



An
Bord
Pleanála

Inspector's Report

ABP-321292-24

Development

Proposed Passage West Pedestrian and Cycle Route, Passage West, Co. Cork

Location

In the townlands of Ardmore and Pembroke, Co. Cork.

Planning Authority

Cork County Council

Type of Application

Application for approval made under Section 177(AE) of the Planning and Development Act, 2000 (local authority development requiring appropriate assessment)

Prescribed Bodies

None

Observer(s)

Aileen Sparks

Áine Tanner Howe

Anita Seigl

Ann & Seamus Hester

Anna Horan

Anne Crotty
Assumpta Lydon
Callie Walsh
Caroline Harper
Chloe Nolan
Chris Lombard
Christine Ring
Ciara Higgins
Claire Leonard
Claire O'Mahony
Cllr. Audrey Buckley
Cllr. Eoghan Fahy
Clodagh Sullivan
Daniel Boland
David Heffernan
David Teixeira-Lynch
Declan Cummins
Deridre Mason
Deirdre Maxwell
Eithne C. Farr
Ellen Miller
Eoghan O'Brien
Euna Leonard
Finola Harrington
Gary O'Donovan
Grace Leonard & Darragh Kenny
Graham Roche
Gráinne Crowley
Joe Malone

John Smyth
Kieran Harrington
Laura Malone
Liam Nolan
Louisa Hussey & others
Lynda Wixted
Madeline Roberts
Marcia D'Alton
Marian Roche
Mark O'Shea
Mary Cadogan
Mary O'Connell
Mella Leonard
Michael & Ann Canty
Michael Corcoran
M-Noelle Baxter
Niall Bradley
Noel & Trina Mullane
Noel Collins
Norma Leonard
Orla Scannell
Paddie Williams
Passage West Tidy Towns Group
Patricia Lydon
Paul Holly
Paul Kearney
Peter McManamon
Sara de Miguel
Sarah Guthrie

Sarah Harrington

Seamus McGrath TD & Cllr. Patrick
Donovan

Susan Power

Una McCarthy

Winnie & Kevin Horan

Date of Site Inspection

4th February 2025

Inspector

Liam Bowe

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Appendix 1: Form 1 - EIA Pre-Screening

1.0 Introduction

- 1.1. Cork County Council is seeking approval from An Bord Pleanála to undertake improvement works to the Passage Railway Greenway identified as an upgrade of the existing 2km long Pedestrian and Cycle Route between the Cork City/ Cork County boundary and Mariner's Quay from a 2-2.5m wide to an approximate 4m wide pedestrian and cycle path. The scheme will include works adjacent to the Cork Harbour SPA (Site Code: 004030), which is a designated European site. A Natura Impact Statement (NIS) and application under Section 177AE was lodged by the Local Authority on the basis of the proposed development's likely significant effect on this European site.
- 1.2. Section 177AE of the Planning and Development act 2000 (as amended) requires that where an appropriate assessment is required in respect of development by a local authority the authority shall prepare an NIS and the development shall not be carried out unless the Board has approved the development with or without modifications. Furthermore, Section 177V of the Planning and Development Act 2000 (as amended) requires that the appropriate assessment shall include a determination by the Board as to whether or not the proposed development would adversely affect the integrity of a European site and the appropriate assessment shall be carried out by the Board before consent is given for the proposed development.
- 1.3. The Passage Railway Greenway is a recreational amenity that extends along the line of the former Cork to Blackrock and Passage railway line. The route starts at the Marina, adjacent to the River Lee, and continues along the old railway alignment through the southeast suburbs of Cork City and onwards to Passage West. The c.7km pathway along the abandoned Cork, Blackrock and Passage Railway line within the Cork City boundary is in the process of being upgraded to become part of the Lee to Sea Greenway. It is submitted that the proposed works to the existing 2km long path from the Cork County boundary to Passage West will enhance the overall Passage Railway Greenway, which is part of the wider Lee to Sea Greenway corridor.

2.0 Proposed Development

2.1. The proposed development involves the upgrade of an existing 2km long pedestrian and cycle route adjacent to the R610 regional road, from the Cork County/ City boundary to Mariner's Quay, Passage West and includes the following:

- Upgrading 2km of the existing 2.5m wide pedestrian and cycle path to an approximate 4m wide pedestrian and cycle path.
- Alterations to existing opening of stone masonry wall at Passage West Maritime Museum.
- Repair to existing steps, next to slipway at Passage West.
- New ducting and LED lighting.
- Planting of new native Irish trees to compensate for some tree felling along the route at a ratio of 3:1, including the planting of new native Irish hedgerows.
- Upgrading of existing paths at the tie in points at Robert's Bridge Car Park.
- Ancillary and amenity elements including fencing, signage, shared pedestrian and cycle track markings, information boards, bike racks, picnic tables and benches.
- All associated site development and landscaping.

2.2. The application included the following accompanying documents:

- Cover letter and description of the proposed works
- Planning drawings, relevant particulars and public notices
- Planning and Design Report
- Part 8 Planning Report
- AA Screening and Natura Impact Statement
- Archaeological and Cultural Heritage Impact Assessment
- Ecological Impact Assessment
- Environmental Impact Assessment Screening Report

- Site Specific Flood Risk Appraisal
- Tree survey
- Prescribed Bodies to which the application was sent.

3.0 Site Location and Description

- 3.1. The proposed project location comprises of a stretch of the existing Passage Railway Greenway which is a recreational amenity that runs along the alignment of the former Cork-Blackrock and Passage railway line. The subject site comprises of a total of 2km of existing greenway, running from c.200m to the west of the Robert's Bridge car park south eastwards to within the built-up area of Passage West, just to the north of the town playground.
- 3.2. The subject site bounds the Cork Harbour SPA, but no works are proposed within the Natura 2000 site. The Board should also note that the wider area is identified in the CDP as high value landscape. There are also a number of built heritage structures identified within the site area, most importantly 3 no. bridges that are protected structures and were constructed in the 19th century as part of the Cork Blackrock & Passage West Railway (RPS no.'s 01474, 01475 and 01476 refer).

4.0 Planning History

- 4.1. The following are relevant planning decisions:

ABP-315622-23: Permission approved for Passage Railway Greenway Improvement Scheme, Phase II – Mahon to Passage West, and all associated works.

ABP-312302-21: Passage Railway Greenway Improvement Scheme Phase II EIAR direction under Section 50(1)(c) of the Roads Act 1993 (as amended) – submission of an EIAR was not required (file attached for reference).

Construction on improving and upgrading the existing greenway from Páirc Uí Chaoimh to Mahon, N40 (South Ring Road) as part of Phase I, commenced in December 2020 as a separate Part 8 project.

P.A. Ref. No.24/5889: Application for permission for the demolition of existing boat house and lean-to together with the removal of two existing porta cabins along with

the construction of a new two storey club house incorporating two balcony areas, internal boat storage, external storage boat storage area and associated site work at Passage West Rowing Club (further information requested 19/11/'24).

5.0 Legislative Context

5.1. The EU Habitats Directive (92/43/EEC)

This Directive deals with the Conservation of Natural Habitats and of Wild Fauna and Flora throughout the European Union. Articles 6(3) and 6(4) require an appropriate assessment of the likely significant effects of a proposed development on its own and in combination with other plans and projects which may have an effect on a European Site (SAC or SPA).

5.2. European Communities (Birds and Natural Habitats) Regulations 2011

These Regulations consolidate the European Communities (Natural Habitats) Regulations 1997 to 2005 and the European Communities (Birds and Natural Habitats) (Control of Recreational Activities) Regulations 2010, as well as addressing transposition failures identified in CJEU judgements.

5.3. National nature conservation designations

The Department of Culture, Heritage and the Gaeltacht and the National Parks and Wildlife Service are responsible for the designation of conservation sites throughout the country. The three main types of designation are Natural Heritage Areas (NHA), Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) and the latter two form part of the European Natura 2000 Network.

European sites located in proximity to the subject site include:

- Cork Harbour SPA (Site Code: 004030)
- Great Island Channel SAC (Site Code: 001508)

5.4. Planning and Development Acts 2000 (as amended)

Part XAB of the Planning and Development Acts 2000-2017 sets out the requirements for the appropriate assessment of developments which could have an effect on a European site or its conservation objectives.

- 177(AE) sets out the requirements for the appropriate assessment of developments carried out by or on behalf of local authorities.
- Section 177(AE) (1) requires a local authority to prepare, or cause to be prepared, a Natura impact statement in respect of the proposed development.
- Section 177(AE) (2) states that a proposed development in respect of which an appropriate assessment is required shall not be carried out unless the Board has approved it with or without modifications.
- Section 177(AE) (3) states that where a Natura impact assessment has been prepared pursuant to subsection (1), the local authority shall apply to the Board for approval and the provisions of Part XAB shall apply to the carrying out of the appropriate assessment.
- Section 177(V) (3) states that a competent authority shall give consent for a proposed development only after having determined that the proposed development shall not adversely affect the integrity of a European site.
- Section 177AE (6) (a) states that before making a decision in respect of a proposed development the Board shall consider the NIS, any submissions or observations received and any other information relating to:
 - The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

6.0 Policy Context

6.1. National Planning Framework – Project Ireland 2040

- 6.1.1. The National Planning Framework – Project Ireland 2040 is a high-level strategic plan for shaping the future growth and development of Ireland to 2040. Key objectives of the Framework are to ensure the promotion of compact urban development, sustainable mobility and transition to a low carbon and climate resilient society. Embedded in these objectives is the promotion of recreational infrastructure,

including greenways, and the promotion of more sustainable modes of transport, including walking and cycling.

- 6.1.2. National Policy Objective 22 seeks to facilitate tourism development and specifically refers to greenways and NPOs 23 and 27, as they relate to Healthy Communities, seek to support the objectives of public health policy and ensure the integration of safe and convenient alternatives to the car into the design of communities, by prioritising walking and cycling accessibility to both existing and proposed developments.

6.2. Regional Spatial & Economic Strategy – Southern Region

- 6.2.1. The RSES for the southern region was adopted in January 2020 and provides a long-term, strategic development framework for the future physical, economic and social development of the Southern Region and includes Metropolitan Area Strategic Plans (MASPs) to guide the future development of the Region's three main cities and metropolitan areas – Cork, Limerick-Shannon and Waterford. The strategy seeks to achieve balanced regional development and the full implementation of the NPF. It is a 12-year strategic regional development framework and establishes a broad framework for the way in which our society, environment, economy and the use of land should evolve.
- 6.2.2. The RSES follows on from the NPF in terms of the overall strategy of achieving sustainable modes of transport which will in turn support active health initiatives and healthy communities, as well as promoting tourism and assisting to a transition to a lower carbon society. Regional Policy Objective 53 promotes the delivery of greenways in the context of developing sustainable walking and cycling trails and opening greater accessibility to the marine and countryside environments.
- 6.2.3. RPOs 124 and 125 deal with green infrastructure, and it is a stated objective to promote the concept of connecting corridors for the movement of wildlife and encourage the retention of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands. Transport infrastructure provides potential opportunities to act as Green Infrastructure corridors. It is an objective to support local authorities acting together with relevant national

infrastructure providers to co-develop infrastructural management plans to enhance biodiversity.

- 6.2.4. Section 6.3.3.10 of the RSES deals with Walking and Cycling and states that active walking and cycle infrastructure will support active health initiatives and healthy communities, encourage transition to sustainable modes of travel, promote sustainable mobility and significantly assist our transition to a lower carbon society. RPO 174 sets out the walking and cycling objectives, with many references to greenways noted.
- 6.2.5. Section 7.2.7 deals specifically with the development of Greenways, Blueways and Peatways and states that the RSES supports the development of Greenways, Blueways and Peatways including initiatives to extend existing routes and links to regional and national networks, ports and other transport hubs. Opportunities to develop new greenways along abandoned or disused railways should still allow for future rail use if feasible at a later stage. It is a stated objective to support investment in the development of walking and cycling facilities, greenway and blueway corridors within the region – RPO 201 refers.

6.3. **Cork Metropolitan Area Strategic Plan (MASP)**

- 6.3.1. The Cork MASP seeks to integrate sustainable economic and social development with the protection and enhancement of the natural environment to ensure our transition to a climate resilient society. Objectives seek a healthy, green and connected metropolitan area, green infrastructure, inter-connected parks, sports and recreation facilities and greenways. Placemaking initiatives and public realm enhancements are supported.
- 6.3.2. The MASP follows the NPF and RSES in terms of promoting cycleways and walkways, with Objective 8(i) which relates to transport objectives and the finalisation of the Cork Metropolitan Area Transport Strategy, seeking to implement and further develop upon the Cork Metropolitan Area Cycle Network Plan 2017, invest in infrastructure to support the integration of the cycle networks throughout the Cork Metropolitan Area and region, improve and develop primary, secondary, greenway (including the Lee to Sea Greenway) and feeder cycle networks and support cycling through provision of a high proportion of segregated cycleways to provide a safe infrastructure for all.

6.4. **Cork County Council Development Plan 2022-2028**

- 6.4.1. Volume 4 of the CDP states that the RSES and Cork Metropolitan Area Transport Strategy (CMATS) both support the development and completion of the Lee to Sea Greenway.
- 6.4.2. **Policy Objective TM 12-2-5** seeks to promote new paths and cycleways/ greenways and upgrades to existing paths and cycleways/greenways
- 6.4.3. **Policy Objective TO 10-8** seeks to promote the development of greenways, walking and cycling routes throughout the County as an activity for both international visitors and local tourists in a manner that is compatible with nature conservation and other environmental policies.

6.5. **Cultural Heritage**

- 6.5.1. The line of the greenway that is the subject of this application crosses three bridges that are protected structures, Robert's Bridge (RPS no.01474), Abbott's Bridge (RPS no.01476) and 'Wooden Bridge' (RPS no.01475). There is a water tower (RPS no.01469) located at the southeastern end of the greenway immediately adjacent to the subject site, which has been converted to a takeaway coffee shop and was in such use on the day of my site inspection.
- 6.5.2. There are no national monuments or structures listed on the NIAH within the subject site. The Board should note that the southeastern end of the site is located within the Passage West Architectural Conservation Area.

6.6. **Other Relevant Policy Documents**

- **Climate Action Plan 2024 and 2025** - This plan is prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings. The document sets out Ireland's plan to achieve a 51% reduction in greenhouse gas emissions by 2030 and being carbon neutral by 2050. Section 14 of the Plan deals with transport and table 14.3 sets out the key actions to deliver abatement in transport for the period 2026-2030. Key targets include: 20% reduction in total vehicle kilometres travelled relative to business-as-usual, 50% reduction in fuel usage, and significant increases to sustainable transport trips and modal share. The principle of the

proposed works is considered to be in compliance with the principles and provisions of the Climate Action Plan 2024 and 2025.

- **Cork County Council Climate Action Plan 2024-2029** – this plan sets out the actions that Cork County Council will take across its own services to meet national emissions targets and to increase the resilience of its human and infrastructural assets against climate change impacts.

Objective 4.4.1.8.2: Continue the implementation of ‘safe routes to school’ and neighbourhood greenways to further enhance localised active-travel infrastructure; having due regard to environmental sensitivities such as the receiving water environment, biodiversity, European sites and local air quality.

- **Cork City Development Plan 2022-2028** - The 2040 Concept Plan sets out the longer-term vision for land use planning and management in the city and transport-oriented development will stem from the planning and delivery of Light-Rail Transit and its interaction with the Lee to Sea Greenway, suburban rail network, orbital bus routes and strategic bus corridors in key areas. The subject application relates to part of the Lee to Sea Greenway.

Chapter 4 of the City Plan deals with transport and includes active travel. The Lee to Sea Greenway is listed as one of the initiatives expected to be progressed to improve pedestrian and cycling connectivity during the lifetime of the Plan. The Passage Railway Greenway Improvement Scheme is referenced at Table 4.3 as one of a number of walking and cycling schemes expected to come on stream.

7.0 Consultations

- 7.1. In accordance with the provisions of Section 177AE(4)(b), a number of prescribed bodies were notified of the proposal and copies of the application and the accompanying Natura Impact Statement were circulated to the following bodies:

- An Taisce
- Department of Environment, Climate and Communications
- Department of Tourism, Culture, Arts, Gaeltacht, Sport and Media

- ESB
- Environmental Protection Agency
- Fáilte Ireland
- Inland Fisheries Ireland
- Irish Water
- Department of Housing, Local Government and Heritage (NMS)
- Department of Housing, Local Government and Heritage (NPWS)
- National Transport Authority
- Office of Public Works
- The Arts Council
- The Heritage Council
- Waterways Ireland

No responses were received from the above bodies.

7.2. **Public Submissions**

Following the issuing of the public notices, 69 public submissions were made to the Board. The issues raised are consistent within the submissions and are summarised as follows:

General support is expressed for the greenway development and the investment in the community but there are a significant number of residents who oppose the widening of the greenway from Haven Marine (chainage 1430) to the rowing club/ playground (chainage 1915).

Removal of historic wall

- The removal of the railway wall along the street would undermine the unique character and heritage of Passage West.
- Not mentioned in the Archaeological and Cultural Impact Assessment.
- Goes against what Passage West is trying to achieve in the Heritage Regeneration Plan and the Passage West Strategic Plan 2018-2022.

Lack of public consultation

- Disappointed that no discussions were carried out with Passage West Town Council.
- Seeks the removal of the section from Patrick Murphy Park (Chainage 1430) onwards to allow for public consultation on this part of the greenway.

Removal of fairy wall

- Residents concerned about the knocking of the Fairy Wall, which carries an art installation is the centrepiece of the annual Fairy festival.
- Not mentioned in the documentation submitted with the application.

Traffic congestion and car parking

- Traffic congestion and lack of parking are on-going problems in the town.
- The proposal will cause serious traffic problems for the town during construction and impact local businesses.
- Concerns about removal of historic wall to provide parallel parking.
- Concerned about reduction in the number of car parking spaces.
- Parallel parking would increase traffic congestion.
- Relocating the car park to on-street will increase the danger for children, elderly and mobility impaired.
- Requests that part of the Robert's bridge car park remain for public use during the construction phase.
- Loss of car park does not take account of the needs and quality of life of the residents.
- Parallel parking brings people closer to the HGV's that travel to and from the nearby port in Passage West.
- One submission in support of the removal of the car park as it is considered the biggest danger to users of the greenway.

Removal of trees

- Risk of damage to biodiversity and ecosystems by extending the path and removing some trees.
- The line of hornbeam trees is an addition to the approach to the town.
- Concerned about loss of green space.

Other comments

- Concerned about run-off into the local river.
- A number of observers highlight the presence of kingfisher, otters and cow slips.
- Concerned about disturbance of feeding/ nesting birds in the SPA.
- Cyclists will likely increase speed on a wider facility presenting conflict/ risk to other greenway users.
- New benches would overlook private residences.
- Request for softer yellow light from the proposed street lighting.
- Care needs to be taken with the memorial bench and plaque honouring Patrick Murphy in the park.
- Stated that part of the area that is the subject of the application is an ACA and there is no mention of the removal of the railway wall within the ACHIA.
- Request to liaise with Passage West Rowing Club regarding timing of improvement works to the nearby steps.
- No public toilet facilities within the proposal.
- One submission (Gary O'Donovan) seeking clarity regarding the extent of excavation and construction providing a raised embankment.
- One submission (Marcia D'Alton) queries the details of the existing and proposed bridge decks along the route of the greenway.
- Frequent and clear signage should be installed indicating which side users should travel and pass.
- Request that care be taken with invasive species.

- One submission (Sarah Guthrie) refers to an entirely different planning application.

7.3. Response of Applicant to Submissions

- 7.3.1. The applicant did not make a response to the submissions received.

8.0 EIA Screening

- 8.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations). No mandatory requirement for EIA therefore arises and there is also no requirement for a screening determination (please see Form 1 in Appendix 1 of this report).
- 8.1.2. It has been concluded that there is potential for significant effects on a European site(s) and an Appropriate Assessment has been undertaken having regard to the documentation on file including the NIS. Impacts on European sites can be addressed under Appropriate Assessment, which I have addressed in Section 9.4 of my report.

9.0 Assessment

9.1. Introduction

- 9.1.1. The assessment will be undertaken in three parts as per the requirements of Section 177AE as follows:
- The likely effects on the environment.
 - The likely consequences for the proper planning and sustainable development of the area.
 - The likely significant effects on a European site.

9.2. The likely effects on the environment

- 9.2.1. The application is accompanied by an Environmental Impact Assessment Screening Report (Ryan Hanley, October 2022) which considered the likelihood of the

development to have significant effects on the environment under the criteria set out in Annex III and IIA of the EIA Directive and Schedules 7 and 7A of the Planning and Development Regulations 2001, as amended.

9.2.2. As outlined in section 8 above, the Board determined that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report is not, therefore, required. It was further considered that the impacts likely to arise including potential impacts on European sites and the likely consequences for the proper planning and sustainable development of the area arising from impacts on biodiversity, water, cultural heritage and the local population can be addressed in a Section 177AE application to the Board. I propose to address the following issues here and matters relating to appropriate assessment are discussed further below in section 9.4 of this report.

- Biodiversity and Water
- Cultural Heritage
- Traffic and Car Parking
- Population

Biodiversity and Water

9.2.3. The submitted Ecological Impact Assessment (EclA) identifies the results of a number of studies and surveys carried out to inform the baseline environment and details of consultation with the NPWS. The surveys included:

- Initial walkover (2nd April 2024)
- Ecological walkover (1st May 2024)
- Additional surveys (27th June and 29th August 2024)
- Bat surveys (4th and 15th May, and 19th June 2023)
- Passive bat detector survey (4th to 15th May 2023)
- Dusk activity transects surveys (6th and 19th June 2023)
- Otter surveys (2nd and 3rd February 2024)
- Waterbird surveys (December 2023 to March 2024)

- 9.2.4. The subject site runs along the western and southern side of Cork harbour/ Lough Mahon. Cork harbour is designated as a SPA for its wetlands and waterbirds. Most of the proposed works are located on or within the existing greenway/ path, but the development, if permitted, will also extend into the riparian areas associated with the adjacent waterbodies. Such works, which include the removal of vegetation within the riparian buffer, may negatively impact the foraging, nesting and roosting habitat and behaviours of SCI bird species and/ or bat species through the loss of foraging and commuting habitats.
- 9.2.5. Any works within the site/ adjacent to the SPA, and over water bodies in the cases of works to existing bridges, have the potential to adversely impact on habitats and species (SCI birds) within these Natura sites, with likely significant effects arising in terms of noise, vibration, lighting and the presence of humans and vehicles during the construction phase. The improvement scheme is also likely to generate additional users in terms of cyclists and pedestrians once operational, which could have a negative effect on the foraging, nesting and roosting habitat and behaviours of SCI bird species. Other mammals that may be impacted by increased numbers of users include the otter. The EclA concludes that due to high levels of existing activity on the greenway and adjacent road, there is limited opportunities for badger, red fox, hedgehog, stoat, wood mouse and pygmy shrews to be present. Works adjacent to and over the adjacent waterbodies, including drainage proposals, have the potential to give rise to significant effects on the water quality of the identified bodies.
- 9.2.6. A number of third-parties also highlight the presence of otters, kingfisher and cowslip. An otter survey was carried out on behalf of the Cork County Council by Triturus Environmental Ltd¹ and a total of 14 no. otter signs, mostly spraint and jelly, were recorded. A single couch identified in the otter survey was located >1km from the proposed development. The bird survey (May 2024) carried out by the applicant noted that no suitable habitat for nesting by Kingfisher was observed in close proximity to the proposed development. Although I did not observe cowslips on the day of my site inspection (February) and none were recorded by the applicant, these

¹ Otter Survey Report, Appendix D, EclA

are one of Ireland's best-known native wildflowers and becoming more prevalent nationwide² after declining between the 1950s and 1980s.

- 9.2.7. Having regard to the water bodies, the Board should note that the part of the greenway that is subject to this application is bordered for its entire length by the Lough Mahon transitional waterbody which is classified as being 'at risk' under the Water Framework Directive (WFD) Risk categorisation.
- 9.2.8. In light of the above, surface water run-off, accidental spillages or the introduction of alien species on machinery could also have an impact during the construction phase where excavation is required, vegetation removal is proposed and stockpiling of materials. Such practices may result in sediment laden run-off affecting water quality. Other activities which have the potential for sediment run-off include works to a number of the bridges. However as noted in the EclA, given the relatively shallow depth of excavations, absence of any known contaminated soil, absence of significant earthworks, and type of construction, the quantities of potentially polluting material to be used during construction are limited.
- 9.2.9. The Board should note that third parties have raised concerns about the presence of invasive species on the greenway. A number of invasive plant species were recorded during field survey work at a number of locations along the greenway including *inter alia* Japanese knotweed and Three-cornered leek, marine brown seaweed Japanese Wireweed, and Cherry laurel (all high impact). Japanese knotweed, marine brown seaweed Japanese Wireweed and Three-cornered leek are restricted under Regulation 49 of the Habitats Regulations.
- 9.2.10. Mitigation measures with regard to invasive alien plant species are detailed in Section 6.4 of the EclA. I note that an IAPS Management Plan will be prepared and implemented in agreement with the Contractor and Cork County Council. This will be put into effect before any works commence on the site and will include *inter alia* the following:
- Areas of infestation and appropriate buffer zones shall be isolated with fencing or warning tape and 'Biosecure Zone' sign.
 - A dedicated and clearly marked cleaning facility/wash-down area.

² [Primula veris distribution map \(BSBI\)](#)

- Any imported materials (e.g. fill and topsoil) shall be sourced from licensed suppliers.
- Any Ash trees or fallen Ash branches or leaf litter to be removed shall be assumed to be infected with 'Ash dieback disease'.
- Following completion of works in a given area of the site, bare soil shall be planted (as per the Landscape Plan and Specification) at the earliest opportunity to avoid the risk of IAPS re-establishing.

I am satisfied that the IAPS Management Plan will provide an effective management approach for the eradication of IAPS within the site.

9.2.11. Most of the third-parties express general support for the enhancement of the greenway but there are a significant number of residents who oppose the widening of the greenway from Haven Marine (chainage 1430) to the rowing club/ playground (chainage 1915). This is based on the removal of trees and a concern about the loss of green space, as well as the issue of changes to the car parking in the area (the car parking issue is discussed under Roads and Traffic below).

9.2.12. I draw the Board's attention to the landscaping plan (per General Arrangement drawing no.'s GA0001-GA0012) for the greenway which proposes the removal of 17 trees along the route. The third-parties have raised a significant concern about the removal of trees and of some green space, particularly the removal of 7 no. hornbeam trees (T594-T600) along Cork Street on the approach to Passage West town centre.³ The Board should note that third-parties have requested that these trees be retained on the basis that they comprise part of an attractive approach to the town. The third-parties also consider extending the path and removing some other trees as a risk to biodiversity and the local ecosystems.

9.2.13. It is clearly annotated on the submitted drawings (Drawing no.GA011 refers) that 7 no. hornbeam are to be removed to facilitate setting back the existing low wall and the provision of on-street car parking. Similarly, 5 no. liquidambars adjacent to the water tower/ coffee shop are indicated to be relocated. However, there is a minor discrepancy between drawing no.'s GA011 and GA0012 in this regard where it is indicated that these 5 no. trees are to be removed per drawing no.GA0012.

³ Section 3, Tree Survey (Cunnane Stratton Reynolds, June 2023 and August 2024).

- 9.2.14. I am satisfied that from an ecological perspective there will be a gain as Cork County Council propose to plant significantly more trees than are to be removed and they provide an extensive Native Irish Tree List of proposed species. While I acknowledge the loss of trees to facilitate the proposed improvement works, I consider that the landscaping plan is appropriate and acceptable. However, there seems to have been a lack of consultation on this matter between the local authority and the local people/groups about the removal of the trees. From this perspective, I consider the approach from the local authority to be insensitive, although compliant with all statutory requirements.
- 9.2.15. In relation to the other issue regarding the removal of grass area used for gathering/kickabouts, I acknowledge that the grassed area for the length of Patrick Murphy Park will be 'squeezed' on both sides by the widening of the greenway path on the riverside and the provision of on-street car parking along Cork Street. I note additional green space (planted with low shrubs) and park benches are proposed to be provided in lieu of and along the length of the existing carpark. On balance, I am satisfied that a similar area will be retained for usable public open space.
- 9.2.16. One of the third-parties requests softer yellow light from the proposed street lighting. There are 55 no. existing lighting poles along the 2km route and 37 no. of these are to be retained with the remaining 18 no. to be moved back slightly. I acknowledge that lighting can have an impact on species, in particular bat species, but I note the presence of existing lighting along the greenway. Effectively, there will be no change to quantity or quality of light on the greenway and, therefore, I consider any possible related issue does not arise.

Biodiversity and Water Conclusion

- 9.2.17. Having regard to the nature of the proposed development, together with the existing use associated with the site, I would note that the principle of the enhancement of the existing Passage Railway Greenway is to improve facilities for users, but also to protect and enhance biodiversity along the route. In particular, I note the proposals with regard to the management of existing invasive alien plant species along the route, and the proposed landscaping and planting programme to be implemented.

- 9.2.18. In terms of the potential impacts of the development on water, I note that best practices will be employed to ensure that any possible discharges of suspended solids are minimised.
- 9.2.19. With regard to the matter of invasive alien plant species, I am satisfied that the applicant has appropriately addressed this issue with the proposed preparation and implementation of an IAPS Management Plan for the greenway improvement works.
- 9.2.20. Having regard to the foregoing and noting the mitigation measures proposed in Chapter 6 of the EclA and those contained in Chapter 7 of the NIS, I am satisfied that the proposed development would not have any significant adverse impacts on ecology or biodiversity along the greenway route subject to the implementation of the mitigation measures and compliance with the recommended conditions.

Cultural Heritage

- 9.2.21. Cork County Council submitted an Archaeological and Cultural Heritage Impact Assessment (Tobar Archaeological Services, November 2022) with their planning application. The ACHIA identifies three protected structures located along the route of the proposed development. These are Robert's Bridge (RPS Ref. 01474), Abbott's Bridge (RPS Ref. 01476) and Wooden Bridge (RPS Ref. 01475). The CHIA also identified a water tower (RPS Ref. 01469) located a short distance to the west of the subject site. There are no NIAH sites located within the subject site. Approximately 400m of the south-eastern part of the greenway is located within the Passage West ACA.⁴ There are no recorded or national monuments located on or in the immediate vicinity of the subject site and, consequently, no archaeological issues arise.
- 9.2.22. A third-party (Marcia D'Alton) queries the details of the existing and proposed bridge decks along the route of the greenway. It is clearly annotated on the submitted drawings that at Robert's Bridge (chainage 260) the parapets and bridge are to remain.⁵ Similarly, the parapets and bridge at Wooden Bridge (chainage 1350) are to remain.⁶ I note that the treatment for Abbott's Bridge (chainage 1060) states that the existing bridge parapets are to remain, and new railings are to be installed at either

⁴ P.35, Figure 11: Proposed development in relation to the Passage West ACA, Archaeological and Cultural Heritage Impact Assessment (Tobar Archaeological Services, November 2022)

⁵ Please refer to General Arrangement Drawing no.GA0002 (Sheet 2 of 12).

⁶ Please refer to General Arrangement Drawing no.GA0009 (Sheet 9 of 12).

side of the bridge.⁷ Although no details are specified for the railings, I am satisfied that the removal of the existing railings at Abbott's Bridge would not detract from its integrity or setting, although the Conservation Officer of Cork County Council should be consulted regarding their appropriate replacement. Further to this, no widening of any of these bridge decks is proposed and, consequently, the width of the path will constrict at these locations from the proposed 4m wide greenway path to the respective widths of the bridge decks.

9.2.23. There are further works specified in the ACHIA at Abbott's Bridge and the Wooden Bridge where it is proposed that existing bridge decks shall be removed, existing abutments be made good (where required), and new reinforced concrete pads are proposed on top of the existing abutments. Furthermore, it is proposed that a new bridge deck in reinforced concrete or structural steel be installed to provide safe passage for pedestrians and cyclists.⁸ Similarly, it is proposed to repair the riverside wingwalls of Robert's Bridge to mitigate against further erosion. I am satisfied that these works would lead to the long-term conservation of these protected structures and would have no significant impact on their integrity as protected structures. I advise the Board, if they are minded to grant permission for the proposed development, that these works should be carried out in consultation with the Conservation Officer of Cork County Council, in accordance with best conservation practice, and that an appropriate condition requiring this should be attached to such a grant of permission.

9.2.24. In relation to the ACA, the proposed development works primarily comprise the widening of an existing 2m wide path to a 3.5-4m wide track. The nature of this work is unlikely to detract from the character of the ACA and significant visual effects are not anticipated. A third-party mentions that there is no mention of the removal of the railway wall within the ACHIA and it is contended by a number of third-parties that the removal of the railway wall along the Cork Street would undermine the unique character and heritage of Passage West. It is also stated that this goes against what Passage West is trying to achieve in the Heritage Generation Plan and the Passage West Strategic Plan 2018-2022.

⁷ Please refer to General Arrangement Drawing no.GA0007 (Sheet 7 of 12).

⁸ P.38, Section 6.1.1.4 Protected Structures, Archaeological and Cultural Heritage Impact Assessment (Tobar Archaeological Services, November 2022).

- 9.2.25. For clarity, it is proposed to remove this low wall and replace it with a block and stone wall from chainage 1610 to 1780 (a length of 170 metres). The new stone wall is proposed as 1.3m in height and a railing is to be erected opposite the ope in the wall at the entry/ exit point to/ from the greenway. I note under Section 6.1.1.6 of the ACHIA it is stated that no direct impacts to the ACA are anticipated as a result of the proposed development. As well as this, no reference is made to this wall in Section 6.1.1.5 where issues relating to railway structures not included in the RPS are addressed.
- 9.2.26. On the day of my site inspection, I observed that works have been carried out to this wall for a substantial part of it notably from chainage 1610 to 1740 where the wall has been lowered and fixed with a concrete capping. Therefore, approximately 40 metres of the wall remains in what could be considered its original condition. Overall, I consider that the integrity of this part of the built environment has been irrevocably altered and that the construction of a modern (a new stone faced wall) would not detract from the visual amenity of the area nor have any significant adverse impact on cultural heritage or the integrity of the ACA.
- 9.2.27. Another issue raised by a number of third-parties in relation to cultural heritage concerned the removal of the 'fairy wall' that runs perpendicular to the greenway and sits between the existing car park and the grassed area to the north of it. Residents are concerned about the knocking of the Fairy Wall, which carries an art installation that is the centre-piece of their annual Fairy festival. As also stated in a third-party submission, this is not mentioned in the documentation submitted with the application.
- 9.2.28. On the day of my site inspection, I observed the artwork on this wall and it was evident to me that this relatively innocuous structure plays a role in the civic life of the local community. I consider that this would have been identified in any pre-application consultation, if it had been undertaken. Unfortunately, it now falls to the Board to adjudicate on the matter. Although the low c.8m long wall has no historical or architectural merit, it is clear from the third-party submissions that there is a cultural aspect to it that merits the retention of its use. I consider that such a length of wall usable for artwork can be incorporated into the northeastern side of the proposed replacement wall. I am satisfied that this would address this concern and enable the continued civic use of a similar portion of wall and associated public open

space. I advise the Board, if they are minded to grant permission for the proposed development, that these works should be carried out in consultation with the local community.

Cultural Heritage Conclusion

9.2.29. Overall, I am satisfied that the proposed improvement works to the existing pedestrian and cycle greenway at this location would be consistent with national, regional and local policy as they relate to the protection of cultural heritage and to the proper planning and sustainable development of the area. Having regard to the scale and nature of the linear project, I am satisfied that the proposal would not adversely affect cultural heritage in the surrounding area to any significant extent, subject to mitigation measures outlined in the ACHIA being carried out and attached conditions.

Traffic and Car Parking

9.2.30. There are two access points for pedestrians and cyclists along this 2km section of the greenway – Robert’s Bridge car park and Cork Street car park. There are also two aspects to the proposed improvement works that impact these access points, namely:

- 1) The temporary 12-month closure of the Robert’s Bridge car park for its use as a construction compound for the duration of the proposed works, and
- 2) The permanent closure of the Cork Street car park and its replacement with on-street car parking.

9.2.31. My sense from the submissions is that traffic congestion and car parking are the primary concerns in relation to the proposed improvement works. It is stated that traffic congestion and lack of parking are on-going problems in the town, and it is contended that the proposal will cause serious traffic problems for the town during both construction and operation. Within this area, third-parties are concerned about:

- The overall reduction in the number of car parking spaces at Cork Street.
- Parallel parking on Cork Street causing an increase in traffic congestion.
- The relocating of car parking to on-street increasing the danger for children, elderly and mobility impaired.

- Parallel parking on Cork Street bringing people closer to the HGV's that travel to and from the nearby port in Passage West.

9.2.32. It is also stated that some local residents use the car park at Cork Street in association with the use of their residence and contend that the loss of the car park does not take account of the needs and quality of life of the residents. There are also requests that part of the Robert's Bridge car park remain for public use during the construction phase.

9.2.33. However, the Board should note that one of the third-parties supports the removal of the car park on Cork Street as it is considered the biggest danger to users of the greenway. I agree with this contention as, on the day of my site inspection, I observed cars parked in such a manner that would require a reversing manoeuvre onto the greenway path in order to exit a car parking space. In this regard, the proposed improvement works would represent an improvement in terms of pedestrian and cyclist safety.

9.2.34. In relation to the other concerns raised, the Board should note that the current County Development Plan supports upgrades to existing paths and cycleways/ greenways (Policy Objective TM 12-2-5 refers). The proposed development is wholly in accordance with this objective, and this is complemented by reference to the Passage Railway Greenway Improvement Scheme in the City Development Plan too, which is listed therein as one of a number of walking and cycling schemes expected to come on stream within the lifetime of the Plan.

9.2.35. I also highlight that national and regional policies support the development and promotion of cycleways and walkways and the Cork MASP seeks to integrate sustainable economic and social development with the protection and enhancement of the natural environment to ensure our transition to a climate resilient society. Objectives seek a healthy, green and connected metropolitan area, green infrastructure, inter-connected parks, sports and recreation facilities and greenways.

9.2.36. More specifically, I am satisfied that there will be no significant loss in car parking provision at this town centre location on Cork Street. The proposed provision of 28 no. on-street parking spaces equates favourably to the 28-30 no. spaces available in the existing car park. Notwithstanding the busy but normal vehicular activity on this town centre street, I am also satisfied that parallel parking is also a normal form of

parking provision at such a location and that local residents and visitors would adapt to such a type of car parking.

Traffic and Car Parking Conclusion

9.2.37. Overall, I am satisfied that the proposed improvement works would be satisfactory and in the interests of sustainable transport. I note concerns raised in relation to the impact of the proposed works on car parking, particularly for residents in the vicinity of the site, but I do not consider that the proposed improvement works will unduly impact existing residents with regard to the provision of parking.

Population

9.2.38. In terms of potential impacts on population, the subject site is located within and adjacent to the urban area of Passage West. The route is an established greenway and amenity route, and the settlement pattern in the immediate vicinity of the line ranges from town centre residential streets to low density. The geographical extent of the site is also limited, and the proposed works seek to improve the amenity and provide improved facilities for users. I note that the proposed development will not give rise to any significant new development which might impact negatively on the existing settlement patterns of the area, other than the potential for increased use of the facility.

9.2.39. During the construction phase of the development, there is likely to be some impacts on local residents and greenway users in terms of construction traffic, noise and dust, and access issues at Robert's Bridge car park with its use as a construction compound for a duration of 12 months. However, I note that no full road closures are proposed, that these impacts will be short term in duration and mitigation measures, including best construction practices, will be implemented. In terms of the construction period, I accept that there will be a general reduction in amenity for residents who live along the route, but I do not consider the impacts to be such as to warrant a refusal of permission.

9.2.40. In terms of the operational phase of the development, it is not considered that the works will impact on the population. It is anticipated that people from outside the immediate area will travel to use the amenity. An increase in users of the greenway has the potential to have a long-term, moderate positive economic effect to the local businesses in the area. The works will improve the accessibility to the greenway

which will have a long-term positive effect on residents, commuters to work and visitors.

- 9.2.41. A couple of the third parties contend that the new benches would overlook private residences. On the day of my site inspection, I noted views into the rear gardens of some private residents along the route of the greenway. These views were intermittent and passing in nature and at a distance so as not to compromise privacy. I am satisfied that any additional benches along the route would be similar to the existing ones and present no overlooking issues of concern.
- 9.2.42. There are also a number of other issues raised that can be easily addressed by standard construction and operating standards/ practices. These include taking care with the memorial bench and plaque honouring Patrick Murphy in the park, liaising with Passage West Rowing Club regarding the timing of improvement works to the nearby steps, and the erection of clear signage indicating which side users should travel and pass on the greenway. The latter would also alleviate the concern about cyclists travelling with increased speed on a wider facility presenting conflict/ risk to other greenway users.
- 9.2.43. It is also highlighted that there are no public toilet facilities within the proposal. The Board should note that the proposed development is for improvement works to an existing greenway/ amenity space only. I note that there is a public toilet within the maritime museum/ library building at the southeastern end of the greenway.
- 9.2.44. One submission (Gary O'Donovan) seeks clarity regarding the extent of excavation and construction providing a raised embankment, which appears to be required land-take to accommodate the proposed improvement works to the greenway. I consider this to be a legal matter between the landowner and the Roads and Transportation Section, Cork County Council.
- 9.2.45. A recurring theme in the submissions is the lack of public consultation carried out by Cork County Council with local residents and Passage West Town Council (now Carrigaline Municipal District). A number of the residents seek the removal of the section from Patrick Murphy Park (chainage 1430) onwards to allow for public consultation on this part of the greenway. This would then allow for consultation on the treatment of the existing grassed area, the fairy wall and the existing car park.

9.2.46. In this respect and as I have articulated above, I do not consider that significant negative impacts accrue in terms of amenity space, cultural heritage, traffic and car parking. Consequently, I do not see any impediment for the proposed improvement works to proceed. However, notwithstanding my recommendation hereunder or any decision of the Board to grant permission for the proposed development, the ultimate decision to proceed with the entirety or part of proposed development lies with Cork County Council.

Population Conclusion

9.2.47. Overall, I am satisfied that the proposed development would not adversely affect residential amenities to any significant extent as a result of visual intrusion, overlooking, or general disturbance (including noise, vibration or dust emissions). The loss of access to Robert's Bridge car park during the construction phase, although negative, is temporary with positive impacts arising in terms of the improved future access to the greenway.

9.3. The likely consequences for the proper planning and sustainable development of the area

- 9.3.1. The nature of the proposed development, which involves improvement works to the existing Passage Railway Greenway is strongly supported at national, regional and local policy level. The existing facility supports the promotion of more sustainable modes of transport, including walking and cycling, as well as the objectives of public health in terms of NPOs as they relate to healthy communities. Regional policy supports the delivery of greenways in the context of developing sustainable walking and cycling trails and opening greater accessibility to the marine and countryside environments and it is a stated objective in the current Regional Spatial & Economic Strategy – Southern Region, to support investment in the development of walking and cycling facilities, greenway and blueway corridors within the region – RPO 201 refers.
- 9.3.2. In terms of local policy, the Cork Metropolitan Area Strategic Plan (MASP) follows the NPF and RSES in promoting cycleways and walkways, with Objective 8(i) considered relevant. Volume 4 of the CDP states that the RSES and Cork

Metropolitan Area Transport Strategy (CMATS) both support the development and completion of the Lee to Sea Greenway.

- 9.3.3. The current Cork County Development Plan 2022-2028 includes two policy objectives, namely **TM 12-2-5** and **TO 10-8** that firstly, seeks to promote new paths and cycleways/ greenways and upgrades to existing paths and cycleways/ greenways and, secondly, seeks to promote the development of greenways, walking and cycling routes throughout the County as an activity for both international visitors and local tourists in a manner that is compatible with nature conservation and other environmental policies.
- 9.3.4. I also draw the Board's attention to the fact that the majority of the overall Greenway traverses the administrative area of Cork City Council. The Board should note that the Cork City Development Plan also provides for the Lee to Sea Greenway (Chapter 4 deals with transport and includes active travel) where it is envisaged that the greenway will connect the city and its hinterland to the two defining features of the local landscape the glacial Lee valley and Cork Harbour. The Lee to Sea Greenway is referenced at Table 4.3 of the Plan as one of a number of walking and cycling schemes to be improved.

Conclusion

- 9.3.5. The proposed improvement works for this section of the greenway would be consistent with strategic policy objectives to encourage and promote designated cycle and walking trails and provide enhanced recreational and tourism amenities in the city. It will encourage more sustainable transport options for residents and commuters. I consider that, subject to appropriate mitigation, the proposed development will not give rise to significant adverse impacts on cultural heritage, the general biodiversity of the area or on the wider population and will not detract from the amenities of the area.
- 9.3.6. I am therefore satisfied that the proposed improvement works to the existing pedestrian and cycle greenway at this location would be consistent with national, regional and local policy and the proper planning and sustainable development of the area.

9.4. The likely significant effects on a European site

9.4.1. The areas addressed in this section are as follows:

- Compliance with Articles 6(3) of the EU Habitats Directive
- The Natura Impact Statement
- Appropriate Assessment

Compliance with Article 6(3) of the Habitats Directive

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

The Natura Impact Statement

9.4.3. Cork County Council's application for the proposed development was accompanied by a Natural Impact Statement (NIS) prepared by AtkinsRéalis (23rd October 2024), which scientifically examined the proposed development and the European sites. The NIS identified and characterised the possible implications of the proposed development on the European sites, in view of the sites' conservation objectives, and provided information to enable the Board to carry out an appropriate assessment of the proposed works.

9.4.4. The applicant's Stage 1 AA Screening Report was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development. The applicant's AA Screening Report concluded that the potential for disturbance and water quality effects apply to all SCI's/ bird species. Consequently, significant effects to the Cork Harbour SPA cannot be ruled out.

9.4.5. An Ecological Impact Statement (EclA) was also prepared by AtkinsRéalis (23rd October 2024), on behalf of Cork County Council. This includes a comprehensive site survey, a description of the proposed development and an assessment of the potential impacts during both the construction and operational phases of the proposed development. In the absence of mitigation, it identifies the physical presence, movement, sound and vibration from vehicles, machinery and personnel will give rise to some disturbance to fauna, particularly mammals and birds during

the construction phase that can result in aspects of the project that could have significant effects on European sites.

9.4.6. Section 4 presents details of the existing environment. Section 5 of the NIS identifies 2 no. European Sites within the zone of influence including as follows:

- Cork Harbour SPA (Site Code: 004030)
- Great Island Channel (Site Code: 001058)

Section 5.3 provides full details of the qualifying interests potentially exposed to risk and their conservation objectives.

9.4.7. Section 6 of the submitted NIS seeks to examine the potential for significant effects arising from the proposed development on the integrity of the Cork Harbour SPA and the Great Island Channel SAC, in light of their conservation objectives. Table 6.1 presents a summary of impacts on the QIs and SCI species of both the Cork Harbour SPA and the Great Island Channel SAC. Section 6.2 provides for an analysis and an evaluation of the potential impacts and the significance of their effects. Section 7 outlines the proposed mitigation measures. Section 8 assesses the potential in-combination effects.

9.4.8. Chapter 8 concluded that, subject to the implementation of best practice and the recommended mitigation measures, there would be no adverse impacts on the integrity of any Europeans sites within the Natura 2000 network.

9.4.9. Section 10 of the NIS provides references and there are a number of appendices as follows:

- Appendix A: Otter Report
- Appendix B: Winter Bird Report
- Appendix C: Summer Birds
- Appendix D: Habitat Map
- Appendix E: Design Drawings

9.4.10. Having reviewed the documents, I am not satisfied that the information contained in the Screening Report allows for a complete assessment of the possible impacts on the Natura 2000 sites in the vicinity of the appeal site to be carried out in accordance

with Article 6 of the Habitats Directive adopted under Council Directive 92/43/EEC. In this regard, I draw the Board's attention to the Qualifying Interests for Cork Harbour SPA (004030) annotated in both the AA Screening Report and the NIS submitted by the First Party in support of this planning application. In both documents, the possible impacts of the proposed development is assessed on 23 species of waterbirds. The Board should note that there are 25 species of waterbirds protected under Article 4(1) and (2) of the Directive for this Natura 2000 site, and these are contained in Schedule 3 of S.I. No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021. My screening assessment below has been undertaken on the basis of the most recent statutory instrument (S.I. 391/2021) relating to the Cork Harbour site.

Screening for Appropriate Assessment - Test of likely significant effects

- 9.4.11. The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 9.4.12. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

Brief description of the development

- 9.4.13. The applicant provides a description of the project on pages 3 to 11 of the NIS. In summary, the development comprises:
- Increasing the width of the existing path of Cork Harbour Greenway between the Cork City/ Cork County Boundary to the Passage West Playground from an average of 2.5m wide to an average of 4m wide,
 - Converting the existing car park at Cork Street to parallel on-street parking,
 - Planting of new native Irish trees on the landside of the existing path, and
 - Ancillary and amenity elements which include fencing, signage, cycle track markings, information boards, bike racks, picnic tables and park benches.

9.4.14. The development site is described on pages 21 to 25 of the NIS. It is described as land that can broadly be divided in two:

i. Linear Habitats:

- BL1 Stone walls and other stonework,
- CC1 Sea walls, piers and jetties,
- FW4 Drainage ditch, and
- WL2 Treelines.

ii. Non-linear Habitats:

- GW Greenway corridor mosaic,
- BC4 Flower beds and borders,
- BL3 Buildings and artificial surfaces,
- BL3/GA2 Buildings and gardens,
- CC1 Sea walls, piers and jetties,
- CW1 Lagoons and saline lakes,
- GA1 Improved agricultural grassland,
- GA2 Amenity grassland (improved),
- LS1 Shingle and gravel shores,
- MW4 Estuaries,
- SS3 Infralittoral muds,
- WD1 Mixed broadleaved woodland,
- WD2/WS1 - Mixed broadleaved/conifer woodland/Scrub,
- WS1 Scrub, and
- WS3 Ornamental/non-native scrub.

9.4.15. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

- Emissions to surface water
- Noise and vibration emissions

Submissions and Observations

9.4.16. 69 public submissions have been received by the Board on foot of the application. The basic tenant of the public submissions that raise designated sites and protected species highlight the possible impacts due to disturbance.

European Sites

9.4.17. The closest European sites are Cork Harbour SPA (site code: 004030) and Great Island Channel SAC (site code: 001058), immediately adjacent to and within 1km of the proposed development, respectively. All other European sites are located at a remote distance from the project site. A summary of these European Sites is presented in the table below. Where a possible connection between the development and a European site has been identified, these sites are examined in more detail.

9.4.18. The development site is hydrologically linked to both Cork Harbour SPA (site code: 004030) and Great Island Channel SAC (site code: 001058) and, due to its proximity to the development site, Cork Harbour SPA is also considered to be linked via possible noise impacts.

9.4.19. All other European sites were not considered, by the applicant, to be within the Zol of the proposed development due to a lack of ecological/hydrological connectivity, the nature of qualifying interests, and/or physical distance. I concur with this assessment and consider that Great Island Channel SAC and Cork Harbour SPA are the only sites that have a pathway to the appeal site.

Table 1: Summary Table of European Sites Within the Zone of Influence of the Proposed Development

European Site	List of Qualifying Interests (QI)/Special Conservation Interests (SCI)	Distance from Proposed Development	Connections (source, pathway, receptor)
Great Island Channel SAC	Mudflats and sandflats not covered by seawater at low tide Atlantic salt meadows	c.1km to the north	Hydrological

Cork Harbour SPA ⁹	Little Grebe Great Crested Grebe Cormorant Grey Heron Shelduck Wigeon Teal Mallard Pintail Shoveler Red-breasted Merganser Oystercatcher Golden Plover Grey Plover Lapwing Dunlin Black-tailed Godwit Bar-tailed Godwit Curlew Redshank Greenshank Black-headed Gull Common Gull Lesser Black-backed Gull Common Tern Wetlands ¹⁰	Immediately adjacent to the subject site for a distance of c.750m	Noise and Hydrological
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⁹ SI 391, European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021.

¹⁰ Wetlands is listed as a Conservation Objective for Cork Harbour SPA under the 'Conservation Objective Series Cork Harbour SPA 004030' (NPWS).

Cork Harbour SPA (site code 004030):

Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. Owing to the sheltered conditions, the intertidal flats are often muddy in character. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*.

Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern.

Great Island Channel SAC (site code: 1058):

The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest.

The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*.

The saltmarshes are scattered through the site and are all of the estuarine type on mud substrate. Species present include Sea Purslane (*Halimione portulacoides*), Sea Aster (*Aster tripolium*), Thrift (*Armeria maritima*), Common Saltmarsh-grass (*Puccinellia maritima*), Sea Plantain (*Plantago maritima*), Greater Sea-spurrey (*Spergularia media*), Lax-flowered Sea-lavender (*Limonium humile*), Sea Arrowgrass (*Triglochin maritimum*), Sea Mayweed (*Matricaria maritima*) and Red Fescue (*Festuca rubra*).

Identification of Likely Effects

9.4.20. The conservation objectives of the Natura 2000 sites are as follows:

- Great Island Channel SAC – Conservation objectives are set out in the ‘Conservation Objectives Series Great Island Channel SAC 001058’ document published by the National Parks & Wildlife Service (NPWS). They are to maintain the favourable conservation condition of all habitats cited.
- Cork Harbour SPA – Conservation Objectives are set out in the ‘Conservation Objectives Series Cork Harbour SPA 004030’ document published by the NPWS. They are to maintain the favourable conservation condition of bird species and the wetland habitat.¹¹ I will also assess the potential significant effects on Mallard with the objective of maintaining the favourable conservation condition of Mallard in Cork Harbour SPA.

9.4.21. In relation to the SAC, given the direct hydrological link via the surface water drainage system there is potential for a pollution event to affect the mudflats at both construction and operational phase. For the SPA, potential pathways for impacts are through the potential for noise disturbance at the construction and operational phases and impact on the foraging ability of the SCI bird species.

9.4.22. Based on my examination of the Screening Report, the NIS and supporting information, the NPWS website, aerial and satellite imagery, the scale of the proposed development and likely effects, separation distance and functional relationship between the proposed works and the European sites, I agree with the conclusion of the applicant’s consultants that a Stage 2 Appropriate Assessment is required for one of the European sites referred to above, that being Cork Harbour SPA (site code: 004030).

9.4.23. Great Island Channel SAC can be screened out from further assessment because of the nature and scale of the proposed works and the significant distance between the QIs and the proposed works. All other European sites can also be screened out from further assessment because of the nature and scale of the proposed works, the

¹¹ Mallard and Greenshank are listed within SI 391, 2021 but there is no specific Conservation Objective for Mallard within the ‘Conservation Objectives Series Cork Harbour SPA 004030’ (NPWS). Wetlands is not specified as a Qualifying Interest within SI 391, 2021 but it is listed as a Conservation Objective for Cork Harbour SPA under the ‘Conservation Objective Series Cork Harbour SPA 004030’ (NPWS).

nature of the Conservation Objectives, Qualifying and Special Conservation Interests, the separation distances and the lack of a substantive hydrological or ecological linkage between the proposed works and the other European sites. No reliance on avoidance measures or any form of mitigation is required in reaching this conclusion.

Mitigation Measures

- 9.4.24. No measures designed or intended to avoid or reduce any harmful effects of the project on a European site have been relied upon in this screening exercise.

Screening Determination

- 9.4.25. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, I conclude that the project individually (or in combination with other plans or projects) could have a significant effect on Cork Harbour SPA (site code: 004030) in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is therefore required.

Appropriate Assessment of Implications of the Proposed Development

- 9.4.26. 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).
- 9.4.27. The following is an assessment of the implications of the project on the relevant conservation objectives of the European site using the best available 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 examined and assessed.

9.4.28. Following the screening process, it has been determined that Appropriate Assessment is required as it cannot be excluded on the basis of objective information that the proposed development of upgrading 2km of the existing 2.5m wide pedestrian and cycle path to an approximate 4m wide pedestrian and cycle path along the Passage Railway Greenway individually or in-combination with other plans or projects will have a significant effect on the following European site (i.e., there is the possibility of significant effect):

- Cork Harbour SPA (site code: 004030).

9.4.29. The possibility of significant effects on other European sites has been excluded on the basis of objective information. All other European sites have been screened out for the need for appropriate assessment due to the nature of the proposed works and their distance from the project site and no other European site is connected to the project site via any SPR pathways. The nearest other European site is c.1km to the north:

- Great Island Channel (Site Code: 001058)

9.4.30. The application included a NIS prepared by AtkinRéalis (October 2024) which examines and assesses potential adverse effects of the proposed development on the Natura 2000 network. The applicant carried out a number of studies and surveys, including an Ecological Impact Assessment Report.

9.4.31. The applicant's NIS was prepared in line with current best practice guidance and provides an assessment of possible significant effects on Cork Harbour SPA. The applicant's NIS stated that it was the considered view of its authors that the project will not, alone or in-combination with other plans or projects, result in adverse effects to the integrity and conservation status of the European site in view of its Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

9.4.32. In order to carry out a complete appropriate assessment of the proposed development, I have relied on the following guidance:

- DoEHLG (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, National Parks and Wildlife Service. Dublin
- EC (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
- EC (2018) Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC

9.4.33. Habitats and species for which direct or indirect impacts were identified for assessment of adverse effects are examined in view of their conservation objectives, including detailed targets and attributes (Table 6-3 in the NIS). This was based on ecological surveys, analysis of distribution mapping, ecological requirements of individual species and habitats and impact pathways etc. I have examined and evaluated this scientific analysis and provide a summary in Tables 2 and 3 of this report as part of my assessment for the Board.

9.4.34. As in the screening assessment above, I draw the Board's attention to the Qualifying Interests for Cork Harbour SPA (004030) annotated in Section 5.3.2 of the NIS (October 2024) submitted by the First Party with this planning application. The possible impacts of the proposed development is assessed on 23 species of waterbirds. The Board should note that there are 25 species of waterbirds protected under Article 4(1) and (2) of the Directive for this Natura 2000 site, and these are contained in Schedule 3 of S.I. No. 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021.

9.4.35. 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). During this examination and assessment, I noted that the two additional species of bird listed as qualifying interests in Schedule 3 of SI 391/2021 – European Union Conservation of Wild Birds (Cork Harbour Special Protection Area 004030) Regulations 2021 are Mallard (*Anas platyrhynchos*) and Greenshank (*Tringa nebularia*). I am satisfied that the potential significant effects from the proposed development are the same for these two bird species as for the other waterbirds listed as qualifying interests. I consider that the conservation

objectives for both the Mallard and the Greenshank would be 'to maintain the favourable conservation condition of' both species. I am also satisfied that once the mitigation measures detailed in Table 2 below are implemented no significant effect will accrue to these species. I provide a summary in Tables 2 of this report as part of my assessment for the Board. I am satisfied that in-combination effects have also been considered and adequately assessed in the NIS.

- 9.4.36. The relevant conservation objectives for the European site have been examined and assessed with regard to the identified potential significant effects and all aspects of the project, both alone and in-combination with other plans and projects. Mitigation measures proposed to avoid and reduce impacts to a non-significant level have been assessed, and clear, precise, and definitive conclusions reached in terms of adverse effects on the integrity of the European sites.

Table 2 below: Summary of Appropriate Assessment of implications of the proposed development on the integrity of the European site alone and in-combination with other plans and projects in view of the site's conservation objective

Table 2: Cork Harbour SPA [004030]					
<p>Summary of key issues that could give rise to adverse effects:</p> <ul style="list-style-type: none"> • Changes in water quality during construction/operation impacting on wetlands/birds • Noise emissions impacting on birds <p>Conservation objectives: see ConservationObjectives.rdl (npws.ie)</p>					
Summary of Appropriate Assessment					
Special Conservation Interest / Qualifying Interest Feature	Conservation objectives targets and attributes	Potential adverse effects	Mitigation measures	In-combination effects	Can adverse effects on integrity be excluded?
Little Grebe [A004]	To maintain the favourable conservation condition of Little Grebe	Water Quality – The site is hydrologically linked to the SPA/habitat via the existing surface water drainage system which discharges directly to the estuary. However, given the magnitude, extent and duration of any potential water quality impacts associated with the proposed development, there is not considered to be any risk of significant impacts on water quality in wetland habitat for	<p>Construction – An ECoW will be appointed for the duration of the construction works to ensure best practice methods and mitigation measures detailed in the NIS/ EclA are adhered to.</p> <p>The Contractor will make daily checks for elevated water levels in Lough Mahon and other waterbodies adjoining the construction site.</p> <p>Silt fences will be erected along both sides of the around the perimeter of the active works</p>	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in-combination with other plans or projects.	<p>Yes</p> <p>Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.</p>

		<p>waterbirds in the Cork Harbour SPA.</p> <p>Noise - There is potential for birds to be disturbed from noise emissions during both construction and operation.</p>	<p>areas and the Contractor's compound.</p> <p>The Contractor's ecologist shall carry out a detailed survey to map the distribution and extents of all IAPS within and adjoining the red-line boundary and update the IAPS Management Plan, as appropriate.</p> <p>A Construction Environmental Operating Plan will be prepared and will include measures for noise control so as not to have an effect on the conservation status of wetland bird species or the conservation objectives of the SPA.</p> <p>Operation – During the period of establishment of the new landscaping, the area will be regularly monitored for any regeneration or new infestation of invasive alien plant species.</p>		
Great Crested Grebe [A005]	To maintain the favourable conservation condition of	<p>Water Quality – As above.</p> <p>Noise – As above.</p>	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in-	<p>Yes</p> <p>Adverse effects on the site can be excluded and with the implementation of the</p>

	Great Crested Grebe			combination with other plans or projects.	mitigation measures the potential for significant effects can be ruled out.
Cormorant [A017]	To maintain the favourable conservation condition of Cormorant	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Grey Heron [A028]	To maintain the favourable conservation condition of Grey Heron	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Shelduck [A048]	To maintain the favourable conservation condition of Shelduck	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a result of a pollution

					event can be ruled out.
Wigeon [A050]	To maintain the favourable conservation condition of Wigeon	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Teal [A052]	To maintain the favourable conservation condition of Teal	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Mallard [A053] ¹²	To maintain the favourable conservation condition of Mallard	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures

¹² Mallard is listed within SI 391, 2021 but there is no specific Conservation Objective for this species of bird within the 'Conservation Objectives Series Cork Harbour SPA 004030' (NPWS).

					the potential for significant effects can be ruled out.
Pintail [A054]	To maintain the favourable conservation condition of Pintail	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Shoveler [A056]	To maintain the favourable conservation condition of Shoveler	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Red-breasted Merganser [A069]	To maintain the favourable conservation condition of Red-breasted Merganser	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for

					significant effects can be ruled out.
Oystercatcher [A130]	To maintain the favourable conservation condition of Oystercatcher	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Golden Plover [A140]	To maintain the favourable conservation condition of Golden Plover	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Grey Plover [A141]	To maintain the favourable conservation condition of Grey Plover	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for

					significant effects can be ruled out.
Lapwing [A142]	To maintain the favourable conservation condition of Lapwing	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Dunlin [A149]	To maintain the favourable conservation condition of Dunlin	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.
Black-tailed Godwit [A156]	To maintain the favourable conservation condition of Black-tailed Godwit	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a result of a pollution

					event can be ruled out.
Bar-tailed Godwit [A157]	To maintain the favourable conservation condition of Bar-tailed Godwit	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Curlew [A160]	To maintain the favourable conservation condition of Curlew	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a result of a pollution event can be ruled out.
Redshank [A162]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for

					significant effects can be ruled out.
Greenshank [A164]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Black-headed Gull [A179]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Common Gull [A182]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for

					significant effects can be ruled out.
Lesser Black-backed Gull [A183]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Common Tern [A193]	To maintain the favourable conservation condition of	Water Quality – As above. Noise – As above.	As above.	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes Adverse effects on the site can be excluded and with the implementation of the mitigation measures the potential for significant effects can be ruled out.
Wetlands [A999] ¹³	To maintain the favourable conservation condition of the wetland habitat as a resource for the	Water Quality – As above	As above	There is no potential for the proposed development to undermine the integrity of Cork Harbour SPA, acting in combination with other plans or projects.	Yes With the implementation of the mitigation measures the potential for significant effects as a

¹³ Wetlands is listed as a Conservation Objective for Cork Harbour SPA under the 'Conservation Objective Series Cork Harbour SPA 004030' (NPWS).

	regularly occurring migratory waterbirds that utilise it				result of a pollution can be ruled out.
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Overall conclusion: Integrity test

Following the implementation of mitigation, the construction and operation of the proposed development will not adversely affect the integrity of Cork Harbour SPA in light of the site's conservation objectives. No reasonable scientific doubt remains as to the absence of such effects.

Potential in-combination effects

9.4.37. Having examined and assessed the project alone and in combination with plans and projects as presented in the NIS, I accept that due to the limited scale and duration of the works, that the construction and completion of the proposed improvement works to the Passage Railway Greenway will not constitute a significant additional loading on the ecological carrying capacity of area or the complex of habitats that are required to maintain the conservation objectives of any of the ecological receptors considered in the NIS. Taking account of the scope, scale, nature, size and location of the project and the sensitivities of the ecological receptors, there is very limited potential for synergistic interaction, between the proposed development and the projects, plans and activities considered in the preceding sections that could result in cumulative or in-combination impacts.

Mitigation measures

9.4.38. Section 7 of the NIS sets out the mitigation measures proposed to avoid, reduce or prevent the risk of potential impacts arising from the proposed development. The mitigation measures proposed include as follows:

- An ECoW will be appointed for the duration of the construction works to ensure best practice methods and mitigation measures detailed in the NIS/ EclA are adhered to.
- The Contractor will make daily checks for elevated water levels in Lough Mahon and other waterbodies adjoining the construction site.
- Silt fences will be erected along both sides of the around the perimeter of the active works areas and the Contractor's compound.
- The Contractor's ecologist shall carry out a detailed survey to map the distribution and extents of all IAPS within and adjoining the red-line boundary and update the IAPS Management Plan, as appropriate.
- A Construction Environmental Operating Plan will be prepared and will include measures for noise control so as not to have an effect on the conservation status of wetland bird species or the conservation objectives of the SPA.

- During the period of establishment of the new landscaping, the area will be regularly monitored for any regeneration or new infestation of invasive alien plant species.

9.4.39. All mitigation measures proposed have been examined, evaluated and assessed as being in line with current best practice. The measures have been described in detail providing evidence of how adverse effects will be avoided or reduced to non-significant levels. There is no doubt as to the effectiveness of these measures or their ease of implementation. In my view, the mitigation measures are appropriate to the risks identified and would, if implemented correctly, be sufficient to avoid any significant impacts and exclude adverse effects on site integrity.

Site Integrity

9.4.40. The integrity of sites designated SPA involves their constitutive characteristics and ecological functions.

9.4.41. Following appropriate assessment of all aspects of the proposed development (alone and in combination with other plans and projects), which I consider to have been done in view of the best scientific knowledge, adverse effects on Cork Harbour SPA (site code: 004030) can be excluded based on the following rationale:

- Following mitigation, none of the habitat types or species for which the site has been designated will be significantly affected.
- The proposed development will not cause delays in achieving the conservation objectives of the European site or interrupt progress towards achieving those objectives.
- The proposed development will not interfere with the ecological structure, function or ecological processes of the European site.
- The proposed development will not reduce the area of key habitats or the population of key species or the balance between key species.
- The proposed development will not result in fragmentation of habitats or species and will not result in the loss or reduction of key features supporting this site.

Appropriate Assessment Conclusion

- 9.4.42. The proposed development of improvement works to the Passage Railway Greenway has been considered in light of the assessment requirements of sections 177U and 177V of the Planning & Development Act, 2000 (as amended).
- 9.4.43. Having carried out screening for AA of the project, it was concluded that it may have a significant effect on Cork Harbour SPA (site code: 004030). Consequently, an AA was required of the implications of the project on the qualifying features of those sites in light of their conservation objectives.
- 9.4.44. Following AA, it has been ascertained that the proposed development, individually or in combination with other plans or projects, would not adversely affect the integrity of European sites Cork Harbour SPA (site code: 004030), or any other European site, in view of the sites' Conservation Objectives.
- 9.4.45. 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. The basis of the conclusion is:
- a full and detailed assessment of all aspects of the proposed project including proposed mitigation measures in relation to the Conservation Objectives of Cork Harbour SPA.
 - a detailed assessment of the in-combination effects with other plans and projects including historical projects, current proposals, and future plans.
 - no reasonable scientific doubt as to the absence of adverse effects on the integrity of Cork Harbour SPA.

10.0 Recommendation

On the basis of the above assessment, I recommend that the Board **approve** the proposed development subject to the reasons and considerations below and subject to conditions including requiring compliance with the submitted details and with the mitigation measures as set out in the NIS.

11.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the EU Habitats Directive (92/43/EEC),
- (b) the European Union (Birds and Natural Habitats) Regulations 2011, as amended
- (c) the likely consequences for the environment and the proper planning and sustainable development of the area in which it is proposed to carry out the proposed development and the likely significant effects of the proposed development on a European Site,
- (d) the conservation objectives, qualifying interests and special conservation interests for the Cork Harbour Special Protection Area (Site Code: 004030),
- (e) Project Ireland 2040 – the National Planning Framework,
- (f) Climate Action and Low Carbon Development Act, 2015, as amended
- (g) Climate Action Plan 2024 and 2025,
- (h) the Regional Spatial and Economic Strategy for the Southern Region,
- (i) the National Cycle Policy Framework, 2009-2020,
- (j) the Strategy for the Development of National and Regional Greenways, 2018,
- (k) the policies and objectives of the Cork County Development Plan, 2022-2028,
- (l) the policies and objectives of the Cork City Development Plan, 2022-2028,
- (m) the nature and extent of the proposed works as set out in the application for approval,
- (n) the information submitted in relation to the potential impacts on habitats, flora and fauna, including the Natura Impact Statement,
- (o) the submissions and observations received in relation to the proposed development, and
- (p) the report and recommendation of the person appointed by the Board to make a report and recommendation on the matter.

Appropriate Assessment Stage 1:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report that the Cork Harbour Special Protection Area (Site Code: 004030) is the only European Site in respect of which the proposed development has the potential to have a significant effect.

Appropriate Assessment Stage 1:

The Board considered the Natura Impact Statement and associated documentation submitted with the application for approval, the mitigation measures contained therein, the submissions and observations on file, and the Inspector's assessment. The Board completed an appropriate assessment of the implications of the proposed development for the affected European Site, namely the Cork Harbour Special Protection Area (Site Code: 004030), in view of the site's conservation objectives. The Board considered that the information before it was adequate to allow the carrying out of an appropriate assessment. In completing the appropriate assessment, the Board considered, in particular, the following:

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

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's report in respect of the potential effects of the proposed development on the integrity of the aforementioned European Site, having regard to the Site's conservation objectives.

In overall conclusion, the Board was satisfied that the proposed development, by itself or in combination with other plans or projects, would not adversely affect the integrity of the European Site, in view of the Site's conservation objectives.

Proper Planning and Sustainable Development/ Likely effects on the environment:

It is considered that, subject to compliance with the conditions set out below, the proposed development would not have significant negative effects on the environment or the community in the vicinity, would not give rise to a risk of pollution, would not be detrimental to the visual or landscape amenities of the area, would not seriously injure the amenities of property in the vicinity, would not adversely impact on the cultural, archaeological and built heritage of the area and would not interfere with the existing land uses in the area. 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, except as may otherwise be required in order to comply with the following conditions. Where any mitigation measures set out in the Natura Impact Statement or any conditions of approval require further details to be prepared by or on behalf of the local authority, these details shall be placed on the file and retained as part of the public record.

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

2. The mitigation and monitoring measures outlined in the plans and particulars relating to the proposed development, including those set out in Chapter 7 of the Natura Impact Statement (AtkinsRéalis, October 2024) and those set out in Chapter 6 of the Ecological Impact Assessment (AtkinsRéalis, October 2024), shall be implemented in full or as may be required in order to comply with the following conditions. Prior to the commencement of development, details of a time schedule for implementation of mitigation measures and associated monitoring shall be prepared by the local authority and placed on file and retained as part of the public record.

Reason: In the interest of protecting the environment, the protection of European Sites and in the interest of public health.

3. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare an Invasive Alien Plant Species (IAPS) Management Plan, which will address the eradication of IAPS, tasks associated with the construction phase to avoid the risk of transporting or spreading IAPS and landscaping/ re-vegetation phase on completion of construction to avoid the risk of IAPS re-establishing. The IAPS Management Plan shall also address the non-Third Schedule species identified within the Greenway site and shall include recommendations to manage non-Third Schedule species, to prevent further spread.

Reason: In the interests of proper planning and sustainable development.

4. Prior to the commencement of development, the local authority, or any agent acting on its behalf, shall prepare in consultation with the relevant statutory agencies, a Construction Environmental Management Plan (CEMP), incorporating all mitigation measures indicated in the Natura Impact Statement and all other relevant reports, and demonstration of proposals to adhere to best practice and protocols. The CEMP shall also include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

Reason: In the interest of environmental protection, residential amenities, and public health and safety.

5. A suitably qualified Project Ecological Clerk of Works and Licenced Ecologist shall be retained by the local authority to oversee the site set up and construction phase of the proposed Passage Railway Greenway Improvement Scheme and the implementation of mitigation measures relating to ecology

set out in the Natura Impact Statement. The ecologist shall be present during site construction works. Upon completion of works, an ecological report of the site works shall be prepared by the appointed ecologist to be kept on file as part of the public record. Where necessary, the project ecologist shall have 'Cease Works' powers.

Reason: In the interest of nature conservation and the protection of terrestrial and aquatic biodiversity.

6. Works in areas clearly visible from the estuary waters shall not be carried out during the wintering bird season (October to March) in order to minimise disturbance to the bird species associated with the Cork Harbour SPA.

Reason: In order to minimise the impact of construction activities on species and habitats of conservation interest in the interest of proper planning and sustainable development of the area.

7. All repair works to Robert's Bridge, Abbott's Bridge and Wooden Bridge (Protected Structures) shall be carried out under the supervision of a qualified professional with specialised conservation expertise and in accordance with best conservation practice as detailed in "Architectural Heritage Protection: Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government in 2011. The repair works shall retain the maximum amount possible of surviving historic fabric in-situ and shall be designed to give rise to minimum interference with the fabric of the bridges.

Reason: To ensure that the character and integrity of the protected structures is maintained, and that the bridges are protected from unnecessary damage and loss of fabric.

8. Prior to commencement of development, Cork County Council shall liaise with the local community and agree an alternative location for the Fairy Wall on part of the northeastern side of the new 1.3m high wall or at an alternative

location on public open space adjacent to the Greenway. This shall then be implemented as part of the improvement works to the Greenway.

Reason: In the interest of recreational amenity.

9. Cork County Council and any agent acting on its behalf shall ensure that all plant and machinery used during the works should be thoroughly cleaned and washed before delivery to the site to prevent the spread of hazardous invasive species and pathogens. All works shall be carried out in accordance with the IFI Guidelines on protection of fisheries during construction works in and adjacent to waters.

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

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.

Liam Bowe
Senior Planning Inspector

21st May 2025

Appendix 1:

Form 1 - EIA Pre-Screening

Case Reference	ABP-321292-24
Proposed Development Summary	Proposed Passage West Pedestrian and Cycle Route,
Development Address	Passage West, Co. Cork
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	<input type="checkbox"/> Yes, it is a 'Project'. Proceed to Q2.
	<input checked="" type="checkbox"/> No - No further action required.
2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	N/A
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2,	

<p>Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994.</p> <p>No Screening required.</p>	
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4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?	
Yes <input type="checkbox"/>	
No <input checked="" type="checkbox"/>	Pre-screening determination conclusion remains as above (Q1 to Q3)

Inspector: _____

Date: _____