



# Comhairle Cathrach Chorcaí

## Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Irish Prison Service,  
Jerry Barnes,  
MacCabe Durney Barnes,  
20 Fitzwilliam Place,  
Dublin 2, D02 YV58.

09/12/2022

**RE: Section 5 Declaration R752/22 Cork Prison, Rathmore Road,  
Cork City**

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, received on 21<sup>st</sup> November 2022, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to:

- The particulars received by the Planning Authority on 21/11/2022,
- The provisions of Section 3(1) of the Planning and Development Act (as amended),
- The provisions of Section 181(1)(a) of the Planning and Development Act (as amended),
- The provisions of Article 86(1)(a) and (d) of the Planning and Development Regulations 2001 (as amended),

It is considered that “*the proposed 5.2m high security fence*” at Cork Prison, Rathmore Road, Cork City **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

Under Section 5(3)(a) of the Planning and Development Act, 2000, you may, on payment of the appropriate fee, refer this declaration for review by An Bord Pleanála within 4 weeks of the date it is issued, 09<sup>th</sup> December 2022.

Is mise le meas,

**Kate Magner**  
**Development Management Section**  
**Community, Culture and Placemaking Directorate Cork City Council**



**We are Cork.**

## SECTION 5 DECLARATION – PLANNER’S REPORT

<b>File Reference:</b>	R752/22
<b>Description:</b>	Whether a new perimeter fence is development and if so is it exempt from requiring the benefit of Planning Permission
<b>Applicant:</b>	Irish Prison Service
<b>Location:</b>	Cork Prison, Rathmore Road, Cork
<b>Site inspection:</b>	No inspection carried out

### **Purpose of Report**

Under Section 5 of the Planning and Development Act, 2000 (as amended), if any question arises as to what, in any particular case, is or is not development and is or is not exempted development within the meaning of the Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

### **Site Location**

The site is located at Cork Prison in the north inner-city part of the City

### **The Question before the Planning Authority**

Whether a new perimeter fence is development and if so, is it exempt from requiring the benefit of Planning Permission

### **Land Use Zoning**

Cork City Development Plan 2022-2028

- The site is situated on land zoned as ZO 13, Institutions and Community where it is the policy of the Council to provide for and protect institutional and community uses.

### **Planning History**

T.P. 21,007/97

Permission GRANTED to construct a boundary wall, a visitors waiting facility, two surface carparks, an entrance & realignment of Rathmore Rd at Cork Prison, Rathmore Rd, Cork.

### **Planning legislation**

Planning and Development Act, 2000 as amended

*Section 2(1),*

*“exempted development” has the meaning specified in section 4.*

*“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.*

*Section 3(1),*

*In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*

Section 4(2),

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001, as amended.

Section 4(3),

A reference in this Act to exempted development shall be construed as a reference to development which is—

(a) any of the developments specified in subsection (1), or

(b) development which, having regard to any regulations under subsection (2), is exempted development for the purposes of this Act.

#### Planning and Development Regulations, 2001 as amended

Article 6(1),

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9 sets out restrictions on exemptions specified under article 6.

Article 9(1) of the Regulations sets out circumstances in which development to which Article 6 relates shall not be exempted development, including (a) if the carrying out of such development would:-

9. (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—  
(a) if the carrying out of such development would—

(xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

#### **Development**

The first issue for consideration is whether or not the matter at hand is 'development', which is defined in the Act as comprising two chief components: 'works' and / or 'any material change in the use of any structures or other land'.

As noted above Section 3 (1) of the Planning and Development Act states that: 'development' means, *except where the context otherwise requires, the carrying out of works on, in, over or under land or the making of any material change in the use of any structures or other land.*

The construction of the proposed wall clearly constitutes 'works', which is defined in section 2(1) of the Act as including 'any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal'.

As the proposal comprises 'works', it is clearly therefore 'development' within the meaning of the Act.

#### CONCLUSION — is development

### **Assessment of Exempted Development**

The next issue for consideration is whether or not the proposal is exempted development.

The applicant has submitted details in relation to the size, the extent and the location of the proposed security fence. An EIA Screening Report and AA Screening Report have also been submitted. The rationale for the construction of the fence is for security purposes by preventing general public access to the prison concrete wall and to prevent the throwing of contraband over the existing concrete wall and into the prison grounds. The proposal is for the construction of a 5.2m high fence that will be located within the curtilage of the prison grounds. The fence is proposed to be located on the eastern side of the site of the existing prison and will be located between the existing boundary fence and the outer concrete wall of the prison.

The applicant contends that the proposed structure would be exempt as set out under the following:

Section 181(1)(a) of the Planning and Development Act (as amended) as follows:

*181.—(1) (a) The Minister may, by regulations, provide that, except for this section, the provisions of this Act shall not apply to any specified class or classes of development by or on behalf of a State authority where the development is, in the opinion of the Minister, in connection with or for the purposes of public safety or order, the administration of justice or national security or defence and, for so long as the regulations are in force, the provisions of this Act shall not apply to the specified class or classes of development.*

And under Article 86 of the Planning and Development Regulations, 2001 (as amended) as follows:

*In accordance with section 181(1)(a) of the Act, the provisions of the Act shall not apply to the following classes of development:*

*(a) development consisting of the provision of—  
(ii) prisons or other places of detention,*

*(b)(i) development consisting of the provision of an extension of any building referred to in paragraph (a), where such extension will be situated, in whole or in part, outside the curtilage of the existing building or, where the building is situated within a premises or other installation referred to in the said paragraph, outside the curtilage of the premises or other installation,*

*(d) development consisting of the carrying out of any works within, or bounding, the curtilage of a building, premises or other installation referred to in paragraph (a), insofar as the works are incidental to the use of such building, premises or installation;*

The question is being posed by a State Authority, The Irish Prison Service and so it is considered that Section 181(1)(a) of the Act is applicable in this situation. Article 86(1)(a) and (d) of the Planning and Development Regulations are also applicable in this case given the nature of the site and its location within the curtilage of a premises owned by a State Authority it is considered. The proposed security fence would be considered to be incidental to the use of the premises.

The site is not located within an Architectural Conservation Area (ACA) as set out in Cork City Development Plan and there are no protected structures located on the site or immediately adjacent to the proposed location of the security fence.

### **Environmental Assessment & Restrictions on Exemption**

A number of restrictions on exemption are set out in Section 4(4) of the Act and Article 9 of the Regulations.



The applicant has submitted an EIA Screening Report. Having regard to the contents of Article 103 and Schedule 7 of the Planning and Development Regulations 2001, as amended it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that environmental impact assessment is not required.

The applicant has submitted an Appropriate Assessment Screening Report. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058). Having regard to the location of the proposed development site relative to these European sites and related watercourses and to the nature and scale of the proposed development it is considered that the proposed development would not affect the integrity of these European sites. Accordingly, it is considered that appropriate assessment is not required.

### **Recommendation**


From the details submitted it is considered that the proposed development and works do fall under Section 181(1)(a) of the Act and Article 86(1)(a) and (d) of the Planning and Development Regulations, 2001 as amended. Therefore, the proposed security fencing is considered to be development and exempt development.

Having regard to:

- The particulars received by the Planning Authority on 21/11/22
- The provisions of Section 3(1), of the Planning and Development Act (as amended)
- The provisions of Section 181(1)(a) of the Planning and Development Act (as amended)
- The provisions of Article 86(1)(a) and (d) of the Planning and Development Regulations, 2001 (as amended)

the Planning Authority considers that –

the proposed 5.2m high security fence – **IS DEVELOPMENT** and **IS EXEMPTED DEVELOPMENT**.

  
Tadhg Hartnett  
Executive Planner  
Planning Department  
Community Culture & Placemaking Directorate  
13<sup>th</sup> December 2022

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Dublin 2 f: + 353 1 6762310  
D02 YV58 e: planning@mdb.ie  
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MACCABE DURNEY BARNES  
PLANNING | ENVIRONMENT | ECONOMICS

Our Ref: 2173 – Cork Prison Fence Section 5

Cork City Council  
Planning Department  
Community, Culture and Placemaking Directorate  
City Hall  
Anglesea Street  
Cork

17<sup>th</sup> November 2022

Re: Section 5 Referral – Cork Prison

Dear Sir, Madam,

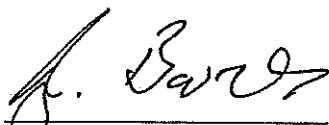
Please find enclosed a section 5 referral in relation to Cork Prison, Rathmore Road, Cork Prison.

The documentation includes:

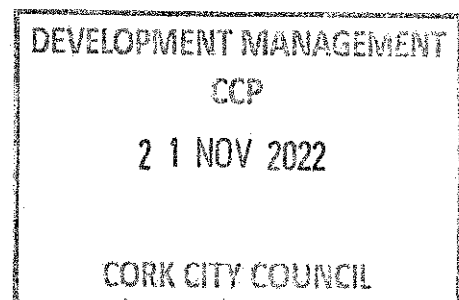
- The application form
- A site location map
- A site layout
- A drawing showing standard fence details
- Planning statement
- EIA preliminary screening report
- AA screening report
- A cheque

We trust the information provided will suffice.

Yours sincerely



Jerry Barnes  
Director  
MACCABE DURNEY BARNES



**COMHAIRLE CATHRACH CHORCAÍ  
CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,  
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail [planning@corkcity.ie](mailto:planning@corkcity.ie)  
Fón/Tel: 021-4924762  
Líonra/Web: [www.corkcity.ie](http://www.corkcity.ie)

**SECTION 5 DECLARATION APPLICATION FORM**  
under Section 5 of the Planning & Development Acts 2000 (as amended)

**1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT**

Cork Prison, Rathmore Road, Cork City

**2. QUESTION/ DECLARATION DETAILS**

**PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:**

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

*Note: only works listed and described under this section will be assessed under the section 5 declaration.*

Is the fence development, and if so, is it exempt from the requirement to obtain consent under the Planning and Development Act 2000, as amended

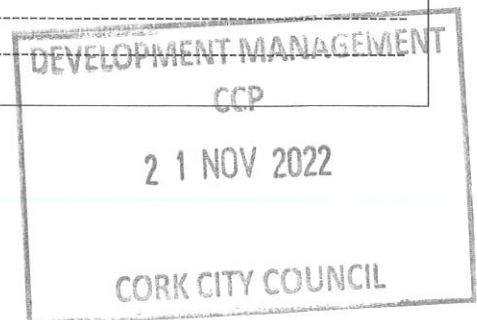
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**ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:**

*(Use additional sheets if required).*

Please refer to planning statement

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3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details:

n/a

4. Is this a Protected Structure or within the curtilage of a Protected Structure?  NO

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

Please refer to planning statement

**6. APPLICATION DETAILS**

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	n/a
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 <sup>st</sup> October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m) _____
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) n/a	Proposed/existing use (please circle) _____ _____ _____

**8. LEGAL INTEREST**

Please tick appropriate box to show applicant's legal interest in the land or structure	<b>A. Owner</b> X	<b>B. Other</b>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

9. I / We confirm that the information contained in the application is true and accurate:

Signature: 

Date: 17/11/22

## CONTACT DETAILS

### 10. Applicant:

<b>Name(s)</b>	Irish Prison Service
<b>Address</b>	Cork Prison, Rathmore Road, Cork, T23 Y642 ----- ----- -----

### 11. Person/Agent acting on behalf of the Applicant (if any):

<b>Name(s):</b>	Jerry Barnes	
<b>Address:</b>	MacCabe Durney Barnes ----- 20 Fitzwilliam Place, Dublin 2, D02YV58 ----- -----	
<b>Telephone:</b>	01 676 2594	
<b>E-mail address:</b>	jbarnes@mdb.ie	
<b>Should all correspondence be sent to the above address?</b> <small>(Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)</small>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

### 12. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

#### ADVISORY NOTES:

<p>The application must be accompanied by the required fee of €80</p> <p>The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.</p> <p>Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.</p> <p><i>The application should be sent to the following address:</i></p> <p style="text-align: center;"><b>The Development Management Section, Community, Culture &amp; Placemaking Directorate, Cork City Council, City Hall, Anglesea Street, Cork.</b></p>
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- The Planning Authority may require further information to be submitted to enable the authority to issue the declaration.
- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

*The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.*

**DATA PROTECTION:** The use of the personal details of planning applicants, including for marketing purposes, may be unlawful under the Data Protection Act 1988-2003 and may result in action by the Data Protection Commissioner against the sender, including prosecution.



# Perimeter security fencing at Cork Prison, Cork City

## Section 5 Planning Statement

November 2022



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### Document Control Sheet

Prepared by:		Checked by:
Project Title: Cork Prison new perimeter security fencing, section 5 Planning Statement.		
Project No: 2173		
Rev No.	Comments	Date
0	Draft	07/11/22
1	Final	09/11/22
2	Rev following Client review	14/11/22
3	Final	17/11/22

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## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>1</b>
1.1	Purpose of Statement .....	1
1.2	Site Location and Description.....	1
<b>2</b>	<b>PROJECT DESCRIPTION</b> .....	<b>2</b>
2.1	Construction of a new perimeter security fencing .....	2
2.2	Need for the Fence.....	4
<b>3</b>	<b>RELEVANT LEGISLATION AND DEVELOPER’S RESPONSE</b> .....	<b>5</b>
3.1	Planning and Development Acts (2000- 2010) Consolidated (2011) .....	5
3.2	Is or is not development, and if so is it exempted from the requirements of the Planning and Development Act? .....	6
<b>4</b>	<b>ENVIRONMENTAL ASSESSMENTS</b> .....	<b>7</b>
4.1	Environmental Impact Assessment .....	7
4.2	Appropriate Assessment .....	7
<b>5</b>	<b>CONCLUSION</b> .....	<b>7</b>

# 1 Introduction

## 1.1 Purpose of Statement

This statement has been prepared on behalf of the Irish Prison Service to ascertain whether a new perimeter fencing requires a consent under the Act. This report accompanies a section 5 referral to Cork City Council with a view to responding to the following query:

*Is the fence development, and if so, is it exempt from the requirement to obtain consent under the Planning and Development Act 2000, as amended.*

Cork City Council (CCC) is asked to confirm that the erection of new perimeter fencing would constitute exempted development.

The statement addresses the relevant planning policy and the proposed new fencing in detail.

## 1.2 Site Location and Description

The construction of a new perimeter fencing along the boundary of the Cork Prison, located in Rathmore Road, Cork City.

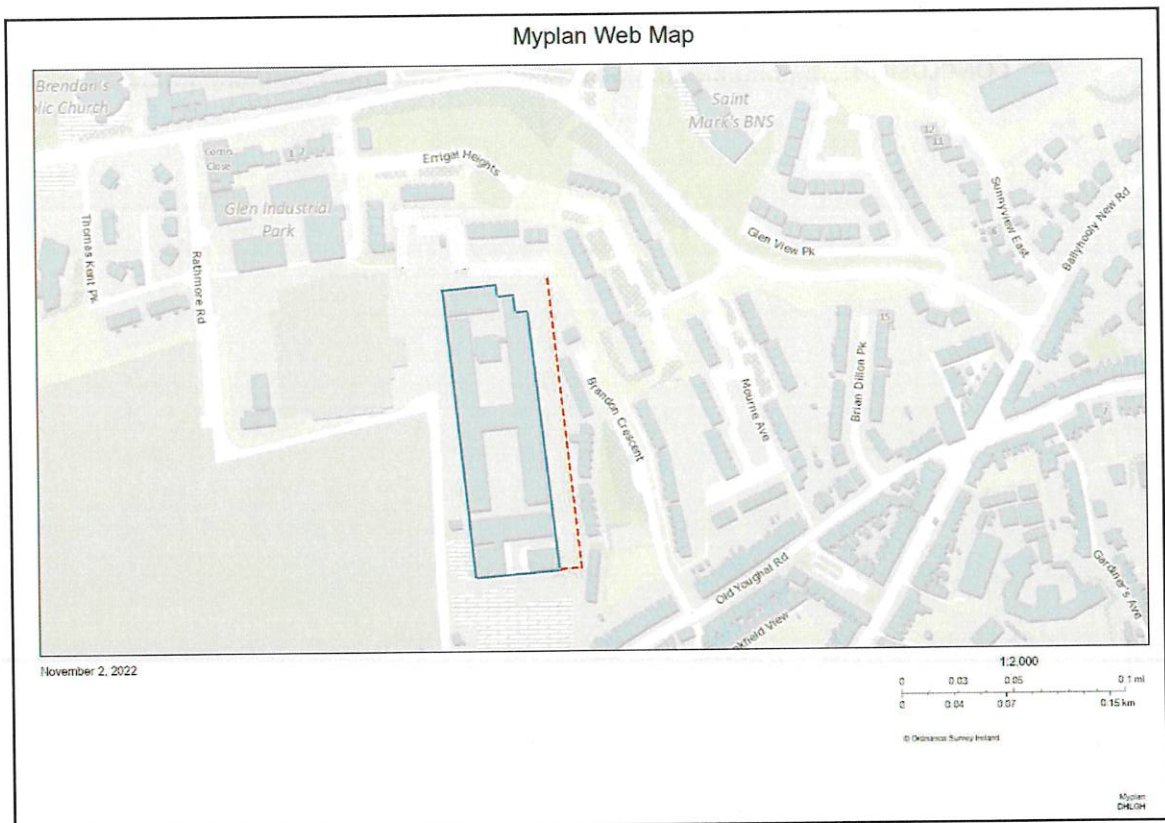


Figure 1: Site Location, new fencing in red colour.



## 2 Project Description

### 2.1 Construction of a new perimeter security fencing

As part of a Small Works contract, the Irish Prison Service is seeking to erect a new perimeter fencing along the boundary of the Cork Prison site. The fencing is not located within the walls of the actual prison (see in blue on figures 2 and 3 below) .

Details provided show that the perimeter fencing would consist of a non-see-through panel in galvanised steel topped with high security mesh fencing. It would reach a total height of 5.2m above ground and would be set 1m below ground.



Figure 2: New perimeter security fencing proposal



Figure 3: New perimeter security fencing



**Figure 4: Location of the proposed fence**



**Figure 5: Location of the proposed fence**



**Figure 6: Location of the proposed fence**





Figure 7: Location of the new fence



Figure 8: Location of the new fence

## 2.2 Need for the Fence

The fence is required for security purposes to prevent general public access to the existing main prison concrete wall and the throwing of contraband and other items into the prison. It is also necessary to protect the prison cordon sanitaire from the perimeter fence and prison security wall.

### 3 Relevant Legislation and Developer's Response

#### 3.1 Planning and Development Act 2000, as amended and Planning and Development Regulations 2001, as amended.

Reference is made to specified development for purposes of section 181(1)(a) of Act, which states:

*"The Minister may, by regulations, provide that, except for this section and sections 181A to 181C, the provisions of this Act shall not apply to any specified class or classes of development by or on behalf of a State authority where the development is, in the opinion of the Minister, in connection with or for the purposes of public safety or order, the administration of justice or national security or defence and, for so long as the regulations are in force, the provisions of this Act shall not apply to the specified class or classes of development."*

Effectively, any development specified in the regulations is exempt from the requirement for planning permission.

Article 86 of the Regulations state:

*'(1) In accordance with section 181(1)(a) of the Act, the provisions of the Act **shall not apply** to the following classes of development:*

- (a) development consisting of the provision of—...*
  - (ii) **prisons** or other places of detention, ..*
- (b) i) development consisting of the provision of an extension of any building referred to in paragraph (a), where such extension will be situated, in whole or in part, outside the curtilage of the existing building or, where the building is situated within a premises or other installation referred to in the said paragraph, **outside the curtilage of the premises or other installation,***
  - ii) development consisting of the provision of an extension of a premises or other installation, other than a building, referred to in paragraph (a) which will extend the premises or other installation beyond the curtilage of the existing premises or other installation.'* (Note: We interpret that the curtilage of the prison is the existing palisade fence)
- (c) subject to paragraph (e), where any building, premises or other installation referred to in paragraph (a) is a protected structure.....or proposed protected structure.*
- (d) development consisting of the carrying out of any works within, or bounding, the curtilage of a building, premises or other installation referred to in paragraph (a), insofar as the works are incidental to the use of such building, premises or installation;***
- (e) (i) development consisting of the carrying out of any works, ..... other than a building, premises or other installation referred to in paragraph (a)*

However, a special Part 9 public consultation process may apply. Article 87 of the Regulations then sets out the classes of development including prisons and extensions to prisons to which the special Part 9 planning process shall apply in relation to Articles 86 (1) (a), (b) and (c). This process involves public notices and public participation as well as that of the Planning Authority. However, Part 9 only applies to extensions situated in whole or in part, outside the curtilage of



an existing building and does not apply to classes of development in 86 (d) which are works bounding the curtilage of a prison in so far as they are incidental to the use of the premises.

Article 87 states:

*“(1) This article shall apply to the classes of development specified in article 86(1)(a), (b) or (c) other than —*

*(a) development consisting of the construction or erection of such temporary structures for the purposes of or in connection with the operations of the Defence Forces or An Garda Síochána .... or*

*(b) development identified as likely to have significant effects on the environment in accordance with section 176 of the Act, and the development to which this article applies is hereafter in this Part referred to as “proposed development”.’*

### **3.2 Is or is not development, and if so is it exempted from the requirements of the Planning and Development Act?**

#### ***Is it development?***

The fence constitutes development within the meaning of section 3 (1) of the Planning and Development Act, which defines development as “... *except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.*”

#### ***Exempt from the requirements of the Act?***

The curtilage of the Prison is represented by the existing low wall and palisade fence illustrated in in Figures 4-8 above. As such development is within the curtilage of the Prison.

In conclusion, the new fence comes under article 86 (d) as works which are bounding the curtilage of the prison and are incidental to the use of such building, premises or installation. As such the public participation Part 9 process does not to apply.

The development will not trigger an EIAR or NIS and is not likely to have significant effects on the environment within the meaning of section 176 of the Act. Refer to section 4 below.

## 4 Environmental Assessments

### 4.1 Environmental Impact Assessment

A Preliminary EIA screening report accompanies this section 5 referral. It concludes that this subthreshold development would not result in significant effects upon the environment such as to trigger the requirement for an EIAR.

### 4.2 Appropriate Assessment

An appropriate assessment screening report accompanies this section 5 reference. It states:

*'In Section 3 of Appropriate Assessment of Plans and Projects in Ireland (NPWS 2010), it is stated that the first stage of the AA process can have two possible conclusions:*

**1. No likelihood of significant effects:** *Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.*

**2. Significant effects cannot be excluded:** *Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.*

*Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is clearly no likelihood of direct or indirect impacts on any European sites. Therefore, with regard to Article 42 (7) of the European Communities (Birds and Natural Habitats) Regulations 2011, it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site. On this basis, Appropriate Assessment is not required. In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.'*

## 5 Conclusion

The Irish Prison Service invites Cork City Council to issue a referral to the effect that the erection of a new perimeter fence around Cork Prison does not constitute development and that the **proposed works are incidental to the use of such building, premises or installation** in accordance with article 86 (d) of the Planning and Development Regulations 2001 as amended.



# Cork Prison, Perimeter Fence

## EIA Screening Report

November 2022



[www.mdb.ie](http://www.mdb.ie)

### Document Control Sheet

Prepared by: SB		Checked by: JB
Project Title: Cork Prison Perimeter Fence EIA Preliminary Screening Report		
Project No: 2157		
Rev No.	Comments	Date
0	Draft for Review	07/11/22
1	Final	17/11/22

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#### Statement

*This report has been prepared for the exclusive use of the commissioning party and unless otherwise agreed in writing by MacCabe Durney Barnes, no other party may copy, reproduce, distribute, make use of, or rely on the contents of the report. No liability is accepted by MacCabe Durney Barnes for any use of this report, other than for the purposes for which it was originally prepared and provided. Opinions and information provided in this report are on the basis of MacCabe Durney Barnes using due skill, care and diligence in the preparation of the same and no explicit warranty is provided as to their accuracy. It should be noted and is expressly stated that no independent verification of any of the documents or information supplied to MacCabe Durney Barnes has been made.*

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Background.....	1
1.2	Legislation and Guidance .....	1
1.3	Methodology.....	1
1.4	Data Sources.....	2
<b>2</b>	<b>THE SITE AND SURROUNDINGS .....</b>	<b>2</b>
2.1	Site.....	2
2.2	The Surroundings .....	3
2.3	Environmental sensitivities of the site .....	3
<b>3</b>	<b>PROPOSED DEVELOPMENT .....</b>	<b>10</b>
3.1	Background.....	10
3.2	Proposed Development.....	10
<b>4</b>	<b>PRELIMINARY EXAMINATION.....</b>	<b>10</b>
4.1	Guidance on Environmental Impact Assessment Screening.....	10
4.2	Sub-threshold Development .....	11
4.3	Preliminary Examination considerations.....	12
4.4	Nature of the development: .....	12
4.5	Location.....	13
4.6	Preliminary Examination Conclusion.....	15







# 1 Introduction

## 1.1 Background

This report has been prepared by MacCabe Durney Barnes on behalf of the Irish Prison Service, to support Cork City Council in undertaking a screening determination for Environmental Impact Assessment in respect of new perimeter fencing at Cork Prison, Rathmore Road, Cork City.

The prison was built in accordance with the Prisons Act 2007. In accordance with Part 4, Section 17 of the act, the prison was subject to the process of environmental impact assessment and subject of a full environmental impact statement in 2012. The prison has now been built and now accommodates prisoners.

This document has been prepared in order to assist Cork City Council in the determination of the proposed works at the subject site.

## 1.2 Legislation and Guidance

The EIA Screening Report has had regard to the following:

- Planning and Development Act 2000 as amended
- Planning and Development Regulations 2001 as amended
- Directive 2014/52/EU of 16 April 2014 amending Directive 2011/92/EU
- The European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018 (S.I. No. 296 of 2018)
- Guidelines on the information to be contained in Environmental Impact Assessment Reports, Environmental Protection Agency, 2022
- Environmental Impact Assessment of Projects: Guidance on Screening, European Commission, 2017
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment August 2018
- Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development 2003
- Circular Letter: PL 05/2018 27th August 2018 Transposition into Planning Law of Directive 2014/52/EU amending Directive 2011/92/EU on the effects of certain public and private projects on the environment (the EIA Directive) and Revised Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment.
- Circular Letter: PL 10/2018 22 November 2018 Public notification of timeframe for application to An Bord Pleanála for screening determination in respect of local authority or State authority development
- Office of the Planning Regulator (May 2021) Environmental Impact Assessment Screening- Practice Note

## 1.3 Methodology

The EIA screening assesses the proposed scheme with reference to the relevant EIA legislation including the EIA Directive, and Planning and Development Regulations. The methodology has

particular regard to the '3-Step' assessment process set out in the Office of the Planning Regulator (OPR) Environmental Impact Assessment Screening Practice Note PN02 (June 2021). Regard is also had to European and National guidance documents.

Where the local authority concludes, based on such preliminary examination, that—

- i) there is no real likelihood of significant effects on the environment arising from the proposed development, it 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.

## 1.4 Data Sources

The information is obtained from review of several online databases and public sources including:

- Geological Survey of Ireland (GSI) online dataset - <https://www.gsi.ie>
- Cork City Development Plan 2022-2028
- Cork City Council website
- An Bord Pleanála website
- EPA - <https://gis.epa.ie/EPAMaps/>
- GeoHive – <http://map.geohive.ie/mapviewer.html>;
- Office of Public Works (OPW) - <http://www.floodinfo.ie/map/floodmaps>

In addition to the above the Appropriate Assessment Screening dated 1<sup>st</sup> November 2022 was prepared by NM Ecology was used to inform this document.

## 2 The Site and Surroundings

### 2.1 Site

The proposed fence would be erected around part of the perimeter of Cork Prison. Cork Prison is set on a site of 2.64 ha. The general site is located at the top of a hill, with land falling in a northerly, southerly and easterly direction.

Boundaries are made up of rear garden walls topped by galvanised iron palisade fencing to housing on the eastern and northern side. To the south is a concrete wall with fencing beyond that forming the boundary to the housing on that side. There is a stone wall along the Rathmore Road on the western side of varying height with a galvanised iron palisade fence to the inside.

The prison was built to replace existing accommodation at the former Cork Prison.



## 2.2 The Surroundings

The site is located to the north of the River Lee in Cork City. It is less than 1km north of Cork Kent Station.

Immediately to the south west of the site, the Collins Barrack Military Museum is located. The CBC's grounds are located further west. To the east, the prison is bound by low rising terraced housing. The former prison is located to the north east of the premises. It is currently unused.

The prison access is via the Old Youghal Road.



**Figure 1: Context of Subject Site** (Source: Myplan.ie)

In terms of the surrounding context of the site, the site is located in an urban area. The existing prison accommodates over 250 prisoners.

Preliminary results of the 2022 census are not available for Cork City itself. The stated population in 2016 was 125,657. This represents an increase of 5.4% since the 2011 census of population.

## 2.3 Environmental sensitivities of the site

The information set out below was derived from the data available within the EPA Mapping Tool, the Cork City Council website and the relevant local statutory planning documentation (the Cork City Development Plan 2022-2028)



### 2.3.1 Bedrock

According to an examination of the information available on the Geological Survey Ireland spatial resources, the site is located is part of the Gyleen Formation. The underlying bedrock is siltstone (described as 'with sandstone with mudstone and siltstone').

### 2.3.2 Soils

As the site is located in an urban area, the soils are man-made. The Corine land data covers identifies the site and the Collins Barracks as artificial surfaces.

### 2.3.3 Hydrology

There are no streams identified in the immediate vicinity of the site. The closest watercourses are the Glen River, which flows in a westerly direction, is located 400 m north of the site and the River Lee, which is located 800 m south of the site and flows in an easterly directly. The River Bride flows c.930m west of the site and flows in a southerly direction. The River Glen and River Bride are tributaries to the River Lee.

No European sites are within the zone of influence of these works. There is no direct hydrological pathway for pollutants to European sites. The figures below identify watercourses within 1 km of the subject site as well as surface water linkages between the subject site and watercourses.

Both the Rivers Bride and Glenn have been assigned an 'at risk' status under the Water Framework Directive.

There are no designated sites within 1 km of the site.

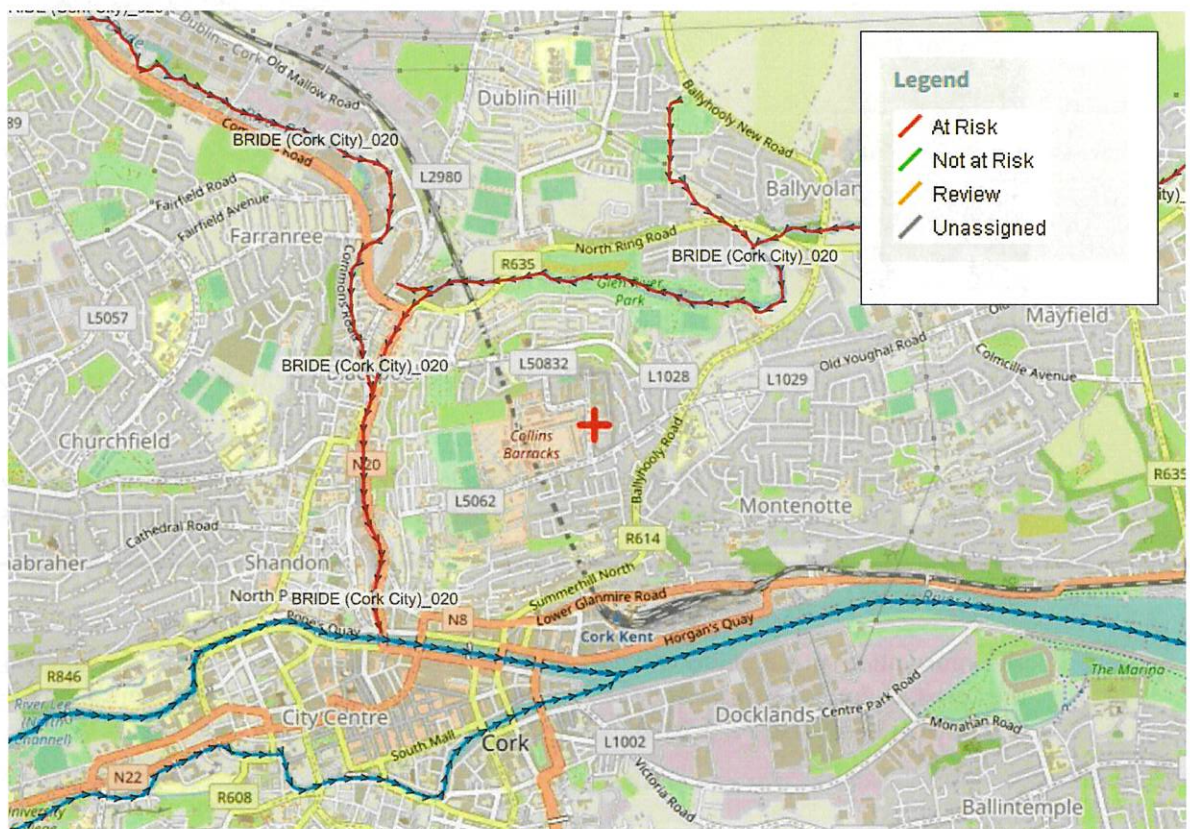


Figure 2: River Waterbodies Risk and SAC and SPAs (Source: EPA Mapping)

### 2.3.4 Aquifer and Groundwater

The bedrock aquifer is noted on the EPA website as being Locally Important and moderately productive inly in local zones. It is of high vulnerability.

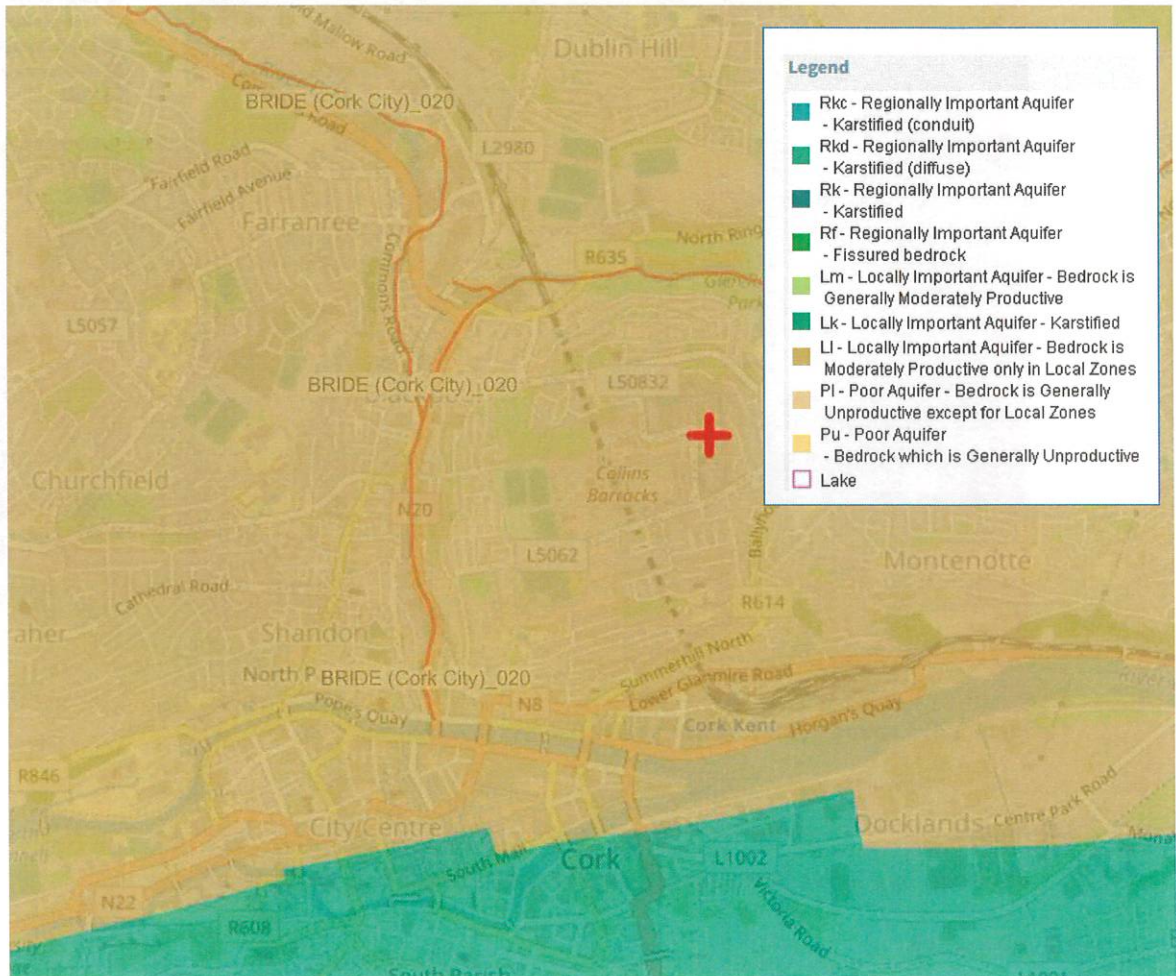
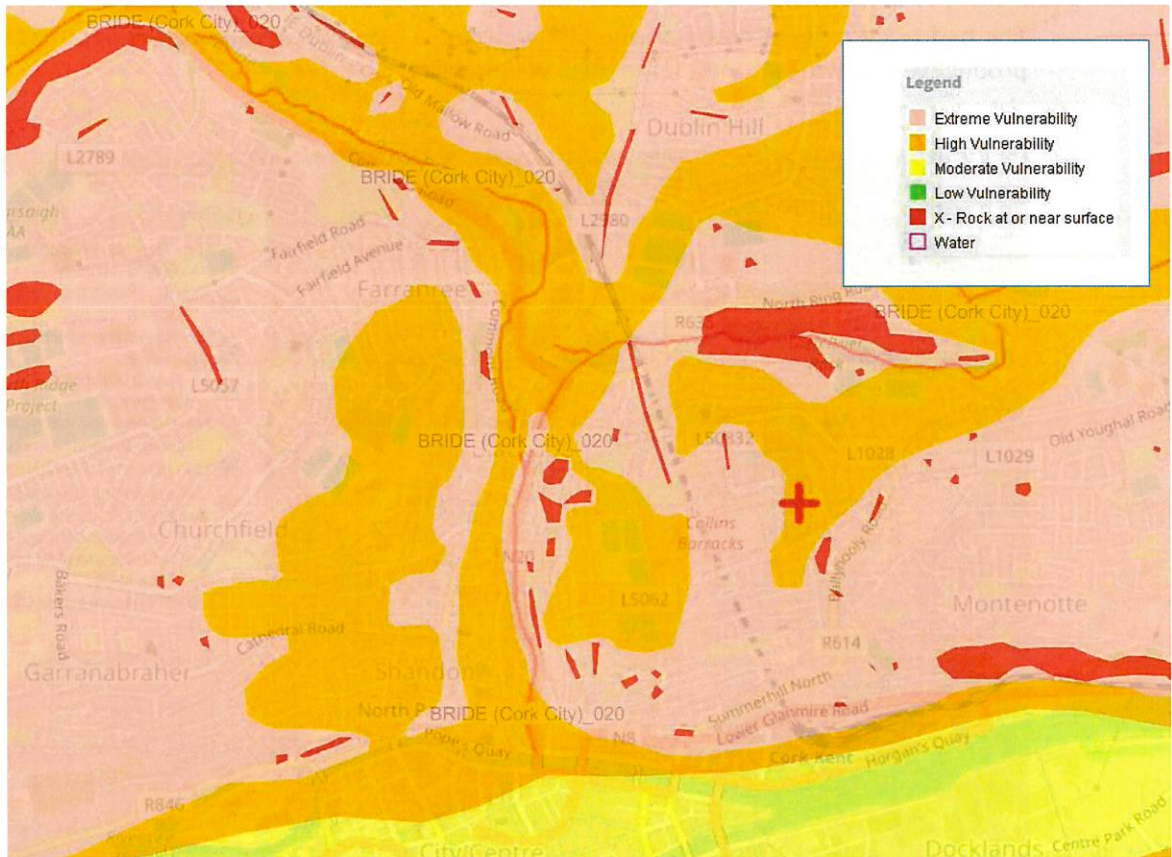


Figure 3: Aquifers in the vicinity of the Site (Source EPA Mapping Tool)

### 2.3.5 Ground Water Vulnerability

The EPA Mapping Tool shows the that the groundwater vulnerability at the subject is high.





**Figure 4: Ground Water Vulnerability (Source: EPA Mapping Tool)**

### 2.3.6 Radon

Between one in five homes in this area is likely to have high radon levels.

### 2.3.7 Air quality

The site falls within Air Quality Index Region where the Index indicates that the air quality is 'Good'.

### 2.3.8 Designated sites

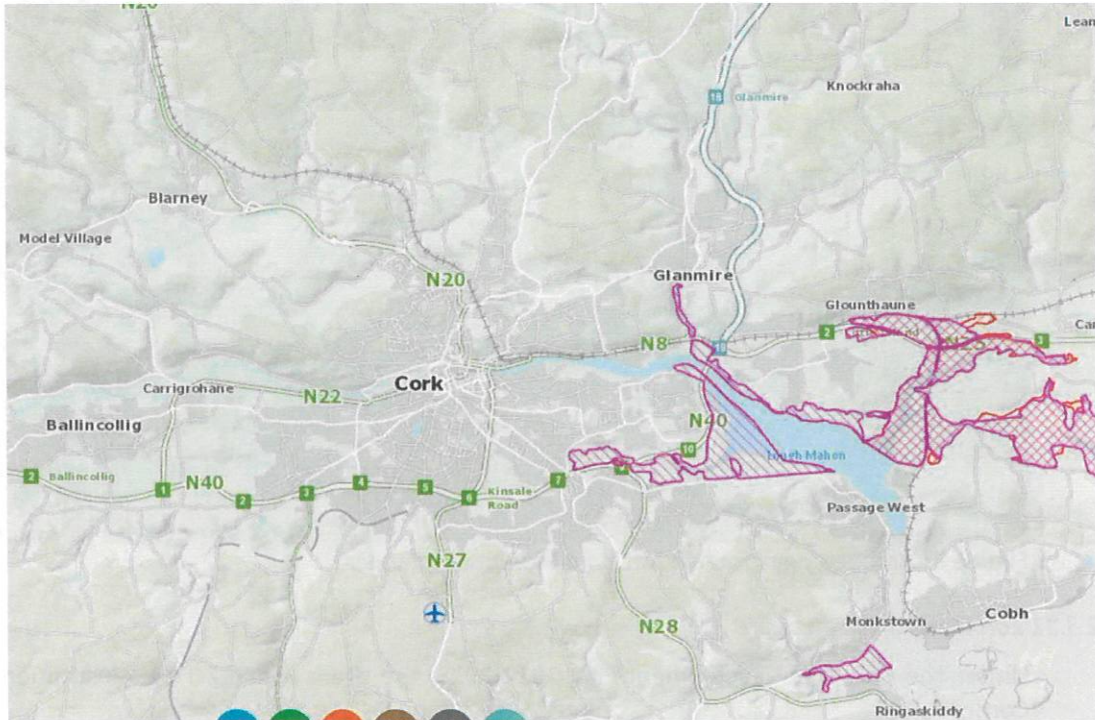
The subject site is not within a European site. No European sites are within the potential Zone of Influence. The nearest European site to the subject site is the Cork Harbour Special Protection Area which is 4 km east of the site.

The features of interest and the potential impact of the development on each European site and features of interest, are discussed in the Appropriate Assessment Screening Report. SPA's and SAC's within 15 km are seen in Figures 11 and 12. Watercourses, SPA's, and SAC's proximate to the subject site are seen in Figure 2. No potential impacts are foreseen on European sites beyond 15 km as there is no direct or indirect pathways to these sites.

**Table 1. Proximity to designated sites of conservation importance**

European Site	Distance	Direct pathway
Special Areas of Conservation (SAC)		
Great Island Channel (site code: 1058)	7.9 km	<b>No</b>
Special Protection Areas (SPA)		
Cork Harbour (site code: 4030)	4 km	<b>No</b>

The sites are mapped below.



**Figure 5: Protected Sites** (Source: myplan.ie)

### 2.3.9 Proposed Natural Heritage Areas (pNHA)

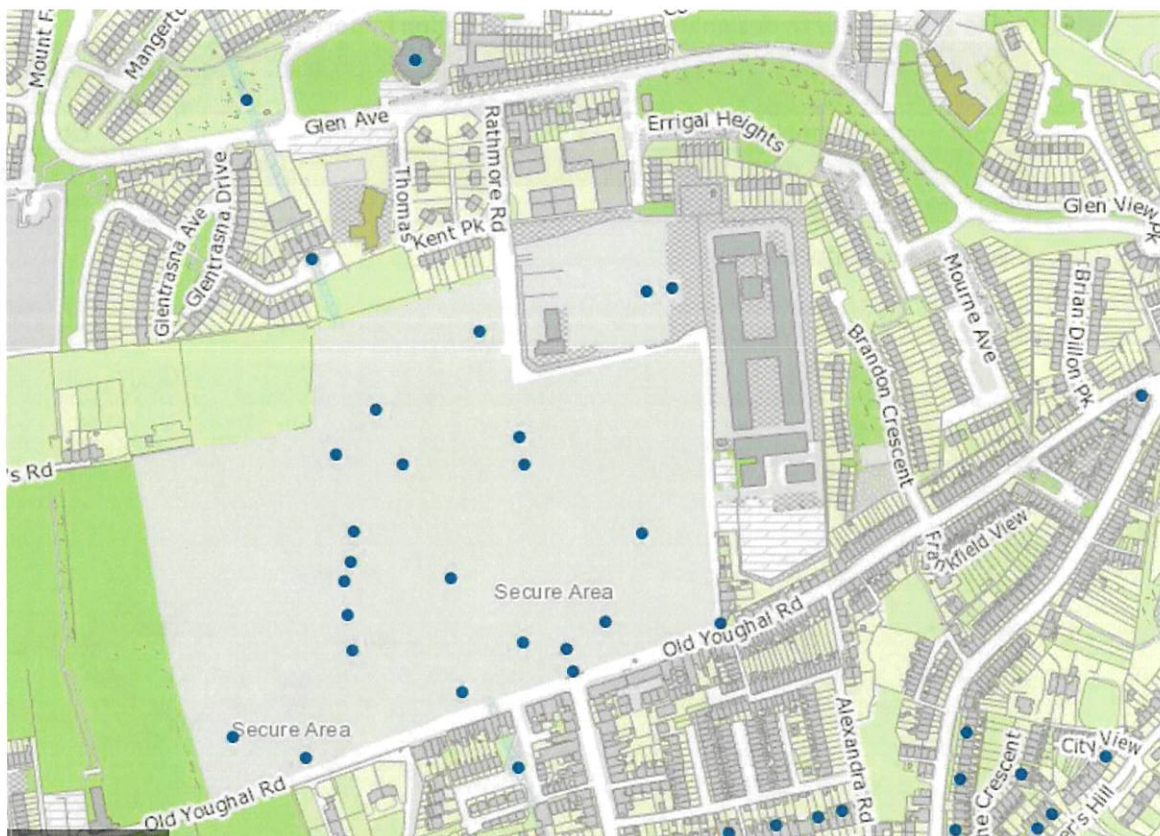
The Cork Lough is designated as a pNHA's and is located 2.76 km south of the site and south of the River Lee. The Glanmire pNHA is located 4.1 km east of the site.

### 2.3.10 Archaeology and Cultural Heritage

The site not located in a zone of archaeological potential, the closest being located around the core of the medieval settlement. There are no recorded archaeological sites on or adjacent to the site. There are no sites or monuments within 500m of the prison.

The closest record to the site where the fence would be erected is the old prison itself (record reg. 20863169) and the walls (record reg. 20863177). Another record is located at the corner of the Old Youghal Road. It consists of a sign post (record reg. 208632183). Both are shown on the map below, extracted from the National Monument Historical Map Viewer.





**Figure 6: Archaeology (Source: National Monument Viewer)**

**2.3.11 Zoning at the subject site**

Under the Cork City Development Plan 2022-2028, the site is zoned ZO 13 – Institutions and Community.

According to the National Inventory of Architectural Heritage the structures listed as regional importance in section 2.3.10 above, but these are not on the record of protected structures. The development entails the erection of fences on around the perimeter of the prison. The prison is relatively new and does not avail of particular protection, neither do the housing units located to the east of the prison. A detailed review of architectural heritage was undertaken as part of the EIS prepared in 2012.

The proposed erection of perimeter fencing complies with the zoning at the subject site and is ancillary works that serve the activities of the prison. The proposed development does not detract from the vision and objectives of the Cork City Development Plan 2022-2028 and is aligned with the zoning of the site ZO 13.

**2.3.12 Ecological nature of site**

There are no identified habitats or species of ecological note on the site as the site is fully constructed. The strip of grass which will be used to erect the fence is of no particular ecological merit. There are no ecological habitats of note within the site.

### *2.3.13 Other Site Environmental Sensitivities*

The proposed development includes minor works consisting of the erection of perimeter fencing around the prison, the demolition of existing structures on the site, but all works will be undertaken in accordance with best practice protocols. There are no additional noted environmental sensitivities associated with the subject site.

### 3 Proposed Development

#### 3.1 Background

The proposed works consist of the erection of perimeter fence around Cork Prison

The prison which was constructed in the mid-2010s and opened in 2016, was subject to the procedure of Environmental Impact Assessment in accordance with the Prisons Act 2007. As the prison accommodates over 250 prisoners, an environmental impact statement was prepared for determination by the Minister of Justice.

#### 3.2 Proposed Development

The proposed works on the site for this application consists of:

The erection of a new perimeter fencing along the boundary of the Cork Prison site. The fencing is not located within the walls of the actual prison (see in blue on figures 2 and 3 below).

The perimeter fencing would consist of a non-see-through panel in galvanised steel topped with high security mesh fencing.

It would reach a total height of 5.2m above ground and would be set 1m below ground.

### 4 Preliminary Examination

#### 4.1 Guidance on Environmental Impact Assessment Screening

The Office of the Planning Regulator (OPR) has issued guidance on EIA screening in the form of the Environmental Impact Assessment Screening- Practice Note, May 2021 which aids planning authorities as the Competent Authority (CA) in this area.

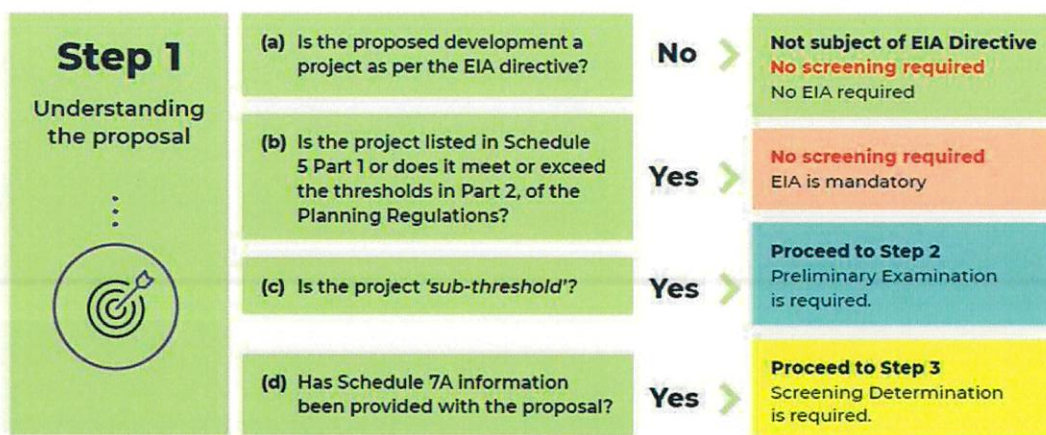


Figure 7: Extract from Guidance Note

This report has had regard to the OPR guidance and methodology.

The proposed application is a project for the purpose of Environmental Impact Assessment (EIA) under Stage1 stage (a) of the OPR guidance.



## 4.2 Sub-threshold Development

A list of the types or classes of development that require EIA or screening for EIA is provided in Part 1 and Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended. 'Sub-threshold development' comprises development of a type that is included in Part 2 of Schedule 5, but which does not equal or exceed a quantity, area or other limit (the threshold).

In Part 2 of schedule 5, the following is the relevant to assessment of sub-threshold development.

### 10. Infrastructure projects

(b) (i) Construction of more than 500 dwelling units.

(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.

(iii) Construction of a shopping centre with a gross floor space exceeding 10,000 square metres.

(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.

( "business district" means a district within a city or town in which the predominant land use is retail or commercial use.)

In relation to proposed development none of the thresholds above are exceeded, but those highlighted in bold indicate the thresholds of relevance to the subject proposal. The area of the fence is c220sqm.

Accordingly, the project is sub-threshold development with reference to the above thresholds and under Step 1(c) of the OPR guidance a preliminary examination is required under Step 2.

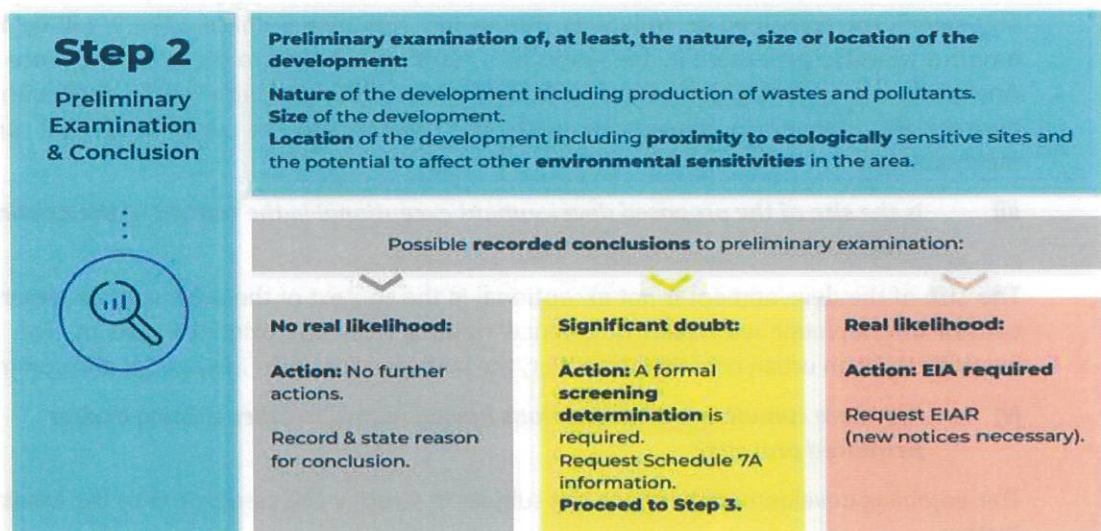


Figure 8: Extract from Guidance Note



### 4.3 Preliminary Examination considerations

Preliminary examinations must consider at least the following:

- The nature of the development including the production of wastes and pollutants;
- The size of the development; or
- The location of the development including the potential to impact on certain ecologically sensitive sites and the potential to affect other environmentally sensitive sites in the area.

This overlaps with the submitted Appropriate Assessment (AA) screening report and consideration of hydrological and other connections to European sites.

The OPR guidance states a number of questions to assist the preliminary examination.

### 4.4 Nature of the development:

***i) Is the nature of the proposed development exceptional in the context of the existing environment?***

The nature of the development is consistent with and does not detract from the objectives of Cork City Council Development Plan 2022-2028. The site has previously been the subject of assessment by Minister for Justice; Cork City Council was party to the assessment and acted as a prescribed body on the EIS.

Given that the site is zoned for institutions and community, it is considered that the works are not exceptional in the context of the existing urban environment.

***ii) Will the development result in the production of any significant waste, or result in significant emissions or pollutants?***

The nature of the proposed works consists of a proposed fence. By nature, this will not cause any significant emissions or pollutants during the operational phase. There will be limited amount to waste generated by the works as a result of the need to dig to set the fence down. Any waste arising during demolition works and the construction phase will be dealt with in the appropriate manner in accordance with the appropriate standards and best practice methodology.

***iii) Is the size of the proposed development exceptional in the context of the existing environment?***

The size of the development is not exceptional in the context of the existing environment. The overall development will result in a fence running over approximately 220 m. This is not exceptional in an urban context. Moreover, the lands are zoned for institutions and community.

***iv) Are there cumulative considerations having regard to other existing and/or permitted projects?***

The adjoining development has been the subject of scrutiny and assessment by the Minister for Justice.

A review of Cork City Council has not highlighted relevant recent cases. The most significant planning case in the area would be the development of the prison itself.

#### 4.5 Location

*Is the proposed development located on, in, adjoining or does it have the potential to impact on an ecologically sensitive site or location?*

The nearest designated Natura 2000 sites are as follows:-

**Table 2: Proximity to designated sites of conservation importance**

European Site	Distance	Direct pathway
Special Areas of Conservation (SAC)		
Great Island Channel (site code: 1058)	7.9 km	No
Special Protection Areas (SPA)		
Cork Harbour (site code: 4030)	4 km	No

The subject site is not within a European site. No European sites are within the potential Zone of Influence. The nearest European site to the subject site is 4 m away (Cork Harbour SPA). The nearest official EPA Water Framework Directive watercourse to the subject site is the Glenn River approximately 400 m to the north of the site boundary.

The features of interest and the potential impact of the development on each European site and features of interest, are displayed in Table 1 and the appropriate assessment screening report. SPA's and SAC's within 15 km are seen in Figure 1 extracted from the AA screening report. Watercourses, SPA's, and SAC's proximate to the subject site are seen in Figure 2. No potential impacts are foreseen on European sites beyond 15 km as there is no direct or indirect pathways to these sites.

The proposed development will not change the local environment as no existing buildings are to be demolished and the fence constitutes minor works which will not alter the nature of the environment. It is not expected that the works would result in a loss of biodiversity in the area and have any impacts on fauna.



<b>Figure 1</b>	Natura 2000 sites
<b>Location</b>	Cork Prison
<b>Applicant</b>	Irish Prison Service
<b>Date</b>	01 Nov 2022

<b>NM Ecology Ltd - Ecological Consultants</b>	
Website: <a href="http://www.nmecology.com">www.nmecology.com</a>	
Email: <a href="mailto:info@nmecology.com">info@nmecology.com</a>	
Tel: 087-6839771	

<b>Site location</b>	
	Proposed fence location
	Buffer zone (5km)
	Roads
	Watercourses
<b>Designated sites</b>	
	Special Areas of Conservation
	Special Protection Areas

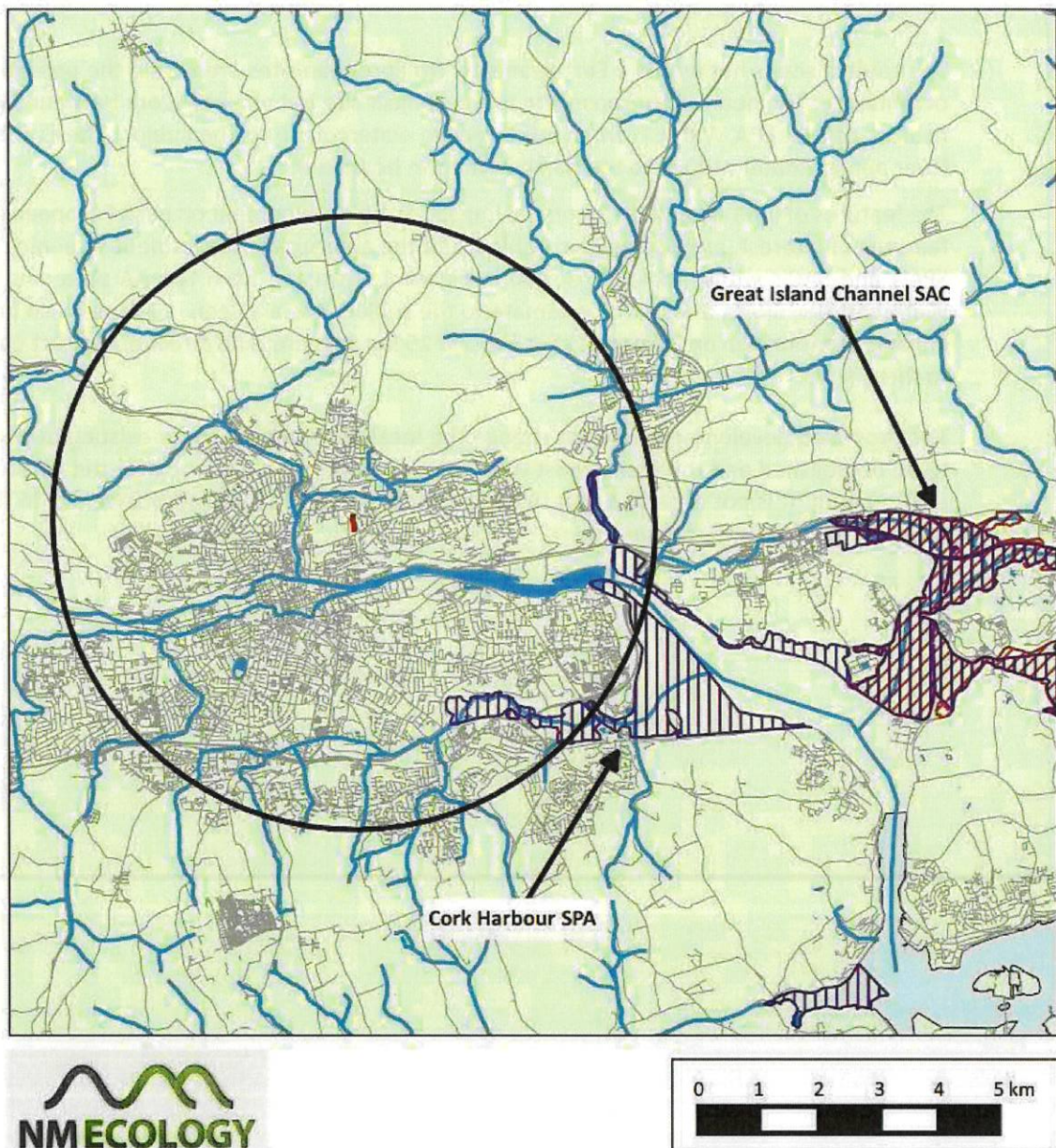


Figure 9: Protected sites (Source: AA Screening report prepared by NM Ecology. Figure 1)



*Does the proposed development have the potential to affect other significant environmental sensitivities in the area?*

The works consist of the erection of a fence around parts of the perimeter of the existing Cork Prison.

The proposed development is not considered to be development located on, in, or adjoining an ecologically sensitive site or location and does not have the potential to impact on an ecologically sensitive site or location. There are no structures on the Record of Protected Structures situated on the site.

#### **4.6 Preliminary Examination Conclusion**

Following preliminary examination, it is concluded that there are no doubts regarding the likelihood of significant effects on the environment arising from the proposed development and therefore a stage 3 screening determination is not necessary.



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# **Screening for Appropriate Assessment**

Perimeter fence at Cork Prison

01 November 2022



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## Executive Summary

This *Screening for Appropriate Assessment* report has been prepared by NM Ecology Ltd on behalf of the Irish Prison Service (the applicant) regarding the construction of a new perimeter fence at Cork Prison. The proposed development is exempt from planning under Section 5 of the *Planning and Development Act 2000* (as amended). However, as part of the Section 5 declaration process, it is necessary to carry out Appropriate Assessment screening.

In accordance with their obligations under the *European Communities (Birds and Natural Habitats) Regulations 2011* (SI 477/2011), the applicant must consider whether the proposed development could have 'likely significant effects' on any European designated sites. This document provides supporting information to demonstrate that this is not the case. It includes a description of the proposed development, details of its environmental setting, a map and list of European sites within the potential zone of impact, and consideration of potential source-pathway-receptor links.

The closest European site is the *Cork Harbour* SPA, which is 4 km east of the proposed development site. Potential pathways for indirect impacts were considered, but none were found to be feasible. Therefore, we conclude that the proposed development will not cause direct or indirect impacts on any European sites, and thus that Appropriate Assessment is not required.

## 1 Introduction

### 1.1 Background to Appropriate Assessment

Approximately 10% of the land area of Ireland is included in the European Network of Natura 2000 sites (hereafter referred to as European sites), which includes Special Protection Areas (SPAs) to protect important areas for birds, and Special Areas of Conservation (SACs) to protect a range of habitats and species. Legislative protection for these sites is provided by the *European Council Birds Directive (79/409/EEC)* and *E.C. Habitats Directive (92/43/EEC, as amended)*, which are jointly transposed into Irish law by the *European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011, as amended)*.

Regulation 42 (1) states that: "*Screening for Appropriate Assessment of a plan or project for which an application for consent is received [...] shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on [any European sites].*" To ensure compliance with this regulation, planning authorities must screen all planning applications for potential impacts on European sites. Supporting information may be requested from the applicant to assist with this process.

This document is a *Screening for Appropriate Assessment* exercise for the proposed development. It includes a description of the proposed development, a review of the Site's environmental setting, details of European sites within the potential zone of impact, and an appraisal of source-pathway-receptor relationships.

### 1.2 Statement of authority

This report was written by Nick Marchant, the principal ecologist of NM Ecology Ltd. He has an MSc in Ecosystem Conservation and Landscape Management from NUI Galway and a BSc in Environmental Science from Queens University Belfast. He is a member of the Chartered Institute of Ecology and Environmental Management, and operates in accordance with their code of professional conduct.

He has fifteen years of professional experience, including twelve years as an ecological consultant, one year as a local authority biodiversity officer, and two years managing an NGO in Indonesia. He provides ecological assessments for developments throughout Ireland and Northern Ireland, including wind farms, infrastructural projects (roads, water pipelines, greenways, etc.), and a range of residential and commercial developments.

### 1.3 Methods

This report has been prepared with reference to the following guidelines:

- *OPR Practice Note PN01: Appropriate Assessment Screening for Development Management* (Office of the Planning Regulator 2021)
- *Appropriate Assessment of Plans and Projects in Ireland* (Department of the Environment, Heritage and Local Government, 2009)
- *Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, 2021*
- *Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal* (Chartered Institute of Ecology and Environmental Management, 2018)

In accordance with Section 3.2 of *Appropriate Assessment of Plans and Projects in Ireland*, a screening exercise comprises the following steps:

1. Description of the project and local site characteristics
2. Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
3. Assessment of potential impacts upon European sites, including:
  - Direct impacts (e.g. loss of habitat area, fragmentation)
  - Indirect impacts (e.g. disturbance of fauna, pollution of surface water)
  - Cumulative / 'in-combination' effects associated with other concurrent projects
4. Screening Statement with conclusions

A desk-based study was carried out using data from the following sources:

- Plans and specifications for the proposed development
- Qualifying interests / conservation objectives of European sites from [www.npws.ie](http://www.npws.ie)
- Bedrock, soil, subsoil, surface water and ground water maps from the Geological Survey of Ireland webmapping service ([dcenr.maps.arcgis.com](http://dcenr.maps.arcgis.com)), the National Biodiversity Data Centre (<http://maps.biodiversityireland.ie/>), and the Environmental Protection Agency web viewer ([gis.epa.ie/EPAMaps/](http://gis.epa.ie/EPAMaps/))
- The *Cork City Plan 2022 – 2028*, and details of permitted or proposed developments from the local authority's online planning records

Desktop data from internet resources was accessed in October and November 2022.



## 2 Description of the Project

### 2.1 Environmental setting

#### Site location and surroundings

Cork Prison is located in the north of Cork City, a short distance west of Dillon's Cross. The proposed development site (hereafter referred to as 'the Site') covers part of the eastern boundary of the prison, adjoining the rear gardens of a number of properties along the Brandon Court / Brandon Crescent housing estate. The Site currently consists of a strip of gravel, some of which has been colonised by dry meadow vegetation.

#### Geology and soils

The underlying bedrock is siltstone (described as 'sandstone with mudstone & siltstone' on the GSI database), which is a locally-important aquifer. Subsoils and soils are made ground.

#### Hydrology

There are no rivers or streams (as per the EPA-MAPS database) in the immediate vicinity of the Site.

The closest watercourse is the River Bride (also referred to in places as the River Glen), which is located 400 m north of the Site at the closest point. It initially flows west, and then turns south as it enters Cork City, merging with the River Lee estuary near Saint Patrick's Street in the city centre. There are no drainage ditches or other surface water features linking the Site to the River Bride, so for the purpose of this assessment we do not consider there to be any connection between the Site and the river.

Under the Water Framework Directive Status Assessments 2013-2018, the River Bride is of Moderate status throughout its catchment. The transitional waters of the River Lee estuary and Cork Harbour are also of Moderate status.

### 2.2 Description of the proposed development

Approx. 220 m of new security fence will be installed along the eastern boundary of the prison to prevent unauthorised access to the area. The fence will be 5.2 m in height above ground level, constructed of vertical metal posts, high-security mesh and sheet steel panels. It will be supported by a solid concrete foundation of 1 m cross-sectional width and 1 m depth below ground level.

At present there is no surface water management in the Site, and rainwater percolates to ground. The proposed development will not result in any change to this scenario.

The proposed development is exempt from planning under Section 5 of the *Planning and Development Act 2000* (as amended). However, as part of the Section 5 declaration process, it is necessary to carry out Appropriate Assessment screening.

### 3 Description of European sites

#### 3.1 Identification of European sites within the zone of influence

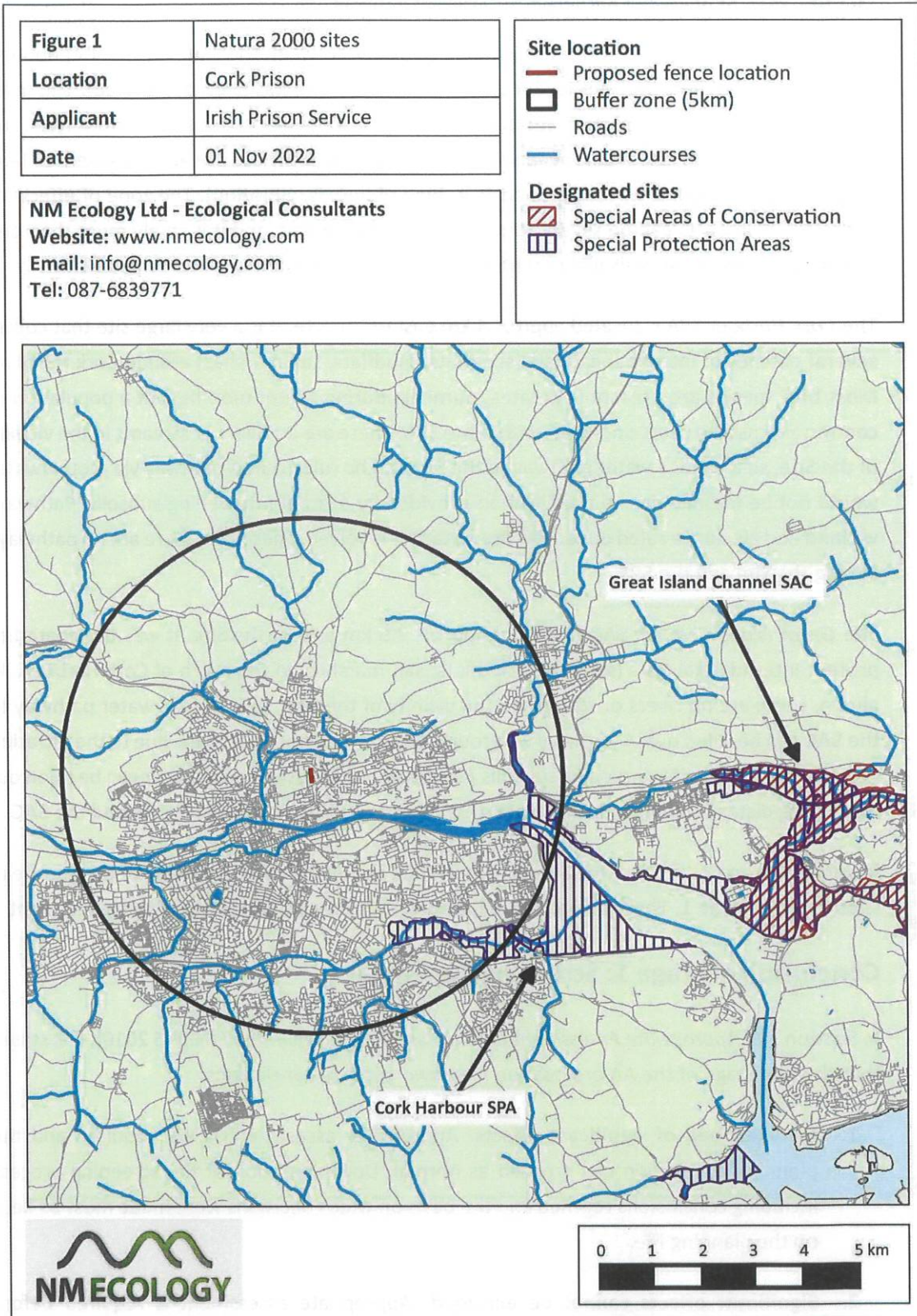
The Site is not within or adjacent to any European sites. Potential indirect impacts on other European sites were considered using the source-pathway-receptor model, as outlined in Section 3.3. The locations of relevant sites are shown in Figure 1, and details are provided in Table 1. A buffer zone of 5km is presented in Figure 1 to assist with the interpretation of scale.

**Table 1: European sites of relevance to this assessment**

Site Name	Distance	Qualifying Interests
Cork Harbour SPA (site code 4030)	4 km east	<b>Key habitats:</b> coastal wetlands <b>Special conservation interests:</b> (overwintering populations) Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull, (breeding population) Common Tern
Great Island Channel SAC (1058)	7.9 km east	<b>Annex I habitats:</b> inter-tidal mudflats / sandflats, Atlantic salt meadows <b>Annex II species:</b> none

#### 3.2 Conservation objectives

The standard conservation objective for all SACs and SPAs in Ireland is “to maintain or restore the favourable conservation condition of the qualifying interests for which the SAC / SPA has been selected”. In addition, the Department of Housing, Local Government and Heritage has produced detailed conservation objectives for the European sites listed in Table 1. They can be viewed on the website of the National Parks and Wildlife Service (<http://www.npws.ie/protected-sites>), but are not reproduced here in the interests of brevity.





### 3.3 Identification of potential pathways for indirect impacts

Indirect impacts can occur if there is a viable pathway between the source (the Site) and the receptor (the habitats and species for which a European site has been designated). The most common pathway for impacts is surface water, e.g. if a pollutant is washed into a river and carried downstream into a European site. Other potential pathways are groundwater, air (e.g. airborne dust or sound waves), or land (e.g. flow of liquids, vibration). The zone of effect for hydrological impacts can be several kilometres, but for air and land it is rarely more than one hundred metres. An appraisal of potential pathways to European sites is provided below.

The *Cork Harbour* SPA is located approx. 4 km east of the Site. It is a very large site that covers several patches of intertidal habitats (sandflats, mudflats, salt marshes) around Cork Harbour. Most bird species are present in greatest numbers during winter months, but a population of common terns also nests on islands within the SPA. There are no rivers or streams in the vicinity of the Site, so a surface water pathway to the SPA can be ruled out. A pathway via groundwater would not be feasible due to the filtration provided by 4 km of intervening subsoils. Pathways via land and air can be ruled out due to the distances involved. Therefore, there are no pathways linking the Site and the SPA.

The *Great Island Channel* SAC is located approx. 7.9 km east of the Site. It was designated to protect intertidal habitats (sandflats, mudflats, salt marshes) in the north of Cork Harbour. As above, there are no rivers or streams in the vicinity of the Site, so a surface water pathway to the SAC can be ruled out. A pathway via groundwater would not be feasible due to the filtration provided by 7.9 km of intervening subsoils / bedrock. Pathways via land and air can be ruled out due to the distances involved. Therefore, there are no pathways linking the Site and the SAC.

In summary, no potential pathways were identified between the Site and any of the European sites listed in Table 1. These and all other European sites are screened out of the assessment.

## 4 Conclusion of Stage 1: Screening Statement

In Section 3 of *Appropriate Assessment of Plans and Projects in Ireland* (NPWS 2010), it is stated that the first stage of the AA process can have two possible conclusions:

1. **No likelihood of significant effects:** Appropriate assessment is not required and the planning application can proceed as normal. Documentation of the screening process including conclusions reached and the basis on which decisions were made must be kept on the planning file.
2. **Significant effects cannot be excluded:** Appropriate assessment is required before permission can be granted. A Natura Impact Statement (NIS) will be required in order for the project to proceed.

Having considered the particulars of the proposed development, we conclude that this application meets the first conclusion, because there is clearly no likelihood of direct or indirect impacts on any European sites. Therefore, with regard to Article 42 (7) of the *European Communities (Birds and Natural Habitats) Regulations 2011*, it can be excluded on the basis of objective scientific information following screening, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site. On this basis, Appropriate Assessment is not required.

In accordance with the OPR 2021 guidance, we note that no mitigation measures have been considered when reaching this conclusion.

## References

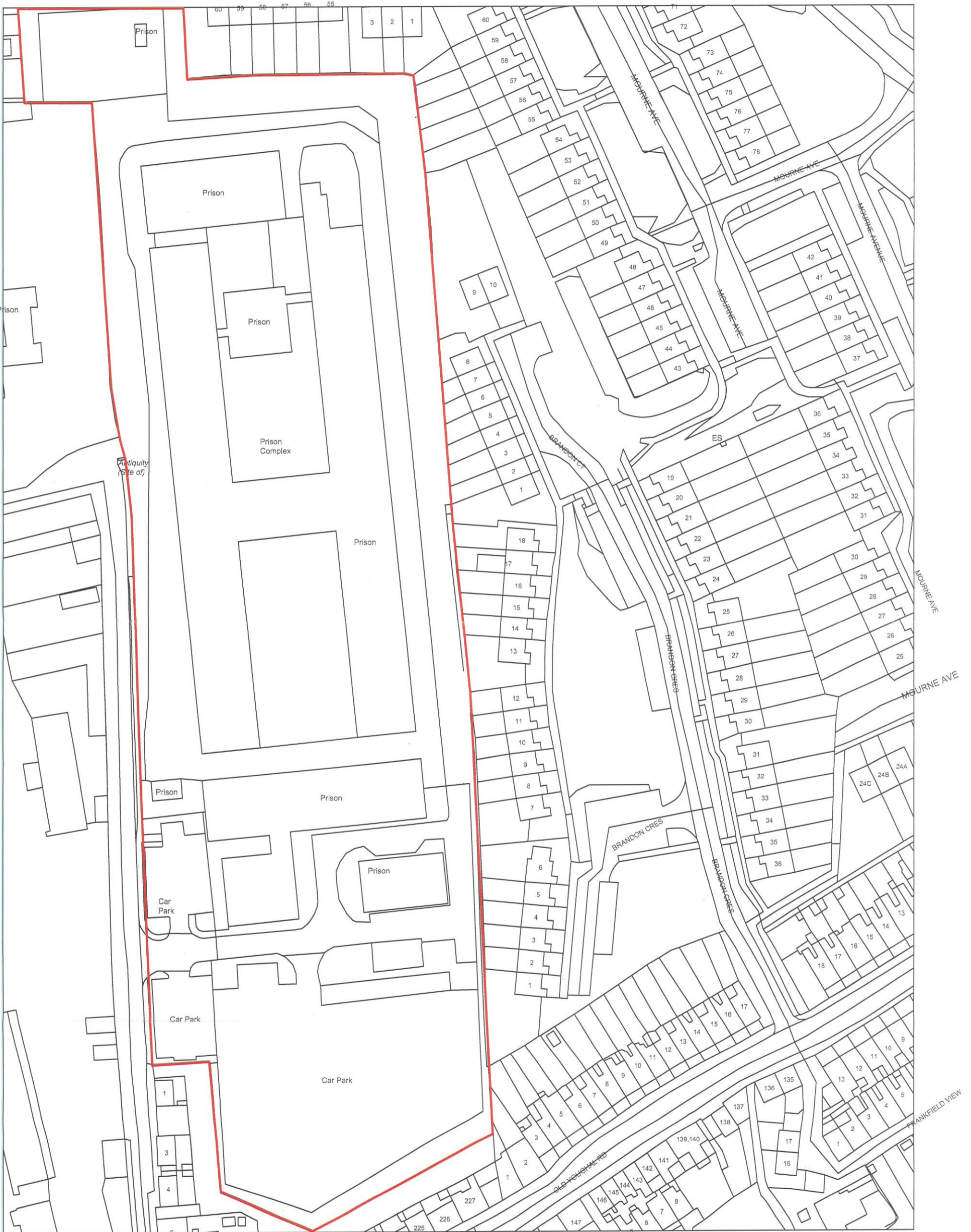
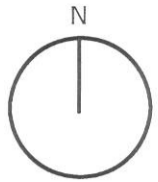
Chartered Institute of Ecology and Environmental Management, 2018. *Guidelines for Ecological Impact Assessment in the U.K and Ireland: Terrestrial, Freshwater and Coastal* (2nd Edition). C.I.E.E.M., Hampshire, England.

Department of the Environment, Heritage and Local Government, 2009. *Appropriate Assessment of Plans and Projects in Ireland*. National Parks and Wildlife Service, DAHG, Dublin, Ireland.

European Commission. 2021. *Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. Office for Official Publications of the European Communities, Luxembourg.

Office of the Planning Regulator 2021. *Practice Note PN01: Appropriate Assessment Screening for Development Management*. Available online at opr.ie





— Line to indicate site boundary

Drg Nos 14-1387-100  
Site Location Map  
Scale 1:1000 at A3  
Cork prison, Irish Prison Service







181.92m

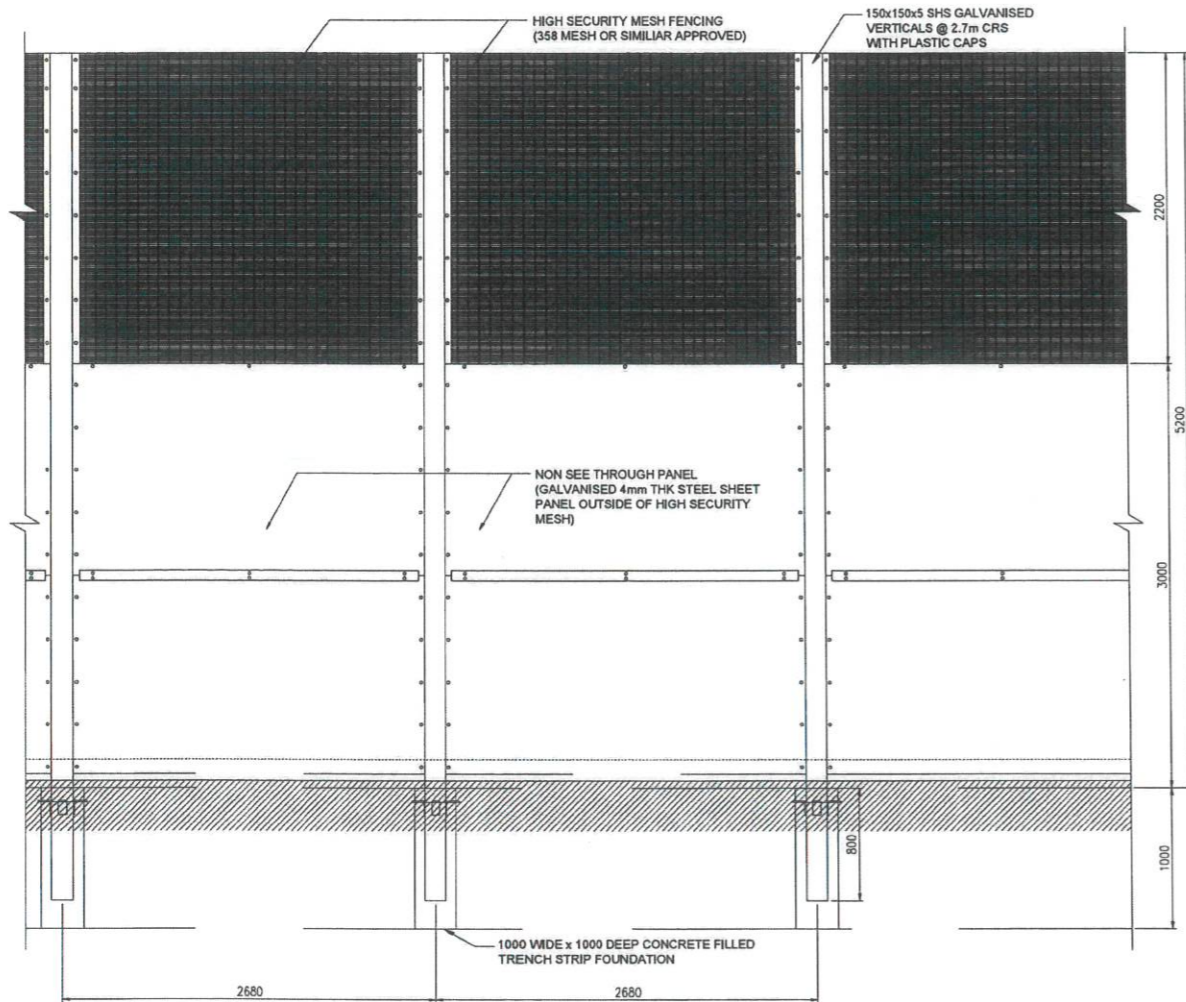
BRANDON CT

BRANDON CRES

— Line to indicate proposed fence

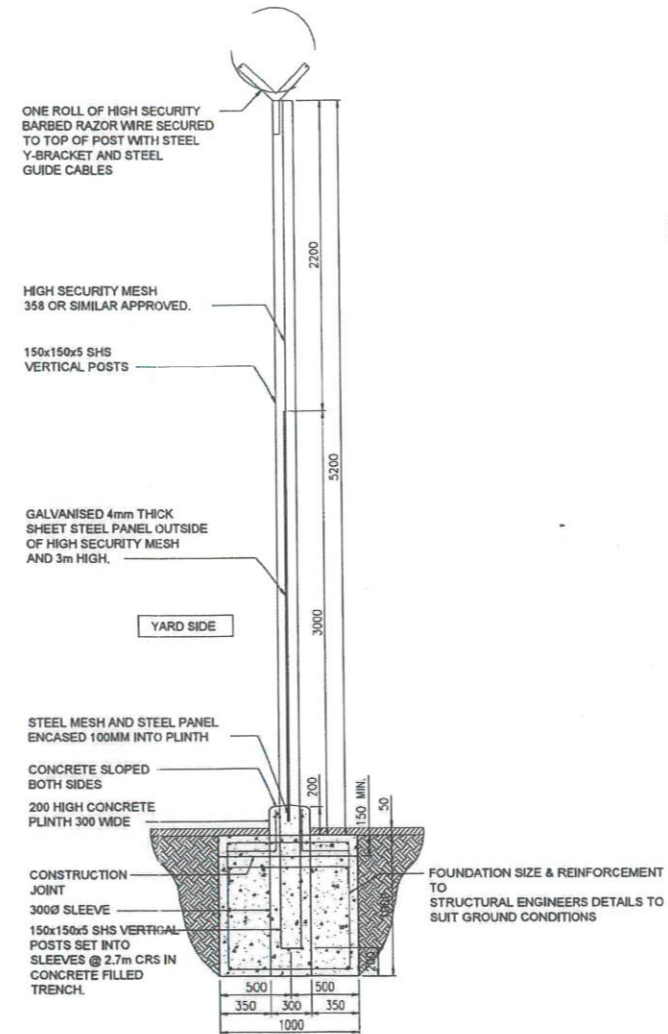
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 Fence Location Map  
 Scale 1:500 at A3  
 Cork prison, Irish Prison Service





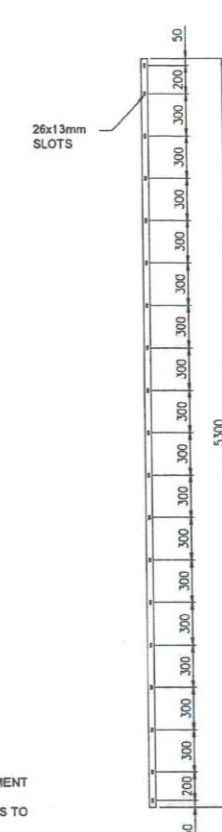
ELEVATION OF TYPICAL 5.2M HIGH SECURITY FENCE

SCALE: 1:25



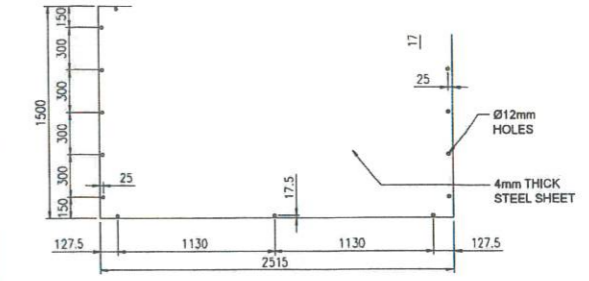
SECTION THRU TYPICAL 5.2M HIGH SECURITY FENCE

SCALE: 1:25



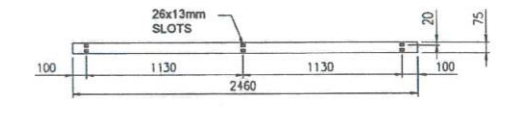
TYPICAL CLAMP BAR

SCALE: 1:25



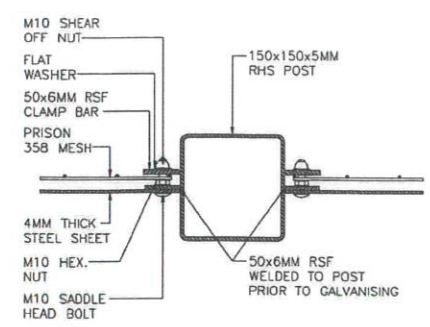
TYPICAL 4MM STEEL SHEET

SCALE: 1:25



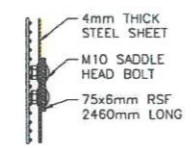
TYPICAL INTERMEDIATE CLAMP BAR

SCALE: 1:25



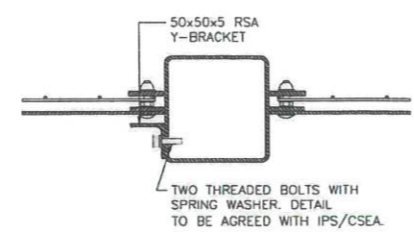
TYPICAL CONNECTION TO 150x150 POST

SCALE: 1:5



TYPICAL STEEL PANEL CONNECTION

SCALE: 1:5



TYPICAL Y-BRACKET CONNECTION DETAIL

SCALE: 1:5