - <i>Spartina anglica</i>: No significant expansion of common cordgrass (<i>Spartina anglica</i>), with an annual spread of less than 1%.</p>				
[3260] Floating River Vegetation	To <b>(M)</b> maintain the favourable conservation condition of Water courses of plain to montane levels	<p>Habitat distribution. No decline, subject to natural processes.</p> <p>Habitat area. Area stable or</p>	Given the limited nature and location of the project, it is not anticipated that the project will have any impact on this QI. No water quality impacts	Applying a precautionary principle approach mitigation measures will be	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or	Yes

	<p>with the Ranunculon fluitantis and Callitricho-Batrachion vegetation in the Blackwater River (Cork/Waterford) SAC.</p>	<p>increasing, subject to natural processes.</p> <p>Hydrological regime: river flow. Maintain appropriate hydrological regimes.</p> <p>Hydrological regime: tidal influence. Maintain natural tidal regime.</p> <p>Substratum composition: particle size range. The substratum should be dominated by the particle size ranges, appropriate to the habitat sub-type (typically sands, gravels and cobbles).</p> <p>Water quality: nutrients. The concentration of nutrients in the water column should be sufficiently low to prevent changes in species</p>	<p>as mitigation will protect this habitat in any case.</p>	<p>implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)</p>	<p>their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.</p>	
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		<p>composition or habitat condition.</p> <p>Vegetation composition: typical species. Typical species of the relevant habitat sub-type should be present and in good condition. Floodplain connectivity: area. The area of active floodplain at and upstream of the habitat should be maintained.</p>				
[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles	To <b>(R)</b> restore the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the Blackwater River (Cork/Waterford) SAC,	The QI is not present in the development area, and outside its zone of influence.	N/A	N/A	N/A	Yes
[91AE] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	To <b>(R)</b> restore the favourable conservation condition of Alluvial forests with Alnus glutinosa and	The QI is not present in the development area, and outside its zone of influence.	N/A	N/A	N/A	Yes

	Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in the Blackwater River (Cork/Waterford) SAC					
[91J0] *Taxus baccata woods of the British Isles	The status of Taxus baccata woods of the British Isles as a qualifying Annex I habitat for the Blackwater River (Cork/Waterford) SAC is currently under review. The outcome of this review will determine whether a site-specific conservation objective is set for this habitat	The QI is not present in the development area, and outside its zone of influence.	N/A	N/A	N/A	Yes
[1029] Freshwater Pearl Mussel (Margaritifera margaritifera)	To <b>(R)</b> restore the favourable conservation condition of the Freshwater Pearl Mussel in the Blackwater River	Distribution. Maintain at 161km.  Population size. Restore to 35,000 adult mussels.  Population Structure:	Given the limited nature and location of the project, it is not anticipated that the project will have any impact on this QI. No water quality impacts as mitigation will	Applying a precautionary principle approach mitigation measures will be implemented to ensure no	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when	Yes



	<p>(Cork/Waterford) SAC</p> <p>recruitment. Restore to least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length.</p> <p>Population structure; Adult Mortality. No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution.</p> <p>Habitat extent. Restore suitable habitat in more than 35km (see map 8) and any additional stretches necessary for salmonid spawning.</p> <p>Water quality: macroinvertebrate and phytobenthos (diatoms). Restore water quality-macroinvertebrates:</p>	<p>protect this habitat in any case.</p>	<p>impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)</p>	<p>considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.</p>	
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		<p>EQR greater than 0.90; phytobenthos: EQR greater than 0.93.</p> <p>Substratum quality: filamentous algae (macroalgae), macrophytes (rooted higher plants. Restore substratum quality- filamentous algae: absent or trace (&lt;5%).</p> <p>Substratum quality: sediment. Restore substratum quality- stable cobble and gravel substrate with very little fine material; no artificially elevated levels of fine sediment.</p> <p>Substratum quality: oxygen availability. Restore to no more than 20% decline from water column to 5cm depth in substrate.</p> <p>Hydrological regime: flow variability. Restore</p>				
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		appropriate hydrological regimes.  Host fish. Maintain sufficient juvenile salmonids to host glochidial larvae.				
[1092] White-clawed Crayfish <i>Austropotamobius pallipes</i>	To <b>(M)</b> maintain the favourable conservation condition of White-clawed Crayfish in the Blackwater River (Cork/Waterford) SAC	Habitat quality: Heterogeneity: No decline in heterogeneity or habitat quality	Given the limited nature and location of the project, it is not anticipated that the project will have any impact on this QI. No water quality impacts as mitigation will protect this habitat in any case.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes
[1095] Sea Lamprey ( <i>Petromyzon marinus</i> )	To <b>(R)</b> restore the favourable conservation condition of Sea Lamprey in the Blackwater	Distribution: extent of anadromy. Greater than 75% of main stem length of rivers accessible from estuary. See	Risk of release of silt and or toxic contaminants to watercourses during the	Applying a precautionary principle approach mitigation measures will	The proposed development will not result in any residual adverse effects on any of the European Sites,	Yes

	River (Cork/Waterford) SAC.	<p>map 10 for recorded distribution.</p> <p>Population structure of juveniles. At least three age/size groups present.</p> <p>Juvenile density in fine sediment. Juvenile density at least 1/m.</p> <p>Extent and distribution of spawning habitat. No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat. More than 50% of sample sites positive. See map 10 for recorded locations.</p>	construction/demolition phase.	be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
[1096] Brook Lamprey ( <i>Lampetra planeri</i> )	To <b>(M)</b> maintain the favourable conservation condition of Brook Lamprey in the Blackwater River	<p>Distribution. Access to all water courses down to first order streams.</p> <p>Population structure of juveniles. At least three age/size</p>	Risk of release of silt and or toxic contaminants to watercourses during the construction and demolition phase.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when	Yes

	(Cork/Waterford) SAC.	<p>groups of brook/river lamprey present.</p> <p>Juvenile density in fine sediment. Mean catchment juvenile density of brook/river lamprey at least 2/m<sup>2</sup>.</p> <p>Extent and distribution of spawning habitat. No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat. More than 50% of sample sites positive.</p>		impact on any receptors off-site, including this QI. Yes (Section 6.0 and Table 6.1 of the NIS)	considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
[1099] River Lamprey (Lampetra fluviatilis)	To <b>(M)</b> maintain the favourable conservation condition of River Lamprey in the Blackwater River (Cork/Waterford) SAC	<p>Distribution. Access to all water courses down to first order streams.</p> <p>Population structure of juveniles. At least three age/size groups of river/brook lamprey present.</p> <p>Juvenile density in fine sediment&gt;</p>	Risk of release of silt and or toxic contaminants to watercourses during the construction and demolition phase.	Applying a precautionary principle approach mitigation measures will be implemented to ensure no impact on any receptors off-site, including this QI. Yes (Section 6.0	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to	Yes

		<p>Mean catchment juvenile density of brook/river lamprey at least 2/m<sup>2</sup>.</p> <p>Extent and distribution of spawning habitat. No decline in extent and distribution of spawning beds.</p> <p>Availability of juvenile habitat. More than 50% of sample sites positive.</p>		and Table 6.1 of the NIS)	contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
[1103] Twaite Shad <i>Alosa fallax</i>	To <b>(R)</b> restore the favourable conservation condition of Twaite Shad in the Blackwater River (Cork/Waterford) SAC	<p>Distribution: extent of anadromy : Greater than 75% of main stem length of rivers accessible from estuary.</p> <p>Population structure: age classes: More than one age class present.</p> <p>Extent and distribution of spawning habitat: No decline in extent and</p>	Risk of release of silt and or toxic contaminants to watercourses during the construction and demolition phase.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered	Yes

		<p>distribution of spawning habitats.</p> <p>Water quality: oxygen levels: No lower than 5mg/l.</p> <p>Spawning habitat quality: Filamentous algae; macrophytes; sediment: Maintain stable gravel substrate with very little fine material, free of filamentous algal (macroalgae) growth and macrophyte (rooted higher plant) growth.</p>			in-combination with other plans and projects.	
[1106] Atlantic Salmon ( <i>Salmo salar</i> )	To <b>(M)</b> maintain the favourable conservation condition of Atlantic Salmon in the Blackwater River (Cork/Waterford) SAC.	<p>Distribution: extent of anadromy. 100% of river channels down to second order accessible from estuary.</p> <p>Adult spawning fish. Conservation Limit (CL) for each system consistently exceeded.</p>	Risk of release of silt and or toxic contaminants to watercourses during the construction and demolition phase. Potential impact to freshwater qualifying interest species and habitats.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed	Yes

		<p>Salmon fry abundance Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling.</p> <p>Out-migrating smolt abundance. No significant decline.</p> <p>Number and distribution of redds. No decline in number and distribution of spawning redds due to anthropogenic causes.</p> <p>Water quality. At least Q4 at all sites sampled by EPA.</p>			development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
[1355] Otter (Lutra lutra)	To <b>(R)</b> restore the favourable conservation condition of Otter in the Blackwater River (Cork/Waterford) SAC.	<p>Distribution. No significant decline.</p> <p>Extent of terrestrial habitat. No significant decline. Area mapped and calculated as 103ha above high water mark (HWM);</p>	Risk of release of silt and or toxic contaminants to watercourses during the construction and demolition phase. Potential impact to freshwater qualifying interest species and habitats.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its	Yes



		<p>1165.7ha along riverbanks/ around ponds.</p> <p>Extent of marine habitat. No significant decline. Area mapped and calculated as 647.2ha.</p> <p>Extent of freshwater (river) habitat. No significant decline. Length mapped and calculated as 599.54km.</p> <p>Extent of freshwater (lake) habitat. No significant decline. Area mapped and calculated as 25.06ha.</p> <p>Couching sites and holts. No significant decline.</p> <p>Fish biomass available. No significant decline.</p> <p>Barriers to connectivity. No significant increase.</p>	<p>Potential for the proposed project to cause disturbance to Otter unlikely due to the scale and nature of the project and the area is already subjected to urban noise disturbance and other anthropogenic activities associated with urban areas.</p>		<p>own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.</p>	
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[1421] Killarney Fern Trichomanes speciosum	To <b>(M)</b> maintain the favourable conservation condition of Killarney Fern in the Blackwater River (Cork/Waterford) SAC	The QI is not present in the development area, and outside its zone of influence.	N/A	N/A	N/A	Yes
<b>Overall conclusion: Integrity Test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site, and no reasonable doubt remains as to the absence of such effects.						

**Table 1.2: AA Summary Matrix – Blackwater River (Cork/Waterford) SAC**

<b>Table 1.3 Blackwater Estuary (SPA) [Site Code: 004028]</b>						
Summary of key issues that could give rise to adverse effects: Impact on water quality and water dependent habitats and species given proximity of the site to Youghal Harbour and the flood risk status of the site. Potential disturbance/displacement of in-situ and ex-situ qualifying species.						
Qualifying Interest feature (see section 'Aspects of the proposed development' - QIs that may occur in the vicinity of the site)	Conservation Objectives	Targets and attributes	Summary of Appropriate Assessment			Can adverse effects on integrity be excluded?
			Potential Adverse effects	Mitigation Measures	In combination effects	
Wigeon (Anas penelope) [A050]	To <b>(M)</b> maintain the favourable conservation condition of Wigeon in Blackwater Estuary SPA,	Population trend: Long term population trend stable or increasing.  Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Wigeon, other than that occurring from natural patterns of variation.	Impact on water quality. Disturbance.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes

Golden Plover (Pluvialis apricaria) [A140]	To <b>(M)</b> maintain the favourable conservation condition of Golden Plover in Blackwater Estuary SPA	Population trend: Long term population trend stable or increasing.  Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Golden Plover, other than that occurring from natural patterns of variation.	Impact on water quality. Disturbance.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in- combination with other plans and projects.	Yes
Lapwing (Vanellus vanellus) [A142]	To <b>(M)</b> maintain the favourable conservation condition of Lapwing in Blackwater Estuary SPA	Population trend: Long term population trend stable or increasing.  Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Lapwing, other than that	Impact on water quality.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse	Yes

		occurring from natural patterns of variation.			effects on any European Site when considered in-combination with other plans and projects.	
Dunlin ( <i>Calidris alpina</i> ) [A149]	To <b>(M)</b> maintain the favourable conservation condition of Dunlin in Blackwater Estuary SPA	<p>Population trend: Long term population trend stable or increasing.</p> <p>Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Dunlin, other than that occurring from natural patterns of variation.</p>	Impact on water quality. Disturbance	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes
Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]	To <b>(M)</b> maintain the favourable conservation condition of Black-tailed Godwit in Blackwater Estuary SPA	<p>Population trend: Long term population trend stable or increasing.</p> <p>Distribution: There should be no significant</p>	Impact on water quality. Disturbance	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is,	Yes

		decrease in the range, timing or intensity of use of areas by Black-tailed Godwit, other than that occurring from natural patterns of variation.			therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
Bar-tailed Godwit (Limosa lapponica) [A157]	To <b>(M)</b> maintain the favourable conservation condition of Bar-tailed Godwit in Blackwater Estuary SPA	Population trend: Long term population trend stable or increasing.  Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Bar-tailed Godwit, other than that occurring from natural patterns of variation.	Impact on water quality. Disturbance	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	Yes
Curlew (Numenius arquata) [A160]	To <b>(M)</b> maintain the favourable conservation condition of	Population trend: Long term population trend	Impact on water quality. Disturbance.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on	

	Curlew in Blackwater Estuary SPA.	<p>stable or increasing.</p> <p>Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Curlew, other than that occurring from natural patterns of variation.</p>			any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with other plans and projects.	
Redshank (Tringa totanus) [A162]	To <b>(M)</b> maintain the favourable conservation condition of Redshank in Blackwater Estuary SPA.	<p>Population trend: Long term population trend stable or increasing.</p> <p>Distribution: There should be no significant decrease in the range, timing or intensity of use of areas by Redshank, other than that occurring from natural patterns of variation</p>	Impact on water quality. Disturbance.	Yes (Section 6.0 and Table 6.1 of the NIS)	The proposed development will not result in any residual adverse effects on any of the European Sites, their integrity or their conservation objectives when considered on its own. There is, therefore, no potential for the proposed development to contribute to any cumulative adverse effects on any European Site when considered in-combination with	

					other plans and projects.	
Wetland and Waterbirds [A999]	To <b>(M)</b> maintain the favourable conservation condition of the wetland habitat in Blackwater Estuary SPA as a resource for the regularly occurring migratory waterbirds that utilise it	Wetland habitat: The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 871 ha, other than that, occurring from natural patterns of variation.	No impact on the area occupied by the wetland habitat.	N/A	N/A	Yes
<b>Overall conclusion: Integrity Test</b> Following the implementation of mitigation, the construction and operation of this proposed development will not adversely affect the integrity of this European site, and no reasonable doubt remains as to the absence of such effects.						

**Table 1.3** AA Summary Matrix – Blackwater Estuary SPA