

Screening Report for Appropriate Assessment

Mitchelstown Public Realm

MEC Ltd.

Screening Report in support of Appropriate Assessment

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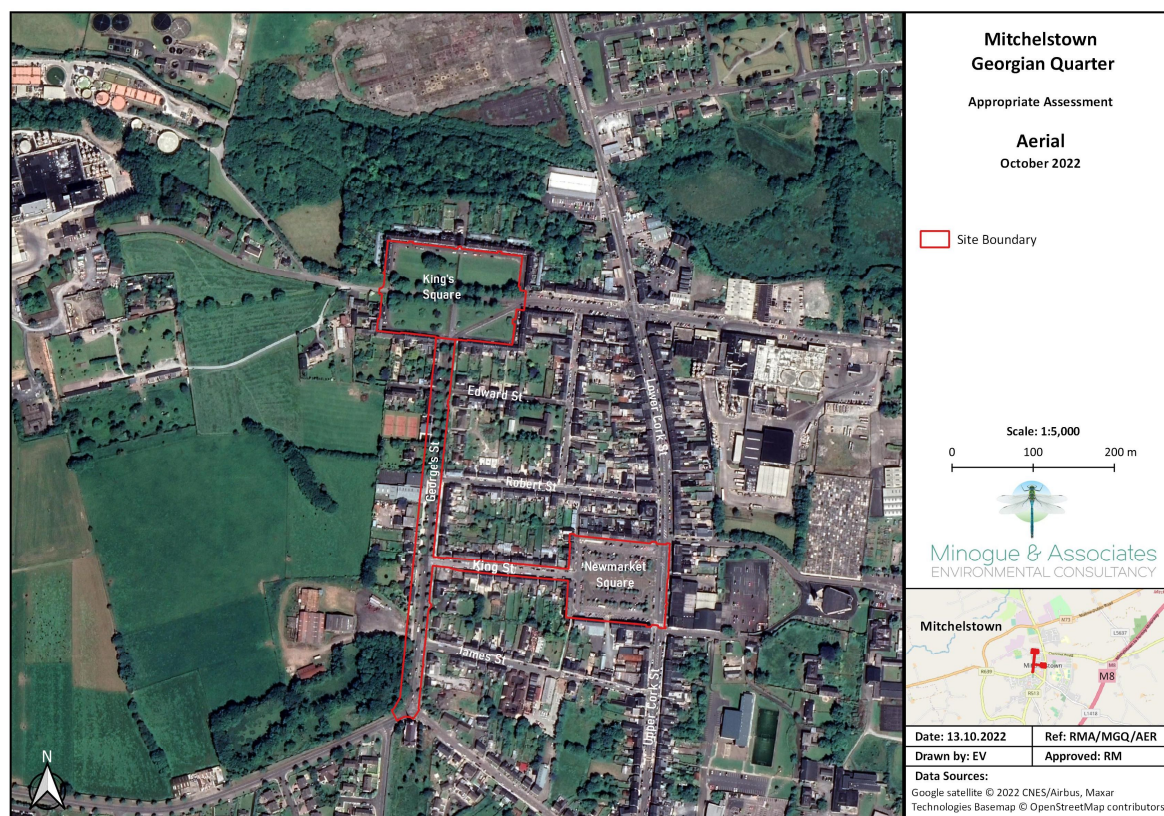
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1 Introduction

Minogue Environmental Consulting Ltd was engaged by the Redscape Ltd on behalf of Cork County Council (CCC) to undertake a Screening Statement in support of an Appropriate Assessment (AA), under Article 6 of the EU Habitats Directive, for a proposed public realm project at Mitchelstown Town Centre, Co. Cork. Figure 1.1. shows the project location and boundary over aerial imagery.

Figure 1-1 Project Location over aerial imagery



This Screening Report for Appropriate Assessment forms Stage 1 of the Habitats Directive Assessment process and is being undertaken in order to comply with the requirements of the Habitats Directive Article 6(3). The function of this Screening Report is to identify the potential for the project to result in likely significant effects to Natura 2000 sites and to provide information so that the competent authority can determine whether a Stage 2 Appropriate Assessment is required for the project.

1.1 LEGISLATIVE CONTEXT

This Screening Report for Appropriate Assessment is being prepared in order to enable the competent authority, in this case Cork County Council, to comply with Article 6(3) of Council Directive 92/43/EEC (The Habitats Directive). It is prepared to assess whether or not the project alone or in combination with other plans and projects is likely to have a significant effect on any European Site in view of best scientific knowledge and in view of the conservation objectives of the Natura 2000 sites and specifically on the habitats and species for which the sites have been designated.

1.1.1 Requirement for an Assessment under Article 6 of the Habitats Directive

According to Regulation 42(1) of the European Communities (Birds and Natural Habitats) Regulations 2011 – 2015, the competent authority has a duty to:

- Determine whether the proposed Project is directly connected to or necessary for the management of one of more Natura 2000 sites; and, if not,
- Determine if the Project, either individually or in combination with other plans or projects, would be likely to have a significant effect on the European Site(s) in view of best scientific knowledge and the Conservation Objectives of the site(s).

This report contains a Screening for Appropriate Assessment and is intended to assess and address all issues regarding the installation / construction and operation of the Project and to inform and allow the competent authority to comply with the Habitats Directive. Article 6(3) of the Habitats Directive defines the requirements for assessment of projects and plans for which likely significant effects on Natura 2000 sites may arise.

The European Communities (Birds and Natural Habitats) Regulations, 2011 – 2015 (the Habitats Regulations) transpose into Irish law Directive 2009/147/EC (the Birds Directive) and Council Directive 92/43/EEC (the Habitats Directive) lists habitats and species that are of international importance for conservation and require protection. The Habitats legislation requires competent authorities, to carry out a Screening for Appropriate Assessment of plans and projects that, alone or in combination with other plans or projects, would be likely to have significant effects on Natura 2000 sites in view of best scientific knowledge and the Site's conservation objectives. This requirement is transposed into Irish Law by Part 5 of the Habitats Regulations and Part XAB of the Planning and Development Act, 2000 (as amended).

2 SCREENING METHODOLOGY

2.1 Introduction

This Screening Report has been prepared in order to comply with the legislative requirements outlined in Section 1.1 above and aims to establish whether or not the proposed project, alone or in combination with other plans or projects, would be likely to have significant effects on Natura 2000 sites in view of best scientific knowledge and the Site's conservation objectives. In this context "likely" means a risk or possibility of effects occurring that cannot be ruled out based on objective information and "significant" means an effect that would undermine the conservation objectives of the Natura 2000 sites, either alone or in-combination with other plans and projects (Office of the Planning Regulator (OPR), 2021).

The nature of the likely interactions between the Plan and the Conservation Objectives of Natura 2000 sites will depend upon the:

- the ecological characteristics of the species or habitat, including their structure, function, conservation status and sensitivity to change; and/or
- the character, magnitude, duration, consequences and probability of the impacts arising from land use activities associated with the plan, in combination with other plans and projects.

This Screening Report for Appropriate Assessment has been undertaken with reference to respective National and European guidance documents: Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities (DEHLG 2010) and Assessment of Plans and Projects Significantly Affecting Natura 2000 sites – Methodological Guidance of the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC; Office of the Planning Regulator – OPR Practice Note PN01: Appropriate Assessment Screening for Development Management, and recent European and National case law. The following guidance documents were also of relevance during the preparation of this Screening Report:

- A guide for competent authorities. Environment and Heritage Service, Sept 2002. Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2010). DEHLG.
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites – Methodological Guidance of the Provisions of Article 6(3) and (4) of the Habitats Directive 92/42/EEC. European Commission (2021).
- Managing Natura 2000 Sites – The provisions of Article 6 of the Habitats Directive 92/43/EEC. European commission (2018).

The EC (2001) guidelines outline the stages involved in undertaking a Screening Report for Appropriate Assessment for projects. The methodology adopted during the preparation of this Screening Report is informed by these guidelines and was undertaken in the following stages:

- 1) Describe the project and determine whether it is necessary for the conservation management of Natura 2000 sites;

- 2) Identify Natura 2000 sites that could be influenced by the project;
- 3) Where Natura 2000 sites are identified as occurring within the zone of influence of the project identify potential effects arising from the project and screen the potential for such effects to negatively affect Natura 2000 sites identified under Point 2 above;
- 4) and identify other plans or projects that, in combination with the project, have the potential to affect Natura 2000 sites.

2.1.1 Sources of Information used

Information relied upon included the following information sources, which included maps, ecological and water quality data as preliminary insights:

- Ordnance Survey of Ireland mapping and aerial photography available from www.osi.ie ;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from www.npws.ie;
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government <http://www.myplan.ie/en/index.html>;
- Information on water quality in the area available from www.epa.ie;
- Information on the River Basin Management Plan and water quality from <https://www.catchments.ie/>
- Information on soils, geology and hydrogeology in the area available from www.gsi.ie ;
- Information on the status of EU protected habitats in Ireland (National Parks & Wildlife Service, 2019 Volumes 1-3);
- Cork County Development Plan 2022 -2028, Natura Impact Report.

2.1.2 Site Visit

The Screening Report has been informed by a site survey at the project site, which was completed over a number of days in May and June 2022. The site survey involved identifying the habitats occurring on site to level 3 of Fossitt's Guide to Habitats in Ireland and searching the site for field signs indicating the presence of protected flora or fauna on site. In addition, the site was appraised for its potential to support qualifying species of Natura 2000 sites in area adjacent to the project area.

2.1.3 Mitigation Measures

There has been considerable controversy and debate over recent years as to what extent, if any, to which it is permissible for the competent authority to take mitigation measures into account in reaching its screening determination. It can be argued that it is sometimes difficult to draw a meaningful distinction between

- (i) a mitigation measure, and

- (ii) a feature which is an integral part of the design of the project.

This controversy has recently been resolved by the CJEU in its judgement in Case C-323/17 *People Over Wind*. The case concerned a proposed grid connection works, i.e. the laying of a cable to connect a wind farm to the national electricity grid. The High Court (Barrett J.) referred the question to the CJEU as to whether, or in what circumstances, mitigation measures can be considered when carrying out screening for appropriate assessment under Article 6(3) of the Habitats Directive. The CJEU noted that the concept of “mitigation measures” is not referenced in the Habitats Directive, and that the measures at issue in the proceedings should instead be understood as denoting measures that are intended to avoid or reduce the harmful effects of the proposed project on the site concerned.

The court held that Article 6(3) of the Habitats Directive must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not proper, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.

3 Project Description

3.1 Site description

The project is located in the town centre of Mitchelstown, Co. Cork. The following streets and squares are included in the project:

- Part 1: New Market Square, Kings Street and
- Part 2: Georges Street and King's College Square.

Section 3.2 provides an overview of the project description.

3.2 Project Description

The public realm measures are proposed for the following areas in the Mitchelstown Town Centre. Each area and public realm proposals for each are presented below along with landscape sketches for each area.

1. Construction compounds – their location will be determined upon detailed design and contractor appointment.
2. Duration: The project will be implemented on a phased basis
3. Potential machinery: standard machinery as for most roads projects.

The contract documents shall include for the following:

- The Contractor shall establish and implement, during the execution and completion of the Works, an Environmental Operating Plan consistent with and analogous to the NRA "Guidelines for the Creation, Implementation and Maintenance of an Environmental Operating Plan".
- All construction and operations shall be carried out in accordance with the Control of Water Pollution from Linear Construction Projects, Technical Guidance (C648) (CIRIA 2006), Control of Water Pollution from Linear Construction Projects, Site Guide (C649) (CIRIA 2006), and in accordance with the Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes (NRA, 2006).

3.2.1 Public realm proposals

3.2.1.1 *New Market Square*

A spatial concept has been developed to underpin the future proposal for the Square. The Square can be designed in many different ways, but the overall concept needs to be retained. This includes a central axis, a green zone within and around the Square, and different activities. The proposed design proposes an attractive destination space with opportunities for markets, events, play areas, relaxation, outdoor eating, green space and parking. It creates a new entrance to the Georgian Quarter and reinforces the cheese/ food and market branding for Mitchelstown. The Square can become the new heart of the town for meeting and gathering of all residents.

3.2.1.2 King Street

King Street runs along an east west axis from New Market Square to George's Street. The street looks out to Market Square to the east, behind which is the Courthouse with the Spire of the church visible above. The hills behind this form a backdrop to this planned vista.

3.2.1.3 King's Square (also referred to a College Green)

King's Square forms the highpoint of the Georgian Quarter. It is a large garden square about 98m x 151m (1,47ha) dissected with an east-west axis, lined with imposing lime trees known as the Mall or Castlefarm Road. The new garden Square limits traffic intersections and offers a pedestrian led space for public/ private use. The Mall could potentially be temporarily closed for a local festival or at weekends.

3.2.1.4 Georges Street

George's Street runs along a north south axis from the Chapel at King's Square to St George's Arts and Heritage Centre. When travelling north from the Arts and Heritage Centre a beautiful vista to the Galtee Mountains serves as a backdrop to the street. Approximately 500m long and 26m wide, it rises gently to the south.

3.2.1.5 Georgian Quarter Amenity Route

A new cycle and pedestrian network with key visitor points is proposed to enhance the existing pedestrian network for the Georgian Quarter and improves access to key community destinations and points of interest. The route could be developed as a basis to allow visitors to move freely around the town. A local heritage map already exists which highlights key visitor points and attractions. This in turn could be enhanced with a digital information system, that could recount stories of local buildings and places that could be accessed via a mobile phone.

Some improvements outside of the plan area are also proposed including, a well signed pedestrian access route to James's Street parking. This has recently been developed to offer 50 additional parking spaces for the town. Another proposal is to develop a pedestrian link directly from the supermarket parking area to New market Square via an adjacent route north of the former Market House with a lift, escalator, stair or slope or combination thereof. A route via the supermarket parking area from the graveyard could also be facilitated.

4 Description of the Project Site Location

4.1.1 Existing Environment

4.1.1.1 Water Resources

The site is within the Blackwater (Munster) Catchment (18) and the Funshion sub- catchment (10). The Blackwater also forms part of the Margaritifera SAC Catchment. Catchments of SAC populations listed in S.I. 296 of 2009. The Gradogue River is approximately 135m north of the site and flows in a westerly direction before joining the Funshion River. The Gradogue River was assigned a Q-value of 3 (Poor Status) in the most recent EPA monitoring survey carried out (20121 station code: RS18G130200). This river is At Risk of not meeting its Water Framework Directive (WFD) status objectives. The River Funshion enters the River Blackwater SAC northeast of the town of Fermoy, the Blackwater SAC is located 7.9km southwest of the project site.

Soil and geology within the study area are primarily coarse loamy drift with siliceous stones known as the Clashmore series though alluvial soil is associated with the river feature. The rest of the plan area is classified as 'urban' (Irish Soil Information System). The underlying bedrock comprises limestone. Groundwater vulnerability within the plan area is moderate to high.

A review of aerial photography from 1995 to 2020 shows little significant change to the town centre with the addition of the Aldi shop between 2005 and 2022 that encompasses part of the woodland to the rear of Kings College.

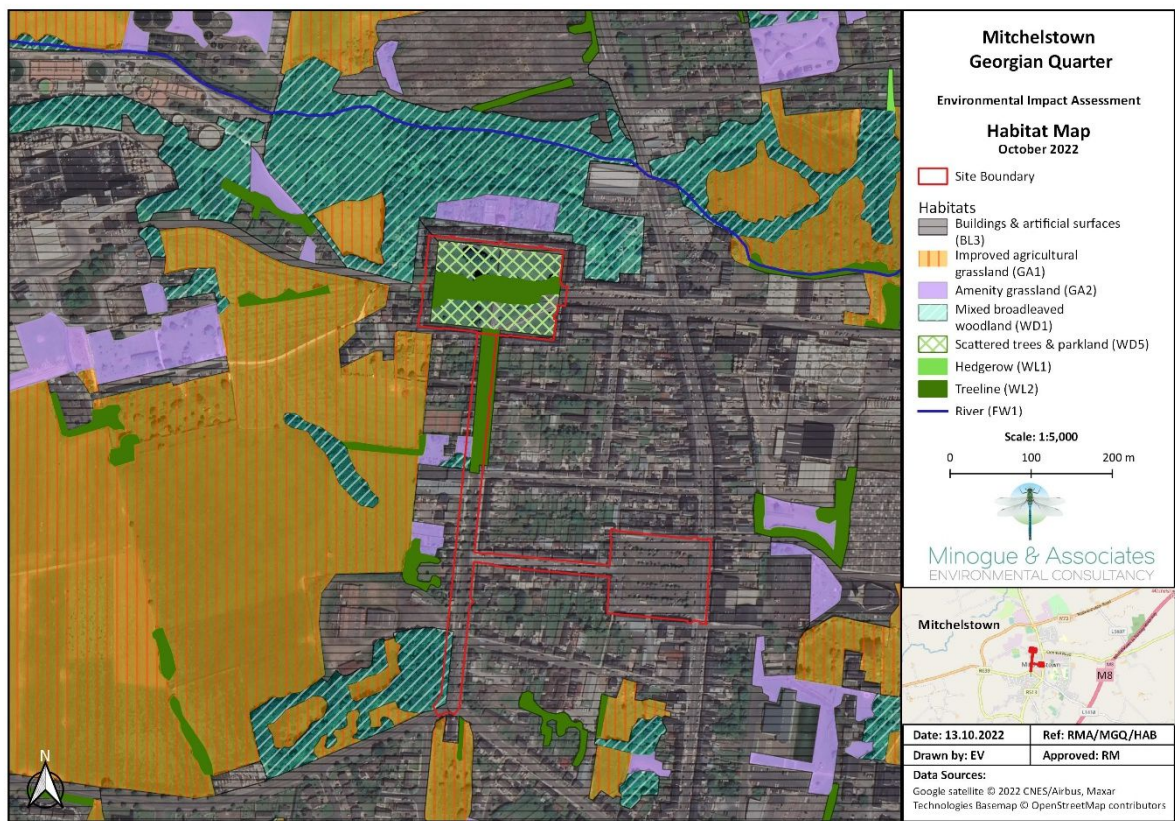
The following Sub-Sections describe the habitats occurring within and immediately adjacent to the project site. Each habitat described below has been identified to Level 3 of Fossit's *Guide to Habitats in Ireland*. The alpha-numeric code for each habitat is also provided alongside the habitat name (e.g. Treeline WL2). The locations and extent of each habitat described below in Table 4.1 are illustrated in Figure 4.1 Habitat Map.

TABLE 4-1 HABITATS IN THE PLAN AREA

Habitat classification and code (Fossit)	Summary
Built land and Artificial Surfaces (BL3 and BL1)	This comprises the most common habitat found on the plan area. It includes buildings and artificial surfaces (BL3) of various ages and styles from older buildings at Kings College to more recent structures as well as car parking surfaces and roads. Older stone walls are also present and these can support species including Ivy leaved toadflax as well as the stone wall associated with the cut stone bridge at Gradogue Stream and the derelict mill adjacent to Aldi. These stone walls support species including valerian and toadflax with dense ivy growth also recorded at the mill and at the bridge. <i>Clematis vitalia</i> was also recorded at

Habitat classification and code (Fossit)	Summary
	some of these stone walls. This is classified more as Stone walls and other stonework (BL1).
Scattered trees and Parkland (WD5)	<p>College Green is classified as Scattered Trees and Parkland with a combination of the tree lined avenue comprising mature trees namely Lime, beech, turkey oak. A stand of mature Lawson Cypress (<i>Chamaecyparis lawsoniana</i>) and Sycamore (<i>Acer pseudoplatanus</i>). The rest of the area comprises amenity grassland with occasional ornamental shrubs and planting including a lilac bush (<i>Syringa spp</i>) and ornamental rose bush. Closer to the fountain where weedkiller is not used, some bluebells and forget me notes were noted.</p> <p>A corner adjacent to the castle entrance is currently unmown and although dominated by rye species and docks, occasional bluebells were noted as well as creeping buttercup (<i>Ranunculus repens</i>), heavy ivy growth (<i>Hedera helix</i>) on the wall and an older lilac bush (<i>Syringea spp</i>). Grass cuttings were also being dumped in this area. There is potential for this triangular pocket to be subject to a gentle management regime to support increase in hay meadow or wildflower meadow.</p>
Treelines (WL2)	In addition to the mature tree lined avenue at King College dominated by mature Common Lime (<i>Tillia x Europaea</i>) and mature Turkey Oak (<i>Quercus cerris</i>) a mature tree lined avenue with grassed berms is also present along Georges Street. This is almost exclusively mature Common Lime (<i>Tillia x Europaea</i>).
Ornamental planting	Small areas of flower beds with ornamental planting are present at New Market Square in addition to occasional trees.

FIGURE 4-1 HABITAT MAP AND PLAN AREA



4.1.2 Desktop Research

A search of the National Biodiversity Data Centre (NBDC) for records of species listed in the EU Habitats and Birds Directives, previously identified in the vicinity of the project site was completed in May 2022. Given the project does not increase the overall footprint of the project area, nor provide for any instream works, a polygon was drawn for the project site and a buffer distance of approximately 600m both sides of the project area, see Figure 4.2 below:

Figure 4-2 Polygon used in search of Biodiversity Ireland database.



Table 4.2 below presents results from the above polygon search.

Table 4-2 Results from polygon search National Biodiversity Ireland Database (accessed 31.05.2022)

Name	Number	Date	Legal Status
Common Frog (<i>Rana temporaria</i>)	3	01/04/2003	Protected Species: EU Habitats Directive Protected Species: EU Habitats Directive >> Annex V Protected Species: Wildlife Acts
Common Pheasant (<i>Phasianus colchicus</i>)	6	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section I Bird Species
Common Snipe (<i>Gallinago gallinago</i>)	3	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section III Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Amber List
Common Wood Pigeon (<i>Columba palumbus</i>)	7	23/05/2016	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section I Bird Species
Corn Crake (<i>Crex crex</i>)	1	31/07/1972	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex I Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Red List
Eurasian Curlew (<i>Numenius arquata</i>)	2	29/02/1984	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section II Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Red List
Eurasian Woodcock (<i>Scolopax rusticola</i>)	2	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section III Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Amber List
European Golden Plover (<i>Pluvialis apricaria</i>)	1	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex I Bird Species Protected Species: EU Birds Directive >> Annex II, Section II Bird Species Protected Species: EU Birds Directive >> Annex III, Section III Bird Species Threatened Species: Birds of Conservation Concern Threatened Species:

Name	Number	Date	Legal Status
			Birds of Conservation Concern >> Birds of Conservation Concern - Red List
Hen Harrier (Circus cyaneus)	3	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex I Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Amber List
Jack Snipe (Lymnocyptes minimus)	1	29/02/1984	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section III Bird Species
Mallard (Anas platyrhynchos)	4	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section I Bird Species
Merlin (Falco columbarius)	2	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex I Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Amber List
Northern Lapwing (Vanellus vanellus)	2	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section II Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Red List
Peregrine Falcon (Falco peregrinus)	2	31/12/2011	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex I Bird Species
Red Grouse (Lagopus lagopus)	1	31/07/1972	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species Protected Species: EU Birds Directive >> Annex III, Section I Bird Species Threatened Species: Birds of Conservation Concern Threatened Species: Birds of Conservation Concern >> Birds of Conservation Concern - Red List
Rock Pigeon (Columba livia)	5	23/05/2016	Protected Species: Wildlife Acts Protected Species: EU Birds Directive Protected Species: EU Birds Directive >> Annex II, Section I Bird Species
Brown Long-eared Bat (Plecotus auritus)	1	01/07/1987	Protected Species: EU Habitats Directive Protected Species: EU Habitats Directive >> Annex IV Protected Species: Wildlife Acts

4.2 Is the project Necessary for the conservation Management of Natura 2000 sites

The project has been described in Section 3 of the Screening Report and it is clear from the description provided that the project is not directly connected with or necessary for the future conservation management of any Natura 2000 sites.

5 Identification of Natura 2000 sites within the zone of influence of the project

5.1 Introduction

Current guidance informing the approach to screening for Appropriate Assessment defines the zone of influence of a proposed development as the geographical area over which it could affect the receiving environment in a way that could have significant effects on the Qualifying Interests of a European site. It is recommended that this is established on a case-by-case basis using the Source-Pathway-Receptor (SPR) framework.

Given the project relates to public realm measures including landscaping, lighting, SUDs and installations such as canopy and no works are proposed in the river Gradogue, the nearest surface water feature, it is considered that only those Natura 2000 sites that are located within the immediate vicinity of the project site or connected to the project by pathways such as hydrological pathways lie within the zone of influence of the project.

The result of this preliminary screening concluded that there is a total of five SACs and one SPA located within the ZOI of the Proposed Development Site. The distances to each site listed are taken from the nearest possible point of the Proposed Development Site boundary to nearest possible point of each Natura 2000 site (Table 5.1).

The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report in October 2022. Where potential pathways for significant effects are identified, the site is included within the ZOI of the Proposed Development and further assessment is required.

A source-pathway-receptor model has been used to establish which Natura 2000 sites could occur within the zone of influence of potential indirect impacts. Under such a model the project, as described above, represents the source.

Potential impact pathways are restricted to hydrological pathways. No other pathways such as noise disturbance, or emissions to atmosphere will arise due to the small scale nature of the project works, which will not generate any significant noise, visual or atmospheric emissions that will be perceptible in the vicinity of any Natura 2000 sites in the wider surrounding area.

Potential impact pathways are restricted to hydrological pathways and mobile species pathways (i.e. where mobile species of SACs or SPA might rely on the project site for breeding, resting or foraging). No such pathways are identified given the nature of the project and the absence of suitable supporting habitat (such as playing fields, wetlands) within the project site.

The receptors represent Natura 2000 sites and their associated qualifying features of interest.

Table 5.1 provides a determination as to whether each European Site within a 15km buffer distance of the project site occur within the zone of influence of the project. This determination has been undertaken in line with the following assessment questions:

- Is there a hydrological pathway link between the Project site and Natura 2000 sites?
- Is there a mobile species link between the project site and Natura 2000 sites?
- Does the European Site occur within the zone of influence of the project?

Figure 5-1 Special Areas of Conservation within 15km buffer

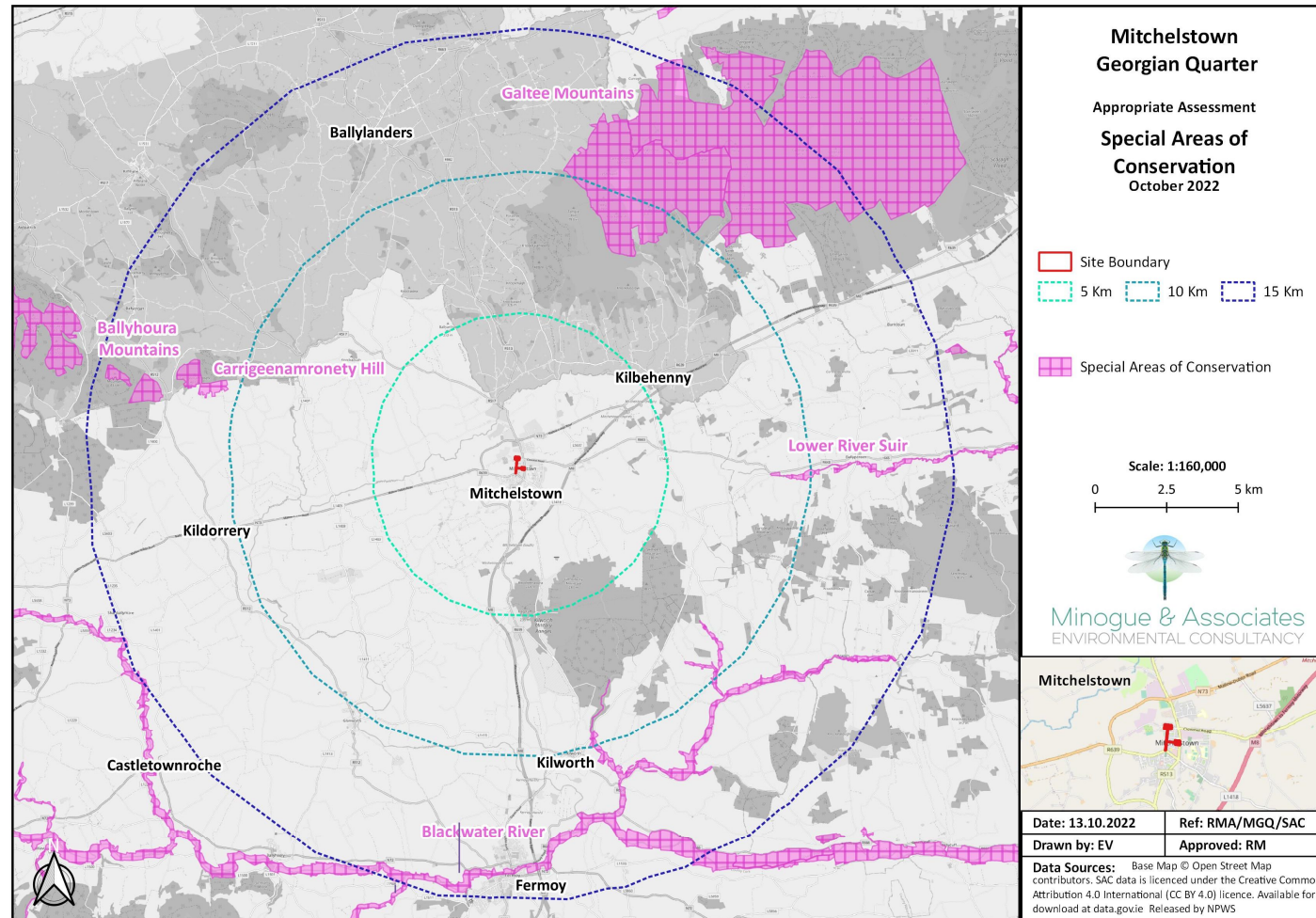


Figure 5-2 Special Protection Areas within 15km buffer.

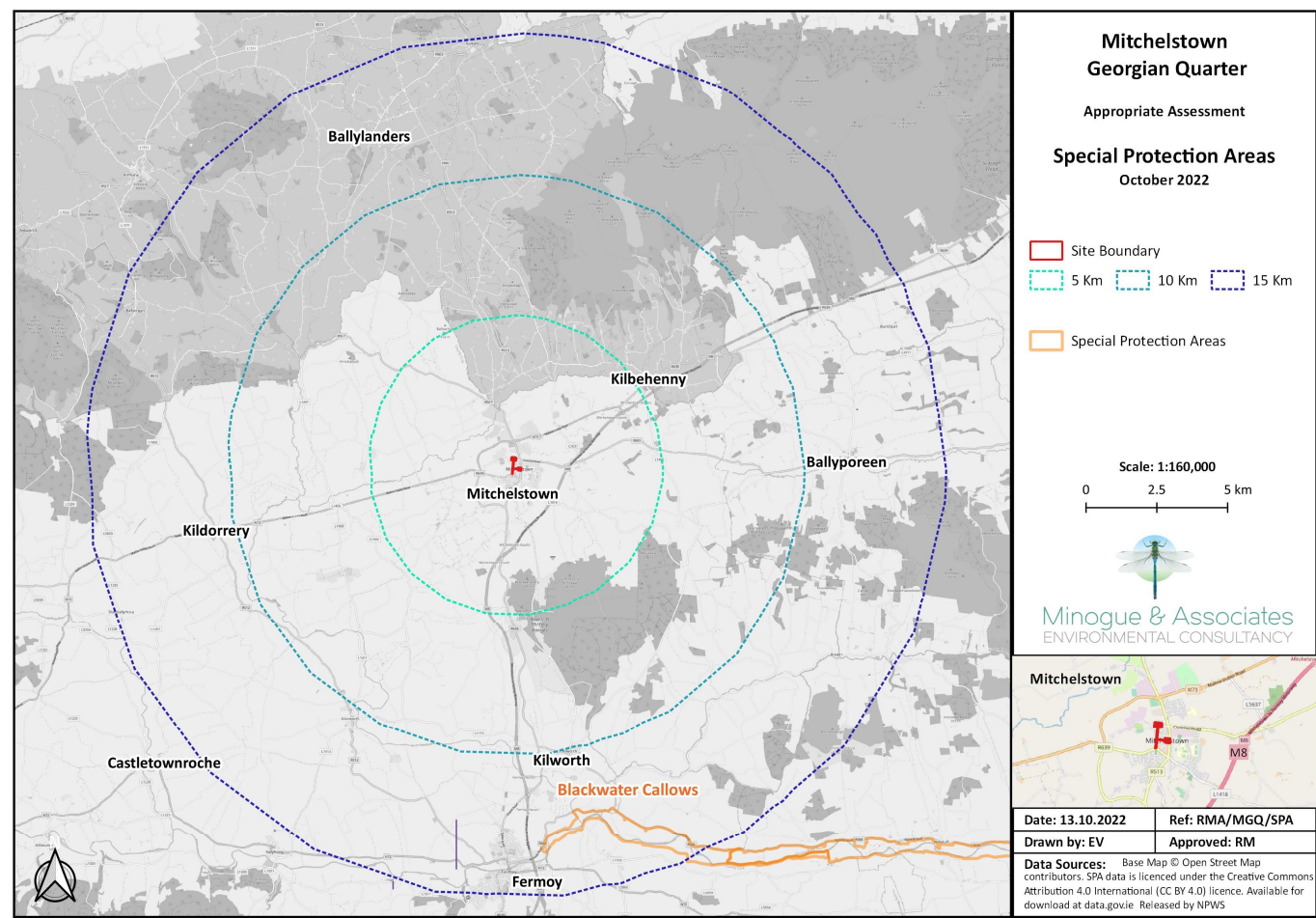


Table.5-1: Natura 2000 sites within the Project Area

Site Code	Site Name	Distance (km)	Qualifying Interests	
000646	Galtee Mountains SAC	7.88	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Alpine and Boreal heaths [4060]</p> <p>Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p>	The southern area of this SAC is within the same catchment as the project area but is located over 7km upstream of the project site. Therefore no hydrological pathway exists and no requirement for further assessment.
002170	Blackwater River (Cork/Waterford) SAC	35	<p>Estuaries [1130]</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Perennial vegetation of stony banks [1220]</p> <p><i>Salicornia</i> and other annuals colonising mud and sand [1310]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnus incanae</i>, <i>Salix alba</i>) [91E0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	This SAC is within the same catchment as the project site and is hydrologically connected via surface water pathway of the River Gradogue and Funshion. Further assessment is required.

002137	Lower River Suir SAC	8.58	<p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]</p> <p>Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410]</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation [3260]</p> <p>Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430]</p> <p>Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p> <p><i>Alosa fallax fallax</i> (Twait Shad) [1103]</p> <p><i>Salmo salar</i> (Salmon) [1106]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>This SAC is located west of the project site and within a different catchment.</p> <p>Therefore no hydrological pathway exists and no requirement for further assessment.</p>
002037	Carrigeenamronety Hill SAC	10.3	<p>European dry heaths [4030]</p> <p><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</p>	<p>This SAC is located west of the project site and within the same catchment but is located upstream of the project site at over 10km northwest of the project site.</p> <p>Therefore no hydrological pathway exists and no requirement for further assessment.</p>
002036	Ballyhoura Mountains SAC	12.49	<p>Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]</p> <p>European dry heaths [4030]</p> <p>Blanket bogs (* if active bog) [7130]</p>	<p>This SAC is located west of the project site and within the same catchment but is located upstream of the project site at over 10km northwest of the project site.</p> <p>Therefore, no hydrological pathway exists and no requirement for further assessment.</p>

004094	Blackwater Callows SPA	12.08	Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Wetland and Waterbirds [A999]	This SAC is within the same catchment as the project site and is hydrologically connected via surface water pathway of the River Gradogue and Funshion. Further assessment is required.
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5.2 Overview of Natura 2000 sites within the zone of influence of the project

5.2.1 River Blackwater (Cork/Waterford) SAC

The River Blackwater is one of the largest rivers in Ireland, draining a major part of Co. Cork and five ranges of mountains. In times of heavy rainfall the levels can fluctuate widely by more than 12 feet on the gauge at Careysville. The peaty nature of the terrain in the upper reaches and of some of the tributaries gives the water a pronounced dark colour. The site consists of the freshwater stretches of the River Blackwater as far upstream as Ballydesmond, the tidal stretches as far as Youghal Harbour and many tributaries, the larger of which include the Licky, Bride, Flesk, Chimneyfield, Finisk, Araglin, Awbeg (Buttevant), Clyda, Glen, Allow, Dalua, Brogeen, Rathcool, Finnow, Owentaraglin and Awnaskirtaun. The portions of the Blackwater and its tributaries that fall within this SAC flow through the counties of Kerry, Cork, Limerick, Tipperary and Waterford. Nearby towns include Rathmore, Millstreet, Kanturk, Banteer, Mallow, Buttevant, Doneraile, Castletownroche, Fermoy, Ballyduff, Rathcormac, Tallow, Lismore, Cappoquin and Youghal.

The site supports several Red Data Book plant species, i.e. Starved Wood-sedge (*Carex depauperata*), Killarney Fern (*Trichomanes speciosum*). The site is also important for the presence of several E.U. Habitats Directive Annex II animal species, including Sea Lamprey (*Petromyzon marinus*), Brook Lamprey (*Lampetra planeri*), River Lamprey (*L. fluviatilis*), Twaite Shad (*Alosa fallax fallax*), Freshwater Pearl Mussel (*Margaritifera margaritifera*), Otter (*Lutra lutra*) and Salmon (*Salmo salar*). The Awbeg supports a population of White-clawed Crayfish (*Austropotamobius pallipes*). The freshwater stretches of the Blackwater and Bride Rivers are designated salmonid rivers. The Blackwater is noted for its enormous run of salmon over the years. The site supports many of the mammal species occurring in Ireland. Those which are listed in the Irish Red Data Book include Pine Marten, Badger and Irish Hare. The bat species Natterer's Bat, Daubenton's Bat, Whiskered Bat, Brown Long-eared Bat and Pipistrelle, can be seen feeding along the river, roosting under the old bridges and in old buildings. Several bird species listed on Annex I of the E.U. Birds Directive are found on the site. Some use it as a staging area, others are vagrants, while others use it more regularly. I

5.2.2 Documented Threats & Pressures to River Blackwater (Cork/Waterford) SAC

The threats and pressures to this SAC and SPA have been documented in the Standard Natura 2000 Data Form for the site. The documented threats and pressures for the River Blackwater SAC are shown below in Table 5.2.

Table 5-2 Documented Threats and Pressures to River Blackwater SAC

Negative Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]
L	G01.01	Nautical sports	i

Negative Impacts			
L	J02.01	Landfill, land reclamation and drying out, general	i
M	E01	Urbanised areas, human habitation	o
L	C01.01	Mining and quarrying	o
M	E02	Industrial or commercial areas	o
M	J02.01	Landfill, land reclamation and drying out, general	o
H	A04	Grazing	i
M	B	Sylviculture, forestry	o
L	K01.01	abiotic (slow) natural processes	i
L	D01.02	roads, motorways	i
L	B	Sylviculture, forestry	i
L	E03.01	disposal of household / recreational facility waste	i
H	A08	Fertilisation	o
H	A03	mowing / cutting of grassland	i
H	A08	Fertilisation	i
L	G02	Sport and leisure structures	o
H	A04	grazing	o
L	D01.04	railway lines, TGV	i
M	I01	invasive non-native species	o
M	F02.03	Leisure fishing	i
M	I01	invasive non-native species	i

5.3 Blackwater Callows SPA

The Blackwater Callows SPA comprises the stretch of the River Blackwater that runs in a west to east direction between Fermoy and Lismore in Counties Cork and Waterford, a distance of almost 25 km. The site includes the river channel and strips of seasonally-flooded grassland within the flood plain. Sandstone ridges, which run parallel to the river, confine the area of flooding to a relatively narrow corridor.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Whooper Swan, Wigeon, Teal and Black-tailed Godwit. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds

5.3.1 Documented Threats & Pressures to Blackwater Callows SPA

The threats and pressures to this SPA have been documented in the Standard Natura 2000 Data Form for the site. The documented threats and pressures for the Blackwater Callows SPA are shown below in Table 5.3.

Table 5-3 Documented Threats and Pressures the Blackwater Callows SPA

Rank	Threats and Pressures		Inside/outside/both [i] [o] [b]
H	A04	Grazing	i
L	A04.03	Abandonment of pastoral systems, lack of grazing	i
L	A08	Fertilisation	i
M	A08	Fertilisation	o
L	D01.01	Paths, tracks, cycling tracks	i
H	D01.05	Bridge, viaduct	i
H	E01	Urbanised areas, human habitation	o
M	F02.03	Leisure fishing	i
L	F03.01	Hunting	i
H	G01.01	Nautical sports	i
M	G01.02	Walking, horseriding and non-motorised vehicles	i

5.4 Conservation Objectives

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. The maintenance of habitats and species within Natura 2000 sites at favourable conservation condition will contribute to the overall maintenance of favourable conservation status of those habitats and species at a national level.

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,
- 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.

Site-specific conservation objectives have been published for the River Blackwater SAC and is available at:

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002170.pdf

Generic conservation objectives have been published for the Blackwater Callows SPA, and is available at:

https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004094.pdf

5.5 Identification and Assessment of Potential Impacts

The conservation objectives of the Natura 2000 sites within the zone of influence were reviewed and assessed in order to establish whether the project has the potential to have a negative impact on any of the qualifying interests and/or conservation objectives of the Natura 2000 sites within the zone of influence of the project. The potential for significant impacts resulting from the project during the Construction and Operational Phase was determined based on a range of indicators, including:

- Habitat loss or alteration;
- Habitat/species fragmentation;
- Changes in water quality and resource
- Disturbance and/or displacement of species;
- Changes in population density.

5.6 Assessment of potential impacts

The following elements of the project were assessed for their potential for likely significant effects on Natura 2000 sites. –

Construction Phase

- Uncontrolled releases of silt, sediments and/or other pollutants to air due to earthworks
- Surface water run-off containing silt, sediments and/or other pollutants into nearby waterbodies.
- Surface water run-off containing silt, sediments and/or other pollutants into the local groundwater;
- Waste generation during the Construction Phase comprising soils, construction and demolition wastes
- Increased noise, dust and/or vibrations as a result of construction activity.
- Increased dust and air emissions from construction traffic;
- Increased lighting in the vicinity as a result of construction activity.

Operational Phase

- Surface water drainage from the Site of the project.
- Increased lighting in the vicinity emitted from the project; and
- Increased human presence in the vicinity as a result of the project.

5.6.1 Habitat loss or alteration

The project is not located within any Natura 2000 site and therefore there will be no loss or alteration of habitat as a result of the project.

5.6.2 Habitat /species fragmentation

As there will be no direct habitat loss within any Natura 2000 sites, it is not considered that habitat fragmentation will arise as a result of the project.

5.6.3 Changes in water quality and resource

There is a potential hydrological connection between the project and Blackwater River SAC and Blackwater Callows SPA, through potential groundwater flows through the project site and its location within the Blackwater catchment.

During the construction phase of the project there will be no pathway connecting the project site to the Gradogue River and all surface water generated on site will drain to ground. All wastewater generated on site during the construction phase will be collected from the site and disposed of offsite at an appropriately licenced facility. As such the only pathway, that could in theory, connect the project site to the River Blackwater SAC and Blackwater Callows SPA will be groundwater baseflows within the River Blackwater sub-catchment. The potential for such a pathway to occur is considered below.

During the construction phase cement-based products, hydrocarbons and other aqueous solutions will be required on site. All materials will be stored in a site compound and in bunded containers. Given the small scale of the project, the quantities of these materials required on site at any one time will be small and the risk of significant contamination to surface water generated within the footprint of the project site will be low. Also, in the event of contamination of surface water with these materials during the construction phase, such contaminated surface water will drain to ground. The infiltration of the contaminated surface water into the unsaturated zone in the soils and subsoils underlying the site will allow for any pollutants to be filtered through the unsaturated zones of the lower soil layer and subsoil layer. Furthermore, it is considered that even in the event that minor traces of such materials were to discharge to groundwater baseflows, their concentrations would be diluted to miniscule levels such that they would be entirely attenuated and diluted in baseflows prior to discharge to the Gradogue River and River Blackwater.

The operation phase will not involve any activities that will present a risk of generating contaminated surface water. Permeable surface paving and other SuDS measures include tree pits, grassed zones will also allow for the infiltration of surface water to ground, reducing the volumes of runoff to the existing sewer network

The potential for surface water generated at the project site to reach River Blackwater SAC and Blackwater Callows SPA is identified as negligible for the following reasons:

- The distance and consequent potential for dilution in the Gradogue and Funshion Rivers, surface water discharges would have to travel over 35km along these water courses before discharging to the River Blackwater.

The potential for surface water at the project site through construction or operation to give rise to significant effects to the River Blackwater SAC or Blackwater Callows SPA is identified as negligible for the following reasons:

- The project design includes a suite of SuDS that are incorporated into the development. This reduces the flow rate of surface water run off and eliminates the risk of pollution to

waterbodies from operational phase. SuDS measures are in no way included as a mode of mitigating potential impacts to European Sites as a result of the Proposed Development

5.6.4 Disturbance and/or displacement of species

As discussed in Section 5.6.3, the hydrological connection between the project site, Blackwater River SAC and Blackwater Callows SP will not result in significant effects on water quality and resource during both the Construction and Operational Phases. Therefore, qualifying interest species will not be affected by water quality impacts. In addition, there is no potential for negative effects on such species due to the intervening distances between the project site and the two Natura 2000 sites.

Habitats on the project site are dominated by built land and artificial surfaces with scattered trees and parkland associated with Kings Square. Mobile species associated with the River Blackwater SAC and Blackwater Callows SPA do not rely upon these habitats.

5.6.5 Changes in population density

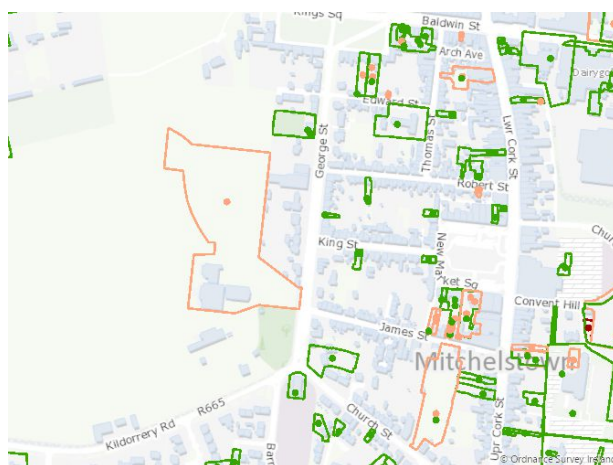
In light of the above discussions and reasons as outlined in Section 5.6.3 above, the project does not give rise to impacts that would cause the reduction in population densities of species associated with the River Blackwater SAC and Blackwater Callows SPA.

5.7 Projects for cumulative impacts

The proposed development was considered in combination with other projects in the area that could result in cumulative effects on the environment.

The online planning system myplan.ie was consulted on the 18th October 2022 for the subject lands and immediate surrounds. Please see Figure 5.3 and Table 5.4 below. Note Figure 3.1 below includes all applications since 2010. This cumulative assessment focused on past three years only.

Figure 5-3 Extract from myplan.ie search.



A small number of other projects within the area are approved for planning permission over the past three years (2018-2021/2), the details of these projects are as shown in Table 5.4 below.

TABLE 5-4 PLANNING APPLICATIONS APPROVED IN THE PAST THREE YEARS IN PROJECT AREA

Planning reference and address	Summary of application	Planning
217163 Development Address No. 1 King Street, Brigown, Mitchelstown, Co. Cork	Permission to carry out works to a protected structure (RPS ID 01089). Works comprise of the demolition of an existing two storey annex, minor alterations to the existing internal layout, refurbishment throughout the existing house, and conversion of an existing adjoining outbuilding into part of the residential area. Final Decision on Application	Conditional Permission
2150008 Saint George's Art and Heritage Centre, George Street, Brigown, Mitchelstown, Co. Cork	a) Installation of paving to provide disability access around exterior of building. b) Alterations to internal and external steps to improve accessibility. c) Provision of 2 no. toilets and 1 no. draught lobby within the building. d) Internal relocation of pulpit and baptistery railings. e) Provision of external signage, lighting, and CCTV system. f) New connection to public drain and g) All ancillary site works. This is a protected structure (RPS No. 00105).	Conditional permission
225400 Mitchelstown Lawn Tennis Club, Georges Street, Mitchelstown, Co Cork) Refurbish 3 no. existing tennis courts with full ITF Class 1 Professional Court Sports Lighting and associated fencing, and b) Construction of new clubhouse on two levels to replace existing low grade clubhouse which is to be demolished, c) Construct Public Children's Play Area (ages 1 to 6) and associated walls/fencing, d) Construct general fencing and general site security fencing, e) Construction of 1 no. ITF approved Mini tennis court including practice wall with associated Court Sports Lighting and associated walls/fencing, f) Construction of dedicated viewing area along the southern site boundary together with footpath access to all 3 courts, g) General external ramps/paving/viewing areas and gates including new and adjusted pedestrian access to the street including adjustment of stone wall which is to be retained, h) connection of new clubhouse/pavilion to the existing public sewer connection, j) provision of small Tennis Court maintenance equipment store, k) Erection of general public signage on site, and in relation to the above all associated works and associated site works. Extension of	Extension of duration

Planning reference and address	Summary of application	Planning
	Duration to Permission granted under 16/6335.	
214071 Kings Square/Baldwin Street, Brigown, Mitchelstown, Co. Cork	The refurbishment of the former Kingston Arms Hotel (Protected Structure) and the change of use from office to residential use at ground and first level to provide 5 no. residential units (2 No. duplex apartments and 3 No. apartments) alterations to elevations to include roof window over existing stairs at the rear of the building and solar panels on the roof at the rear of the building, car parking and associated services and site works.	Conditional permission

The project however will not have the potential to combine with other land use activities to result in likely significant effects to qualifying habitats or species of the European sites or other environmental parameters. This is due to the planning applications above relating to existing landuse activities such as refurbishment of existing buildings or minor additions to improve accessibility to protected structures.

5.7.1 Plans for cumulative impacts

The following policies and plans were reviewed and considered for possible in-combination effects with the project.

Cork County Development Plan 2022 -2028

Cork County Development Plan 2022-2028 Natura Impact Report.

The plan is consistent with the following objectives for Mitchelstown in the Cork County Development Plan 2022 -2028:

- MH-GO-04 All new town centre development should demonstrate an understanding of the principles of good urban design and contribute to improved public realm through provision of active frontage to all public spaces and routes. Town centre development should deliver a good mix of uses and adaptability of buildings.
- MH-GO-05 All development should contribute to improved, safe pedestrian and cyclist connectivity and should include proposals for the provision of improved pedestrian / cycle access routes, provision of new footpaths or improvement of existing footpaths and provision of facilities for cyclists, as appropriate.
- MH-GO-06 Protect and enhance the attractive landscape character setting of the town. Conserve and enhance the character of the town centre (including the special character of Architectural Conservation Areas) by protecting historic buildings, groups of buildings, the existing street pattern, zone of archaeological potential, plot size and scale while encouraging appropriate development in the town.
- MH-GO-07 Support implementation of the Mitchelstown Traffic Management Plan

The landuse zoning in the Cork County Development Plan for the project area Town Centre or Existing residential /mixed use.

The project is consistent with these landuse zonings and above policy provisions. The Cork CDP and NIR identifies the wastewater capacity at Mitchelstown under a strategic infrastructure deficit. As this project does not relate to residential development provision this issue does not directly interact with the project.

5.8 SUMMARY OF IMPACT ASSESSMENT ON NATURA 2000 SITES AS A RESULT OF THE PROPOSED DEVELOPMENT

Table 5.5 below summarises the impact of the project on the two Natura 2000 identified within the project's zone of influence.

Table 5-5 Summary of impacts

Site	Habitat loss/alte ration	Habitat or species fragmen tation	Disturban ce and/or Displacem ent of Species	Changes in Populatio n Density	Changes in Water Quality and/or Resource	In combination effects	Stage 2 AA required
River Blackwater (Cork/Waterford) SAC	No	No	No	No	No	No	No
Blackwater Callows SPA	No	No	No	No	No	No	No

6 Screening Conclusion

During the preparation of this Screening Report for Appropriate Assessment of the project for a public realm project at Mitchelstown town centre, Co. Cork, it was found that six Natura 2000 sites occur within the wider area surrounding the project site.

The project has been assessed by considering the following:

- the nature, size and location of the proposed installation and possible impacts arising from the project.
- the qualifying interests and conservation objectives of the Natura 2000 sites.
- the potential for in-combination effects arising from other plans and projects.

In light of the findings of this report it is the considered view of the authors of this Screening Report for Appropriate Assessment that it can be concluded by Cork County Council that the project is not likely, alone or in-combination with other plans or projects, to have a significant effect on the following Natura 2000 sites in view of their Conservation Objectives and on the basis of best scientific evidence and there is no reasonable scientific doubt as to that conclusion.

- Galtee Mountains SAC
- Blackwater River (Cork/Waterford) SAC
- Lower River Suir SAC
- Carrigeenamronety Hill SAC
- Ballyhoura Mountains SAC
- Blackwater Callows SPA

These complete, precise and definitive findings, based on the best available scientific evidence, remove all reasonable scientific doubt that the project will have any significant effect on the above Natura 2000 sites.

It is further noted, that no avoidance or preventative/mitigation measures have been taken into account in this Appropriate Assessment Screening Report and its conclusions. Accordingly, a Stage 2 Appropriate Assessment is not required to be carried out in relation to the Proposed Installation / Development.

References

Cork County Council, Cork County Development Plan 2022 2028

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