

**Habitats Directive Appropriate Assessment
Screening Determination**

**Mitchelstown Public Realm Project
Part 8**



Cork County Council
Comhairle Contae Chorcaí

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This document contains the Habitats Directive screening determination of Cork County Council in respect of the Mitchelstown Public Realm Enhancement Plan for Mitchelstown. The determination is based on the information provided in the AA Screening Report and Ecological Impact Assessment Reports prepared by Minogue Environmental Consulting, drawings prepared in respect of the proposed scheme and the project description provided by the Architects Department.

In accordance with Regulation 250 of the Planning and Development Regulations, Local Authorities are required to carry out screening for appropriate assessment to assess, in view of best scientific knowledge, if this project, individually or in combination with another plan or project is likely to have a significant effect on one or more European¹ sites. The Local Authority is required to determine that appropriate assessment is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on one or more European sites.

These requirements derive from Article 6(3) of the Habitats Directive which states that

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 plan or project on a European 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 where the risk of significant impacts on European sites can be objectively ruled out during the screening stage.

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 requires 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 to identify and classify any implications of the plan or 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 plan or project may only be consented if adverse effects on the integrity of European sites can be objectively ruled out during the Appropriate Assessment process. The plan or 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.

¹“European Site” means— (a) a candidate site of Community importance; (b) a site of Community importance; (c) a candidate special area of conservation; (d) a special area of conservation; (e) a candidate special protection area, or (f) a special protection area.

Name of the project

Mitchelstown Public Realm Enhancement Project

Description of the project

The proposed project will involve interventions and enhancements at New Market Square, Kings St, Georges St and Kings Square/Kingston College Mitchelstown to include the following:

1. At New Market Square:

- a) Upgrades to hard landscaping, new street furniture, signage, removal of overhead utilities, improved public lighting, on-street spill out areas, for bars and restaurants, provision of loading bays, cycle parking, upgraded bus stop facilities, street trees and green areas with pollinator friendly planting along with other ancillary works.
- b) New street furniture, including seating throughout, outdoor gym equipment and play facilities for children.
- c) The reconfiguration of parking spaces to provide 110 parking spaces, including age friendly and disabled parking spaces in accessible locations.
- d) The realignment of the road at the perimeter of New Market Square, including the provision of a one-way system for vehicular traffic.
- e) The provision of a pedestrian priority zone throughout the square including; improved permeability, new routes across the square, increased and level pedestrian crossings at the square's perimeter, including an additional crossing across Upper Cork St. and level access throughout.
- f) Re-development of the public toilet and the provision of handwashing facilities for the market.
- g) The provision of permanent outdoor canopies, designated spaces for market stalls, pop-up services to facilitate market stall holders.
- h) Provision of Sustainable Urban Drainage: green areas and tree pits to be used for the drainage of surface water.
- i) All associated site development and landscaping works.

2. At King St:

- a) Upgrades to hard landscaping, new street furniture, signage, removal of overhead utilities, improved public lighting, cycle parking, along with other ancillary works.
- b) The reduction of both footpath widths, the provision of designated parking spaces and the narrowing of the carriageway to create a shared road for cyclists and motorists.
- c) The reconfiguration of on-street parking to create 36 designated parking spaces.
- d) The provision of street trees on the north side of Kings St.
- e) Sustainable Urban Drainage; new measures incorporating historic fabric to be used for the drainage of surface water.
- f) All associated site development and landscaping works.

3. At Georges St.:

- a) Upgrades to hard landscaping, new street furniture, signage, removal of overhead utilities, improved public lighting, cycle parking, cycle lanes, street trees and green areas with pollinator friendly planting, along with other ancillary works.
- b) The reconfiguration of parking spaces to provide 57 parallel parking spaces, including age friendly and disabled parking spaces in accessible locations.
- c) The provision of level pedestrian crossings at junctions, between Georges St and Kildorrey Road, Georges St., and James St., Georges St and King St., Georges St and Robert St., Georges St and Edward St.
- d) Restoration of historic streetscape elements, including the planting of street trees and re-establishment of green verges along Georges St.
- e) Sustainable Urban Drainage; new measures incorporating existing elements to be used for the drainage of surface water.
- f) All associated site development and landscaping works.

4. At Kings Square/ Kingston College:

- a) Upgrades to hard landscaping, new street furniture, signage, removal of overhead utilities, improved public lighting, cycle parking, street trees and green areas with pollinator friendly planting along with other ancillary works.
- b) The provision of a one-way system for vehicular traffic on the roadway surrounding the green spaces in Kings Square/ Kingston College.
- c) Parking reconfigured along Castle Farm Road.
- d) The provision of new pedestrian infrastructure including; footpaths beside Castle Farm Road, the central road through Kings Square and the diagonal road between Georges St. and Baldwin St. and level pedestrian crossings at junctions, including the junction between Kings Square and Georges St., Kings Square and Castlefarm Road and Castlefarm Road and Baldwin St.
- e) All associated site development and landscaping works.

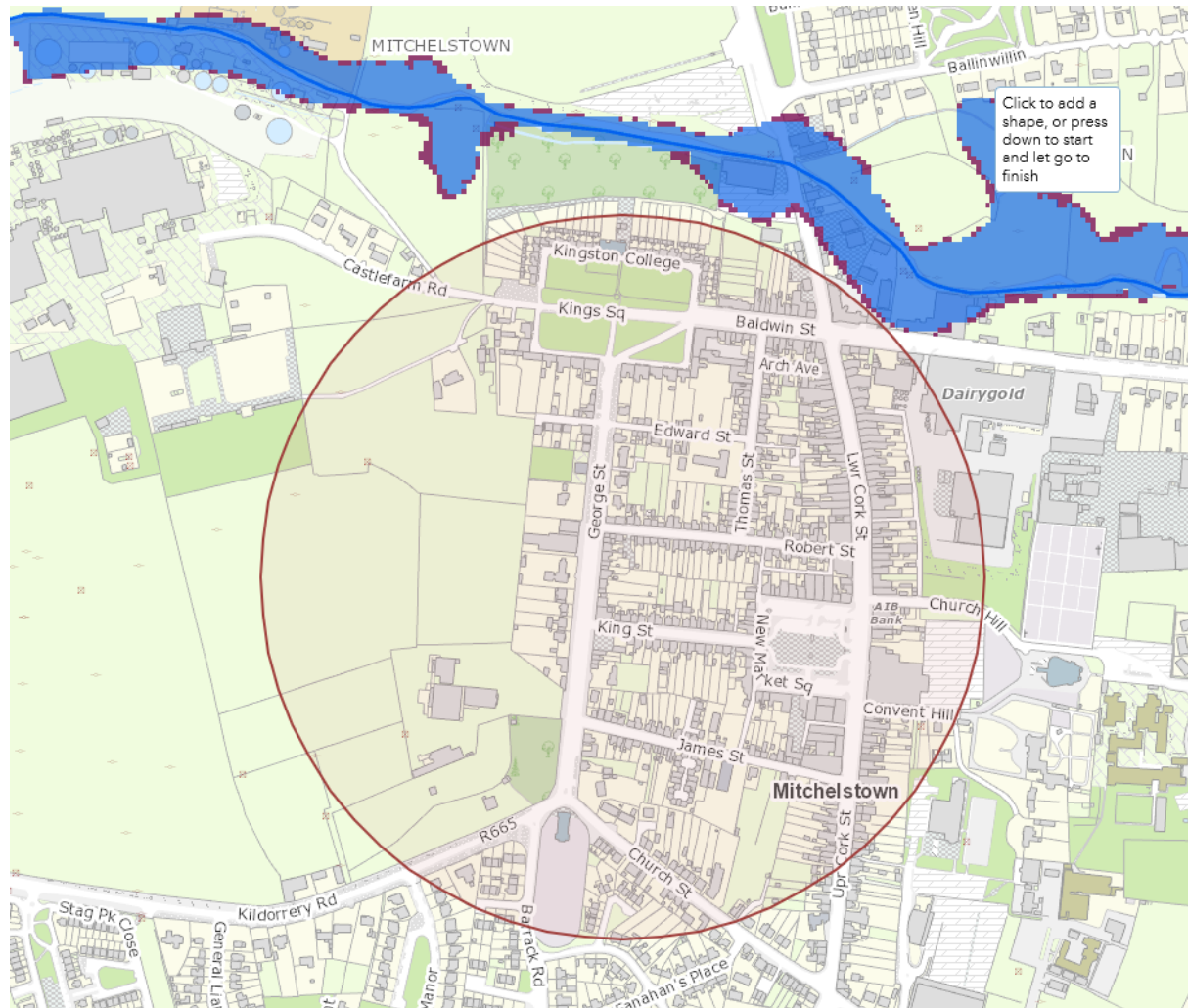
Contractors shall be required to implement an Environmental Operating Plan during the construction phase and all construction works shall be carried out in accordance with the All construction and operations shall be carried out in accordance with the Control of Water

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). These are standard requirements.

Site Context

All proposed works will be undertaken within the urban environment of the centre of Mitchelstown. Mitchelstown is located within the catchment of the Blackwater River. The Gradoge River runs in an easterly direction through the north of Mitchelstown to meet the River Funshion in the townland of Mitchelstown approximately 1km west of the town. The Gradoge and the Funshion are tributaries of the Blackwater River which is designated as a Special Area of Conservation. No part of the works area is located within a flood risk zone.

Figure 1: Site Context



Name and location of EU sites subject to screening

The submitted AA Screening report identifies six EU designated site within the potential zone of impact of this project. These are:

- Galtee Mountains SAC (Site Code 0646);
- Blackwater River SAC (Site Code 2170);
- Lower River Suir SAC (Site Code 2137);
- Carrigeenamronety Hill SAC (Site Code 2037);
- Ballyhoura Mountains SAC (Site Code 2036); and
- Blackwater Callows SPA (Site Code 4094).

No potential pathways for impact were identified linking the works site to the Galtee Mountains SAC, Lower River Suir SAC, Carrigeenamronety Hill SAC or the Ballyhoura Mountains SAC. There are no hydrological linkages connecting the proposed works area to these sites and all of these sites are located over 5km from the works area. No potential for impact on these sites is identified and accordingly the requirement for AA is ruled out.

A potential pathway for impact exists between the works site and the Blackwater River SAC and the Blackwater Callows SPA. These sites have a hydrological linkage to the works area via the network of tributaries which link it to the main channel of the Blackwater River which forms part of the SAC and part of the the SPA. Further consideration is given in the submitted report to potential for the project to give rise to impacts on these sites.

The hydrological distance of the works area to the Blackwater River SAC and to the Blackwater Callows SPA is 35km approximately.

The Blackwater River SAC is designated for the protection of a range of freshwater, coastal and terrestrial habitats and species including the following:

- 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 (*Glaucopuccinellietalia maritima*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]
- Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-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]**
- ***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* (Twait Shad) [1103]**
- ***Salmo salar* (Salmon) [1106]**
- ***Lutra lutra* (Otter) [1355]**
- *Trichomanes speciosum* (Killarney Fern) [1421]

Those qualifying interests which are associated with the freshwater portion of the SAC and to

which there is a potential link are highlighted in bold above.

The Blackwater Callows SPA comprises natural and traditional floodlands adjoining the main channel of the Blackwater River downstream of the town of Fermoy. These floodlands are important feeding grounds for wetland bird species including the following qualifying interest species:

- Whooper Swan (*Cygnus cygnus*) [A038]
- Wigeon (*Anas penelope*) [A050]
- Teal (*Anas crecca*) [A052]
- Black-tailed Godwit (*Limosa limosa*) [A156]

The site is also designated for the protection of Wetland and Waterbirds [999].

Is the project directly connected with or necessary to the management of the sites listed above?

No.

Potential Impacts

Aquatic habitats and species which are qualifying habitats of the Blackwater River SAC rely on the maintenance and protection of a high standard of water quality, the maintenance and protection of natural hydrological conditions and the maintenance and protection of the quality and extent of freshwater habitats to ensure protection/restoration of favourable conservation condition. The hydrological linkage between the SAC and the proposed works site represents a potential pathway for impact from the works site to the SAC.

Activities which could cause disturbance to waterbirds or which could interfere with the availability or quality of the wetland feeding habitat at the Blackwater Callows could have the potential to negatively affect the qualifying interests of the SPA. The hydrological linkage between the SPA and the proposed works site represents a potential pathway for impact from the works site to the SPA.

Cork County Council evaluation and overall conclusion that there are no significant effects on European Sites foreseen as a result of the proposal.

1. There is no spatial overlap between the proposed development site and any EU sites, therefore no direct loss, alteration or fragmentation of habitats will occur within any EU sites;
2. The primary activities of focus are those which have the potential to give rise to significant negative impacts on the qualifying interests associated with the Blackwater River SAC and the Blackwater Callows SPA. These are activities which could cause water pollution or which could interfere with natural hydrological processes in aquatic systems. It is considered that there is no potential for the proposed project to negatively impact water quality or to interfere with natural hydrological processes in the SAC or the SPA for the following reasons:
 - No works are proposed within or near any watercourse;
 - No discharges of surface water or waste-water are proposed to any watercourse;
 - It is predicted that surface water within and around the construction site will percolate to ground or to the public sewer system during the construction phase;
 - Environmental controls will be put in place during the construction phase as a standard measure to control localized environmental impact risk. Even in the

absence of these, the hydrological distance of the site from the SAC and the SPA means that inadvertent releases of toxic contaminants or silt to watercourses have no potential to reach the Blackwater River.

- The project design provides for attenuation of surface water through SUDS as a standard measure – there will be no local or long distance impacts on natural hydrological processes;
- 3. The works area does not support habitat which is likely to be used by wetland birds which are qualifying interests of the SPA. Given the physical distance of the works area from the SPA, it is considered that the proposed project does not pose any risk of causing disturbance to qualifying interest species of the SPA within the SPA.
- 4. There is no risk of causing disturbance impacts of qualifying interest species of the Blackwater River SAC, as the site does not contain suitable habitat for any such species and the works area is sufficiently distant from the SAC to be satisfied that no disturbance impacts will be caused within the SAC.

Are there other projects or plans that together with the project being assessed that could affect these sites (provide details)?

No potential for impact on any EU site identified. Therefore, there is no potential for the project to contribute to negative impacts which could be significant when considered in combination with impacts on such sites arising from other sources.

Screening Determination

In accordance with Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC), Cork County Council has undertaken Appropriate Assessment screening to assess, in view of best scientific information and the conservation objectives of relevant European sites, the potential for impact on any such site. Based on the Appropriate Assessment Screening process, it has been determined that no likely significant effects will arise on any European sites, for the following reasons:

1. There is no spatial overlap between the proposed development site and any EU sites, therefore no direct loss, alteration or fragmentation of habitats will occur within any EU sites;
2. There is no potential for the proposed project to negatively impact water quality or to interfere with natural hydrological processes in the SAC or the SPA for the following reasons:
 - No works are proposed within or near any watercourse;
 - No discharges of surface water or waste-water are proposed to any watercourse;
 - It is predicted that surface water within and around the construction site will percolate to ground or to the public sewer system during the construction phase;
 - The hydrological distance of the site from the SAC and the SPA means that inadvertent releases of toxic contaminants or silt to watercourses have no potential to reach the Blackwater River.
 - The project design provides for attenuation of surface water through SUDS as a standard measure – there will be no local or long distance impacts on natural hydrological processes;
3. The works area does not support habitat suitable to be used by wetland birds which are qualifying interests of the SPA. Given the physical distance of the works area from the SPA, it is considered that the proposed project does not pose any risk of causing disturbance to

qualifying interest species of the SPA within the SPA.

4. There is no risk of causing disturbance impacts of qualifying interest species of the Blackwater River SAC, as the site does not contain suitable habitat for any such species and the works area is sufficiently distant from the SAC to be satisfied that no disturbance impacts will be caused within the SAC.

It is accordingly determined that there is no requirement for this proposed project to be subject to Appropriate Assessment.