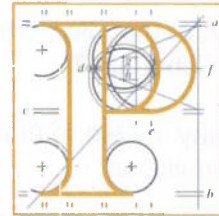


Our Case Number: ACP-322816-25



**An
Coimisiún
Pleanála**

Cork City Council
c/o John Stapleton Infrastructural Directorate
City Hall
Anglesea Street
Cork City
Co. Cork
T12 T997

Date: 07 July 2025

Re: Proposed Cork North Docks Public Realm and Transport Infrastructure Project
County Cork

Dear Sir / Madam,

Enclosed for your information is a copy of a submission requesting the Commission to exercise its power under article 120(3)(b) of the Planning and Development Regulations, 2001, as amended, to require the local authority to prepare an environmental impact assessment in respect of the above mentioned proposed development.

In order to facilitate the Commission's consideration of the matter you are hereby requested, in accordance with article 120(3)(b) of the Planning and Development Regulations 2001, as amended, to provide the Commission with the following information in relation to the proposed development:

1. A description of the proposed development, including in particular:

- (a) A description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and
- (b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected.

2. A description of the aspects of the environment likely to be significantly affected by the proposed development.

3. A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from:

- (a) the expected residues and emissions and the production of waste, where relevant, and
- (b) the use of natural resources, in particular soil, land, water and biodiversity.

Teil	Tel	(01) 858 8100
Glaao Áitiúil	LoCall	1800 275 175
Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Riomhphost	Email	communications@pleanala.ie

64 Sráid Maoilbhríde Baile Átha Cliath 1 D01 V902	64 Marlborough Street Dublin 1 D01 V902
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4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

You are also hereby invited to make any submissions or observations you may have in relation to the matter to the Commission.

Your response to this letter should be received not later than 5:30 p.m. on the **Monday 4th August 2025**.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

ED05P

Teil
Glao Áitiúil
Facs
Láithreán Gréasáin
Ríomhphost

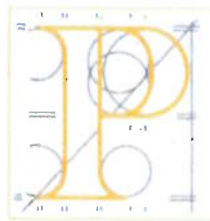
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Our Case Number: ACP-322816-25



**An
Coimisiún
Pleanála**

Aidan Coffey
c/o Portus Greenway Limited (t/a Harbour Link)
Shanagarry North, Shanagarry
Co. Cork
P25 PP58

Date: 20 June 2025

Re: Proposed Cork North Docks Public Realm and Transport Infrastructure Project
County Cork

Dear Sir / Madam,

An Coimisiún Pleanála has received your letter requesting it to exercise its power under article 120(3)(b) of the Planning and Development Regulations 2001, as amended, to require the local authority to prepare an environmental impact assessment in respect of the above mentioned proposed development.

In this regard the Commission hereby requires you to provide it with the following further information in relation to your request:

1. A statement indicating what class of development set out in Schedule 5 to the Planning and Development Regulations, 2001, as amended, the proposed development the subject of the request is considered by you to belong (in this regard you should note that the Commission's power to issue a direction under the said article 120 is confined to a direction in respect of "sub-threshold development" as defined at article 92 of the Planning and Development Regulations, 2001, as amended).

Your submission in response to this letter should be received not later than 5:30 p.m. on 4th July 2025 (2 weeks).

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Teil
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D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

ED04P

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64 Marlborough Street
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D01 V902

From: Aidan Coffey <aidan@hibernia-line.com>
Sent: Wednesday, June 18, 2025 12:09 AM
To: Kevin McGettigan <k.mcgettigan@pleanala.ie>
Cc: LAPS <laps@pleanala.ie>; Aidan Coffey <aidan@hibernia-line.com>
Subject: An Bord Pleanála Request for EIA & AA Screening Determination Assessment Cork City North Quays Part 8 Plan 2025 Pdf

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Good day Kevin,

Thank you for taking the call yesterday, (Tuesday the 17th June) regarding the request for EIA and AA screening Determination of the Cork City Part 8 process on the **North Quays Public Realm & Transport Infrastructure Plan**, Along with the determination if the Plan is deemed project splitting from the overall Docklands Framework.

As discussed, I would appreciate if you can check through the Request document attached and setting out reasons for request for EIA & AA Screening Determination, to ensure all is OK before the deadline of the 24th June and also to confirm if there is any fee required.

As promised, please see below the relevant link for the Cork City Notice and any attached links to documents for the plan.

[Cork North Docks Public Realm and Transport Infrastructure | Cork City Council's Online Consultation Portal](#)

Many thanks and I appreciate your guidance.

Best Regards

Aidan Coffey

Harbour Link

&

Hibernia Line

Direct Mobile: + 44 7884 123 123

www.hibernia-line.com

If you receive this email outside of standard working hours, please be assured Hibernia Line does not expect any response or action until your standard working hours resume.



The Secretary

An Bord Pleanála

64 Marlborough Street,

Dublin 1,

D01 V902

Date: 18th June 2025.

From: Aidan Coffey

c/o Portus Greenway Limited (t/a Harbour Link)

Shanagarry North, Shanagarry,

Co. Cork

P25 PP58

Ref: Part 8 Planning Notice – **North Quays Public Realm & Transport Infrastructure**

Request for EIA Screening Determination:

Request for **EIA Screening Determination** and **Appropriate Assessment Screening Determination** on Part 8 Process, and further determination is the project process deemed “**Project Splitting**” of Cork Docklands Public Realm Framework, by purposefully splitting into 5 Bundles, with particular emphasis on current application, Bundle 1) **North Quays Public Realm & Transport Infrastructure, dated 28th May 2025**

In accordance with: Article 120 (3), as amended by S.I. No. 296 of 2018, any person, may within 4 weeks beginning on Wednesday the 28th May 2025, apply to An Bord Pleanála for a Screening Determination as to whether the development would be likely to have significant effects on the environment.

Introduction:

By way of introduction, Cork Docklands is set to deliver over 10,000 residential units before 2045 and are currently putting in place the framework plan for the implementation of the roads, public realm works and infrastructure frameworks and planning under Part 8, to allow this to happen.

This Framework Plan for the Docklands covers both North and South Docklands, along with adjoining roads and Active Travel Routes linking all sectors of Cork’s Docklands, but also to the wider city & transport objectives & plans, with links to Bus Connects Cork Emerging Preferred Routes, Kent Station Transport Hub, Harbour Link proposed commuter & tourist river transport service, Luas Cork proposed transport links and the wider Active Travel networks at Glanmire to City, Blackrock and Passage West.

Approach:

The **North Quays Public Realm & Transport Infrastructure Plan** is not a discrete project but rather a precursor and enabler to other much greater development activity which has a profound impact on the role of the river and its context for the urban environment of Cork City. In effect it represents project splitting in that planned development of three river crossings will be enabled by this development and these should be taken into consideration.

The current approach by Cork City and Docklands to split the design Framework Plan into 5 manageable stages, or in this case called “**Bundles**”. This approach totally disregards all adjoining sectors, including residential for 10,000 homes and employment initiatives for up to 25,000 people, along with Public Realm initiatives, Active Travel projects and major transport initiatives and thus splits the cumulative project to avoid an EIA.

Cork’s Docklands approach is purposefully broken down into “Bundles”, as set out below, which by its very own admission itself indicates project splitting.

- 1) Bundle 1) North Quays Public Realm & Transport Infrastructure
- 2) Bundle 2) South Quays Public Realm & Flood Protection
- 3) Bundle 3) Active Recreation, Sports & Public Realm
- 4) Bundle 4) South Docklands Transport Infrastructure
- 5) Bundle 5) Bridges

In short, the Cork Docklands Authority maintains there is no EIA required on the recent Part 8 application as Notified, in Bundle 1 on the 28th May Notice.

Cork City maintains, the **North Quays Public Realm & Transport Infrastructure Plan**, is under the threshold for either a mandatory or Sub-threshold requirement and does not reach the designated threshold limits and there after Cork City’s own screening process, have deemed it not necessary for an EIA.

Furthermore the AA Screening process, taking the same approach, requires an AA Screening Determination, including a full **Natura Impact Statement** as the current screening does not allow for the River Lee being designated as a Salmonoid River and its effect on the SPA. The current AA Screening has also not considered the complete project as a cumulative effect of the whole Docklands and Active Travel routes both joining & adjacent the North Quays, including the McMahon Builders yard, which are connected developments directly linked to the River Lee and consideration for the three planned bridges with risk of preventing Salmon Spawning in the upriver SPA at Gearagh and additional risk of flooding the city.

Under the EIA Guidance on Screening EU Commission 2017 report, The Docklands should be considered not as individual sites, but as a cumulative effect of all sites and furthermore should be considered in the context with the wider transport initiatives, linking Bus Connects, Luas Cork (and Luas Cork proposed bridges), Glanmire to City Active Ways. This current approach is a prime example of Project Splitting and the screening process that was carried out is severely flawed, as it purposefully omits the many major transport and active travel projects planned within the vicinity and adjoining the docklands project.

Prime Areas of Contention and reasons of significant effects on the environment:

Set out below are some of the general reasons as to why it appears this plan is deemed likely to have significant effects on the environment and also deemed **Project Splitting**, but also in need of a full EIA screening determination and Appropriate Assessment Screening Determination by An Bord Pleanála.

We also submit that the project planning is premature and with insufficient care and consideration for adjoining projects, but also for lack of consideration for European & National policy on infrastructure provision in keeping with national sustainable policy and vision.

- 1) No Integrated Traffic Plan (no regard whatsoever or joined up thinking with other projects ie, Luas Cork, Bus Connects, Sustainable River Transport, Kent Station Transport Hub or Glanmire to City Active Travel)**
- 2) Incorrect & Misleading EIA Screening & screening Determination Reports**
- 3) Incorrect & Misleading Appropriate Assessment Screening Determination Report**
- 4) Misleading Imagery**
- 5) No Traffic Impact Study**
- 6) No River Usage Study**
- 7) Lack of Car parking for Public Transport and Transport Hub**
- 8) Adjoining Active Travel Areas**
- 9) Linking with larger planned Framework**
- 10) Disregard for European & National Policy on Sustainable infrastructure for sustainability & Electric Charging Infrastructure**
- 11) Disregard for Failte Ireland City, Harbour and East Cork Destination & Experience Plan**
- 12) Disregard to the NTA Guidance document for EIA screening on projects provided and funded through the NTA**
- 13) Disregard for CMATS Smarter Travel Policy**

Cork is a Gateway City and having increased its boundaries in 2019, is in the midst of an exciting phase of development. The Cork Metropolitan Area (CMA) and the recently published National Planning Framework (NPF) 2040 envisages that Cork will become the fastest-growing city region in Ireland with a projected 50% to 60% increase of its population by 2040. Cork needs an integrated transport system of all sustainable transport modes, but not at the expense of disregarding all its heritage and maritime access.

1) No Integrated Traffic Plan (no regard whatsoever or joined up thinking with other projects ie, Luas Cork, Bus Connects, Sustainable River Transport, Kent Station Transport Hub)

First and foremost, flaw in the Docklands proposals and the city's transport needs, is that there is no one person or entity over the overall transport solution. Each individual entity of Bus, Rail, LRT, River and Road all appear to be devising their own system, with total disregard for all other modes.

Docklands is determined on connecting North and South Docklands and using a Luas styled Light Rail system bridge and Active Travel Bridge to connect both, when in reality, there is no joined up thinking at all, between Bus-Connect Preferred Sustainable Corridors which does not require any bridge. Active Travel users do not require a separate bridge, as being active travellers are capable and able to use the 31 existing bridges crossing the River Lee.

The overall cumulative effect has not been considered and hence the overall EIA has not been factored in.

Bus Connects preferred Green Corridors and Luas Cork Emerging Preferred Route
both use Mahon Link Road, Skehard Road, Churchyard lane, **Alfred Street Depot**, Lower
Glanmire Road, MacCurtain Street, Bridge Street, St Patricks Street, Grand parade,
Washington Street, Western Road, Victoria Cross Road, Wilton Road, Bishopstown Road
and Curraheen Road.

One has to question the validity of Luas Cork's emerging preferred route whilst using the same roads and passengers as Bus Connects. Is the population there?

Docklands is governed under the Cork City Council Docklands delivery office & LDA

Bus Connects is governed by the NTA & National Development Plan and National Climate Plan 2030

CMATS is under the NTA National Transport Authority

Luas Cork comes under TII Transport Infrastructure Ireland

Trains and Kent Station under TFI Transport For Ireland

Harbour Link – A private commercial company, proposing an all-Electric Zero Emission Commuter and Tourist passenger ferry service, utilising the natural river, to link the Harbour and River communities and is totally disregarded as river transport does not come under the realm of the NTA.



There is no joined up thinking or integrated transport strategy, with no one entity to determine over the various bodies for a full integrated transport system for the city as a whole.

2) Incorrect & Misleading EIA Screening & screening Determination Reports

The Cork City Council North Quays Plan, states the EIA Screening & Screening Determination reports are complete. However the reports incorrect and misleading, as they state a "Screening Determination" has been carried out. This is untrue.

No Screening determination report has been carried out, as this in effect should only be done upon request by An Bord Pleanála.

Furthermore, the cities reports consider only minor planning applications in the near vicinity of the North Docklands only, ie: "Demolition of warehouse, Extension to Graveyard, Redevelopment of Customs House, Retention of roof for Southern Milling, Residential Development on Goulding's site, Docklands Junction and a Pathfinder Scheme.

The report does not consider the cumulative effect of all proposed plannings under its very own developments and framework, ie all other proposed large scale developments to make up the 10,000 homes and employment for 25,000 people, the proposed hotel & events centre at Kennedy Quay or the Bus Connects Preferred Sustainable Corridors, Alfred Street Bus Depot & Kent Station Green Transport Hub for Bus Connects Electric Bus depot, Luas Cork, the Electrification of Kent Station Trains, the Glanmire to City Active Travel linking through the Docklands, Harbour Link River Transport Terminus and docking locations on both North and South Docks, Fáilte Ireland's Maritime proposals for Tourism related Projects and Car Parking at Kent Station. Let alone the actual 3 bridges, as proposed by the Docklands.

Hence the current EIA screening report does not consider the cumulative effect, and thus misleading and untrue in its nature, which renders it incomplete and should be considered for a screening determination and full EIA.

3) Incorrect & Misleading Appropriate Assessment Screening & Determination Reports

The Natura 2000 network is a European network of important ecological sites, as defined under Article 3 of the Habitats Directive 92/43/EEC, which comprises both Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

The **North Quays Public Realm & Transport Infrastructure plan** is directly linked with the Docklands Development, Bus Connects Sustainable Green Corridors, Bus Connects Kent Station Transport Hub, the Glanmire to City Active Travel Greenway, and the Luas Cork (including the three proposed bridges). The AA Screening should have considered the cumulative effect of the combined areas as a whole for AA screening and not just localised planning.

Furthermore, the River Lee, along with Cork Harbour, also forms part of the Cork Harbour SPA

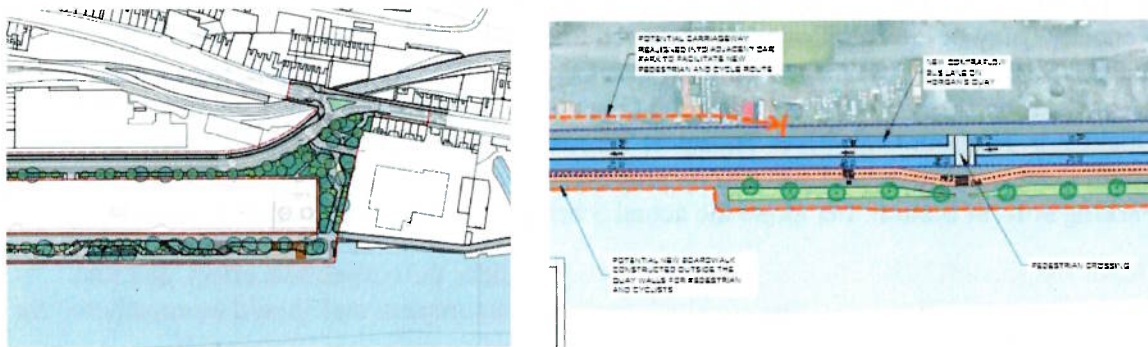
No consideration in the AA Screening Report considers the designation of the River Lee as a **Salmonoid River**, meaning it's importance for salmonid fish species and requires specific water quality standards to be maintained. Portions of the River Lee in Co. Cork are designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA), specifically up-river, at the Gearagh area on the River Lee designated as an SAC, with

particular emphasis on one of the few endangered natural Salmon Spawning rivers in Ireland.

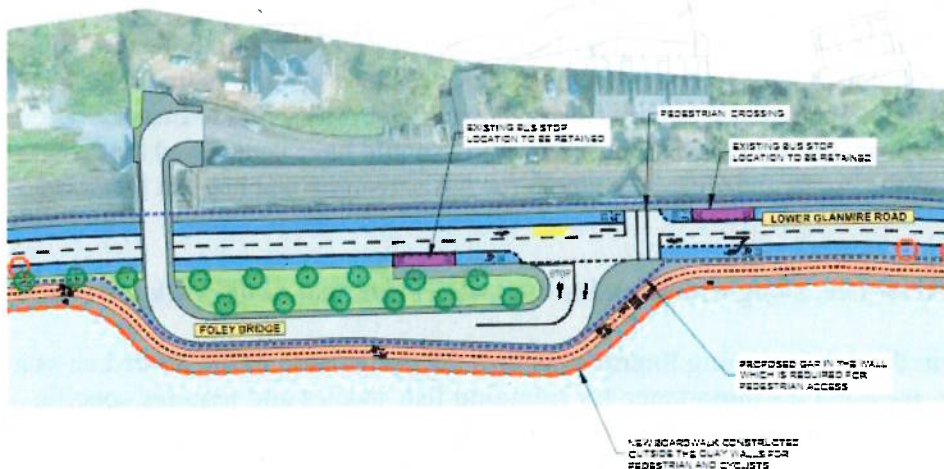
These designations highlight the importance of the River Lee and its surrounding areas for biodiversity and conservation efforts in the natural Salmon spawning conservation programs.

Additionally, the Glanmire to City Active Travel route adjoins the river Lee and SPA areas at Glanmire and along the riverbanks at Tivoli where both the Bus Connects Green Corridors and the Glanmire to City Active Travel and North Quays Public Realm & Transport Infrastructure plans intersect. The active travel route is planned to encroach on the river between the Skew Bridge (incorporating the new planned docklands Gateway Bridge) and the Eastern Gateway bridge at Bellevue Villas to infill & construct a boardwalk over a portion of the river banks & habitat area along the lower Glanmire Road directly linking to the plan.

The **North Quays Public Realm & Transport Infrastructure plan**, links the Bus Connects Green Corridors (& Glanmire to City Active Travel Plan), but which appears to purposefully omit the Active Travel encroachment at McMahon's Builder Providers yard, all of which should be considered under the combination effect for a Full Natura Impact Statement.



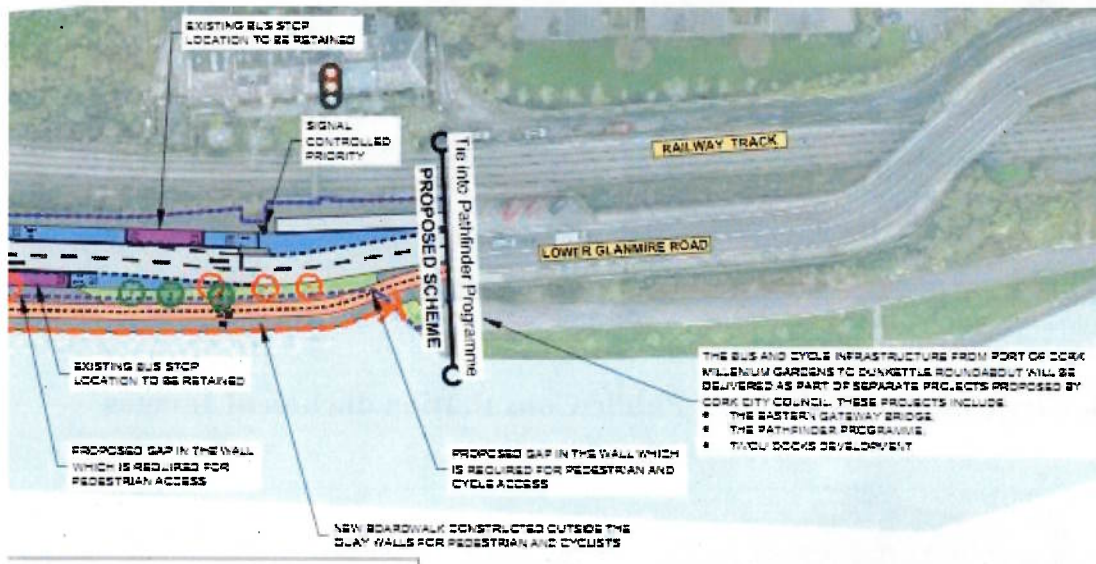
Images from both North Quays plan and Bus Connects Green Corridor Plan indicating encroachment of the River Lee habitat areas.



Bus Connects & Active Travel route outside the Quay walls encroaching on the River Lee SPA, links the North Quays Plan



New Boardwalk planned for construction for the Bus Connects & Active Travel route outside the Quay walls encroaching on the River Lee SPA, which directly links the North Quays Plan



New Boardwalk planned for construction for the Bus Connects & Active Travel route outside the Quay walls encroaching on the River Lee SPA, also linking the North Quays plan

The current AA screening report does not consider the cumulative effect of the adjoining Bus Connects and Glanmire to City Active Travel routes. In doing so ignores the habitat and salmonid river designation and hence is flawed, misleading and has untrue statements, which renders it incomplete and highlights the need for an AA screening determination and full Natura Impact Statement.

4) Misleading Imagery

The North Quays Public Realm & Transport Infrastructure and Cork City Council Variation 2 Public Consultation documents, presented on digital platforms and in print for

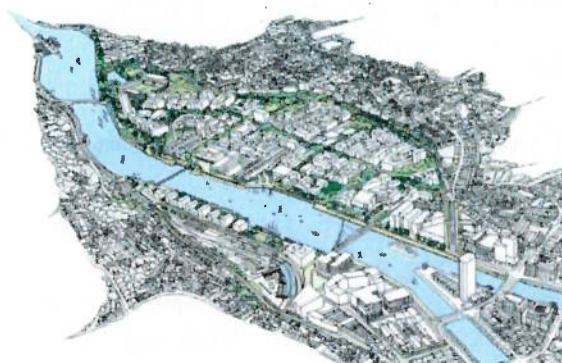
Public Consultations, depicts almost all images showing sizable vessels up River & in the River basin. This is not true and is contradictory with the docklands framework including the Planned Dockland bridges. This is misleading to both the Public Representatives, Stakeholders and the general public at large.

North Quays Public Realm & Transport Infrastructure Imagery all showing sizeable vessels



Images depicting large vessels along the river basin up-river from the Active Travel bridge, with no images of the actual planned bridges in sight. This is misleading and untrue.

Cork City Council Variation 2 Public Consultation document Images



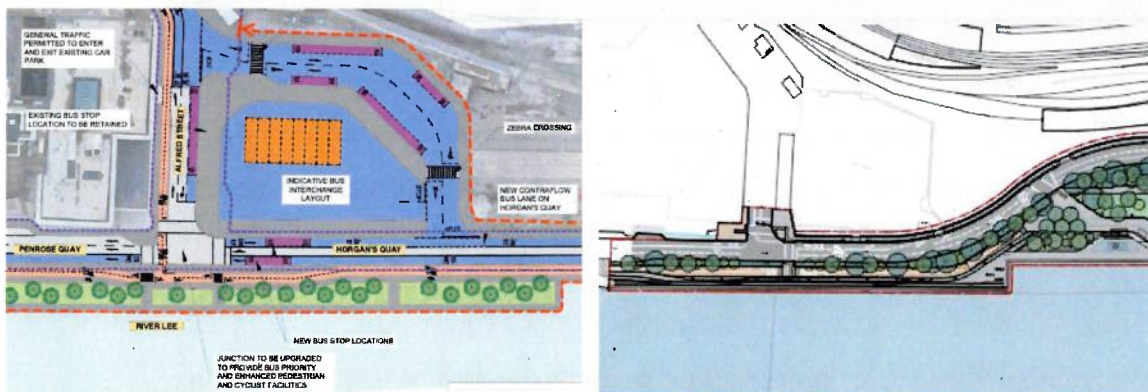
Images depicting large vessels and yachts along the river basin up-river from the Active Travel bridge and even depicting a larger ferry type vessel above the Kent Bridge, which will not be possible. This is misleading the public & representatives.

This misinterpretation of imagery is very misleading to both the Public Representatives, Stakeholders and the general public at large and further emphasises the need for a screening determination and river user's study.

5) No Traffic Impact Study

The proposed **North Quays Public Realm & Transport Infrastructure** primarily forms part of the new Re-aligned Horgan's Quay road / Alfred Street junction, where a proposed Luas tram (40 mtrs in length), will pass every 3 minutes from the start of operations (with more frequency planned), this includes a 30 second dwell time at traffic lights for every tram, which means traffic signals will change every 2.5 minutes and traffic in general will be severely affected.

Furthermore, this junction links with the current planned New Bus Connects Green Route Depot on Alfred Street (Kent Station Transport Hub), using the same junction with Buses also exiting every 3 minutes as this depot forms a critical part of the new proposed sustainable transport corridor. Both Bus Connects plan & Luas Cork claim priority on Traffic Signals, see extract of Bus Connects image below.



The current Bus Connects Transport Depot on Alfred Street, including the Transport Hub, claiming priority at the junction signals. Second image is North Quays re-alignment, not showing any bridge or Bus Connects Depot or Transport Hub. The imagery is misleading and who get priority. Furthermore this is a National N8 transport route to the city.

The North Docklands proposal for the re-alignment of Horgan's quay is now proposed to have two separated bus lanes and just one lane for general traffic, along with cyclists and then add the Bus Connects Green route from the Kent Depot and Alfred Street Depot. If the Docklands proposed Bridge (Luas Cork) is built, it will add more congestion and then the Harbour Link Terminus will also have to be located at this juncture, add in the Active Travel pedestrians and Cyclists and presto giving a recipe for total congestion.

Questions to be asked of integrated transport system

- Where is all this traffic going to go ?
- Who gets priority ?
Bus Connects Sustainable Transport Corridor, Bus Connects Sustainable Bus Depot, Luas Cork, NTA N8 city access road or Active Travel pedestrian & cycleway



Current Bus Connects preferred Green Roue depot on Alfred Street and the Sustainable Transport Hub at Kent station & TFI Green Bus Connects departing current Alfred Street Bus Depot, where Luas Cork now plans to live.

There is confusion as to who gets priority and access to Alfred street for a current Bus Connects depot or a planned Luas Cork stop, plus who get priority on the traffic signals.

Without a full integrated Traffic Impact Study it is impossible to determin the full extent of the impact on such a critical junction entering the city for all users.

This is further evidence of the need for the project to be considered for a screening determination and in the combination effect a full integrated Transport Plan including a Traffic Impact study and requirement of an in depth EIA screen determination.

6) No River Usage Study

It really is highly unusual and premature that **North Quays Public Realm & Transport Infrastructure**, proceeds with a Part 8 application, presented to the city management, public and councillors to promote the inclusion of the entire length of Horgan's Quay without a River Usage Study and completely disregard the very Maritime Heritage the city was built on and ignores the services the river can bring to enhance this location of the river, in terms of Public Access, Usage, Visiting Craft, Commuter transport, Sporting Active Leisure, Tourism and overall maritime heritage of the city.

Surly any plan to cut off the heritage of Cork City's main existence from its strong maritime links and heritage without any consideration of a river usage study, is ill conceived.

Cork promotes itself as a Maritime Heritage city, the City Moto is "**Statio Bene Fide Carinis**" meaning "**a safe harbour for ships**".

Yet, the draft Variation 2 of the city development Plan, and North Quays Plan is looking to cut off the very existence of the city and make it impossible for future generations to gain access to the river, let alone any safe harbour or safe operation of any level of activity on the river.

Furthermore, the river itself should be considered for its active travel and leisure capabilities. Any transport infrastructure enabling bridges across the river and any adjoining transport & infrastructure plans should incorporate the combined effect of all transport users.

“Statio Bene Fida Carinis”, the Cork City maritime heritage & the cities very existence



Image of Cork City Moto “safe harbour for ships”



Existing River user boats at the City Quays



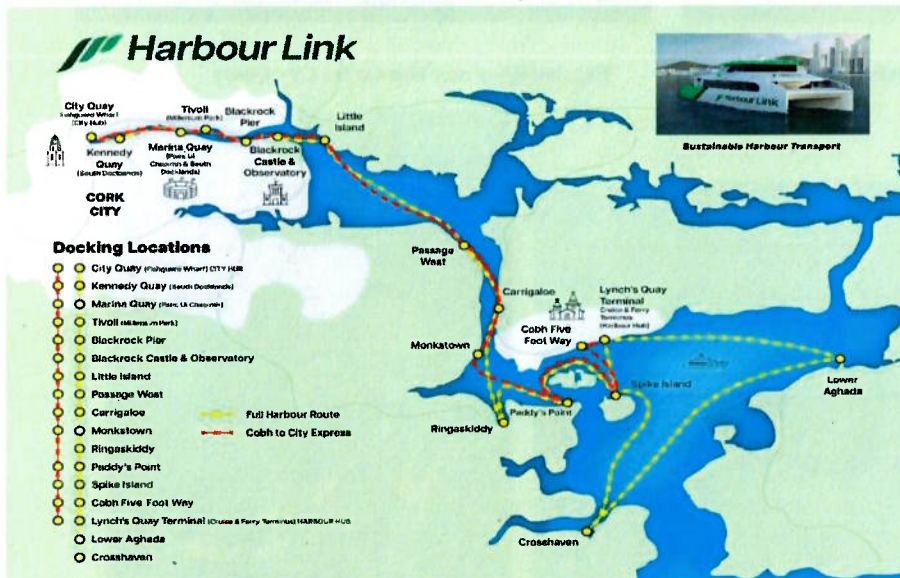
SUP boarders and canoes on River Lee city basin for the Cork Ocean to City Race in May 2025



Rowers preparing at for racing on Customs House Quay pontoons Canoes & Research Vessel at City Basin May 2025



Vessels moored at Albert Quay during the Cork City sponsored European Maritime Day, the Bow of the Governments Coastguard Vessel Granuaile on the left is where the planned Luas Cork Bridge will cut across the City Basin



Harbour Link planned Zero Emission Commuter & Tourist ferry service for Cork city and harbour linking directly into the city basin, with plans for four commuter and tourist vessels to start 2029



Tom Crean & Irish Naval vessel LE Aoibhinn at Albert Quay & European Fishing Vessels at Horgan's Quay May 2025



Fishing Vessel Penrose Quay June 2025



Research Vessel at Horgan's Quay June 2025,



Cruise Liner on Horgan's Quay May 2025



Trawler at Albert Quay June 2025



Cork Harbour Cruise and Sailboats at Customs House Quay North Jetty May 2025



& Visiting Tall Ship at Customs House Quay South Jetty May 2025 for European maritime day and Cork City & harbour Festival



Rowers Training at City Basin Saturday April 2025



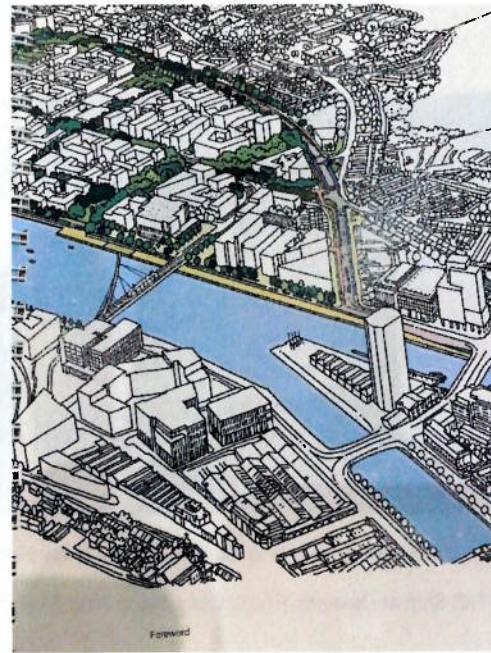
Rowers training North Channel Penrose Quay April 2025



Tall Ship at Customs House Quay with many visitors queuing



LE Aoibhinn at Albert Quay with many visitors queuing



Planned Luas Cork Bridge across the City basin & the Planned Luas Cork Bridge joins North Quays Public Realm sterilising the city basin and risk of flooding city, and decimating the cities heritage.

The **North Quays Public Realm and Transport Infrastructure**, boasts a 6,000 sq mtr park with a water feature, yet, turns its back on the most usable and attractive natural water feature within the city, which is the River Lee itself with over 900 mtrs of accessible quay on Penrose Quay, Fishguard Wharf and Horgan's Quay, Albert Quay, Kennedy Quay, and the Customs House North and South Jetty Quays, including the city basin.

The planned Luas Cork Bridge, Bus Connects Depot, Active Travel routes and river users, all need to be considered as a combined effect and more consideration for River Users and their activities, along with the heritage of the quays and river basin.

This is further evidence of the requirement of an EIA Screening Determination and AA screening Determination for a full River Usage Study and Natura Impact Statement, as part of a full integrated EIA and AA.

This also indicates the need for the whole Docklands to be considered as a whole cumulative effect and not for the projects to be split by "Project Splitting".

7) Lack of Car parking for Public Transport and Transport Hub

The Bus Connects Kent Station Green Electric Bus Depot is planned to take away the vital Kent Station Car Parking. **The North Quays Public Realm & Transport Infrastructure plan**, proposals have no allowance for car Parking for the Train Station, Luas Cork, Bus Connects or general traffic from entering the city that wish to use public transport. The opportunity exists to develop sustainable park and ride facilities at the Transport Hub, yet this is disregarded.



Sustainable Parking a missed opportunity

This is more evidence of the requirement of an EIA Screening Determination including a Traffic Impact study and a full integrated EIA.

8) Adjoining Active Travel Areas

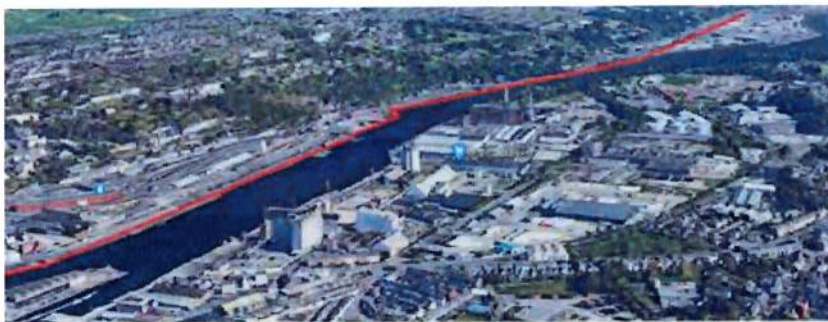
The **North Quays Public Realm and Transport Infrastructure** directly links with the Cork City Council planned “**Glanmire to City Cycle Route, Phase 2**”, which boasts a 5 klm Walking and Cycling route, including 2 new Pedestrian Bridges.

But which also links with the already commenced, as evidenced by the **Glanmire to City Active Travel route (Phase 1 & 2)**, documents as stated below.

“The proposed facility will provide a safe pedestrian and cycle route that extends from the city Centre to Glanmire, Little Island, Carrigtwohill and surrounding area. The proposed facility will eventually form part of an inter-urban greenway that will link Cork and Waterford Cities.”

Extract from the City prepared document “Glanmire to City Cycle Route (phase 2)

[Glanmire to City Cycle Route Phase 2 S](#)



5km route from City Centre to Dunkettle



Pathfinder Cork-Waterford Route

This is further evidence of the cumulative effect and requirement of a Screening Determination and AA screening determination, including a Full integrated EIA, Traffic Impact Report and Nutura Impact Statement, as the North Quays project is clearly directly linked to wider developments than just a mere demolition of a building and replacement of a new roof in localised planning.

9) Linking with larger planned Framework

The North Quays Public Realm & Transport Infrastructure, links with a much larger framework objective.

This Part 8 application states even within the scope of the **“Project Brief”**,

“Deliver urban realm, public open space, and transport infrastructure within the North Docks area in accordance with the vision and objectives of the Cork City Development Plan (2022-2028), the Cork City Docklands Framework Masterplan (2023) and the Cork Metropolitan Area Transport Strategy (2020).

Reflect the maritime and industrial heritage of the Docklands in the public realm, in accordance with the Cork City Docklands Framework Masterplan (2023 Draft).

Deliver the northern portion of the Kennedy Spine Urban Amenity Linear Park as outlined in the Cork City Docklands Framework Masterplan (2023, Draft).

Provide a multi-modal transport infrastructure which facilitates access to walking, cycling and public transport and acts as a catalyst for further private development in the area.

This is further evidence of the requirement of an EIA Screening Determination and Full integrated EIA, as the North Quays project is clearly defined and linked with a wider overall Docklands Master-Plan and Metropolitan Framework, along with linking with other large scale planned developments.

10) Disregard for European & National Policy on Sustainable Infrastructure for Electric Charging

No allowance has been made to for provision of sustainable infrastructure for charging of Electric Vehicles, ie: Train, Bus, River transport, Bus or Car Charging.

The **North Quays Public Realm and Transport Infrastructure**, disregards **both The European & National Development Plan** policy of allowance for provision for sustainable infrastructure.

“The national policy on sustainable infrastructure aims to ensure that infrastructure projects are environmentally friendly, economically viable, and socially responsible, while also being resilient to climate change”.

This is further evidence of the requirement of an EIA Screening Determination and Full integrated EIA, as the North Quays project is clearly defined and no consideration for infrastructure for sustainable transport.

11) Disregard for Failte Ireland City, Harbour and East Cork Destination & Experience Plan

The **North Quays Public Realm and Transport Infrastructure**, disregards the Failte Ireland Plan developing tourism for the City and Harbour regions, by excluding any access to the river for tourist related activities. Extract from Failte Ireland Plan below.

“The Cork City, Harbour and East Cork Destination & Experience Plan builds on existing projects and connects all related investment activity with the potential to impact on the visitors experience of Cork. This includes projects currently underway, projects featuring in existing plans and new concepts designed to grow the leisure tourism base within Cork City, Harbour”

[b4095eba-25f8-4328-b2db-f1d1b3143ffc.pdf](#)

This is further evidence of the requirement of an EIA Screening Determination and Full integrated EIA, as the North Quays project is clearly defined and no consideration for social inclusion and biodiversity by providing infrastructure for tourism activities.

12) Disregard to the NTA Guidance document for EIA & AA screening on projects provided and funded through the NTA

The **North Quays Public Realm and Transport Infrastructure**, disregards the NTA's very own guidance on provision of a full EIA for large scale Active Travel and Infrastructure projects.

[NTA-Guidance-for-EIA-and-AA-Screening-Final-241023.pdf](#)

5.4.1 The Part 8 Process

As set out on page 27 below, Local authority own development which is "screened in" for appropriate assessment cannot proceed under the 'Part 8' process (Section 179(6)(e) of the 2000 Act). Where appropriate assessment is required, an NIS must be prepared and an application for approval must be made to An Bord Pleanála.

This is further evidence of the requirement of a Screening Determination and full integrated EIA and AA and NIS, as the North Quays project is not in line with the NTA national policy.

13 Disregard for CMATS Smarter Travel Policy

The **North Quays Public Realm and Transport Infrastructure**, disregards the CMATS Smarter Travel policy of –

"A Sustainable Future Smarter Travel which sets clear targets which have informed the preparation of CMATS".

Waterborne transport is in line with Government policy setting its vision for sustainability in transport and sets out five key goals through CMATS smarter Travel Policy:

- (i) to reduce overall travel demand,
- (ii) (ii) to maximise the efficiency of the transport network,
- (iii) (iii) to reduce reliance on fossil fuels,
- (iv) (iv) to reduce transport emissions
- (v) (v) to improve accessibility to transport.

All this together is further evidence of disregard for CMATS Smarter Travel Policy and further disregard for Waterbourne Transport proposed by Harbour Link and how a screening determination and AA determination should be carried out including a full integrated traffic plan and River Usage Report.

Conclusion:

The **North Quays Public Realm and Transport Infrastructure** part 8 plan is premature, misleading, incomplete screening process for both EIA and AA screening , misleading imagery and incorrect process and approach leading to Project Splitting to achieve the aim of giving the illusion of correct due process.

Furthermore, the part 8 plan, ignores the NTA Guidelines for EIA and AA screening and determination, along with ignoring the requirements of the National development Plan and other state agencies such as Failte Ireland, and is persistent in pushing forward with an ill-conceived and premature plan.

Portus Greenway Limited respectfully requests the Board to consider the plan for EIA Screening Determination and Appropriate Assessment Screening Determination, along with a consideration if the approach by Cork City Council Docklands Authority, is deemed project Splitting.

Yours Sincerely

Aidan Coffey

Director

Portus Greenway Limited

t/a Harbour Link

Our Case Number: ACP-322816-25



**An
Coimisiún
Pleanála**

Aidan Coffey
c/o Portus Greenway Limited (t/a Harbour Link)
Shanagarry North, Shanagarry
Co. Cork
P25 PP58

Date: 04 July 2025

**Re: Proposed Cork North Docks Public Realm and Transport Infrastructure Project
County Cork**

Dear Sir / Madam,

An Coimisiún Pleanála has received your recent submission in relation to the above mentioned case and it will be taken into consideration in its determination of the matter.

If you have any queries in relation to the matter please contact the undersigned officer of the Commission at laps@pleanala.ie

Please quote the above mentioned An Coimisiún Pleanála reference number in any correspondence or telephone contact with the Commission.

Yours faithfully,



Kevin McGettigan
Executive Officer
Direct Line: 01-8737263

ED02

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64 Sráid Maoilbhríde
Baile Átha Cliath 1
D01 V902

64 Marlborough Street
Dublin 1
D01 V902

Alexander Hogan Rea

Subject: FW: An Bord Pleanála Request for further information ACP-322816-25

From: Aidan Coffey <aidan@hibernia-line.com>
Sent: Friday, July 4, 2025 8:09 AM
To: Kevin McGettigan <k.mcgettigan@pleanala.ie>
Cc: LAPS <laps@pleanala.ie>
Subject: An Bord Pleanála Request for further information ACP-322816-25

Caution: This is an **External Email** and may have malicious content. Please take care when clicking links or opening attachments. When in doubt, contact the ICT Helpdesk.

Dear Sirs,

Please see attached request for Further Information with regards to your Ref: ACP-322816-25

Yours Sincerely,

Aidan Coffey

Hibernia Line

Direct Mobile: + 44 7884 123 123

www.hibernia-line.com

If you receive this email outside of standard working hours, please be assured Hibernia Line does not expect any response or action until your standard working hours resume.



From: Aidan Coffey
Sent: Wednesday 18 June 2025 00:09
To: k.mcgettigan@pleanala.ie
Cc: laps@pleanala.ie; Aidan Coffey <aidan@hibernia-line.com>
Subject: An Bord Pleanála Request for EIA & AA Screening Determination Assessment Cork City North Quays Part 8 Plan 2025 Pdf

Good day Kevin,

Thank you for taking the call yesterday, (Tuesday the 17th June) regarding the request for EIA and AA screening Determination of the Cork City Part 8 process on the **North Quays Public Realm & Transport Infrastructure Plan**, Along with the determination if the Plan is deemed project splitting from the overall Docklands Framework.

As discussed, I would appreciate if you can check through the Request document attached and setting out reasons for request for EIA & AA Screening Determination, to ensure all is OK before the deadline of the 24th June and also to confirm if there is any fee required.

As promised, please see below the relevant link for the Cork City Notice and any attached links to documents for the plan.

[Cork North Docks Public Realm and Transport Infrastructure | Cork City Council's Online Consultation Portal](#)

Many thanks and I appreciate your guidance.

Best Regards

Aidan Coffey

Harbour Link

&

Hibernia Line

Direct Mobile: + 44 7884 123 123

www.hibernia-line.com

If you receive this email outside of standard working hours, please be assured Hibernia Line does not expect any response or action until your standard working hours resume.



The Secretary

An Bord Pleanála

64 Marlborough Street,

Dublin 1,

D01 V902

Date: 24th June 2025.

From: Aidan Coffey

c/o Portus Greenway Limited (t/a Harbour Link)

Shanagarry North, Shanagarry,

Co. Cork

P25 PP58

Case Number: ACP-322816-25

Re: Part 8 Planning Notice –Proposed Cork North Docks North Quays Public Realm & Transport Infrastructure

Request for Further Information:

ACP-322816-25 Request for EIA Screening Determination:

- 1. A Statement indicating Class of Development set out in schedule 5 of the planning and development regulations 2001 (as amended), whereby it is considered the Commission to issue a direction under the said article 120 in respect of “Sub-Threshold development” as defined at article 92 of the planning and development regulations 2001 (as amended), for a screening determination and EIAR requirement on the said application.**

Statement of further information:

Background:

Cork city council has issued a Part 8 planning notice for the following **“Project”**. Pursuant to the requirements of Part 8 of the planning and Development Regulations 2001 (as amended), where notice has been given on the 28th May that Cork City Council plans to carry out the scheme titled: **Cork North Docks Public Realm and Infrastructure.**

An **Environmental Impact Assessment (EIA)** in Ireland, is an important process that identifies and assesses the environmental effects of proposed developments before decisions are made. Assessing the direct and indirect impacts of wide range of environmental factors, including biodiversity, water, air and soil quality, including social and cultural heritage. EIA process is usually required for large-scale developments that have the potential to significantly impact the environment.

It is the process of examining the anticipated environmental effects of a proposed project - from consideration of environmental effects at design stage, through consultation and preparation of an Environmental Impact Assessment Report (EIAR), evaluation of the EIAR by a competent authority and the subsequent decision as to whether the project should be permitted to proceed. An EIA and EIA screening determination report should be carried out by independent assessor so as to have functional separation and should include all aspects including Traffic Impacts, River Usage Impacts, Social inclusion Impacts and Cultural Impacts. It should consider all impacts as a whole and on a wider scale and not be considered lightly as it can have extreme irreversible impacts on society as a whole.

This “project”, ie. the part 8 application **Cork North Docks Public Realm and Infrastructure**, forms a critical part of the current **Cork City Proposed Variation 2 (Cork Docklands) to Cork City Development Plan 2022-2028**, where by notice has been given that Cork City Council, pursuant to Section 13(2) of the Planning & Development Act 2000 (as amended), has prepared a proposed Variation (No. 2) Masterplan to the Cork City Development Plan 2022 – 2028 (as varied) in respect of Cork Docklands.

The project (Variation 2) masterplan as quoted herein, “**Proposed Variation No. 2 (Cork Docklands) incorporates an updated policy framework and guidance for this strategic 147 ha regeneration site, east of the city centre**”

This **147 hectare strategic** site, by its nature to develop over 10,000 residential units, employment for over 25,000 and directly linking to other developments including but not limited to these numerous adjoining developments including “the three Active Travel Greenways, Glanmire to City Greenway, Lee to City Greenway and Cork Harbour Greenway, the proposed Luas Cork, proposed Bus Connects Cork Sustainable Corridors, the Cork city Flood Relief works, the elimination (demolition/de-construction) of the existing car parking at Kent Station and Bus-Connects Cork Sustainable Bus Depot at Kent Station, and the proposed Harbour Link Commuter & Tourist Ferry service for Cork City and Harbour” just to mention a few, but more importantly the Variation 2 itself, should all be considered as part of a cumulative effect with regard to potential of having significant effect on all areas of the said docklands plan.

Cork City council has carried out a Screening Determination on both EIA and AA themselves on just the North Docks segregated Sub-Threshold, with no **functional separation**, and has purposefully segregated this strategic Docklands Development project into five (5) separated “sub-thresholds” to avoid such a critically important process potentially having irreversible social & cultural consequences whilst acting as the Competent Authority.

Points of Contention

-Under the Planning and Development Regulations, 2001

The following applies

Functional Separation: Screening Determination

The Planning Regulations specifically gives guidance, "If a planning authority is acting both as Competent Authority for EIA Screening and as developer (e.g. where a local authority is both promoting an Urban Infrastructure or Active Travel Initiative projects and carrying out the screening for that initiative), to avoid any suggestion that there is a conflict of interest, should ensure that there is a **"functional separation"** between the individuals involved in promoting the initiative and those responsible for making the EIA Screening Determination". See Article 9a of the EIA Directive (Appendix L). (in this instance Cork City Council has not ensured "functional Separation" whilst carrying out a screening determination as it is Cork City Council themselves that has carried out the Screening Determination).

Project Splitting:

"Project splitting" "occurs where a development is split up so as to avoid the requirement to carry out an EIA in respect of any aspect of the development. It generally occurs where a development is divided up in such a way so that each element on its own is a sub-threshold and does not require an EIA".

The Part 8 Notice for **Cork North Docks Public Realm and Infrastructure**, forms **"part 1 Bundle"** (Sub-Threshold) of the overall project (including 5 Bundles in totality) which appears specifically segregated to avoid the requirement of a full EIAR and AAR (by project splitting) due to the purposeful exclusion of the other bundles 2, 3, 4 & 5 including Bridges exceeding 100 mtrs, Roadways exceeding 2,000 mtrs, Commercial Business district of exceeding 2 hectares.

"Simons on Planning Law" (3rd edition) describes "project splitting" in the following terms at paragraph 14-280: "If a project is identified in a restricted way, this may result in the evasion of the obligation for EIA. For example, if what is in reality only one project is artificially presented as a series of separate projects, it may be that none of these on its own will trigger an EIA. This practice is known as 'project-splitting' (sometimes also referred to as 'salami slicing')"

An example of this type of "project splitting" arose in the Spanish Roads case², which concerned the construction of an urban ring road in Madrid. This was a complex civil engineering scheme which consisted of improving and refurbishing virtually the whole of the urban ring road surrounding Madrid. Madrid City Council had split the larger project into 15 independent sub-projects and, treated separately, only one of those exceeded the threshold at which an EIA was required. However, the larger project taken as a whole substantially exceeded the threshold for which an EIA would be required. The CJEU in that case noted that the purpose of the EIA Directive cannot be circumvented by the splitting of projects and the failure to take account of the cumulative effect of several projects must not mean in practice that they all escape the obligation to carry out an EIA when, taken together, they are likely to have significant

effects on the environment. It was clear in this case that the sub-projects were all part of the larger project.

“Functional independence”

The High Court and the Supreme Court in the case of *Fitzpatrick v An Bord Pleanála*, which involved the proposed development by Apple of a data centre at Athenry, County Galway. In *Fitzpatrick*, the development for which planning permission had been sought was a single data centre. A masterplan had been submitted with the application for the single data centre which made clear that it was envisaged that eight data halls would potentially be constructed on the site in the future. The appellants argued that the single data hall formed part of a larger “project”, i.e. the masterplan, and that the masterplan should have been subject to EIA.

The **Cork North Docks Public Realm and Infrastructure “project”** should be considered with the cumulative effect, of the whole Docklands “Masterplan” “Project”, with significant impact on both EIA and AA,

Functional/legal dependence:

This requires all integral parts of a “project”, which are part of the “project” or upon which the project depends, to be included within the scope of any environmental assessment carried out.

(in this case the “project” being the Framework or Master Plan should be included and considered in respect of the, Active Travel routes, Bridges exceeding 100 mtrs, Roads exceeding 2,000 mtrs and Bus Connects routes).

Functional/legal interdependence:

This requires consideration of whether there are any factual or legal circumstances which could give rise to an interdependency between two projects. (in the case, the “project” being the Framework or Master Plan should be included and considered in respect of the, the Luas Cork, Active Travel Routes, Bus connects Routes and requirement of traffic impact and river usage study and elimination of existing quays at Customs House Quay and Pontoons in private ownership).

List of Schedules & Classes for Consideration :

Under the Planning and Development Regulations, 2001 below is a list of schedules and Classes for consideration of Significant Impact set out hereafter:

(note Harbour Link’s reasoning comments in Blue)

Schedule 7 Class 1 (a) & (b) to the 2001 Regulations.

Characteristics of proposed development.

Class 1: The characteristics of proposed development, with particular regard to—:

(a) the size and design of the whole of the proposed development, (should include the whole Docklands development, Masterplan and Framework and not project splitting).

(b) cumulation with other existing developments and/ or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, (in this case should consider the cumulation of the entire docklands development and subject consents for adjoining Active Travel routes, Bus Connects sustainable corridors and Bonded Warehouses and City Quays to mention a few. But should also consider the social and cultural heritage of the River and surrounding buildings and quays).

Schedule 7 Class 2 (viii) to the 2001 Regulations 1

Class 2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by the proposed development, with particular regard to—

(viii) landscapes and sites of historical, cultural or archaeological significance.

(adjoining the City's Maritime Culture when considering the City Quays and City Basin, where the two channels meet at the widest point of the city channels, which forms a critical part of Corks Maritime Heritage).

Schedule 7 Class 3 (a) (b), (d) (e) (f) & (g) to the 2001 Regulations 1

Class 3. Types and characteristics of potential impact, the likely significant effects on the environment of proposed development in relation to criteria set out under paragraphs 1 and 2, with regard to the impact of the project on the factors specified in paragraph (b)(i)(I) to (V) of the definition of 'environmental impact assessment report' in section 171A of the Act, taking into account—

- (a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected), (new population and existing population of surrounding areas)
- (b) the nature of the impact, (Biodiversity, Traffic, River usage, Social and Cultural)
- (d) the intensity and complexity of the impact, (Traffic, River usage, Social and Cultural)
- (e) the probability of the impact, (Biodiversity, Traffic, River usage, Social and Cultural)
- (f) the expected onset, duration, frequency and reversibility of the impact,
- (g) the cumulation of the impact with the impact of other existing and/or development the subject of a consent for proposed development for the purposes of section 172(1A)(b) of the Act and/or development the subject of any development consent for the purposes of the Environmental Impact Assessment Directive by or under any other enactment, and
- (h) the possibility of effectively reducing the impact.

Schedule 7A Class 1,2 & 3 to the 2001 Regulations

INFORMATION TO BE PROVIDED BY THE APPLICANT OR DEVELOPER FOR THE PURPOSES OF SCREENING SUB-THRESHOLD DEVELOPMENT FOR ENVIRONMENTAL IMPACT

ASSESSMENT. (in this case to be considered as a cumulative effect of the project as a whole)

Class 1.

A description of the proposed development, including in particular—

(a) a description of the physical characteristics of the whole proposed development and, where relevant, of demolition works, and (in this case the demolition of the existing River Rescue & Recovery shed along the quay side, with no replacement, this Rescue and Recovery shed plays a critical role in recovering the unfortunate bodies of often suicides in the region of Cork rivers, direct and immediate access is always required. The de-construction of a critical Car Park for Kent Station and no replacement of same to allow for critical sustainable parking needs)

(b) a description of the location of the proposed development, with particular regard to the environmental sensitivity of geographical areas likely to be affected. (in this case the whole development considering the Active Travel through the development and how it's linked directly to the Glanmire to City Active Travel routes in development and its extension and linkage to the Cork to Waterford Active Travel Greenway and the effects on the environment).

Class 2.

A description of the aspects of the environment likely to be significantly affected by the proposed development. (in this case Traffic Impacts on the Alfred Street and Horgan's Quay junction), river users impacted by the lack of access to the river).

Class 3.

A description of any likely significant effects, to the extent of the information available on such effects, of the proposed development on the environment resulting from—(in this case the lack of information on River Users, links to Active Travel routes and lack of traffic impact statements with particular regard for other major infrastructure projects such as Luas Cork and Bus Connects Cork).

A. Schedule 5 Infrastructure Projects- Class 10 (B)(Part 2 of the 2001 regulations)

- (i) Construction of more than 500 Dwelling units on said site. (in this case upto 10,000 dwellings)
- (ii) Construction of a car-park providing more than 400 spaces, other than a car-park provided as part of, and incidental to the primary purpose of, a development. (in this case the need to construct a Sustainable Car Park, to replace the car parking taken away by the project)
- (iv) Urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere. (in this case when considering the "Project" as a whole). (In this paragraph, "business district" means a district within a city or town in which the predominant land use is retail or commercial use). (in this case upto 25,000 jobs)

B. Schedule 5 Infrastructure Projects – Class 10 (e) (Part 2 of the 2001 regulations)

New or extended harbours and port installations, including fishing harbours, not included in Part 1 of this Schedule, where the area, or additional area, **of water enclosed would be 20 hectares or more**, or which would involve the reclamation of 5 hectares or more of land, or **which would involve the construction of additional quays exceeding 500 metres in length**. (in this case the construction of Pontoons for water access and River Usage along the entirety of the City Quays circa 2,200 mtrs in total).

C. Schedule 5 Infrastructure Projects- Class 10 (f) (of Part 2 of the 2001 regulations)

- (iii) Canalisation and **flood relief works**, where the immediate contributing sub-catchment of the proposed works (i.e. the difference between the contributing catchments at the upper and lower extent of the works) would exceed 1,000 hectares or where more than 20 hectares of wetland would be affected or **where the length of river channel on which works are proposed would be greater than 2 kilometres**. (in this case Flood Relief works on the river channel exceeding 2 kilometres)

D. Schedule 5 Infrastructure Projects- Class 10 (h) (Part 2 of the 2001 regulations)

(H) **(All tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport**. (in this case Light Rail Tramways & Suspended Overhead Cables for Proposed Luas Cork)

E. Schedule 5 Tourism & Leisure - Class 12 (b) (Part 2 of the 2001 regulations)

(B) Sea water marinas where the number of berths would exceed 300 and fresh water marinas where the number of berths would exceed 100. (in this case (mixed seawater / freshwater river) marina berths & pontoons that could exceed 100 berths, subject to river usage study).

F. Schedule 6 Information to be contained in an EIS – Class 2 (Part 2 of the 2001 regulations)

(b) A description of the aspects of the environment likely to be significantly affected by the proposed development, including in particular:

- human beings, fauna and flora, (in this case human Social & Cultural Heritage, along with the flora and fauna effects due to the adjoining areas of the Active Travel routes)
- material assets, including the architectural and archaeological heritage, and the cultural heritage (in this case the architectural & archaeological of the city quays and Bonded warehouses, among other maritime features of the docklands area).
- the inter-relationship between the above factors

(in this case, the relationship with Cultural Heritage of the Cork City Maritime Heritage and the architectural and archaeological heritage of the city Quays, the relationship with the archaeological heritage of the Cork Bonded Warehouses and of the Kent Station & McMahon's Builders Yard and (former ship yard and shipbuilding basin. The cultural heritage of the River rowing clubs, including the Lee Rowing and Currach Rowing clubs, including the cultural heritage of the people of Cork using the river for access and amenities, which will be covered in an River Usage Study as part of the EIAR)

G. Schedule 7 Criteria for determining whether a development would or would not be likely to have significant effects on the environment – Class 1

(Part 2 of the 2001 regulations)

1. *Characteristics of proposed development*, in particular:

- the size of the proposed development,
- the cumulation with other proposed developments,
- the use of natural resources,

(In this case the cumulation effects of the proposed developments of the Docklands as a whole, including the numerous Active Travel Greenways, proposed Luas Cork, proposed Bus Connects Cork Green Corridors, the Cork city Flood Relief works, the elimination (demolition/de-construction) of the existing car parking at Kent Station and Bus-Connects Cork Sustainable Bus Depot at Kent Station, and the proposed Harbour Link Commuter & Tourist Ferry service for Cork City and Harbour" just to mention a few.)

H. Schedule 7 Location of proposed development - Class 2

(Part 2 of the 2001 regulations)

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard in particular to:

- the absorption capacity of the natural environment, paying particular attention to the following areas:

(e) areas classified or protected under legislation, including special protection areas designated pursuant to Directives 79/409/EEC and 92/43/EEC,

(h) landscapes of historical, cultural or archaeological significance.

(in this case Historical, Cultural & Archaeological significance of City Quays and the River usage in relation to special protection areas, as the cumulative effect).

I. Schedule 7 Characteristics of potential impacts - Class 3

(Part 2 of the 2001 regulations)

The potential significant effects of proposed development in relation to criteria set out above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population)
- the transfrontier nature of the impact,
- the magnitude and complexity of the impact, (10,00 homes and 25,000 jobs)
- the probability of the impact, (The Traffic impact entering the city on the N8 route)
- the duration, frequency and reversibility of the impact. (the frequency & reversibility of Bridges and the effects of trams, buses and traffic).

J. Schedule 8 Tables for the purposes of Part 11 Impact on Environment

Table 1

Development Categories

(Part 2 of the 2001 regulations)

1. Provision of hotel, hostel or holiday accommodation, or housing.
2. Provision of schools, crèches or other educational or childcare facilities, training centres, hospitals, convalescent homes, homes for the elderly or sheltered accommodation.
3. Retail developments greater than 250 square metres in gross floor space.
4. Structures for community and leisure facilities, greater than 100 square metres in gross floor space.
5. Provision of facilities or use of land for activities likely to attract more than 1,000 people at any one time. (in this case the provision of facilities for River side activities and River Users for riverside event facilities and along with River access for regatta's and festivals).
7. Provision of parking facilities for more than 200 motor vehicles. (in this case for Kent Station and Sustainable transport initiatives).
8. Transport links, including public roads. Effects of Luas Cork, Bus Connects, Active Travel and Frequency of Junction on Alfred Street Junction of Horgan's Quay.

European Union Council Directive 85/337/EEC

The European Union Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment as amended, sets out:-

Pursuant to Article 191 of the Treaty on the Functioning of the European Union, Union policy on the environment is based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should, as a priority, and **be rectified at source.**

Effects on the environment should be **taken into account at the earliest possible stage** in all the technical planning and decision- making processes.

The principles of the assessment of environmental effects should be harmonised, in particular with reference to the projects which should be subject to assessment, the main obligations of the developers and the content of the assessment.

General principles for the assessment of environmental effects should be laid down with a view to supplementing and coordinating development consent procedures governing public and private projects likely to have a major effect on the environment.

(in this case, Cork City Council acting as the developer and the Approved Competent Authority by carrying out its own screening determination, is conflicted and no “functional separation” and not in the best interest of the public. Facilitated by the action of project splitting and in doing so specifically avoiding and EIA and AA).

EU EIA Directive “Objectives”: Amending legislation (Directive [2014/52/EU](#)) was adopted in 2014

The Environmental Impact Assessment (EIA) Directive relates to the assessment of the effects of certain public and private projects on the environment. It aims to ensure a high level of environmental protection and that environmental considerations are integrated into the preparation and authorisation of projects.

This objective is achieved by ensuring that environmental assessment of certain public and private projects listed in Annex I and II to the Directive (airports, nuclear installations, railways, “roads”, waste disposal installations, waste water treatment plants, etc.) is carried out prior to their authorisation.

(in this case Roads and the effects on the environment and the lack of Traffic Impact statement and the interaction with other infrastructure projects such as Luas Cork and Bus Connects sustainable travel corridors).

European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 S.I. No. 296/2018 -

“Application for screening for environmental impact assessment”

Schedule 176A Class 1 - In this section and sections 176B and 176C—

“screening determination for environmental impact assessment” means a determination made as part of a screening for environmental impact assessment;

(a) as to whether a proposed development would be likely to have significant effects on the environment, and

(b) if the development would be likely to have such effects, that an environmental impact assessment is required.

Schedule 176A Class 2:

(a) Subject to section 176B, where a proposed development is of a class standing specified in Part 2 of Schedule 5 to the Planning and Development Regulations 2001 and does not equal or exceed, as the case may be, the relevant quantity, area or other limit standing specified in that Part, an application for a screening for environmental impact assessment in respect of that development may be submitted to the planning authority in whose area the development would be situated.

(in this case the development of the docklands as a whole, which should be considered as a cumulative effect)

(b) Subject to section 176B, where a proposed development is of a class standing prescribed under section 176 for the purposes of this paragraph, an application for a screening for environmental impact assessment in respect of that development shall

be submitted to the planning authority in whose area the development would be situated.

(in this case lack of EIA due to project splitting)

- (c) a description of the nature and extent of the proposed development, its characteristics, its likely significant effects on the environment (including the information specified in Schedule 7A to the Planning and Development Regulations 2001) including, where relevant, information on how the available results of other relevant assessments of the effects on the environment carried out pursuant to European Union legislation other than the Environmental Impact Assessment Directive have been taken into account,
- (d) (in this case no River usage study of Traffic Impact assessment, along with no Appropriate Assessment, regarding Natura Impact Statement) .

Projects that come under Article 4 European Directive

European Directive Regulations

SELECTION CRITERIA REFERRED TO IN ARTICLE 4(3) (CRITERIA TO DETERMINE WHETHER THE PROJECTS LISTED IN ANNEX II SHOULD BE SUBJECT TO AN ENVIRONMENTAL IMPACT ASSESSMENT)

Article 4 - Class 1. (a) (b) **Characteristics of projects must be considered, with particular regard to:**

- (a) the size and design of the whole project; [The Cumulative Effect of significant Impact](#)
- (b) cumulation with other existing and/or approved projects; [\(ie Glanmire to City Active Travel Greenway\).](#)
- (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge; [\(in this case flood relief remedial works, to the River Lee and Traffic Impacts for the Alfred Street and Horgan's quay junction\).](#)

Article 3 Type and characteristics of the potential impact.

The likely significant effects of projects on the environment must be considered in relation to criteria set out in points 1 and 2 of this Annex, with regard to the impact of the project on the factors specified in Article 3, taking into account:

- (a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected); (in this case the addition of over 10,000 people in the docklands and regard for critical facilities, [ie such a schools, medical facilities, travel and social and leisure facilities](#))
- (b) the nature of the impact; [\(lack of AA Natura Impact Statement\)](#)
- (c) the transboundary nature of the impact; [\(ie linking with all the Active Travel routes and its River Usage impact through its boundary with the River Lee\).](#)
- (d) the intensity and complexity of the impact; [\(the intensity and complexity of the project with over 10,000 population and over 25,000 employees and how travel, parking, cultural and social inclusion\).](#)

- (e) the probability of the impact;
- (f) the expected onset, duration, frequency and reversibility of the impact;
- (g) the cumulation of the impact with the impact of other existing and/or approved projects;
- (h) the possibility of effectively reducing the impact.

The EIA Directive applies to a wide range of public and private projects.

Furthermore: The Environmental Impact Assessment (EIA) of Projects is a key instrument of European Union environmental policy. It is currently governed by the terms of European Union Directive 2011/92/EU, as amended by Directive 2014/52/EU on the assessment of the effects of certain public and private Projects on the environment (EIA Directive). Since the adoption of the first EIA Directive in 1985 (Directive 85/337/EEC), both the law and EIA practices have evolved. The EIA Directive was amended by Directives 97/11/EC, 2003/35/EC, and 2009/31/EC.

The Directive and its three amendments were codified in 2011 by Directive 2011/92/EU. The codified Directive was subsequently amended by Directive 2014/52/EU.

This guidance document focuses on the modifications made to the EIA Directive since 2001, with a particular emphasis on the key changes brought about by the most recent 2014 amendment to the Directive, which Member States have to transpose into their national legal systems by 16 May 2017.

The EIA Directive requires that public and private Projects that are likely to have significant effects on the environment be made subject to an assessment prior to Development Consent being given.

Development Consent means the decision by the Competent Authority or authorities that entitles the Developer to proceed with the Project. Before Development Consent can be granted, an EIA is required if a Project is likely to **“impact significantly upon the environment”**.

Article 2(1) of the EIA Directive (see quote 1 below) sets out the Directive’s overarching requirement.

Quote 1: Directive 2011/92/EU as amended by Directive 2014/52/EU Article 2(1) Member States shall adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the surrounding environment.

The EU guidance documents sets out three stages involved in EIA:

Screening, Scoping, and the Preparation of the EIA Report. The ‘Screening stage’ ascertains whether the Project’s effects on the environment are expected to be significant, i.e. the Project is ‘Screened’ to determine whether an EIA is necessary.

Projects listed in Annex I to the Directive are automatically subjected to an EIA because their environmental effects are presumed to be significant.

Projects listed in Annex II to the Directive require a determination to be made about their likely significant environmental effects. The Member State's Competent Authority make that determination through either a (i) case-by-case examination or (ii) set thresholds or criteria.

(In this instance Cork City Council acting as both the Developer and the competent authority are conflicted, as Cork City Council itself has prepared the Screening Determination of both Environmental Impact Assessment and Appropriate Assessment).

Guidance issued by the European Commission in 20154 :

states that "Projects for integrated urban transport schemes (e.g. parallel works at different locations to upgrade bus lanes, tramlines, bus, tram and/ or metro stops), could also fall under this project category."

EIA Directive, the 2001 Planning and Development Regulations (hereafter called the 2001 Regulations), the Roads Act 1993 (hereafter called the 1993 Act), and the 1994 Road Regulations (hereafter called the 1994 Regulations) which set out those projects that trigger an automatic EIA.

EU Directive : Requirements for EIA / EIA Screening of "urban development" projects If any Active Travel Initiative could constitute "urban development", then: (a) If the area involved is greater than 2 hectares (in a business district), 10 hectares (in other parts of a built-up area), or 20 hectares (elsewhere), an EIA is required; and, (b) If the area involved is below these thresholds, EIA Screening is required, and if "screened in" (i.e. the result of the EIA Screening is that the project is likely to have significant impacts on the environment) then an EIA is required.

Part 8 Process

A Local Authorities own development which is "screened in" for EIA cannot proceed under the 'Part 8' process (Section 179(6)(e) of the 2000 Act). Where an EIA is required, an EIAR must be prepared and an application for approval must be made to An Bord Pleanála.

(in this case, the Local authority acting as competent authority and developer, without functional separation cannot evaluate a valid screening determination, hence, it cannot determine the cumulative significant effect of an EIA).

Under the 'Part 8' process, the report by the chief executive to the elected members recommending whether or not that initiative should proceed (prepared under Section 179(3)(a)(i) of the 2000 Act) must include the EIA Screening Determination and must set out the measures, if any, envisaged to avoid or prevent what might have otherwise been significant adverse effects on the environment of the development (section 179(3)(b)(iia) of the 2000 Act).

(in this case an EIA screening with functional separation, from the Developer)

Automatic EIA required under (roads act)

EIA is also automatically required for “a prescribed type of road development consisting of the construction of a proposed public road or the improvement of an existing public road.” • If the Active Travel Initiative consists of “the construction of a proposed public road or the improvement of an existing public road”:

Consider the prescribed types of road development set out in Regulation 8 of the 1994 Regulations, namely:

“(a) the construction of a new road of four or more lanes, or the realignment or widening of an existing road so as to provide four or more lanes, where such new, realigned or widened road would be eight kilometres or more in length in a rural area, or 500 metres or more in length in an urban area;

(b) the construction of a new bridge or tunnel which would be 100 metres or more in length.” (in this case as the is facilitating access for further public transport initiatives project should be considered as a whole, the Active Travel bridge and Luas (Kent Bridge) should be considered as part of this application and its effects on the Environment, with regard to River users, Public Transport, Traffic Impacts and additional Flooding Risks to the city).

AA Screening on a “Project” & The Habitats Directive

The Habitats Directive •

Article 6(3) of the Habitats Directive: “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.

(in this case its direct linkage with Glanmire to City Active Travel project currently in construction and in cumulation (combination) with Bus Connects and Luas Cork proposed routes).

In the light of the conclusions of the assessment of the implications for the “**Docklands Development Masterplan**” site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.” (emphasis added).

In the case of the **North Docks Public Realm and Infrastructure plan**, which needs to be considered in combination with the overall Docklands Master Plan, Active Travel Routes and Bus Connects and Luas Cork, projects, its clear there is a requirement for an Appropriate Assessment.