

Proposed Redevelopment of Bishop Lucey Park, Cork City

Preliminary Examination (for the purposes of EIA) in accordance
with Article 120 of Planning and Development Regulations 2001-
2021

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Strategic Assessment **Built Environment**

Client:

Cork City Council

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1 Introduction

1.1 Background

Cork City Council (CCC) is seeking permission under Part 8¹ of the Planning and Development Regulations 2001-2021 (hereafter PDR 2001) for redevelopment at Bishop Lucey Park, between South Main Street and the Grand Parade, in the medieval quarter of Cork City.

Brady Shipman Martin was appointed by CCC to prepare a Preliminary Examination of, at least, the nature, size or location of the proposed development at Bishop Lucey Park (hereafter the Proposed Project), in relation to the requirement, or not, for Environmental Impact Assessment (EIA). This is in accordance with article 120^{2, 3} of the PDR 2001, and the purpose is to allow the planning authority to make a conclusion, based on such preliminary examination, that –

- (i) there is no real likelihood of significant effects on the environment arising from the proposed development, the authority shall conclude that an EIA is not required,
- (ii) there is significant and realistic doubt in regard to the likelihood of significant effects on the environment arising from the proposed development, it shall prepare, or cause to be prepared, the information specified in Schedule 7A for the purposes of a screening determination, or
- (iii) there is a real likelihood of significant effects on the environment arising from the proposed development, it shall—
 - (I) conclude that the development would be likely to have such effects, and
 - (II) prepare, or cause to be prepared, an EIAR in respect of the development.

This report is a Preliminary Examination of the proposed development prepared on behalf of Cork City Council by Matthew Hague BSc MSc Ad. Dip. Planning & Environmental Law CEnv MCIEEM MIELA, Senior Ecologist with Brady Shipman Martin. Matthew has over 18 years' experience in ecological and environmental consultancy.

Technical review was by Thomas Burns, (BAgrSc. (Landscape); Dip. EIA Management; Ad. Dip. Planning & Environmental Law) MIELA, Partner with Brady Shipman Martin, environmental, landscape and planning consultants. Thomas has over 25 years' experience in the area of Environmental Assessment.

¹ Provisions with respect to specified development by, or on behalf of, or in partnership with local authorities

² Sub-threshold EIAR

³ Article 120 of Planning and Development Regulations 2001-2021 [Sub-threshold EIAR]. Further information on the requirements in relation to Local Authority and State Authority development can be found in the *Environmental Impact Assessment Screening – Practice Note 02* published by the Office of the Planning Regulator (<https://www.opr.ie/planning-practice/>)

The application for Part 8 permission for the Proposed Project is accompanied by the following documents, among others:

- Screening for Appropriate Assessment Report (Brady Shipman Martin);
- Bat Assessment of Bishop Lucey Park (Abbott Ecology);
- Archaeological Assessment of Bishop Lucey Park (Lane Purcell Archaeology);
- Bishop Lucey Park Redevelopment – Engineering Report for Part 8 Application (Horgan Lynch Consulting Engineers);
- Public Lighting Report - Bishop Lucey Park (O'Connor Sutton Cronin Consulting Engineers);
- Design Statement – Bishop Lucey Park (Hall McKnight);
- Tree Survey Analysis (Brady Shipman Martin);
- Landscape Design (Hall McKnight and Brady Shipman Martin);
- Bishop Lucey Park – Outline Construction & Environmental Management Plan (CEMP) (Hall McKnight).

2 Environmental Impact Assessment

2.1 Background and Applicable Legislation

EIA requirements derive from Council Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. The Directive and its amendments were subsequently codified and replaced by Directive 2011/92/EU, as amended in turn by Directive 2014/52/EU⁴. This amending Directive was transposed into national planning consent procedures in September 2018 through the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018).

The objective of EIA is to ensure a high level of protection of the environment and human health, through the establishment of minimum requirements for environmental impact assessment prior to development consent being given, for public and private developments that are likely to have significant effects on the environment.

2.2 Mandatory Requirement for EIA

EIA is mandatory for certain types of projects as set out in Annex 1 of the EIA Directive (and Part 1 of Schedule 5 of the PDR 2001). EIA is also mandatory for other projects that meet or exceed a stated threshold as set out in Annex II of the Directive (and Part 2 of Schedule 5 of the PDR 2001), or where no threshold is set.

⁴ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

The proposed development does not correspond to a class of development set out in Part 1 of Schedule 5 of the PDR 2001 for which EIA would be a mandatory requirement.

The proposed development does not come within the meaning or scale of project as listed under Classes 12 (or sub-classes 12(a) to 12(e)) of Part 2 of Schedule 5a, which relates to Tourism and Leisure Projects.

For the purposes of EIA and while not directly applicable, the proposed development may be considered as 'urban development' under 'infrastructure' in Part 2 of Schedule 5 of the PDR 2001 and therefore, should be assessed under Project Type 10.b:

- (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.

As it is located in a built-up area, in a business district, the appropriate threshold under Class 10(b)(iv) is 2 hectares. The existing site at Bishop Lucey Park is approximately 4082m² (0.4082ha) in size, significantly below the stated threshold.

However, given that the site is an existing city centre park amenity and the proposed works are limited to proposed amenity improvement works within an area of c.0.4082ha, the most appropriate Project Type is No. 13 'Changes, extensions, development and testing' and specifically type 13(a):

- (i) result in the development being of a class listed in Part 1 or paragraphs 1 to 12 of Part 2 of this Schedule, and
- (ii) result in an increase in size greater than –
 - 25 per cent, or
 - an amount equal to 50 per cent of the appropriate threshold,whichever is the greater

The Proposed Development may be considered under 'changes' to Project Type 10(b)(iv) of Schedule 5 Part 2. However, the Proposed Development does not 'result in an increase in the size' of the park *and the proposed 'changes' relate to improvements only, rather than to any change of use of the park.*

The proposed development does not meet the 25 per cent increase in size or 50 per cent of the appropriate threshold of an existing authorised development, where mandatory EIA would be required for the Proposed Project.

Therefore, while the Proposed Project does not meet or exceed any stated thresholds at which EIA would be a mandatory requirement, as a development which falls below the stated thresholds for EIA within the meaning of 10b(iv), 13(a)(i) or any other part of Part 2 of Schedule 5, the Proposed Project should be subject to a preliminary examination for the requirement for a 'sub-threshold' EIA.

2.3 Requirement for 'Sub-threshold' EIA

Certain developments by planning authorities prescribed under Section 179⁵ of the Planning and Development Act 2000-2021 (hereafter the PDA 2000) that are not listed in Part 1 of Schedule 5 and that do not meet or exceed a stated threshold for EIA of a class of development listed in Part 2 of Schedule 5 (i.e. where requirement for EIA is not mandatory) are subject to a Preliminary Examination in accordance with Article 120 of the PDR 2001 for the requirement, or not, for 'sub-threshold' EIA.

The Preliminary Examination must consider, at least, the nature, size or location of the proposed development.

The report has had regard to the requirements of Schedule 7A of the PDR 2001 in preparing this Preliminary Examination.

3 The Proposed Development

Cork City Council is proposing to redevelop Bishop Lucey Park in Cork City Centre. The site is located between South Main Street and the Grand Parade in the medieval quarter of Cork city. The eastern side faces the Grand Parade, while the southern side faces the rear of the 2, 3 and 4-storey buildings that face onto Tuckey Street and South Main Street. A 19th century dormer 3-storey building is located at the junction of Tuckey Street and South Main Street to the east, with the remains of the adjacent building, its ground floor front elevation sited within the boundary plot, fronting onto South Main Street. The western boundary has a combined low wall and railing fronting South Main Street. The northern edge has Christ Church Lane as its boundary and faces the former Christchurch Church (now the Triskel Arts Centre) and Christchurch graveyard. Towards the West of the Site is the exposed remains of the medieval city wall.

There are no watercourses on the site⁶ other than a fountain installed in the 1980s. The nearest water feature is the River Lee itself – the South Channel of the Lee is approximately 125m to the south.

The existing site at Bishop Lucey Park is approximately 4082m² (0.4082ha) in size.

There are a number of existing trees located within the boundary of the site, and a mixture of hard and soft landscaping. The site contains the existing fountain and sculpture to the west, and an exposed element of the Medieval City Wall to the east. The site is currently bounded by walls and gates to the entire perimeter. With pedestrian access from Grand Parade via by the existing arched entrance gates. Controlled pedestrian access is also permitted from South Main Street and Tuckey Street.

The site is not accessible to vehicles and there is no designated car parking within the boundary of the site.

The proposed development site location is shown in **Figures 1 and 2**.

⁵ Local authority own development

⁶ <https://gis.epa.ie/EPAMaps/>



Figure 1 Location of proposed development site (refer to accompanying documentation for full details)

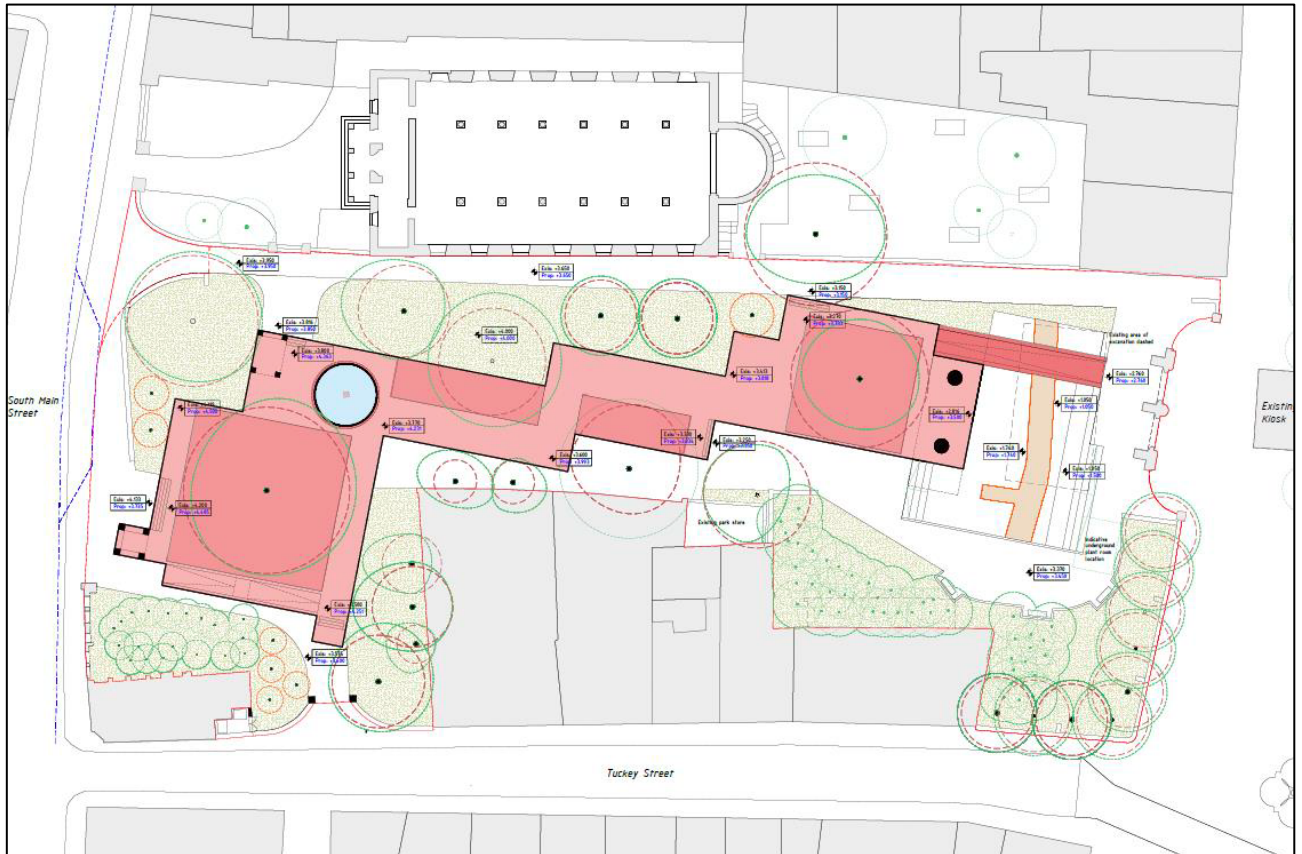


Figure 2 Layout of proposed development site (refer to accompanying documentation for full details)

4 Preliminary Examination of the Proposed Development

The Preliminary Examination considers, at least, the nature, size and location of the proposed development and the requirements of Schedule 7A of the PDR 2001.

4.1 The nature of the Proposed Development

4.1.1 The Proposed Development

The proposed improvement works will include the following:

- A 'plinth' to the centre of the site, raised slightly above the prevailing levels to allow the retention of the existing trees which define the centre of the site. The plinth will have a concrete perimeter/edge, and will be surfaced in a mixture of granite paving, setts and compacted gravel. The plinth will have ramps, steps and handrails to facilitate edge protection and access;
- Three new concrete structures are proposed: 1. Pavilion to the east, 2. Modest shelter to the north-west, 3. Tower to the south-west on South Main Street. The pavilion and shelter will both have a sedum/wildflower roof;
- Excavation around the Medieval Wall, to further expose its north to south run through the eastern edge of the park, and to provide terraced seating between the Medieval wall and existing arches;
- Potential conservation/repair works to the Medieval Wall;
- The addition of new low level planting throughout the park, selected for pollinator friendly, aesthetic and functional requirements;
- A light touch, vegetation management and planting strategy to the Christchurch graveyard, without disturbing any archaeology;
- A new bridge allowing level access from Grand Parade to the new plinth;
- A new water feature adjacent to the Medieval wall and terraced seating;
- The retention and renovation of the existing sculpture and water feature to the centre of the park;
- The inclusion of two drinking fountains;
- The removal of some existing walls to the perimeter of the park, with some walls retained and just the railings removed;
- The retention and renovation of the Boxer's wall to the centre of the site;
- The inclusion of a new SUDs drainage strategy;
- The inclusion of a new lighting strategy;
- The addition of benches and other objects related to play;
- The removal of 7 trees, and the addition of 7 semi-mature trees.

A Construction Management Plan will be implemented for the duration of the proposed construction works.

The proposed development comprises a public realm improvement scheme. It is located in an existing park in the centre of a busy city, within the heart of medieval Cork. Therefore, there is the potential for impacts on archaeological, landscape, visual and human receptors in particular.

There may be minor impacts on people during the construction phase (noise dust, disturbance and construction traffic etc and will be appropriately managed through the implementation of the project Construction & Environmental Management Plan). However these impacts will be temporary and will not be significant.

Once the works are completed the proposed redevelopment of Bishop Lucey Park is expected to have a positive impact on population and human health.

4.1.2 Appropriate Assessment

An Appropriate Assessment (AA) Screening Report has been prepared by Brady Shipman Martin. The Report notes that significant effects on any European sites as a result of the proposed development have been ruled out, and potential significant effects on European sites have been excluded at a preliminary screening stage.

The screening for AA concludes that:

In view of best scientific knowledge this report concludes that the proposed redevelopment of Bishop Lucey Park, individually or in combination with another plan or project, will not have a significant effect on any European sites. This assessment was reached without considering or taking into account mitigation measures or measures intended to avoid or reduce any impact on European sites.

It is considered that this report provides sufficient relevant information to allow the Competent Authority (Cork City Council) to carry out an AA Screening, and reach a determination that the Proposed Project will not have any likely significant effects on European sites under Article 6 of the Habitats Directive in light of their conservation objectives.

4.1.3 Archaeological Assessment

An Archaeological Assessment of the proposed redevelopment of Bishop Lucey Park has been prepared by Lane Purcell Archaeology.

The Archaeological Assessment states that *the proposed development site lies inside the historic, walled, medieval city of Cork and within the Zone of Archaeological Potential for the historic city (CO074-034001-) as listed in the Record of Monuments Places (RMP) for Co Cork and in the Sites and Monuments Record (SMR) database of the Archaeological Survey of Ireland. The RMP lists all archaeological monuments and places known to be of archaeological importance in the county and affords them statutory protection under the National Monuments Act 1930 to 2004 (1994 amendment). The SMR database is a working database of all known archaeological monuments in the state and is continually updated. The medieval city comprised a south and north island within the broad tidal estuary of the River Lee. Archaeological excavations have found that the first phase of urban development of the historic city*

was in the late 12th century and centred on the South Island in the area of the present South Main Street.

As noted in the Archaeological Assessment sections of the medieval city walls have been recorded in Bishop Lucey Park and the immediate area.

Pre-development archaeological testing and excavation of areas outlined above is recommended to mitigate the likely impact of the proposed redevelopment. The information derived from the archaeological testing will be used to inform and refine the design and final location of the proposal, particularly the subsurface and foundation elements. Preservation in situ of medieval masonry and in situ human remains, in particular, will be a primary consideration in the final foundation design.

Archaeological excavation by hand will be carried out on the previously unexcavated portion of city wall and adjoining ground to the west and east of the wall. This will be carried out to professional standards as outlined in Policy and Guidelines on Archaeological Excavation – Department of Arts, Heritage, Gaeltacht and the Islands (1999).

Archaeological monitoring of ground works during construction is recommended. Archaeological features identified during monitoring will be fully resolved to professional standards of archaeological practice. Such material will be preserved in situ or preserved by record, as appropriate, as outlined in Policy and Guidelines on Archaeological Excavation – Department of Arts, Heritage, Gaeltacht and the Islands.

Archaeological testing, excavation and monitoring must be carried out under licence to the National Monuments Service (NMS) at the Department of Culture, Heritage and the Gaeltacht. These licences will include detailed method statements outlining an agreed strategy for the archaeological investigations compiled in consultation with Cork City Archaeologist. The developer is responsible for the financial cost of the archaeological investigations and resolution by excavation or preservation in situ including the post excavation analysis of the materials recovered and compilation of the results.

All recommendations are subject to the approval of the NMS and Cork City Archaeologist. Further consultation with the NMS and Cork City Archaeologist will be undertaken.

4.1.4 Biodiversity Assessment

The proposed development site at Bishop Lucey Park is not under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the *Irish Red Data Book 1 – Vascular Plants (Curtis & McGough, 1988)*, the *Flora Protection Order, 2015* or the *EU Habitats Directive*, are known to occur within the site. None were recorded during the field survey and given the habitats present (amenity grass, parkland trees, ornamental planting and hardstanding) there is no likelihood of such species ever being present.

No features of any ecological significance are present on the proposed development site. A bat surveys undertaken in the preparation of this Part 8 application by Abbott Ecology confirmed that there are no bats roosting in the park itself or in the adjacent Triskel Arts Centre. Very small numbers of bats were recorded in the area, however,

there will be no significant impacts on habitats of any importance for commuting/foraging bat species as a result of the proposed development. Similarly no roosting bats will be affected by the proposed development. In addition no evidence of any protected species such as badger, common frog or smooth newt, or rare or protected plants, was recorded during the survey carried out, and the habitats present are entirely unsuitable for such species.

Overall the site has no key ecological receptors as defined by the ecological resource valuations presented in the National Roads Authority/Transport Infrastructure Ireland *Guidelines for Assessment of Ecological Impacts of National Road Schemes*⁷.

4.1.5 Landscape and Visual Assessment

Located in the western part of the core city centre area, Bishop Lucey Park was developed and opened as a city centre public amenity space in 1985. Prior to that it had a variety of commercial buildings, religious buildings and schools occupying portions of the site. The park was designed with a relatively simple layout enclosed by existing buildings and railings with a central path, seating, grassed areas and tree planting. It is a relatively small (c. 0.4ha.) park but is a very important green space within Cork City Centre.

It is bounded by the Grand Parade to the east, Christchurch Lane, Triskel/Christchurch and cemetery to the north, South Main Street to the west and Tuckey Street to the south.

This area of the city has a strong townscape character and forms part of the Medieval Spine/Core of Cork City, which historically extended from Northgate at the top end of North Main Street to Southgate at the bottom end of South Main Street. In the Cork City Development Plan (CCDP) 2015, the area is located in a number of overlapping character and designated areas including part of the 'Medieval Spine/Core' and 'Grand Parade / Beamish and Crawford Cluster'.

The park includes a section of the old city walls at its eastern end. It is heavily planted with a variety of ornamental tree species which have been surveyed in accordance with BS8837:2012, (which accompanies the application). The park is enclosed with high railings on a low stone stub wall and contains a central path, seating and grass areas. A feature water sculpture is located at the western end of the park. There are gated entrances to South Main Street, Tuckey Street and Grand Parade (which includes reconstructed stone arches of the Corn Market at Anglesea Street).

There are a number of elements which strongly contribute the area's character including:

- Historic street pattern with North/South Main streets, small perpendicular streets and lanes east/west, including Tobin Street, Christ Church Lane and Tuckey Street;
- The mixture of civic, cultural, leisure and amenity destinations within or immediately adjacent including English Market and Cork City Library on Grand Parade to the east and south and Christchurch Triskel Arts Centre to the north;

⁷ (NRA, 2009 (Rev. 2) <https://www.tii.ie/technical-services/environment/planning/Guidelines-for-Assessment-of-Ecological-Impacts-of-National-Road-Schemes.pdf>)

- Core city centre use to the east and north, including retail, commercial, residential and amenity uses;
- High use of the city park by people, including season events;
- Redevelopment of the Beamish and Crawford brewery site to residential and commercial use, approximately 8 storeys high, and upcoming construction of the 6,000 seat events centre is currently and will continue to transform this part of the site from a semi-derelict, run down part of the city to a vibrant, active urban quarter of the city.

The area's character is considered to have a high value, high sensitivity and is of regional and national importance.

However, the quality of the park (paving, street furniture, lighting etc.) is of variable quality, and in some places is poor, detracting from the park.

4.1.5.1 Proposed development

A detailed description of the proposed development is provided in Section 4.1 above, however from a landscape and visual perspective, the Part 8 Planning scheme seeks to:-

- Provide an enhanced, attractive, safe, secure and durable urban park which integrates existing and proposed built development;
- Improve the pedestrian environment of the area;
- Provide universal accessible design through the park;
- Link and connect of existing urban spaces and streets with upgraded spaces such as Counting House Square and Grand Parade. The park works will also highlight and interpret the old city walls and historic lanes within the area;
- Improve urban greening with new street trees and planting proposed within the park;
- Improve the appearance and presentation of the park to respectfully rejuvenate this historic part of Cork City Centre.

The proposed works will include:-

- Demolition and removal of existing footpath surfaces, kerbs and railings on Grand Parade, Tuckey Street and South Main Street;
- Localised changes to falls/levels to facilitate pavement drainage and tie into adjoining streets
- Relocation of utilities/lighting;
- Widening of footpaths, with seating areas.
- Retention and protection of existing natural and built heritage features, such as the old city wall and existing trees. However 7no. existing semi-mature/early mature ornamental within the Park will need to be removed to facilitate the new park layout. New replacement trees will be planted with the proposed park upgrade works;

- Laying of new, high-quality stone and exposed aggregate concrete paving and kerbing, widening pedestrian footpaths and providing traffic calming measures
- Installation new street furniture (lighting, signage, seating, bollards, planters, tree grilles, hand rails to steps/ramps); and,
- New street tree planting with suitable urban street tree species.

4.1.5.2 Existing landscape/visual planning designations

Within the Cork City Development Plan (CCDP) 2015-2021, the park is zoned Public Open Space which seeks to *'to protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes...'*

Surrounding landuse zonings include:-

1. City Centre Retail Area which seeks *'to provide for the protection, upgrading and expansion of retailing, in particular higher order comparison retailing, as well as a range of other supporting uses in the City Centre retail area'*.
2. City Centre Commercial Core Area which seeks to *'to support the retention and expansion of a wide range of commercial, cultural, leisure and residential uses in the commercial core area (apart from comparison retail uses)'*.

The CCDP sets out a number of clear policies and objectives in relation to protecting the landscape character and visual environment of the City, including:-

- Objective 10.1 Landscape Strategic Objectives seeks *'to preserve and enhance Cork's landscape character and key landscape assets...and preserve and enhance Cork's views and prospects of special amenity value'*.

The CCDP sets out a number of clear policies and objectives in relation to protecting the trees in the City. Of relevance to Bishop Lucey Park Objective 10.10 Trees and Urban Woodland seeks *'to protect and enhance the city's tree and urban woodlands'* and *'to protect, survey and maintain existing important individual and groups of trees'*.

In Section 11.23 of the CCDP Bishop Lucey Park is identified as a park for upgrade. The park is also located within the Beamish and Crawford / Grand Parade Quarter which is one of two designated "transformational areas" for the city centre outlined in Section 13.52, noting the need to *'protect the archaeological and architectural value of the site, and in particular the old city wall through appropriate best practice methods; and to strengthen east-west pedestrian links between Grand Parade and South Main Street..'*

There are no designated views or vistas through the park, however there are a number of important and designated buildings and structures within or adjacent to the park including the old City Wall, Corn Market gates on Grand Parade, Berwick Fountain and Canon bollard on Grand Parade, and the Triskel Christchurch and cemetery along the northern edge of the park.

A birch grove along the southern side of the park was planted in commemoration of the Chernobyl Disaster.

4.1.5.3 Predicted Townscape Effects

The proposed Bishop Lucey Park improvement scheme is located within an area of high landscape/townscape value and sensitivity.

The proposed scheme involves enhancing the quality and attractiveness of the park. This involves an upgrade in terms of layout and quality of paving materials, seating, planting and

Temporary, moderate and negative townscape effects will arise during the construction phase which will involve lifting paving/kerbs, laying of utilities/services, repaving and landscape works, which will be carefully managed to minimise construction impacts on trees, archaeology, nuisance and disturbance. During construction, the park will be unavailable to the public which will lead to short term, moderate and negative effects.

The loss of the 7no. semi-mature/early trees within the park will result in locally moderate, negative effects, but with the replacement tree planting proposed will be temporary in nature.

The proposed scheme will result in a positive change in the townscape character along the upgraded streets and public realm. Beyond the immediately adjoining commercial and residential properties, the change in townscape character is anticipated to be not significant and changes will be beneficial. It is considered that the introduction of the proposed park upgrade would not result in significant adverse townscape effects.

4.1.5.4 Predicted Visual Effects

The sensitivity to visual change of receptors is considered to be medium (vehicle drivers/passengers) to high (park users, visitors/tourists). The majority of visual effects will be experienced from within the park, from surrounding streets (South Main Street, Tuckey Street and Grand Parade and from adjoining commercial properties with views towards the proposed scheme.

The highest visual effects will be experienced during the construction stage when disruption and construction traffic will be evident. Visual effects related to construction works will be moderate, negative but temporary in nature.

The proposed public realm improvement works will result in an overall improvement in the visual amenity of this part of Cork City Centre, with beneficial visual effects for the above mentioned receptors groups at operation.

4.1.6 Cumulative effects

Cork City Council proposes to undertake public realm improvements to the streets and existing bridges to the west of the project area as part of the Beamish & Crawford Quarter Infrastructure project. That proposed development seeks approval for the removal of the existing pavement, public lighting, trees and street furniture and the upgrading and installing new pavement, public lighting, trees and street furniture. As with the proposed redevelopment of Bishop Lucey Park, the Beamish & Crawford Quarter Infrastructure Project is being brought forward as a Part 8 project by Cork County Council. However, despite their relative proximity the two projects are entirely separate and unrelated. Neither project relies on the other to proceed. The proposed Beamish & Crawford project is subject to screening for Appropriate

Assessment and the screening process concluded that the proposed Beamish & Crawford Quarter Infrastructure, either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European Site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is not required.

There may be an overlap between the proposed development works and Bishop Lucey Park and the construction of the permitted Beamish and Crawford Development and the Beamish and Crawford Infrastructure Part 8 works. Even taking this into account, the effects of all aspects of development on the environment are not expected to be significant. There are no likely cumulative effects of the construction or operation of the proposed project. This is due to the minor nature of the works and the minimal environmental effects expected. There will be no significant cumulative effects.

4.2 The Size of the Proposed Development

As noted in Section 4.1.1 the proposed works will take place within the existing park which has an overall area of c.0.4082ha.

4.3 The Location of the Proposed Development

4.3.1 Cork City Development Plan 2015 – 2021

The land occupied by the existing Bishop Lucey Park (see **Figure 3**) is zoned as ZO 14 *Public Open Space*, within the area zoned ZO1 – *City Centre Retail Area*. The Objective of ZO 14 is *To protect, retain and provide for recreational uses, open space and amenity facilities, with a presumption against developing land zoned public open space areas for alternative purposes, including public open space within housing estates.*

As set out in Chapter 15 of the Cork City Development Plan 2015 – 2021 *It is an objective of the City Council to provide for or retain all land zoned public open space in that use. Objective 11.7 in Chapter 11 outlines the City Council’s approach to the development and protection of public open space. While primarily used for passive and informal recreation, lands zoned ‘public open space’ may also incorporate public sports facilities and grounds. Furthermore, City Parks are large parks that will incorporate ancillary and incidental uses that add to the life of the park (such as small cafes and other amenities) and also add to and support the public open space and public recreational infrastructural role of the parks (Chapter 11: Recreational Infrastructure).*

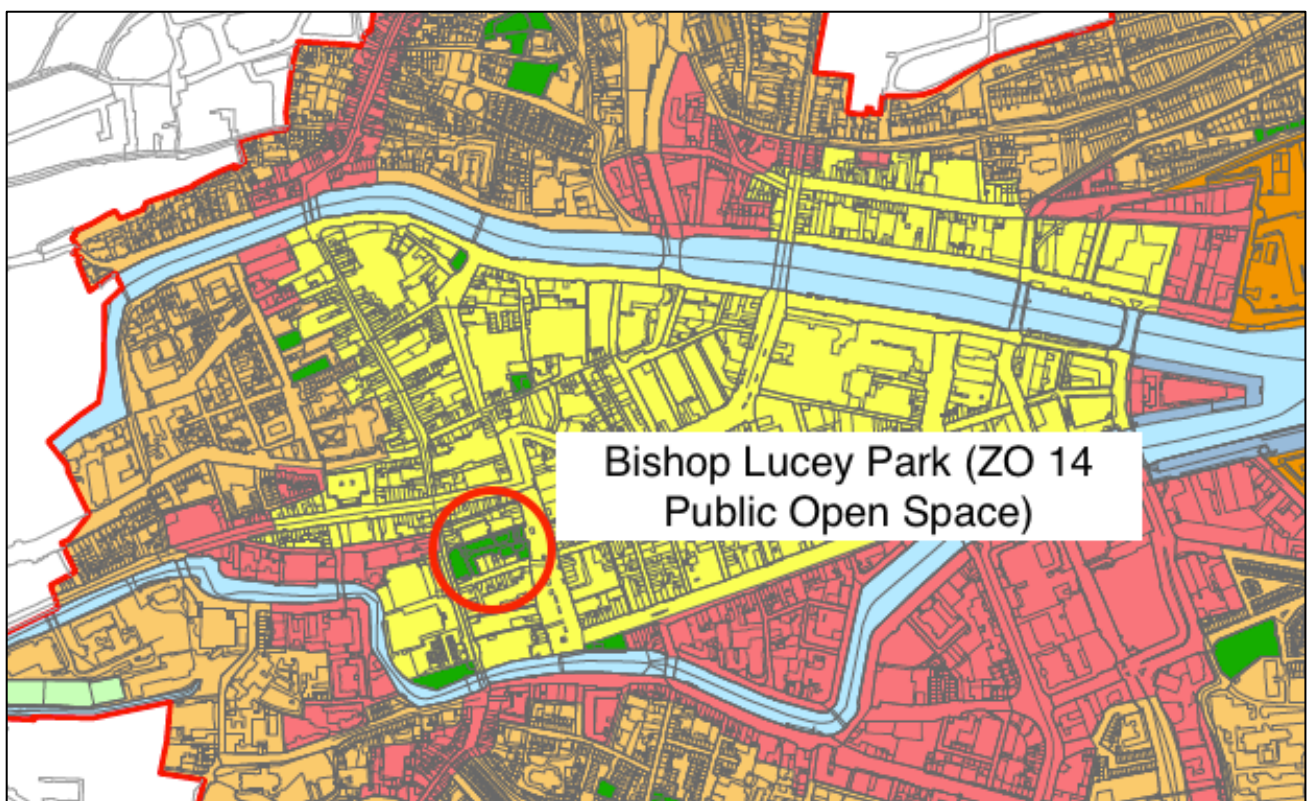


Figure 3: Extract from Map 1 of the Cork City Development Plan (Volume 2 – Mapped Objectives): City Centre and Docklands Zoning Objectives

Bishop Lucey Park is also within the Pedestrian Priority Area (see **Figure 4**) of Cork City Centre. It is an objective of the Cork City Council to develop a pedestrian priority core (Objective 13.20 of the City Development Plan) on the City Centre Island between North Main Street/South Main Street and Custom House Quay.

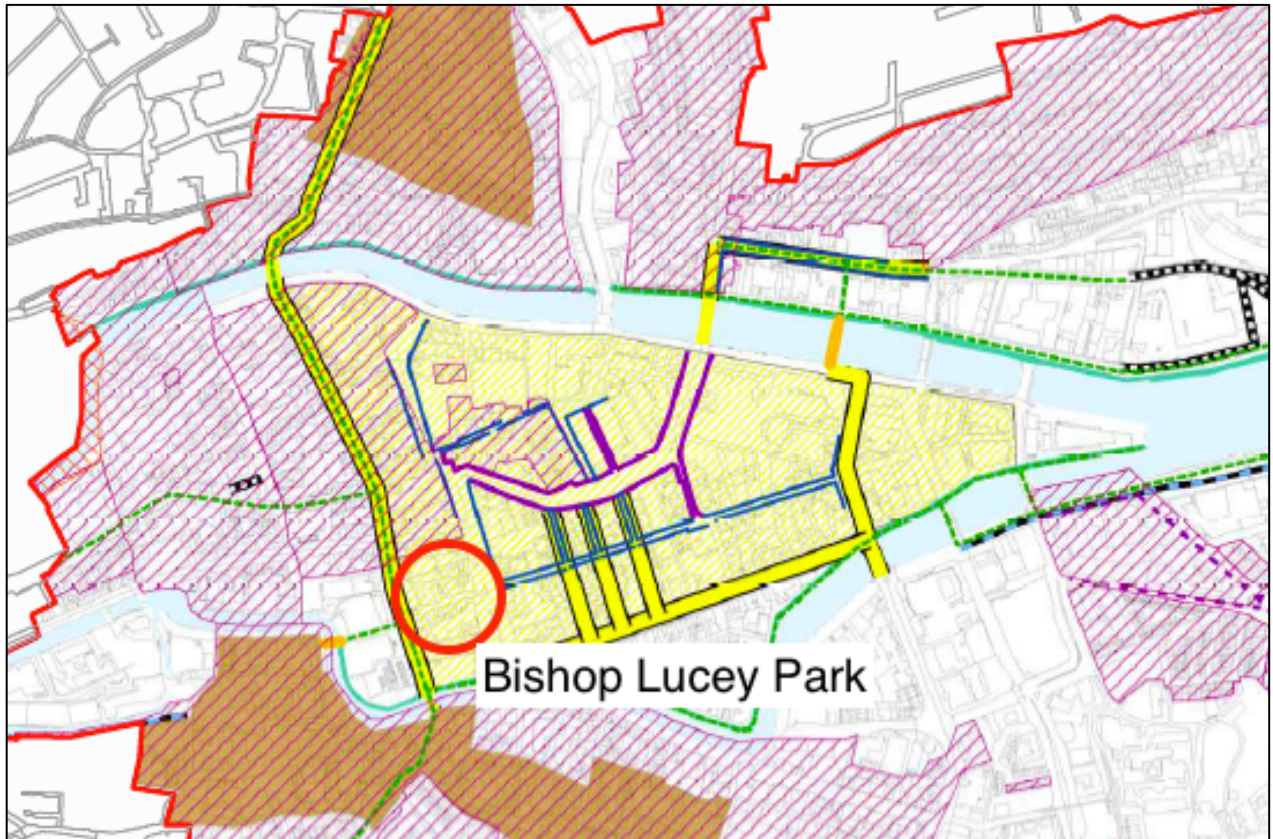


Figure 4: Extract from Map 2 of the Cork City Development Plan (Volume 2 – Mapped Objectives): City Centre and Docklands Objectives, showing the site within the Pedestrian Priority Area

The proposed redevelopment of Bishop Lucey Park is entirely in accordance with the Development Plan Objective for the site.

There are no proposed elements being added to Bishop Lucey Park that require new foul water drainage services. The surface water drainage proposed will incorporate comprehensive Sustainable urban Drainage Systems (SuDS). All surface water collected within the park will be attenuated by means of a crate attenuation system before being discharged to the existing lines at a max flow rate of 2.0L/sec.

The Stage 2 Flood Risk Assessment included in the Planning Engineering Report indicated that the main potential sources of flooding at this site are fluvial and tidal flooding. The Stage 3 Flood Risk Assessment confirmed that the lower eastern Park area just at the Grand Parade entrance is in the moderate flood zone B with a 0.1% fluvial and 0.5% APE probability of tidal flooding. The rest of the park is considered to be in flood zone C in accordance with the OPW Guidelines for Planning Authorities *The Planning System and Flood Risk Management*⁸.

⁸ <https://www.opw.ie/wp-content/uploads/2019/08/2009-Planning-System-Flood-Risk-Mgmt-1.pdf>

The Bishop Lucey Park project comprises the redevelopment of an existing amenity and recreation space. This development would be classified as appropriate water compatible development for the general park area as per the OPW Guidelines. As the Park is in a flood zone B and C it is considered to be appropriate development in this area. and for this reason a “Justification Test” will not be required. The park can be successfully and safely redeveloped, and all flood risks can be mitigated.

The site is not located within or adjacent to any site designated for nature conservation, such as a European site or Natural Heritage Area or proposed Natural Heritage Area (NHA or pNHA).

The proposed redevelopment of Bishop Lucey Park aligns fully with the policies and objectives of the City Development Plan .

4.4 Criteria under Schedule 7A of Planning and Development Regulations 2001-2021

The information to be provided for the purposes of screening sub-threshold development for EIA is set out in Schedule 7A of PDR 2001 as follows:

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.
4. The compilation of the information at paragraphs 1 to 3 shall take into account, where relevant, the criteria set out in Schedule 7.

The criteria set out in Schedule 7 to the PDR 2001 are grouped under headings as follows:

1. Characteristics of the Proposed Development
2. Location of Proposed Development
3. Characteristics of Potential Impacts.

4.4.1 A Description of the Proposed Development

A description of the Proposed Project is provided at Sections 4.1, 4.2 and on **Figure 2** of this report. A description of the location of the Proposed Project is provided at Sections 4.3 and on **Figure 3** and **Figure 4** of this report.

The Proposed Project is further described in Table 4.1 having regard to the criteria set out in Schedule 7 of the PDR 2001 in relation to the characteristics of the proposed development.

Table 4.1: Characteristics of the Proposed Development

Type and Characteristics of Proposed Development	Comment
a) the size and design of the whole of the proposed development,	<p>The proposed development is located on a site of c.0.4082ha, in an existing urban park in Cork City Centre.</p> <p>The proposed works comprise redevelopment and enhancement of the existing park.</p> <p>There is no likelihood of <i>significant environmental effects</i> by reason of the size and design of the proposed development.</p>
b) cumulation with other existing development 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,	<p>The site is located within an area zoned ZO 14 (Public Open Space) in the City Development Plan. <i>The proposed</i> development is fully in keeping with the objectives for the area.</p> <p>Cork City Council proposes to undertake public realm improvements to the streets and existing bridges to the west of the project area as part of the Beamish & Crawford Quarter Infrastructure project. That proposed development seeks approval for the removal of the existing pavement, public lighting, trees and street furniture and the upgrading and installing new pavement, public lighting, trees and street furniture. As with the proposed redevelopment of Bishop Lucey Park, the Beamish & Crawford Quarter Infrastructure Project is being brought forward as a Part 8 project by Cork County Council. However, despite their relative proximity the two projects are entirely separate and unrelated. Neither project relies on the other to proceed. The proposed Beamish & Crawford project is subject to its own Preliminary Examination and the screening process concluded that <i>The nature, scale and location of the proposed development is such that there is no real likelihood of significant effects on the environment arising from the proposed development.</i> EIA is not required for that project.</p> <p>There are no other relevant developments in the vicinity and there are no elements of the proposed development that will conflict with these objectives.</p> <p>There is no likelihood of <i>significant environmental effects</i> by reason of cumulation with other development for the purposes of Section 172(1A)(b) of the PDA, 2000.</p>

Type and Characteristics of Proposed Development	Comment
c) the nature of any associated demolition works	No significant demolition is proposed. The proposal involves site redevelopment and landscaping. There is no likelihood of <i>significant environmental effects</i> as a result of demolition works.
d) the use of natural resources, in particular land, soil, water and biodiversity,	There are no unusual aspects to the proposed development, which will take place on a site already occupied by an urban park. There are no protected habitats or species on the site. Use of natural resources will be limited to the normal use of building materials and no likelihood of <i>significant environmental effects</i> arises.
e) the production of waste	Normal site clearance works are included in the construction phase of the proposed development. There are no unusual aspects to the proposed development. Therefore, production of waste will be limited and subject to appropriate recycling or removal to approved, licensed facilities. There is no likelihood of <i>significant environmental effects</i> arising.
f) pollution and nuisances,	Construction works have the potential for noise disturbance. However, any such disturbance will be temporary (limited to the construction phase), localised and controlled and mitigated by standard construction best practice and normal day-time working hours. No other pollution or nuisances are identified and no likelihood of <i>significant environmental effects</i> arises.
g) 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, and	There are no unusual aspects to the proposed development. No particular risks are identified and no likelihood of <i>significant environmental effects</i> arises.
h) the risks to human health (for example, due to water contamination or air pollution).	There will be no environmental or human health impacts for example via flooding, or via operational surface or foul water management. There are no unusual aspects to the proposed development. No particular risks to human health are identified, with no likelihood of <i>significant environmental effects</i> arises.

4.4.1.1 Section Summary

There is no likelihood of significant effects on the environment arising from the characteristics or nature of the proposed development.

The proposed development is approximately 0.4082ha in area and is located on an appropriate site, within a long-established urban park in the centre of Cork

City. The scale of the proposed development, when viewed individually and / or cumulatively, is small in terms of the extent of development and is below relevant EIA thresholds.

This scale of development will not give rise to significant effects on the environment either by way of its size or design.

Any potential construction-related pollution aspect will be avoided through appropriate standard construction practice management regimes.

Any noise and nuisance associated with the proposed construction works will be short-term and subject to standard construction management and best practice procedures.

The Proposed Development will not result in any significant environmental effects arising from the nature of the development.

4.4.2 A Description of the Aspects of the Environment likely to be Significantly Affected by the Proposed Development

The Proposed Project involves redevelopment of an existing city centre park, for the benefit of the community. It is not envisaged that the proposed development will give rise to significant environmental effects.

The likely significant environmental effects of the Proposed Project are further considered in Table 4.2 having regard to the criteria set out in Schedule 7 of the PDR 2001 in relation to the geographical area likely to be affected and the potential for significant impact.

Table 4.2: Location of Proposed Development

Type and Characteristics of Potential Impacts	Comment
i) the existing and approved land use	The site is within an area zoned <i>ZO 14 Public Open Space</i> . It is an urban park and will remain so on completion of the works. No likelihood of <i>significant environmental effects</i> arises.
j) the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground,	The proposed development will require the removal of a total of seven ornamental trees and their replacement with new tree planting. However these impacts are not significant and the proposed development will have negligible impact on the quality and regenerative capacity of natural resources in the area. No likelihood of <i>significant environmental effects</i> arises
k) the absorption capacity of the natural environment, paying particular attention to the following areas:	Having regard to the criteria listed below, it is considered that the site has a high absorption capacity for the scale and type of development proposed.
(i) wetlands, riparian areas, river mouths;	No impact arises.

Type and Characteristics of Potential Impacts	Comment
(ii) coastal zones and the marine environment;	No impact arises.
(iii) mountain and forest areas;	No impact arises.
(iv) nature reserves and parks;	No impact arises.
(v) areas classified or protected under legislation, including Natura 2000 areas designated pursuant to the Habitats Directive and the Birds Directive and;	A separate Screening Report for the requirement for Appropriate Assessment (AA) has been prepared and excludes any potential for impact on Natura 2000 Sites. No impact arises.
(vi) areas in which there has already been a failure to meet the environmental quality standards laid down in legislation of the European Union and relevant to the project, or in which it is considered that there is such a failure;	No issues arise
(vii) densely populated areas;	The development proposed is small in scale and will be located on a site appropriate to such development. It is located within a busy city centre, however Bishop Lucey Park is an existing park and the redevelopment of the site will enhance the recreation and amenity value of the site. No likelihood of <i>significant environmental effects</i> arises.
(viii) Landscapes and sites of historical, cultural or archaeological significance.	Archaeological monitoring of ground works during construction will be undertaken. Archaeological features identified during monitoring will be fully resolved to professional standards of archaeological practice. Such material will be preserved <i>in situ</i> or preserved by record, as appropriate. No likelihood of <i>significant environmental effects</i> arises.

4.4.2.2 Section Summary

There is no likelihood of significant effects on the environment arising from the location of the proposed development, including on biodiversity, landscape or on European sites (AA Screening).

Archaeological monitoring of ground works during construction will be undertaken. Archaeological features identified during monitoring will be fully resolved to professional standards of archaeological practice. Such material will be preserved *in situ* or preserved by record, as appropriate.

Similarly, in terms of other environmental sensitivities, the proposed development will not give rise to any significant effects.

The Proposed Development will not result in any significant environmental effects arising from its location.

4.4.3 Type and Characteristics of Potential Impacts

Tables 4.3 and 4.4 assesses likely significant effects on the environment of the proposed development in relation to criteria set out under paragraphs 1 and 2 (*i.e.* Sections 4.4.1 & 4.4.2 and Tables 4.1 and 4.2 above), having 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 PDA 2000.

Table 4.3: Type and Characteristics of the Potential Impacts

Type and Characteristics of Potential Impacts	Comment
a) the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected),	The site for the proposed development is c.0.4082ha in area and any potential impact will be temporary, short-term and limited to the site area. Therefore, the geographical extent and population likely to be affected are small.
b) the nature of the impact	There are no unusual aspects to the proposed development and any potential impacts are consistent with and typical of normal small scale development.
c) the transboundary nature of the impact	No transboundary impacts arise.
d) the intensity and complexity of the impact,	No impact of an unusual intensity or complexity is expected.
e) the probability of the impact	N/A
f) the expected onset, duration, frequency and reversibility of the impact,	Any potential impacts will be temporary or short-term associated with the normal construction of the proposed development.
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	The proposed development does not give rise to cumulation with other development for the purposes of Section 172(1A)(b) of the PDA, 2000.

Type and Characteristics of Potential Impacts	Comment
h) the possibility of effectively reducing the impact.	Any potential impacts will be temporary or short-term associated with the normal construction and / demolition works of a proposed development. Such potential impacts may be appropriately mitigated through standard construction best practice and control of working hours.

Table 4.4: Assessment against the environmental factors specified in Section 171A(b) of the Planning and Development Act 2000, as amended.

EIA Factor	Comment
Population	Positive impact as the proposed development will enhance recreational amenity in the area. No negative impact arises.
Human Health	No negative impact arises.
Biodiversity	No impact arises on National, local or site-level biodiversity receptors (e.g. rare plants or bats) or on any European site (Natura 2000 Sites). No significant impact arises.
Land	The site will continue to function as an urban park and no significant impact arises.
Soil	No significant impact arises
Water	Bishop Lucey Park is located in Flood Zones B and C and the proposed development is of a type that does not require the "Justification Test". Appropriate surface water management and discharge measures are provided. No significant impact arises.
Air and Climate	The proposed development will consist of works on a relatively minor scale. The works will be undertaken to the required high standards of environmental performance. No significant impact arises.
Material Assets	No significant impact arises. There will be an improvement in amenity in Cork City as a result of the proposed works.
Cultural Heritage	Archaeological monitoring of ground works during construction will be undertaken. Archaeological features identified during monitoring will be fully resolved to professional standards of archaeological practice. Such material will be preserved <i>in situ</i> or preserved by record, as appropriate.
Landscape	The Site is not located within or adjacent to a Natural Heritage Area (NHA). There is no impact on Special Amenity Areas, Protected Views or other landscape features of note.
Interaction between factors	No adverse impact arises as a result of any potential for interaction between environmental factors.

4.4.3.1 Section Summary

The type or characteristics of the potential impacts arising from the proposed development will not give rise to significant environmental impacts.

There are no medium or long-term negative impacts and the proposed development is capable of successful integration in the surrounding environment.

While temporary or short-term impacts relating to noise and dust are typical of any small-scale construction, the proposed works will be confined to the Site and any potential impact on nearby receptors will be effectively managed through standard best practice construction measures.

The proposed development, which comprises the redevelopment of Bishop Lucey Park in Cork City will not give rise to any significant impact on environmental (EIA) factors provided in Section 171A(b) of the PDA, 2000.

4.5 Overall Summary

The proposed redevelopment of Bishop Lucey Park is small-scale in nature and is entirely in-keeping with the land use character of the existing site. It will make a positive contribution to the site and the wider area in Cork City.

Archaeological monitoring of ground works during construction will be undertaken. Archaeological features identified during monitoring will be fully resolved to professional standards of archaeological practice. Such material will be preserved in situ or preserved by record, as appropriate and as set out in the Archaeological Assessment prepared as part of the Part 8 application.

There will be no significant long-term impacts on biodiversity, including bats, as a result of the proposed development, and the site is otherwise not considered sensitive in terms of environmental aspects, including human beings, or landscape.

The proposed development will not impact any European site.

The proposed development will not give rise to significant environmental impacts by virtue of its characteristics, size or location or from the types of potential effects.

5 Conclusion

Having regard to the nature and scale of proposed development and to the limited nature of environmental sensitivities, the Preliminary Examination has concluded that there is no real likelihood of significant effects on the environment arising from the proposed redevelopment at Bishop Lucey Park.

The need for further screening for Environmental Impact Assessment (EIA) and therefore, in accordance with article 120(1)(b)(i) of the Planning and

Development Regulations 2001-2021, the requirement for Environmental Impact Assessment (EIA) can be excluded on the basis of the Preliminary Examination.

6 References

- *Cork City Development Plan 2015-2021*, Cork City Council;
- *Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment*;
- *Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports*, Environmental Protection Agency, 2017;
- *Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development*, Department of Environment, Heritage and Local Government, 2003;
- *Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment*, Department of Housing, Planning and Local Government, 2018;
- *OPR Practice NOTE PN02 – Environmental Impact Assessment Screening (June 2021)*;
- *Planning and Development Act 2000-2021*;
- *Planning and Development Regulations 2001-2021*.

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