Mardyke Terminus

Appropriate Assessment Screening Report

National Transport Authority

Project reference: PTSDT-ACM-ENV_AC_0016_016-18-RP-YE-0001
Project number: 60693986

October 2023

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Quality information

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Revision history

Revision	Revision date	Details	Authorized	Name	Position
P01	05 October 2023	For Comment	ADR	Alan Rodgers	Regional Director
P02	12 October 2023	Issue	ADR	Alan Rodgers	Regional Director
P03	18 October 2023	Final	ADR	Alan Rodgers	Regional Director

Distribution list

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1. Introduction

1.1 Background and project description

AECOM Ireland Limited ('AECOM') was commissioned by National Transport Authority (NTA) to carry out an Appropriate Assessment (AA) Screening of the Mardyke Terminus (hereafter referred to as the 'Development') in Cork City. The extent of the Development, as shown on **Figure 1**, is hereafter referred to as the 'Site'.

The Site is located in a built-up residential area in Cork City, on the N22 and directly east of Mardyke Walk. The approximate Irish Central Grid Reference of the Site is W 66426 71676. There are no watercourses within the Site. The nearest watercourse to the Development is the River Lee, with the South Channel approximately 90.7 m to the south of the Site and the North Channel located approximately 146 m to the north of the Site.

As part of the BusConnects Cork programme, the bus network in Cork has been comprehensively redesigned to provide over 50% more services than the current existing ones. The bus programme aims to serve additional areas, provide more 24-hour operations and make services more accessible with a greater number of people within walking distance of a high frequency bus. A detailed operational review of the new bus network has identified the shorter-term stop and terminus alterations needed to support the introduction of the new bus system. The Development will form part of the new bus network redesign and the new bus services 6 and 21 will be commencing on this Site. The Development includes a new terminal capacity including lay-over space on the N22 directly east of Mardyke Walk to support this.

The proposed Development works are summarised as follows:

1. Extending the existing bus stop cage to incorporate provision of a bus stand and bus stop location, widening of the existing bus lane to allow buses to pass the stop/stand when occupied by a bus.
2. Removal of existing parking bays on southern side of the road.
3. Removal of kerb build-out on southern side of road and introduction of kerb build-out on northern side of road to suit lane alignments.
4. Renewal/replacement of other road drainage, road signage and road markings as might be necessary.
5. All other associated ancillary site works.

1.2 Legislative context

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, which is more commonly known as the 'Habitats Directive', requires Member States of the European Union (EU) to take measures to maintain or restore, at favourable conservation status, natural habitats and wild species of fauna and flora of Community interest. The provisions of the Habitats Directive require that Member States designate Special Areas of Conservation (SACs) for habitats listed in Annex I and for species listed in Annex II. Similarly, Directive 2009/147/EC on the conservation of wild birds, which is more commonly known as the 'Birds Directive', provides a framework for the conservation and management of wild birds. It also requires Member States to identify and classify Special Protection Areas (SPAs) for rare or vulnerable species listed in Annex I of the Birds Directive, as well as for certain regularly occurring migratory species. Collectively, SACs and SPAs are known as 'European sites'.

In the Republic of Ireland, the habitats and/or species which are the reason(s) for designation of an SAC are referred to as 'Qualifying Interests' (QI). The bird species for which particular SPAs are designated are referred to as 'Special Conservation Interests' (SCI).

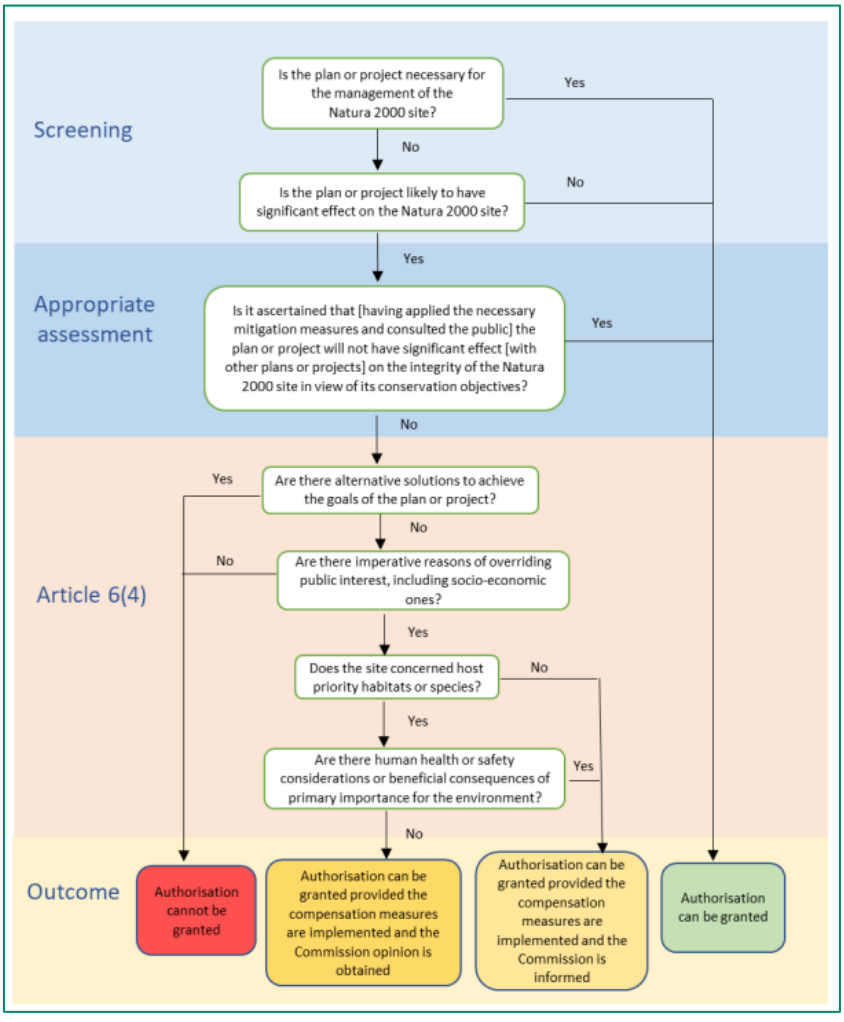
Under Article 6(3) of the Habitats Directive, any plan or project which is not directly connected with or necessary to the management of a European site but would result in likely significant effects on such a site, either individually or in-combination with other plans or projects, must be subject to an Appropriate Assessment (AA) of its implications for the SAC / SPA in view of the relevant site Conservation Objectives.

The requirements of Article 6(3) are transposed into national law through Part XAB of the Planning and Development Act 2000 (as amended) (hereafter abbreviated to the 'PDA') for planning matters, and by the European Communities (Birds and Natural Habitats) Regulations 2011 in relation to other relevant approvals / consents. The legislative provisions for Appropriate Assessment Screening for planning applications are set out in Section 177U of the PDA.

1.3 Overview of the Appropriate Assessment process

The process required by Articles 6(3) and 6(4) of the Habitats Directive is stepwise and must be followed in sequence. Image 1 below outlines the stages of AA according to current European Commission (EC) guidance (European Commission, 2021). The stages are essentially iterative, being revisited as necessary in response to more detailed information becoming available, recommendations incorporated, and any relevant changes to the plan or project being made until no significant adverse effects remain.

Image 1. The stages in assessment of plans and projects in relation to European sites (taken from European Commission (2021))



The first step in the sequence of tests is to establish whether an AA is required. This is often referred to as 'AA Screening'. The purpose of AA Screening is to determine, in view of best available scientific knowledge, whether a plan or project, either alone or in-combination with other plans or projects, could have likely significant effects on a European site, in view of that site's Conservation Objectives.

Whilst the various steps involved in the AA process must be carried out by a Competent Authority, under Section 177U(3) of the Planning and Development Act 2000 (as amended), project proponents or their consultants may undertake a form of screening to establish if an AA is required and provide advice, or may submit the information necessary to allow the Competent Authority to conduct a screening of an application for consent. Specifically,

Section 177U(3) states that "*in carrying out a screening for appropriate assessment of a proposed development a competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate…*".

This document therefore considers the potential for likely significant effects from the Development on European sites, both alone and in-combination with other plans or projects, and provides the information needed for Cork City Council to undertake an AA Screening of the Development, as well as giving AECOM's own opinion on the requirement for further AA.

2. Relevant European sites

A search of the Environmental Protection Agency (EPA) maps website to identify European sites within at least 15 km of the Development. This search was extended to search for sites further afield which may be hydrologically connected to the Development, or for sites designated for wide-ranging QI / SCI such as migratory fish species, otter *Lutra lutra*, and certain non-breeding geese species. This search identified four European sites which could potentially be connected to the Development: Cork Harbour SPA, Great Island Channel SAC, Blackwater River (Cork/Waterford) SAC and The Gearagh SAC. Distances quoted are cited as the shortest boundary to boundary distance 'as the crow flies', unless otherwise specified. Details of each site are given in **Table 1.**

Table 1. European sites which could potentially be connected to the Development

Site name [site code]	Summary of Qualifying Interests / Special Conservation Interests	Relationship to the Development
Cork Harbour SPA [004030]	• Little grebe *Tachybaptus ruficollis* [A004] • Great crested grebe *Podiceps cristatus* [A005] • Cormorant *Phalacrocorax carbo* [A017] • Grey heron *Ardea cinerea* [A028] • Shelduck *Tadorna tadorna* [A048] • Wigeon *Anas penelope* [A050] • Teal *Anas crecca* [A052] • Pintail *Anas acuta* [A054] • Shoveler *Anas clypeata* [A056] • Red-breasted merganser *Mergus serrator* [A069] • Oystercatcher *Haematopus ostralegus* [A130] • Golden plover *Pluvialis apricaria* [A140] • Grey plover *Pluvialis squatarola* [A141] • Lapwing *Vanellus vanellus* [A142] • Dunlin *Calidris alpina* [A149] • Black-tailed godwit *Limosa limosa* [A156] • Bar-tailed godwit *Limosa lapponica* [A157] • Curlew *Numenius arquata* [A160] • Redshank *Tringa totanus* [A162] • Black-headed gull *Chroicocephalus ridibundus* [A179] • Common gull *Larus canus* [A182] • Lesser black-backed gull *Larus fuscus* [A183] • Common tern *Sterna hirundo* [A193] • Wetland and waterbirds [A999]	Approximately 3.85 km south easterly of the Development, with a potential hydrological connection. The River Lee flows into Cork Harbour SPA approximately 6.4 km downstream of the Development. The River Lee does not flow through the Development but the River Lee (South Channel) is located approximately 90.7 m to the south of the Site and the River Lee (North Channel) is located approximately 146 m to the north of the Site.
Great Island Channel SAC [001058]	• Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows *Glauco-Puccinellietalia maritimae* [1330]	Approximately 10.3 km easterly of the Development, with a potential hydrological connection. The River Lee flows into Great Island Channel SAC, approximately 11.5 km downstream of the Development. The River Lee does not flow through the Development but the River Lee (South Channel) is located approximately 90.7 m to the south of the Site and the River Lee (North Channel) is located approximately 146 m to the north of the Site.

Site name [site code]	Summary of Qualifying Interests / Special Conservation Interests	Relationship to the Development
Blackwater River (Cork/Waterford) SAC [002170]	• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows [1330] • Mediterranean salt meadows *Juncetalia maritimi* [1410] • Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260] • Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] • Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior Alno-Padion, Alnion incanae, Salicion albae* [91E0] • Freshwater pearl mussel *Margaritifera margaritifera* [1029] • White-clawed crayfish *Austropotamobius pallipes* [1092] • Sea lamprey *Petromyzon marinus* [1095] • Brook lamprey *Lampetra planeri* [1096] • River lamprey *Lampetra fluviatilis* [1099] • Twaite shad *Alosa fallax fallax* [1103] • Salmon *Salmo salar* [1106] • Otter [1355] • Killarney fern *Trichomanes speciosum* [1421]	Approximately 15.9 km northerly of the Development, with a potential weak hydrological connection. The Blackwater River is located approximately 30 km upstream of the Development. The Blackwater River flows into a number of tributaries including Clyda, Manin and Shournagh before reaching before reaching the River Lee, that then splits at Victoria Cross into the River Lee (South Channel) which is located approximately 90.7 m from the Site and the River Lee (North Channel) is located approximately 146 m to the north of the Site.
The Gearagh SAC [000108]	• Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation [3260] • Rivers with muddy banks with *Chenopodion rubri* p.p. and *Bidention* p.p. vegetation [3270] • Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles [91A0] • Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior Alno-Padion, Alnion incanae, Salicion albae* [91E0] • Otter [1355]	Approximately 32.1 km westerly of the Development, with a potential weak hydrological connection. The Gearagh SAC is located 40 km upstream of the Development along the course of the River Lee, in which splits at Victoria Cross into the River Lee (South Channel) located approximately 90.7 m from the Site and the River Lee (North Channel), located approximately 146 m to the north of the Site.

3. Test of likely significant effects

3.1 Considering the Development alone

The Development involves some minor road works including the widening of an existing bus lane on the N22, directly east of Mardyke Walk, the introduction of a kerb build-out, removal of parking bays and the provision of a relocated bus stop. These minor works will occur entirely on existing hard-standing within Cork City. There are no habitats present which could be used by the SCI species of Cork Harbour SPA or the QI / SCI of any other European sites. According to Cutts *et al.* (2013) disturbance of waterbirds can occur at distances of up to 300 m from construction works. Cork Harbour SPA, and any habitats outside of the boundary of this site which could be used by its SCI, are located at greater distance than 300 m. Moreover, the Development will likely not change the baseline conditions within the area because the Development lies in a busy urban location with substantial existing disturbance sources.

In relation to QI fish and aquatic invertebrates of the Blackwater River (Cork/Waterford), there will be no in-stream works for the Development. Works will therefore be restricted to the terrestrial environment and noise and vibration levels which could be generated will be very minor. At more than 90 m distant, it is extremely unlikely that they would transfer into the River Lee. Otters are not particularly sensitive to disturbance, and construction works of this nature are highly unlikely to prevent them from commuting or foraging in the area. Considering these facts and that the closest hydrological connection from the Development to the Blackwater River (Cork/Waterford) SAC is approximately 30 km upstream and approximately 40 km upstream to The Gearagh SAC, no likely significant effect on QI species is expected.

The works associated with the construction of the Development are very minor, and the potential for waterborne pollution to be generated is very low. While there are some minor works involving drainage with a manhole to be lowered and reset, any run-off from the works will enter the existing urban drainage system and will be subject to the same level of treatment as existing surface water flows. There are no watercourses within the Site and as stated above there is no direct hydrological pathway between the Site and the River Lee given the intervening habitats, hence there is no direct hydrologically connection to any European sites. The River Lee (North Channel) is located 146 m from the Site, between which lies Mardyke House and a small area of grassland. The N22 and a number of housing premises lie between the Site and the River Lee (South Channel), approximately 90.7 m to the south. The Development is unlikely to cause significant waterborne pollution as any pollution generated during the construction phase is likely to be minor in nature. In the unlikely scenario of a pollution event, the minor nature of the works combined with the distances upstream to the Blackwater River (Cork/Waterford) SAC and The Gearagh SAC (15.9 km and 32.1 km, respectively) and the distances downstream to Cork Harbour SPA and Great Channel SAC (3.85 km and 10.3 km, respectively), as well as the subsequent dilution effect from the River Lee and Cork Harbour mean that there will be no effect on the QI / SCI features of the European sites identified in Error! Reference source not found. from waterborne pollution.

Guidance published by the Institute of Air Quality Management (IAQM) advises that consideration should be given to construction-related air quality impacts on nature conservation sites within 50 m of works, including any access routes, extending to 500 m from the entrance to the construction site (Holman *et al*., 2014). As discussed in **Table 1**, the closest European site to the Site, as the crow flies, is Cork Harbour SPA. The European site is over 3.85 km south-easterly of the Development with an intervening highly urban area. Construction-generated dust and vehicular emissions would be minimal for the minor works required and given the distance to the closest European site (over 3 km) no impact is possible.

The operation of the Development will not differ in any material way to current in terms of potential impact sources (e.g., there will be no increase in disturbance of QI / SCI, and there will be no increase in emissions of waterborne or airborne pollutants). The urban drainage system will remain unchanged, and there will be no increase in run-off of water or possible inputs of pollutants.

3.2 In-combination effects

Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location (CIEEM, 2022). Effects which arise in-combination with other projects or plans must be considered as part of AA Screening. In accordance with Office of the Planning Regulator (OPR) guidance the assessment of in-combination effects must examine (OPR, 2021):

- completed projects;
- projects which are approved but not completed;
- proposed projects (i.e., for which an application for approval or consent has been made, including refusals subject to appeal and not yet determined);
- proposals in adopted plans; and,
- proposals in finalised draft plans formally published or submitted for consultation or adoption.

A review of the National Planning Application Database (NPAD) was carried out to identify any planning applications from the last five years within close proximity (i.e., 1 km) of the Development. Most recent planning applications are small scale domestic, industrial and commercial applications.

As discussed above, no effects are considered possible from the Development itself. Where there is no possibility of any effect (as opposed to a small but insignificant effect, or a significant effect), there cannot be any in-combination effect with other projects or plans as there will be no addition from the Development. While some of the identified applications have the potential to cause impacts on European sites (e.g., through waterborne pollution), such effects will not arise from the Development and there is no potential for in-combination effects. For completeness, planning applications within 1 km which were not small scale domestic industrial, or commercial applications are discussed below.

Planning Application Reference 1737290: Located in Mardyke Gardens, Mardyke Walk, Cork, approximately 143 m from the Site. Permission for the provision of outdoor proprietary hard standing sports facilities: two tennis courts with enclosing netting and lighting linked by pedestrian gate to Sundays Well Boating and Tennis Club's grounds. Twin cricket practice creases with enclosing netting linked by pedestrian gates to Cork County Cricket Club's grounds. Other ancillary works including the provision of a new entrance and gates for access from Mardyke Walk and landscape works.

Planning Application Reference 2140068: Located at University College Cork, Distillery Fields, North Mall, approximately 191.7 m from the Site. Permission for development of a new research facility at the site at University College Cork [T23XA50]. The proposed development will consist of: Construction of a new purpose-built research facility comprising of approximately 16,135 sqm (GIA) rising from 4 storeys at the east to 7 storeys at the west. This comprises a mix of research laboratories, with support accommodation of seminar rooms, offices, exhibition space and café. Construction of a separate stand-alone two storey utilities building of approximately 190 sqm which incorporates a new sub-station (relocating an existing sub-station on the site). Construction of a new walled enclosure to contain a central gas store, water tanks, bins and general storage areas. Construction of two single storey secure bike parking structures, 60.5 sqm and 80.5 sqm. Relocation and rationalisation of the existing 154 car parking spaces into a new central car park. All ancillary development including site wide landscaping. In order to facilitate the above proposals, which are in line with the National Planning Framework and Cork City Development Plan 2015-21 objectives (refer to the Urban Design Framework Section 2), the former Irish Distillers Bottling Plant, associated parking, hard standing and existing utility buildings are to be demolished. The equipment, processes and operations in the new laboratory building will be subject to a Trade Effluent Licence and biannual testing on emissions to atmosphere for several parameters to ensure that the stated limits are not exceeded. This will be an extension of Tyndall's current licensing agreements. The development will involve works adjacent to Alderman Reilly's Bridge (PS814) and will be within the curtilage of Distillery House and Chimney (PS813), which are protected structures identified on the Record of Protected Structures of the Cork City Development Plan 2015-2021. An Environmental Impact Assessment Report (EIAR) has been prepared and will be submitted to the planning authority with the application. A Natura Impact Statement (NIS) will be submitted to the planning authority with the application.

Planning Application Reference 1637142: Located on 8-14 Millerd Street, and 12-13 Francis Street, approximately 487 m from the Site. The demolition of the existing warehouses and the construction of 30 no. apartments and ancillary site works.

Planning Application Reference 1838154: Located on Castlewhite Apartments Site, (including Castlewhite Apartments Brighton Villas, Western Road and Gaol Walk, approximately 452.9 m from the Site. Permission for construction of flood mitigation measures. The proposed works will involve the removal of 3 existing trees, removal of an existing palisade fence on the western boundary of the site, and partial demolition of existing walls on the eastern and western site boundaries. The proposed works will also include construction of a new flood defence wall on the southern and western site boundary, repairs to existing boundary walls on the western, northern and eastern boundaries, reconstruction of the main site entrance gate from Western Road, installation of

demountable flood barriers and flood gates, construction of alterations to the existing drainage network within the site, reinstatement of the existing palisade fence on the western boundary of the site, construction of a new staircase exiting to Gaol Walk at the southeastern corner of the site.

Planning Application Reference 1737279: Located on the Former Good Shepherd Convent site, Convent Avenue and Buckston Hill, Sunday's Well, approximately 608.3 m from the Site. Permission for development at the former Good Shepherd Convent site, Convent Avenue and Buckston Hill, Sunday's Well Cork (3.16 ha). The proposed development will consist of the partial demolition, redevelopment and extension of the existing former Good Shepherd Convent, Orphanage and Magdalene home buildings, and the demolition of all ancillary sheds and structures to facilitate a residential development of 234 no. apartments. The proposed development will consist of works to the former Good Shepherd Convent, Orphanage, and Magdalene Home buildings, and former Gate Lodge protected structures (PS721) as well as works within the curtilage of these protected structures. The proposed development also consists of works to the exterior of structures which are located within the proposed Sunday's Well Architectural Conservation Area (ACA).

Planning Application Reference 1837735: Located at Loreto House, & Dunleary House, approximately 784.8 m from the Site. Permission for student accommodation development comprising 1) Demolition of Loreto House and associated outbuilding. 2) the construction of 7 no. terraced housing units for student accommodation including modifications to the student accommodation previously permitted under 16/37214 and 3) all associated ancillary development including pedestrian access, bicycle parking, bin store, landscaping and amenity areas at a site comprising Loreto House and Dunleary House.

4. AA Screening statement

In view of best available scientific knowledge and on the basis of objective information, likely significant effects from the Development on European sites, either alone or in-combination with other plans or projects, can be excluded.

Based on the information provided in this Report, there is no requirement to proceed to the next stage of AA or for a Natura Impact Statement (NIS) to be produced.

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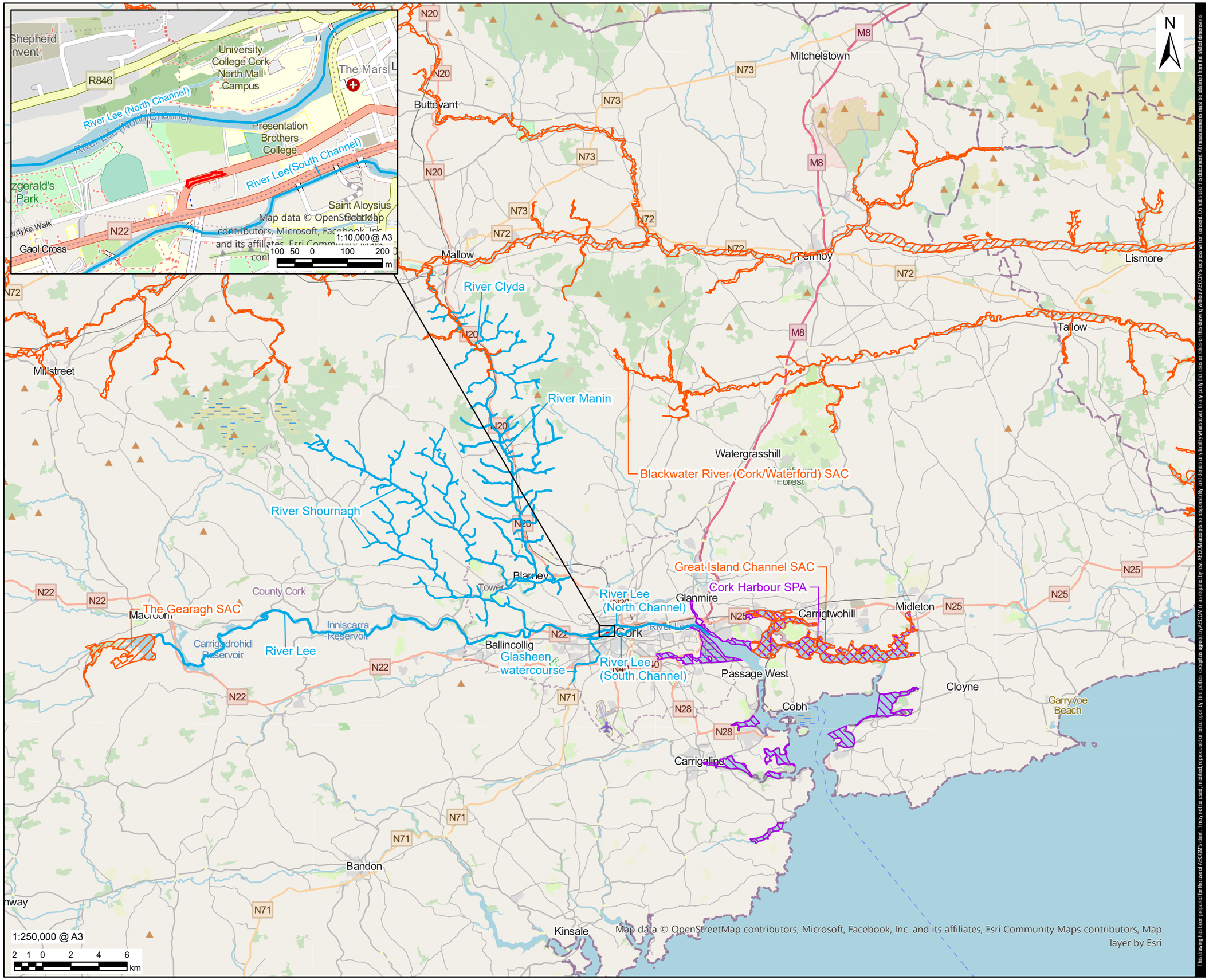
Revision: 0 Drawn: TS Checked: JB Approved: AW Date: 2023-10-02



AECOM

PROJECT

PTSDT-ACM-ENV_AC_0016_016-18-RP-YE-0001 - Mardyke Terminus

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LEGEND

- Development
- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Watercourses

NOTES

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ISSUE PURPOSE

FINAL

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60693986

FIGURE TITLE

Site location and European sites within the potential ZoI

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Figure 1