

Habitats Directive Screening Assessment

Installation of Jack Doyle Statue

At

John F. Kennedy Park, Westbourne Place,

Kilgarvan, Cobh, Co. Cork

Date – 19 March, 2019

Introduction

Cork County Council is proposing to install a statue of Jack Doyle at John F. Kennedy Park, Westbourne Place, Kilgarvan, Cobh, Co. Cork

Part XAB of the Planning and Development Act as amended, provides for the implementation of the EU Habitats Directive, and Section 177 of the Act, requires Planning Authorities to assess the impacts of land use plans and proposed new developments on proposed developments on sites that are designated for the protection of nature (European Sites¹) prior to the giving consent for development of such projects. This is to determine whether or not the projects could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements emanate from Article 6(3) of the Habitats Directive which states

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

EU and National Guidance sets out two main stages to the assessment process which are as follows:

Stage One: Screening

The process which identifies what might be likely impacts arising from a project or a plan on a Natura 2000 site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified to be likely to arise, during the screening stage. The findings of the screening assessment are normally contained in a **Habitats Directive Screening Report**.

Stage Two: Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment and involves the compilation of a **Natura Impact Statement** by the Planning Authority which is a report of scientific evidence and data relating to European sites for which significant

¹ European sites include sites that are designated, or proposed for designation as Special Areas of Conservation designated under the Habitats Directive or Special Protection Areas under the Birds Directive. Special Areas of Conservation are sites that are protected because they support particular habitats and/or plant and animal species that have been identified to be threatened at EU community level. Special Protection Areas are sites that are protected for the conservation of species of birds that are in danger of extinction, or are rare or vulnerable. Special Protection Areas may also be sites that are particularly important for migratory birds. Such sites include internationally important wetlands.

negative impacts have not been previously screened out. This is used to identify and classify any implications of the project for these sites in view of their conservation objectives. The Appropriate Assessment must include a determination as to whether or not the project would adversely affect the integrity of any European site or sites. The project may only be consented if adverse effects on the integrity of European sites can be ruled out during the Appropriate Assessment process. The project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

The directive provides for a **derogation procedure** which can allow a plan or project to proceed in spite of a finding that the plan or project could / would give rise to adverse effects on the overall integrity of one or more Natura 2000 sites. Derogation procedures can only be progressed in very limited circumstances which are set out in Article 6(4) of the Directive (see below).

Habitats Directive Article 6(4)

If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

EU and National Guidance identifies the procedures which must be followed in circumstances where a derogation from the Habitats Directive is sought to allow a project or a plan to proceed, despite a finding that it will give rise to adverse effects on the integrity of one or more Natura 2000 sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan/project which avoid adverse effects on the integrity of one or more European sites, where it has been demonstrated that there are imperative reasons of overriding public interest for which the plan/project must proceed and where measures have been developed and provided to compensate for any losses to be incurred. These further stages are described below.

Stage Three: Assessment of alternative solutions

In circumstances where the potential for a plan or project to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorisation where it is demonstrated that there are no alternative solutions and that there are Imperative Reasons of Overriding Public Interest (IROPI) which can allow the plan or project to proceed. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain

The fourth stage of the Habitats Directive Assessment process involves demonstrating that Imperative Reasons of Overriding Public Interest exist, and the assessment of the compensatory measures which are proposed to be implemented. In every case in which a local authority envisages approving or proceeding with a plan or project on grounds of IROPI, the Minister for Arts, Heritage and the Gaeltacht must be consulted.

The assessment may stop at any of the above stages if significant impacts on Natura 2000 sites can be ruled out.

Regulation 250 of the Planning and Development Regulations identifies the Local Authority to be the competent authority with responsibility for completing the Habitats Directive Screening process for Local Authority development. In circumstances where it is determined that Appropriate Assessment is required in respect of proposed development to be progressed by the Local Authority, the competent authority with responsibility for completion of the Appropriate Assessment is an Bord Pleanála.

This document presents the outcomes of the screening assessment of Cork County Council in respect of proposed installation of statue at John F. Kennedy Park, Kilgarvan, Cobh, Co. Cork. All European sites within or close to Kilgarvan or that might have an ecological linkage to the proposed development site have been identified and screened, to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

Methodology

The approach taken in the making of this assessment follows *European Communities, Assessment of plans and projects significantly affecting Natura 2000 sites, Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, 2002*, and on *Local Government and Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities, 2009*. The guidance suggests the

- provision of a description of the project and the receiving environment (Sections 3 and 4 below);
- identification of Natura 2000 sites which could be affected by the proposed project, provision of a description of these sites including a listing of their qualifying features and the conservation objectives which apply (Section 5 below);
- identification of possible risks which could be associated with the project on any Natura 2000 sites identified to have a physical or other ecological linkage to the proposed development site (Section 6 below);
- assessment of likely significance of any such impacts, taking account of potential for impacts to be significant when considered in combination with impacts arising from other sources (Section 7 below).

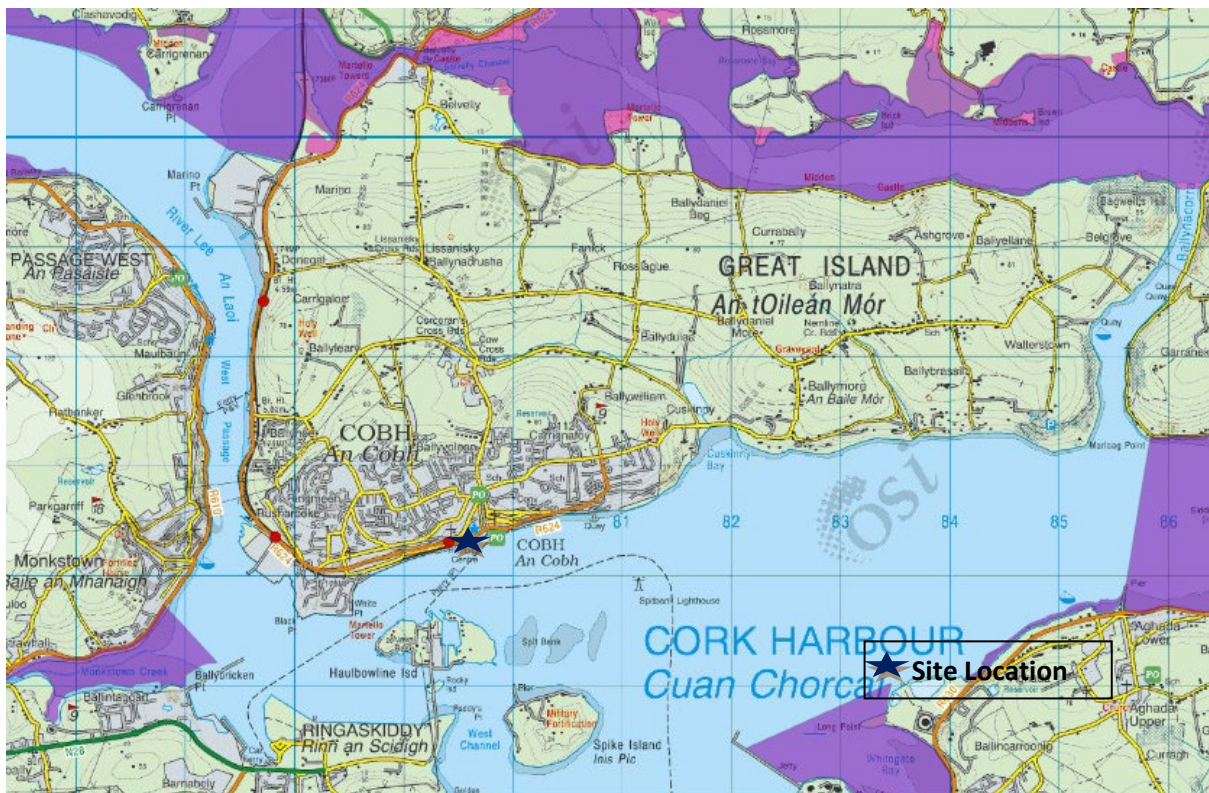
This assessment is based desktop review of information relating to relevant sites.

Project Details

Installation of statue to Jack Doyle at John F. Kennedy Park, Westbourne Place, Kilgarvan, Cobh, Co. Cork

Identification of Sites Subject to Screening

Connectivity of the proposed works site to the Natura 2000 network has been reviewed to determine whether there is any pathway for impact between the works site and any Natura 2000 site. The proposed site is located 3.6 km from **Great Island Channel Special Area of Conservation 1058** and 2.8 km from the **Cork Harbour Special Protection Area 4030** (see figure 1).



There are no other Natura 2000 sites within 15km of the proposed works site and no other Natura sites have been identified which could be impacted by the proposed works.

Site Details

Great Island Channel (1058)

Great Island Channel Special Area of Conservation extends through the North Channel of Cork Harbour, extending from Little Island to Midleton with its southern boundary formed by the Great Island. Within the site is the estuary of the Owenacurra and Dungourney Rivers. The rivers which

flow through Midleton, provide the main source of freshwater to the North Channel. The site is designated for the following features:

- Tidal Mudflats and Sandflats [1140]
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)[1330]

The **Conservation Objectives** for this site are as follows:

Qualifying Feature	Mudflats and sandflats not covered by seawater at low tide [1140]
Conservation Objective	To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC.
Attribute/Target 1	Habitat Area The permanent habitat is stable or increasing subject to natural processes (723ha).
Attribute/Target 2	Community Distribution Conserve the following community type in a natural condition: <i>Mixed sediment to sandy mud with polychaetes and oligochaetes community complex</i> .

Qualifying Feature	Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]
Conservation Objective	To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) in Great Island Channel SAC.
Attribute/Target 1	Habitat Area: Stable or increasing subject to natural processes including erosion and succession – Bawnard 0.29ha; Carrigtwohill 1.01ha.
Attribute/Target 2	Habitat Distribution: No decline or change in habitat distribution subject to natural processes.
Attribute/Target 3	Physical Structure: sediment supply: Maintain natural circulation of sediments and organic matter, without any physical obstructions.
Attribute/Target 4	Physical structure: creeks and pans: Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession.
Attribute/Target 5	Physical structure: flooding regime: Maintain natural tidal regime.
Attribute/Target 6	Vegetation structure: zonation: Maintain the range of coastal habitats including transitional zones, subject to natural processes including erosion and succession.
Attribute/Target 7	Vegetation structure: height Maintain structural variation in sward.

Attribute/Target 8	Vegetation structure: vegetation cover Maintain more than 90% of area outside creeks vegetated.
Attribute/Target 9	Vegetation composition: typical species and sub-communities Maintain range of sub-communities with typical species listed in SMP.
Attribute/Target 10	Vegetation structure: negative indicator species – <i>Spartina anglica</i> No significant expansion of common cordgrass with an annual spread of less than 1% where it is known to occur.

Activities which would result in direct loss of or damage to these habitats, or which could affect water quality or natural hydrological conditions in the harbour could have the potential to interfere with the achievement of these Conservation Objectives.

The Great Island Channel SAC is located 3.6 km from the proposed project site. The proposed project will not result in direct loss of habitat within the SAC and does not pose any risk to water quality within the North Channel of Cork Harbour. No potential for impact on the Great Island Channel SAC is predicted.

Cork Harbour Special Protection Area (4030)

The **Cork Harbour SPA** is an estuarine complex which is primarily comprised of intertidal habitats, mainly mudflats as well as some other coastal and marine habitats. These habitats support very high numbers of wintering waterfowl. The Harbour regularly supports in excess of 20,000 wintering birds, making it an internationally important site and the fifth most important wintering waterfowl site in the country. The qualifying interests for this SPA are set out below, as are the Conservation Objectives which apply to the site.

- 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]

The **Conservation Objectives** for this site are as follows:

Qualifying Feature(s)	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 and Lesser Black-backed Gull
Conservation Objective	To maintain the favourable conservation condition of these species.
Attribute/Target 1	Population Trend: Long term population trends for these species are stable or increasing. (Water bird population trends are presented in part four of the Cork Harbour Conservation Objectives supporting document (November, 2014).
Attribute/Target 2	Distribution: No significant decrease in the range, timing or intensity of use of areas by these species other than occurring from natural patterns of variation. Waterbird distribution from the 2010/2011 waterbird survey programme is discussed in part five of the Cork Harbour Conservation Objectives supporting document (November, 2014).

Qualifying Feature	Common Tern
Conservation Objective	To maintain the favourable conservation condition of Common Tern in Cork Harbour SPA.
Attribute/Target 1	Breeding population abundance: No significant decline in apparently occupies nests (AONs). Measures based on standard tern survey methods (see Walsh et al., 1995). In 2012 the total population of common terns that nested within the wider Cork Harbour was between 85 and 95 pairs, a proportion of which now breeds outside the SPA (RPS, 2014).
Attribute/Target 2	Productivity rate: No significant decline in fledged young per breeding pair. Measure based on standard tern survey methods (see Walsh et al., 1995). The Seabird Monitoring Programme (SMP) (JNCC, 2014) provides population data for this species.
Attribute/Target 3	Distribution: breeding colonies: No significant decline in location, number and area (hectares) of breeding colonies. The Common Tern harbour colony now largely breeds on artificial structures in at least two locations.
Attribute/Target 4	Prey biomass available: No significant decline in availability of key prey items (Small fish, crustaceans, insects and occasionally squid. Key habitats: common tern forage in/over shallow coastal waters, bays,

	inlets, shoals, tidal-tips, drift lines, beaches, saltmarsh creeks, lakes, ponds or rivers. Foraging range max 37km, mean max. 33.81km, mean 8.67km.
Attribute/Target 5	Barriers to connectivity: No significant increase. Seabirds species can make extensive use of marine waters adjacent to their breeding colonies. Foraging range: max.37km , mean max.33.81km , mean 8.67km (BirdLife International Seabird Database 2014).
Attribute/Target 6	Disturbance at the level of impact breeding site: Human activities should occur at levels that do not adversely affect the breeding common tern population. In the Cork Harbour area, this species largely breeds on artificial structures (see Wilson et al., 2000 and RPS, 2014).

Qualifying Feature	Wetlands
Conservation Objective	To maintain the favourable conservation condition of wetland habitats in Cork Harbour SPA, as a recourse for the regularly – occurring migratory waterbirds that utilise it.
Attribute/Target 1	Habitats Area: The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 2,587 hectares, other than that occurring from natural patterns of variation. The wetland habitat area was estimated as 2,587ha using OSI data and relevant orthophotographs. For further information see part three of the conservation objectives supporting documents.

NPWS (2014) Conservation objective for Cork Harbour SPA {4030}. Version 1. National Parks and Wildlife Service, Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs

The Cork Harbour SPA comprises the North Channel of Cork Harbour and other estuarine channels in the southern part of the harbour including at Ringabella, the Owenboy Estuary, Monkstown Creek, Lough Beg, Lough Mahon, Dunkettle, Glounthane, the Owenacurra, Rostellan, Saleen and Whitegate/Aghada. The nearest part of the SPA to the proposed project is at Monkstown Creek, 2.8km (Data from Cork Harbour Special Protection Area – Conservation Objectives Supporting Document, Version 1 NPWS, 2014).

Activities which could result in loss of the quality or extent of wetland habitat or which could result in significant ongoing disturbance to wetland bird species could have the potential to interfere with the maintenance of their favourable conservation condition. This could include activities which would affect water quality in the receiving catchment, and which could thereby have the potential to interfere with quality of mudflat feeding habitat.

There are no recorded roost sites within the immediate vicinity of the works area, and the site does not support habitats known to be of value for any of the bird species for which the SPA is

designated. The proposed project will not result in direct loss of habitat within the SPA, and does not pose any risk to water quality. No potential for impact on the Cork Harbour SPA is predicted.

Screening Assessment

Potential Impacts	
Describe the individual elements of the project (either alone or in combination with other projects) likely to give rise to impacts on the identified Natura 2000 sites.	<p>No risk of impact to the Great Island Channel SAC has been identified.</p> <p>No risk of impact to the Cork Harbour SPA project has been identified.</p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the identified Natura 2000 sites by virtue of:</p> <ul style="list-style-type: none"> • Size and scale; • Land take; • Distance from Natura 2000 sites or key features of Natura 2000 sites; • Resource requirements; • Emissions; • Excavation requirements; • Transportation requirements; • Duration of construction; • Other 	<p>The project does not involve any physical intervention within intertidal areas and will not result in any loss of habitat within either the SAC or the SPA. There is no identified risk to water quality, and no risk that activities associated with the construction phase which could give rise to disturbance related impacts to birds.</p>
<p>Describe any likely changes to the site as a result of</p> <ul style="list-style-type: none"> • Reduction of habitat area; • Disturbance to key species; • Habitat or species fragmentation; • Reduction in species density; or • Changes in key indicators of conservation value or climate change. 	<p>None identified.</p>

<p>Describe any likely impacts on the identified Natura 2000 sites as a whole in terms of</p> <ul style="list-style-type: none"> • interference with key relationships that define the structure of the site; and • interference with key relationships that define the function of the site. 	<p>None identified.</p>

FINDING OF NO SIGNIFICANT EFFECTS REPORT

Name of project	Installation of Jack Doyle Statue At John F. Kennedy Park, Westbourne Place, Kilgarvan, Cobh, Co. Cork
Name and location of Natura 2000 sites identified for screening	Great Island Channel SAC (1058) Cork Harbour SPA (4030)
Description of the project or plan	Installation of Jack Doyle statue at John F. Kennedy Park, Westbourne Place, Kilgarvan, Cobh
Is the project or plan directly connected with or necessary to the management of the sites listed above?	No
The assessment of significance of effects	
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 Site.	No risk of impact to either the Great Island Channel SAC or to the Cork Harbour SPA are identified.
Explain why these effects are not considered significant.	Negative impacts are not predicted.

List of agencies consulted: provide contact name and telephone or email address	This document will be subject to the Part 8 consultation process. It will be on public display at Cork County Council offices, Carrig House, Cobh and online at https://www.corkcoco.ie/planning/municipal-districts-part-8-planning from 22 nd March to 26 th April, 2019 and will be referred to Statutory Consultees for reference.		
Response to consultation	Awaited.		
Data collected to carry out the assessment			
Who carried out the assessment	Sources of data	Level of assessment completed	Where can the full results of the assessment be accessed and viewed
Sharon Casey	NPWS Natura 2000 site data.	Screening	This report