Habitats Directive Appropriate Assessment Screening Report & Screening Determination

Project:

New social dwelling at 22 Aisling Gheal, Hospital Hill, Kanturk, Co. Cork.

Cork County Council
Comhairle Contae Chorcaí

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Contents

1 Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination of Cork County Council build a new social dwelling on a serviced site Aisling Gheal, Hospital Hill, Kanturk. The assessment is based on project drawings and details prepared by the Architects Dept.

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 the construction of a new social dwelling. 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.

2 Proposed Works

It is proposed to construction a new dwelling, with a capacity for up to 5 persons (depending on the any special needs).

3 Site Details

The proposed site is a serviced site built around 2004 so local services are expected to have capacity for its development.

-Foul sewers. Existing live modern sewerage is provided to the frontage of the site, which has been taken in charge. Irish Water confirm capacity is available.

-Drinking water. Existing live modern supplies are provided to the plot.

-Surface water. Existing live modern surface water system is provided to the frontage of the site which has been taken in charge.

-An electricity supply is already provided to the estate.

Figure 1 Location of proposed development in Ashling Gheal estate

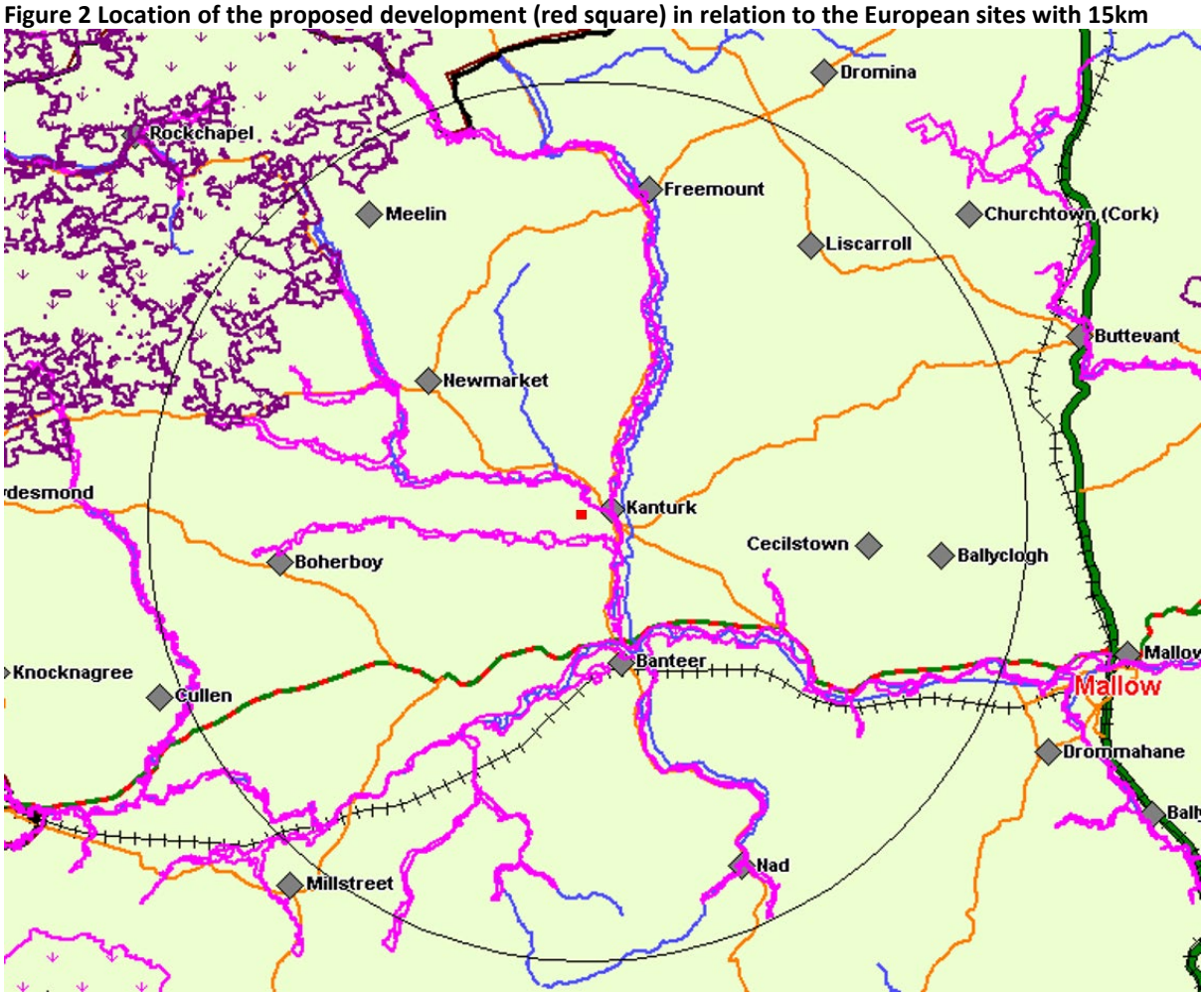
4 EU Sites, Habitats & Species

The site does not overlap with any European site. There are two European Sites within 15km of the site where works are proposed. These are set out in Table 1 and shown on Figure 1. Consideration is given to potential for the proposed works to give rise to negative effects on these sites below. No other sites have been identified which could be affected by the proposed development.

Table 1 European Sites within 15km of the proposed development

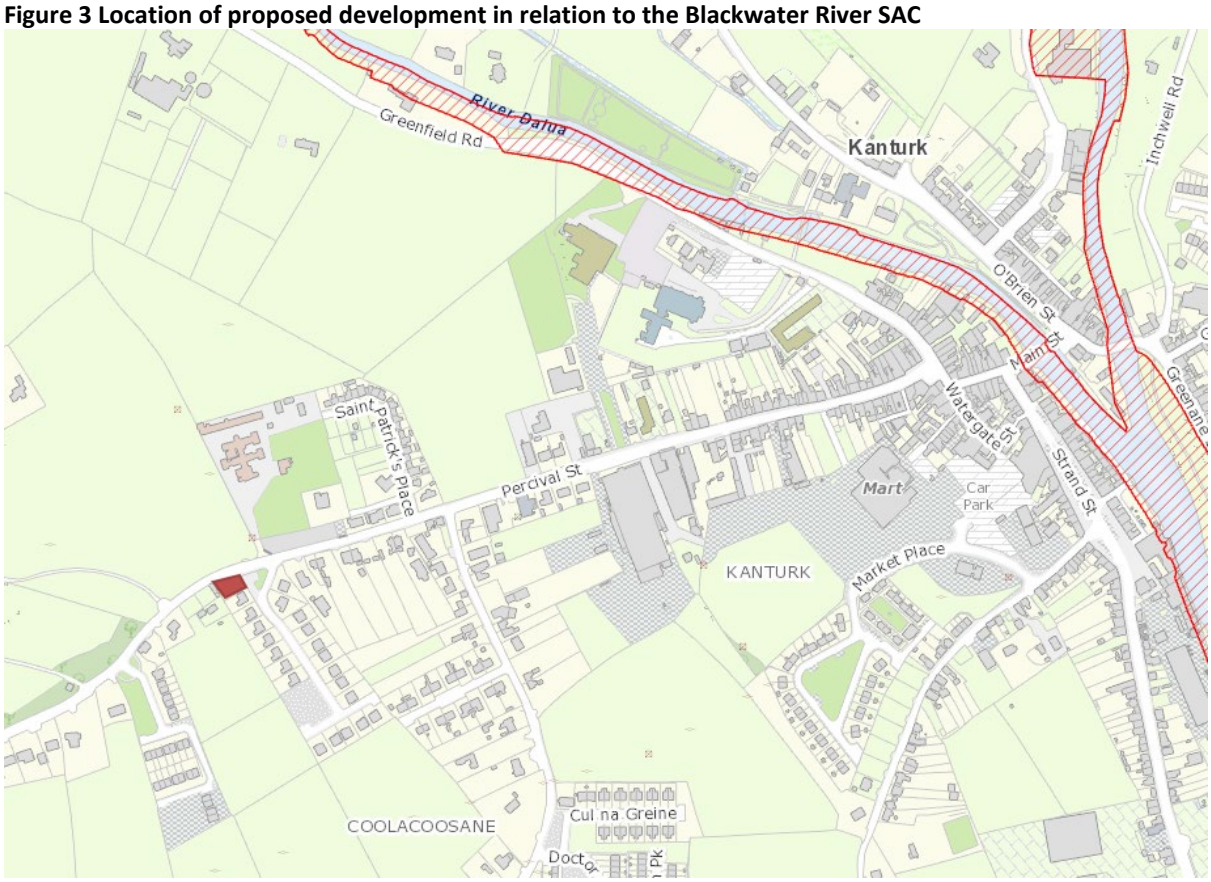
Site Code	Site Name	Distance from proposed works
002170	Blackwater River (Cork/Waterford) Special Area of Conservation	570m
004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	11km

Figure 2 Location of the proposed development (red square) in relation to the European sites with 15km



Given the distance and absence of ecological or hydrological connections, the potential for the development to give rise to significant negative impacts on the Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA can be screened out.

Figure 3 Location of proposed development in relation to the Blackwater River SAC



The proposed development is located approximately 570m for the River Allow, which forms part of the Blackwater River (Cork/Waterford) Special Area of Conservation (site code: 2170). The SAC is designated for 18 qualifying interests. Listed below. Known to occur in the vicinity of the site are in **bold**.

Qualify Interest	Conservation Objective
• Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0] • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	To maintain the favourable conservation condition of the following habitats and species: • Estuaries [1130] • Mudflats and sandflats not covered by seawater at low tide [1140] • Perennial vegetation of stony banks [1220] • Salicornia and other annuals colonising mud and sand [1310] • Mediterranean salt meadows (Juncetalia maritimi) [1410] • Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation [3260] • Austropotamobius pallipes (White-clawed Crayfish) [1092] • **Lampetra planeri (Brook Lamprey) [1096]** • **Lampetra fluviatilis (River Lamprey) [1099]** • **Salmo salar (Salmon) [1106**] • Trichomanes speciosum (Killarney Fern) [1421]

• **Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]** • Austropotamobius pallipes (White-clawed Crayfish) [1092] • **Petromyzon marinus (Sea Lamprey) [1095]** • **Lampetra planeri (Brook Lamprey) [1096]** • **Lampetra fluviatilis (River Lamprey) [1099]** • Alosa fallax fallax (Twaite Shad) [1103] • **Salmo salar (Salmon) [1106]** • **Lutra lutra (Otter) [1355]** • Trichomanes speciosum (Killarney Fern) [1421]	and to restore the favourable conservation condition of the following habitats and species: • Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] • 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] • **Margaritifera margaritifera (Freshwater Pearl Mussel) [1029]** • **Petromyzon marinus (Sea Lamprey) [1095]** • Alosa fallax fallax (Twaite Shad) [1103] • **Lutra lutra (Otter) [1355]** The status of *Taxus baccata* woods of the British Isles as a qualifying Annex I habitat for the Blackwater River (Cork/Waterford) SAC is currently under review. NPWS Conservation Objectives Version 1.0, Date: July 2012

In summary, therefore, the relevant qualifying interests of the Blackwater River SAC, in regard to the proposed development are Freshwater Pearl Mussel (*Margaritifera margaritifera*), Atlantic Salmon (*Salmo salar*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*Lampetra planeri*), Sea Lamprey (*Petromyzon marinus*) and Otter (*Lutra lutra*).

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 Blackwater River (Cork/Waterford) Special Area of Conservation

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

Qualifying Interest	Conservation Objective	Target
Freshwater Pearl Mussel (*Margaritifera margaritifera*)	Restore favourable conservation condition	Maintain distribution
		Restore to 35,000 adult mussels
		Recruitment - Restore to least 20% of population no more than 65mm in length; and at least 5% of population no more than 30mm in length
		Adult mortality - No more than 5% decline from previous number of live adults counted; dead shells less than 1% of the adult population and scattered in distribution
		Restore suitable habitat in more than 35km and any additional stretches necessary for salmonid spawning
		Restore water quality- macroinvertebrates: EQR greater than 0.90; phytobenthos: EQR greater than 0.93
		Restore substratum quality- filamentous algae: absent or trace (<5%)
		Restore substratum quality- stable cobble and gravel substrate with very little fine material; no artificially elevated levels of fine sediment
		Oxygen availability - Restore to no more than 20% decline from water column to 5cm depth in substrate
		Flow regime - Restore appropriate hydrological regimes
		Maintain sufficient juvenile salmonids to host glochidial larvae
Sea Lamprey (*Petromyzon marinus)*	Restore favourable conservation condition	Extent of anadromy - Greater than 75% of main stem length of rivers accessible from estuary. See map 10 for recorded distribution
		Population structure of juveniles - At least three age/size groups present
		Juvenile density at least 1/m² in fine sediment
		No decline in extent and distribution of spawning beds.
		Availability of juvenile habitat - More than 50% of sample sites positive.
Brook Lamprey (*Lampetra planeri*)	Maintain the favourable conservation condition	Distribution - Access to all water courses down to first order streams
		Population structure of juveniles - At least three age/size groups of brook/river lamprey present
		Mean catchment juvenile density of brook/river lamprey at least 2/m² in fine sediment
		No decline in extent and distribution of spawning beds
		Availability of juvenile habitat - More than 50% of sample sites positive.
River Lamprey (*Lampetra fluviatilis*)	Maintain the favourable conservation condition	Distribution - Access to all water courses down to first order streams
		Population structure of juveniles - At least three age/size groups of brook/river lamprey present
		Mean catchment juvenile density of brook/river lamprey at least 2/m² in fine sediment
		No decline in extent and distribution of spawning beds
		Availability of juvenile habitat - More than 50% of sample sites positive.
Atlantic Salmon (*Salmo salar*)	Maintain the favourable	Distribution: extent of anadromy - 100% of river channels down to second order accessible from estuary

	conservation condition	Adult spawning fish - Conservation Limit (CL) for each system consistently exceeded
		Maintain or exceed 0+ fry mean catchment-wide abundance threshold value. Currently set at 17 salmon fry/5 min sampling
		No significant decline
		No decline in number and distribution of spawning redds due to anthropogenic causes
		Water quality - At least Q4 at all sites sampled by EPA
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 Conservation Objectives Version 1.0, Date: July 2012

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;
- cause significant disturbance to qualifying interest species of the SAC;
- 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 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 SAC to be satisfied that neither activities associated with the development, nor post construction use of the dwelling poses any risk of causing disturbance to qualifying interest species of either the SAC. The location of the site within the curtilage of the existing estate, away from Allow River negates any possibility that the site would be likely to support species which are associated with the SAC, 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 and there is no proposal to create one. The proposed development site is approximately

570m from the Allow River. Figure 3 shows the location of the proposed development in relation to the Natura 2000 sites.

Water Pollution Risks:

Surface water: There is no direct hydrological link between the site and the Blackwater River SAC and with the presence of buffers (e.g. lawns and roadway) to help safeguard the SAC from the proposed development, no significant water quality impacts as a result of the proposed development are expected as a result of contaminated surface water run-off.

Waste-water: It is proposed that the development will connect to the existing public wastewater infrastructure. While the WWTP is noncompliant for Ammonia. It is compliant for orthoP, BOD and SS. The plant has capacity and is not causing an adverse impact on water quality.

6 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.
- The proposed development site is sufficiently distant from the SAC to be satisfied that neither activities associated with the construction of the development, nor post construction use of the new dwelling poses any risk of causing disturbance to qualifying interest species of the SAC.
- Given that there is no surface water linkage to the Allow River, there is no potential pathway for introducing silt or potentially toxic contaminants to the SAC via surface water during the construction or post construction stages.
- A hydrological connection will be established between the development site and the river by linking the new house to the Kanturk WWTP. While the WWTP is noncompliant for Ammonia. It is compliant for orthoP, BOD and SS. The plant has capacity and if treatment plant is compliant with ELVs

7 References

NPWS Site Data

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species In Ireland (2013), 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.