Habitats Directive Appropriate Assessment
Screening Report & Screening Determination

Project: 2. Church of Ireland, Macroom – Community and Enterprise Facility

Cork County Council
Comhairle Contae Chorcaí

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Contents

1 Introduction

This document includes the Habitats Directive screening determination of Cork County Council in respect of a proposed development of 11 houses at Uplands Fermoy. The assessment is based on project drawings and details prepared by the Architects Department of the Housing Directorate of Cork County Council.

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 on proposed developments on sites that are designated for the protection of nature (European Sites[1]) 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 is completed by the Competent Authority, being authority delegated to give consent for 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 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 been 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 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 Culture, 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 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 this proposed development. All European sites within or close to the proposed works site, or that have been identified to have an ecological linkage to the proposed development have screened to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

2 Proposed Development

The proposed development is for the refurbishment of St. Coleman's, the former Church of Ireland, Castle Street Macroom into a community hub building and retention of partially completed 1994 rear extension. The proposal includes:

Ground floor: entrance and associated public area, a large community enterprise space associated with the community, tourism and enterprise hub, with the potential to facilitate recitals and events, ancillary facilities including toilets, storage, new stairs to both tower and rear extension.

First and second floor: café/tea station and meeting area in rear extension with mezzanine to large open nave space, provision of a new staircase in the tower to offer viewing landing area with a view to the town centre to the south and east, town park and the River Sullane to the west.

Provision for all vertical and horizontal circulation, stairs, ramps etc. Ancillary services areas to provide storage, plant, toilets and general circulation.

Site development works to surrounding recorded monument and burial ground include minimal external hard and soft landscaping to allow for the sensitive installation of universal accessible ramp with level threshold access entrance to main entrance, lighting, and all associated site services above and below ground. On street bike parking spaces and bin storage to Church gate entrance. Associated Foul/Fresh Water & ESB Connections and Fibre Optic Communications Connections.

3 Development Site Details

The subject site measures approximately 0.166ha. It is located near the town centre, close to the eastern (righthand) bank of the Sullane River. There are a number of mature trees in and along the western side of the site. There is an old graveyard on the south side of the church, with a pathway running through its centre.

Figure 1: Site Location

4 EU Sites, Habitats & Species

There are four Natura sites located within 15km of the proposed development. Given their distance and absence of an ecological or hydrological connection, St. Gobnet's SAC (site code: 0106) 14.4km to the west and Mullaghanish to Musheramore Mountains SPA (site code: 4162) 6km to the northwest, I am satisfied that any potential impacts on those EU sites arising as a results of the proposed development can be screened out.

The proposed development site is located 1.8km to the north of The Gearagh Special Area of Conservation (Site Code 0108) and 2.3km to the northeast of The Gearagh Special Protection Area (Site Code 4109).

Figure 2: Location of proposed development site relative to The Gearagh SPA (pink hatch) and The Gearagh SAC (red hatch)

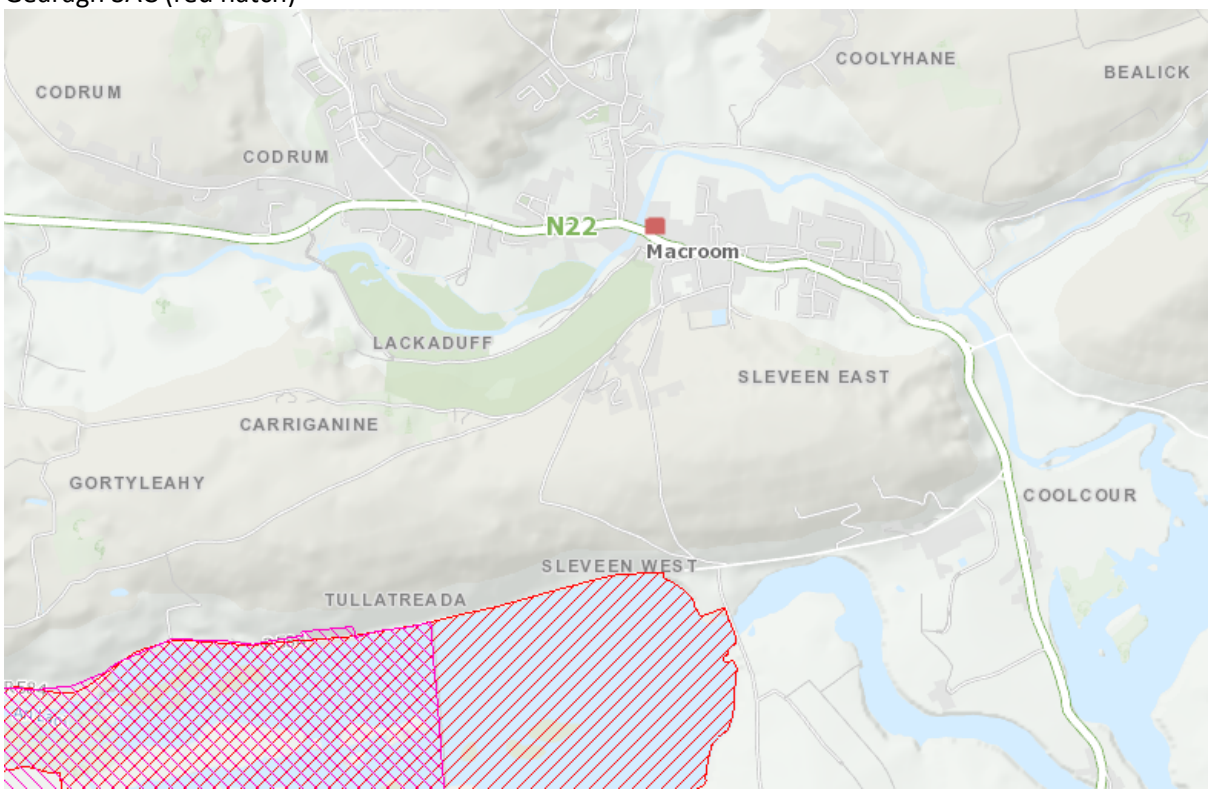
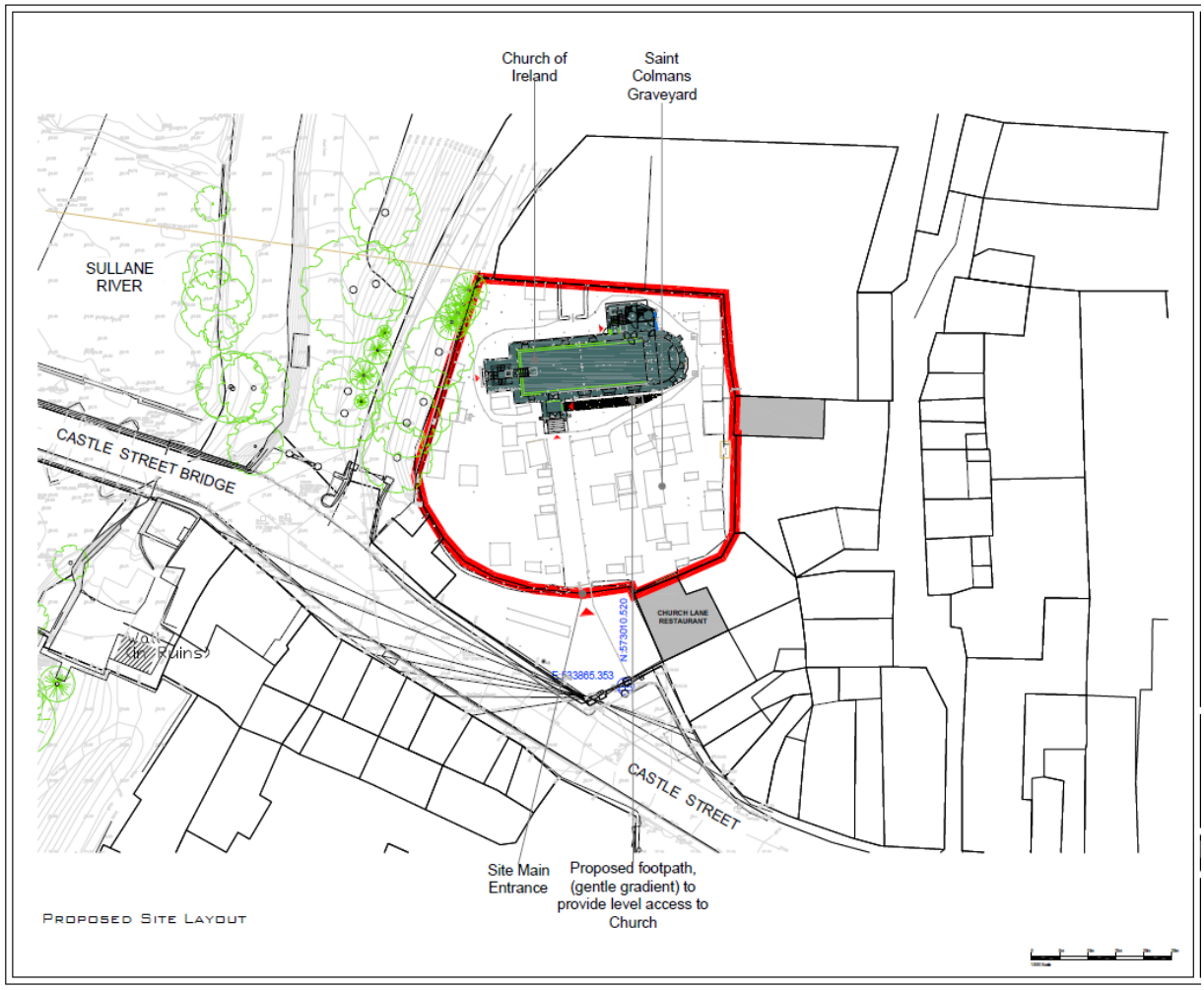


Figure 3: Site boundaries showing whole site (red)



The Gearagh SAC (site code: 000108)

The Gearagh SAC is an area of woodland, river and reservoir in a wide, flat valley of the River Lee. It is noted for its alluvial and wet woodland within an anastomosing channel and is the only such site remaining in Ireland or Great Britain. The alluvial woodland occurs on islands between the streams. The SAC is selected for four habitats listed on Annex I of the EU Habitats Directive, one of which, alluvial woodland (91E0), is a priority habitat. The following table lists the qualifying interests of the SAC and their conservation objectives (NPWS 2016).

Qualifying Interests **The Gearagh SAC**	**Conservation Objectives** **(NPWS Conservation Objectives Version 1, September 2016)**
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]	To maintain the favourable conservation condition
Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation [3270]	To maintain the favourable conservation condition
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	To maintain the favourable conservation condition

Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To maintain the favourable conservation condition
Lutra lutra (Otter) [1355]	To maintain the favourable conservation condition

The Gearagh SPA (site code: 004109)

The SPA extends from Annahala bridge westwards to Toon bridge. The principal habitat is a shallow lake or reservoir which is fringed by wet woodland, scrub and grassland that is prone to flooding. Alluvial forest occurs on islands. At times of low water, a diverse pioneer plant community develops on the mud. The site supports important populations of wintering waterfowl, including swans, dabbling duck, diving duck and some waders. Habitat quality is good, and the site provides both feeding and roost sites for the birds.

The following table lists the qualifying interests of the SPA and information relating to population trends for key species at the site. All of these features are considered to be within the potential zone of influence of the proposed development site. The objectives are generic, and no specific targets have been set to date.

Special Conservation Interests Blackwater Callow SPA	**Conservation Objectives (NPWS Conservation Objectives Generic Version, March 2021)**
Wigeon (Anas penelope) [A050]	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA
Teal (Anas crecca) [A052]	
Mallard (Anas platyrhynchos) [A053]	
Coot (Fulica atra) [A125]	
Wetland [A999]	

In summary therefore, the relevant qualifying interests of the The Gearagh SAC and the special conservation interests of The Gearagh SPA are as follows:

The Gearagh SAC:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260]
- Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation [3270]
- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]
- Lutra lutra (Otter) [1355]

The Gearagh SPA:

- Wigeon (Anas penelope) [A050]
- Teal (Anas crecca) [A052]
- Mallard (Anas platyrhynchos) [A053]
- Coot (Fulica atra) [A125]

- Wetland and Waterbirds [A999]

5 Screening Assessment

This section of the report examines whether the proposed project has the potential to negatively impact on the conservation status of the above listed qualifying interests of The Gearagh SAC and The Gearagh SPA.

As set out in the NPWS and EU guidance, the favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long- term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The Gearagh – Conservation Objectives

The Conservation Objectives for qualifying interests for which The Gearagh SAC is designated and their associated targets are set out below.

Qualifying Interest	Conservation Objective	Target
Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation	Maintain favourable conservation condition	Area stable or increasing, subject to natural processes
		No decline, subject to natural processes
		Maintain appropriate hydrological regime necessary to support the typical species and vegetation composition of the habitat
		Maintain appropriate groundwater contribution necessary to support the typical species and vegetation composition of the habitat
		Maintain variety and extent of substratum necessary to support the typical species and vegetation composition of the habitat
		Maintain the concentration of nutrients in the water column necessary to support the typical species and vegetation composition of the habitat
		Maintain good or high biological status necessary to support the typical species and vegetation composition of the habitat
		Maintain typical species in good condition, including appropriate distribution and abundance
		Maintain vegetation communities/ zonation/ mosaic characteristic of the site
		Maintain marginal fringing habitats that support the typical species and vegetation composition of the habitat
		Maintain floodplain connectivity necessary to support the typical species and vegetation composition of the habitat

Rivers with muddy banks with Chenopodion rubri p.p. and Bidention p.p. vegetation [3270]	Maintain the favourable conservation condition	Area stable or increasing, subject to natural fluctuations
		No decline, subject to natural processes. See map 3 for potential distribution
		Maintain appropriate hydrological regime necessary to support the typical species and vegetation composition of the habitat
		Maintain variety and extent of substratum necessary to support the typical species and vegetation composition of the habitat
		Maintain nutrient status necessary to support the typical species and vegetation composition of the habitat
		Maintain sufficient wet bare ground to support the typical species and vegetation composition of the habitat
		Maintain water quality necessary to support the typical species and vegetation composition of the habitat
		Maintain typical species in good condition, including appropriate distribution and abundance
		Maintain vegetation zonation/mosaic characteristic of the site
		Maintain marginal fringing habitats that support the typical species and vegetation composition of the habitat
		Maintain floodplain connectivity necessary to support the typical species and vegetation composition of the habitat
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Maintain the favourable conservation condition	Habitat area stable or increasing, subject to natural processes
		No decline in habitat distribution
		Woodland area stable or increasing. Where topographically possible, "large" woods at least 25ha in size and “small” woods at least 3ha in size
		Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and well-developed herb layer
		Maintain diversity and extent of community types
		Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy
		At least 30m³/ha of fallen timber greater than 10cm diameter; 30 snags/ha; both categories should include stems greater than 40cm diameter
		No decline in veteran trees
		No decline in indicators of local distinctiveness
		No decline in native tree cover. Native tree cover not less than 95%
		A variety of typical native species present, depending on woodland type, including oak (Quercus petraea) and birch (Betula pubescens)
		Negative indicator species, particularly non-native invasive species, absent or under control
Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	Maintain the favourable conservation condition	Habitat area stable or increasing, subject to natural processes, at least 101.2ha for site surveyed
		No decline in habitat distribution
		Area stable or increasing. Where topographically possible, "large" woods at least 25ha in size and “small” woods at least 3ha in size
		Diverse structure with a relatively closed canopy containing mature trees; subcanopy layer with semimature trees and shrubs; and well-developed herb layer
		Maintain diversity and extent of community types
		Seedlings, saplings and pole age-classes occur in adequate proportions to ensure survival of woodland canopy

		Appropriate hydrological regime necessary for maintenance of alluvial vegetation
		At least 30m³/ha of fallen timber greater than 10cm diameter; 30snags/ha; both categories should include stems greater than 40cm diameter (greater than 20cm diameter in the case of alder (Alnus glutinosa))
		No decline in veteran trees
		No decline in indicators of local distinctiveness
		No decline in native tree cover. Native tree cover not less than 95%
		A variety of typical native species present, depending on woodland type, including A variety of typical native species present, including oak (Quercus spp.), ash (Fraxinus excelsior), birch (Betula pubescens), alder (Alnus glutinosa) and willows (Salix spp.)
		Negative indicator species, particularly non-native invasive species, absent or under control
Otter	Restore favourable conservation condition.	No significant decline in Otter distribution.
		No significant decline in extent of terrestrial territory available to Otter
		No significant decline in extent of marine territory available to Otter
		No significant decline in extent of freshwater habitat available to Otter
		No significant decline in extent of lake/lagoon habitat available to Otter
		No significant decline in number of couching sites and holts.
		No significant decline in availability of fish prey species.
		No significant increase in barriers to connectivity.

NPWS (2016) Conservation objectives for The Gearagh SAC. Version 1.

In summary, taking the requirements for all of the above listed habitats and species into account, the minimum water quality standards required to be met to protect all of the above listed species is **Q4 – Good Status**. It will also be necessary to

- maintain a stable hydrological regime;
- protect the natural extent and quality of riverbed habitats with low levels of nutrient and silt inputs to prevent algal and macrophyte growth; and
- to maintain open channels and free passage of fish.

The Gearagh SPA Conservation Objectives

The Conservation Objectives for the qualifying interest habitats and species of The Gearagh SPA are set out below. The objectives are generic, and no specific targets have been set to date.

Qualifying Interest	**Conservation Objective**
Wigeon (Anas penelope) [A050]	Maintain or restore favourable conservation condition.
Teal (Anas crecca) [A052]	Maintain or restore favourable conservation condition.
Mallard (Anas platyrhynchos) [A053]	Maintain or restore favourable conservation condition.
Coot (Fulica atra) [A125]	Maintain or restore favourable conservation condition.
Wetland [A999]	Maintain or restore favourable conservation condition.

NPWS (2021) Conservation objectives for The Gearagh SPA (4109). Generic version.

The potential for the proposed project to give rise to negative effects on the qualifying interest species for which this site is designated has been assessed and is set out below. Consideration has been given to the conservation objectives which have been set for the qualifying interest habitats and species, and the targets which have been set to achieve these. Taking account of same, particular focus has been given to activities which could:

- give rise to direct effects on qualifying interest habitat (e.g. direct interventions within the SAC or the SPA;
- cause significant disturbance to qualifying interest species of the SAC or special conservation interests of the SPA;
- negatively influence natural hydrological processes; or
- negatively impact water quality (e.g. risk of introduction of toxic contaminants, or risk of causing increased nutrient levels in receiving water);

Further consideration of the potential for the project to give rise to any such impacts is set out below:

Physical Interventions/Direct Effects: No works or interventions are proposed within the SAC or within the SPA and accordingly the risk of the proposed development giving rise to direct effects on habitats or species which are qualifying interests of the EU sites can be ruled out.

Risk of Disturbance to Species: The proposed development site is sufficiently distant from the SPA and the SAC to be satisfied that neither activities associated with the development, nor post construction use of the refurbished building poses any risk of causing disturbance to qualifying interest species of either the SAC or the SPA. The location of the site within the town centre and away from The Gearagh negates any possibility that the site would be likely to support wetland bird species which are associated with the SPA, and therefore it is considered that there is no risk of ex situ impacts to the relevant species arising.

Risk of Project Negatively Influencing Natural Hydrological Conditions: No works are proposed within either Natura 2000 site. There is no direct surface water linkage between the development site and the SAC or SPA and there is no proposal to create one. The proposed development site is proximal to the Sullane River, which enters the River Lee downstream of the SAC and SPA. Figure 2 shows the location of the proposed development in relation to the Natura 2000 sites.

Water Pollution Risks:
Surface water: As there will be no surface water linkage to the river, there is no potential pathway for introducing potentially silt or potentially toxic contaminants to the river via surface water during the construction or post construction stages. Therefore, it is concluded that there is no risk of introduction of silt or potentially toxic contaminants to the freshwater environment at either the construction stage or thereafter.

Waste-water: It is proposed that the development will connect to the public sewage system. Macroom's WWPT discharges to the Sullane, downstream of the town. As the Sullane joins the Lee downstream of The Gearagh, there is no risk to the water quality of the EU sites from the proposed development.

7 Screening Determination

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided in this report, it is concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects will not have a significant effect on a European site (Natura 2000 site). It is therefore considered that a Stage 2 Appropriate Assessment under Section 177V of the Planning and Development Act 2000 (as amended), is not required.

Reasons for Determination

- No works or interventions are proposed within the SAC or within the SPA.
- The proposed development site is sufficiently distant from the SPA and the SAC to be satisfied that neither activities associated with the construction of the development, nor post construction use of the new Hub poses any risk of causing disturbance to qualifying interest species of either the SAC or the SPA. The location of the site, proximal to town centre and away from The Gearagh, negates any possibility that the site would be likely to support wetland bird species which are associated with the SPA, and therefore it is considered that there is no risk of ex situ impacts to the relevant species arising.
- Given that there is no surface water linkage to The Gearagh, as the Sullane enters the Lee downstream of the Natura 2000 sites, there is no potential pathway for introducing silt or potentially toxic contaminants to the Gearagh via surface water during the construction or post construction stages.

8 References

NPWS Site Data

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).

Guidance used in the preparation of this report included the following:

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.

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

Other References:

Lewis, L., Burke, B., Fitzgerald, N., Tierney, D. & Kelly, S. (2019) Irish Wetland Bird Survey: Waterbird Status and Distribution 2009/10-2015/16.