

**Charleville Court and Market House Redevelopment
Appropriate Assessment Screening Report
and Determination**



Cork County Council
Comhairle Contae Chorcaí

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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed redevelopment of Charleville Court and Market House, Charleville, County Cork. The assessment is based on project drawings and details prepared by JCA Architects and referral to published sources.

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 developments on sites that are designated for the protection of Natura 2000 (European Sites¹) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development 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 originate 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 set 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 is completed by the Competent Authority, (the authority designated to give consent to the project). It involves the compilation of a **Natura Impact Statement** by the project proponent, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used by the Competent Authority 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 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 despite 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 includes 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 Housing, Local Government and Heritage must be consulted.

The assessment may cease 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 requires the Local Authority to complete Habitats Directive Screening in respect of development it proposes to progress.

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed redevelopment of Charleville Court and Market House. All European sites within or close to the proposed works site, or that might have an ecological linkage to the proposed development 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.

Description of the project and local site characteristics



Figure 1. Charleville Court and Market House design plan.

STEP 1. Description of the project/proposal and local site characteristics	
(a) Site Name:	Charleville Court and Market House Redevelopment
(b) Brief description of the project or plan:	<p>The proposed development is comprised of the following changes to the existing building:-</p> <p>Change of Use of Court and Market House (Protected Structure RPS No. 00013) to Office (Digital Working hub). Demolition of later infill extension to centre rear and relocation of public toilets to an alternative site. Conservation repair of existing building fabric, alternations to existing layout and the construction of a new integrated two storey extension to the rear of the building, including lift. Provision of a landscaped public realm area to Broad Street/Main Street and all associated site works.</p> <p>Work on this project is scheduled to begin in the final quarter of 2022 and is likely to be completed within 18 - 24 months.</p>
(c) Brief description of site characteristics:	<p>Charleville Court and Market House is located on the corner of Main Street and Broad Street. The building is included in Cork County Council's Record of Protected structures (RPS No. 00013). It is also included in the National Inventory of Architectural Heritage (Reg. No. 20806032). The three-bay, two-storey building was built in 1769. The building ceased to be used as a courthouse in the 1980s.</p>
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	Not applicable

Identification of relevant Natura 2000 sites and Qualifying Interests

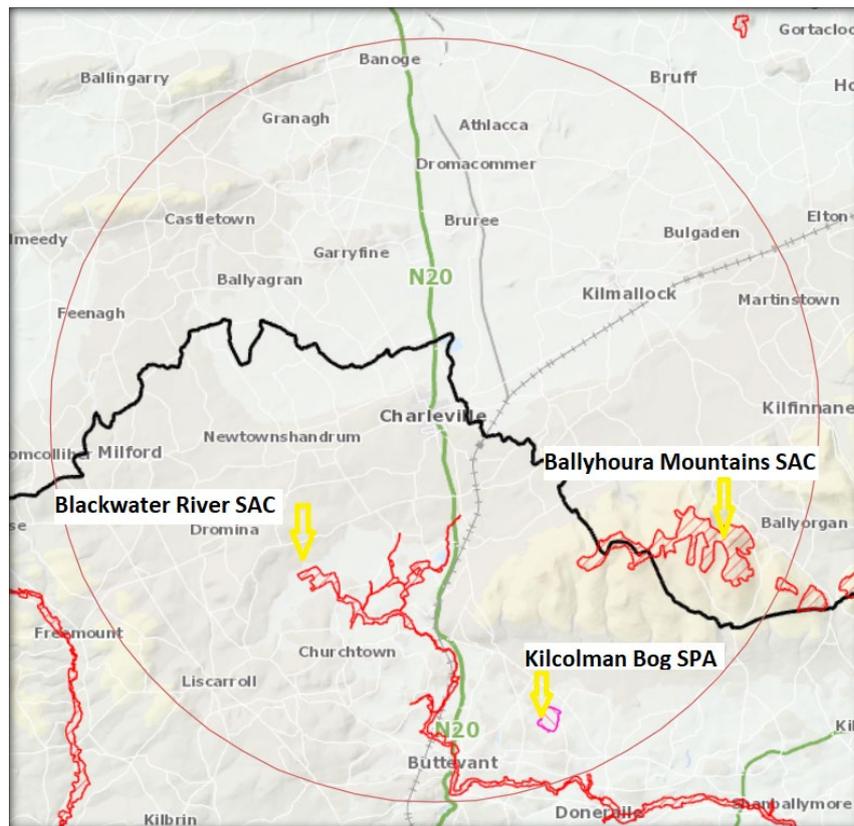


Figure 2. Natura 2000 sites within 15 km of Charleville.

STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:

European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Blackwater River Special Area of Conservation (2170)	https://www.npws.ie/protected-sites/sac/002170	3.9 km	No pathway exists. The building is connected to the main drainage system and surface water is attenuated on site.	No
Kilcolman Bog Special	https://www.npws.ie/protected-sites/spa/004095	12.2 km	No pathway exists.	No

Protection Area (4095)			The building is connected to the main drainage system and surface water is attenuated on site.	
Ballyhoura Mountains Special Area of Conservation (2036)	https://www.npws.ie/protected-sites/sac/002036	8 km	No pathway exists. The building is connected to the main drainage system and surface water is attenuated on site.	No

Assessment of Likely Significant Effects

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:	
Impacts:	Significance of Impacts: (duration/magnitude etc.)
<p>Construction phase:</p> <ol style="list-style-type: none"> 1. Vegetation clearance 2. Demolition 3. Surface water runoff from soil excavation/infill/landscaping 4. Dust, noise, vibration 5. Lighting disturbance 6. Impact on groundwater/dewatering 7. Storage of excavated construction materials 8. Access to site 9. Pests 	<ol style="list-style-type: none"> 1. Not applicable. 2. Not applicable. 3. The building is connected to the main drainage system and surface water is attenuated on site. 4. Limited dust, noise and vibration will occur during the development but these will not impact on any Natura 2000 site. 5. Lighting disturbance will be minimal and will not impact on any Natura 2000 site. 6. The building is connected to the main drainage system and surface water is attenuated on site. 7. Excavated construction materials will not be disposed at any Natura 2000 site. 8. Not applicable. 9. Not applicable.
<p>Operational phase:</p> <ol style="list-style-type: none"> 1. Direct emission to air and water 2. Surface water runoff containing contaminant or sediment 3. Lighting disturbance 4. Noise/vibration 5. Changes to water/groundwater due to drainage or abstraction 6. Presence of people, vehicles and activities 7. Physical presence of structures (e.g. collision risks) 8. Potential for accidents or incidents 	<ol style="list-style-type: none"> 1. There will be some direct emission to air and water but these will not impact on any Natura 2000 site. 2. The building is connected to the main drainage system and surface water is attenuated on site. 3. Lighting disturbance will be minimal and will not impact on any Natura 2000 site. 4. Limited dust, noise and vibration will occur during the development but these will not impact on any Natura 2000 site. 5. Not applicable. 6. Presence of people will not impact on any Natura 2000 site. 7. Not applicable. 8. Not applicable.
In combination/other:	
(b) Describe any likely changes to the European site:	The redevelopment of Charleville Court and Market House will coincide with additional enhancement of public realm measures in Charleville but these developments in

	combination will not have any impacts on Natura 2000 sites.
<p>Examples of the type of changes to give consideration to include:</p> <ol style="list-style-type: none"> 1. Reduction or fragmentation of habitat area 2. Disturbance to QI species 3. Habitat or species fragmentation 4. Reduction or fragmentation in species density 5. Changes in key indicators of conservation status value (water quality etc.) 6. Changes to areas of sensitivity or threats to QI 7. Interference with the key relationships that define the structure or ecological function of the site 8. Climate change 	<ol style="list-style-type: none"> 1. No reduction or fragmentation of habitat area in any Natura 2000 site will occur as a result of the redevelopment of Charleville Court and Market House in combination with any other developments. 2. No disturbance to QI species will occur as a result of the redevelopment of Charleville Court and Market House in combination with any other developments. 3. No habitat or species fragmentation will occur as a result of the redevelopment of Charleville Court and Market House in combination with any other developments. 4. No reduction or fragmentation in species density will occur as a result of the redevelopment of Charleville Court and Market House in combination with any other developments. 5. Not applicable. 6. No changes to areas of sensitivity or threats to Qualifying Interests will occur as a result of the redevelopment of Charleville Court and Market House in combination with any other developments. 7. Not applicable. 8. The redevelopment of Charleville Court and Market House will involve the use of best practice methods to reduce carbon emissions and waste.
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?	
<p>Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>While best practice methods are referenced, these are not required to avoid or reduce any effects on a European site. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.</p>

Screening Determination Statement

STEP 4. Screening Determination Statement

<p>The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on European site(s) in view of its conservation objectives.</p>		
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development on fully serviced land, • The intervening land uses and distance from European sites, • The lack of direct connections with regard to the Source-Pathway-Receptor model, <p>it is concluded that the proposed redevelopment of Charleville Court and Market House, alone or in-combination with other plans or projects would not be likely to have a significant effect on the above listed European sites or any other European site, in view of the site's conservation interests.</p> <p>An Appropriate Assessment is not therefore required.</p>		
<p>Conclusion:</p>		
	Tick as appropriate	Recommendation
(1) It is clear that no likelihood of significant effects arises.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment is not required.
(2) It is uncertain if the proposed development will have a significant effect on a European site.	<input type="checkbox"/>	Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
(3) Significant effects are likely.	<input type="checkbox"/>	Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
Signature and date of Recommending Officer:		 Tony Nagle Cork County Council Ecologist 12/01 /2022

References

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species in Ireland (2019), individual site synopses, Natura 2000 data forms, and information relating to the qualifying features and conservation objectives of individual sites was sourced from the NPWS database (www.NPWS.ie).

Department of the Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.

European Communities, Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC. European Communities, 2000.

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. European Communities, 2001.

Office of the Planning Regulator. Appropriate Assessment Screening for Development Management, 2021.