

**Proposed Bantry Peace Park Playground**  
**Appropriate Assessment Screening Report and Determination**



**Cork County Council**  
Comhairle Contae Chorcaí

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## Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed playground development at Bantry Peace Park and an accompanying car park in the Community Garden, Bantry, County Cork. The assessment is based on project drawings and details prepared by Cork County Council and referral to published sources.

Part XAB of the Planning and Development Act as amended, provides for the implementation of the EU Habitats Directive, and Section 177 of the Act, requires Planning Authorities to assess the impacts of land use plans and proposed developments on sites that are designated for the protection of Natura 2000 (European Sites<sup>1</sup>) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements originate from Article 6(3) of the Habitats Directive which states:

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

EU and National Guidance set out two main stages to the assessment process which are as follows:

### **Stage One: Screening**

The process which identifies what might be likely impacts arising from a project or a plan on a Natura 2000 site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified to be likely to arise, during the screening stage. The findings of the screening assessment are normally contained in a **Habitats Directive Screening Report**.

### **Stage Two: Appropriate Assessment**

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment, and is completed by the Competent Authority, (the authority designated to give consent to the project). It involves the compilation of a **Natura Impact Statement** by the project proponent,

which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used by the Competent Authority to identify and classify any implications of the project for these sites in view of their conservation objectives. The Appropriate Assessment must include a determination as to whether the project would adversely affect the integrity of any European site or sites. The project may only be consented if adverse effects on the integrity of European sites can be ruled out during the Appropriate Assessment process. The project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

The directive provides for a **derogation procedure** which can allow a plan or project to proceed despite a finding that the plan or project could / would give rise to adverse effects on the overall integrity of one or more Natura 2000 sites. Derogation procedures can only be progressed in very limited circumstances which are set out in Article 6(4) of the Directive (see below).

**Habitats Directive Article 6(4)**

*If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

EU and National Guidance identifies the procedures which must be followed in circumstances where a derogation from the Habitats Directive is sought to allow a project or a plan to proceed, despite a finding that it will give rise to adverse effects on the integrity of one or more Natura 2000 sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan/project which avoid adverse effects on the integrity of one or more European sites, where it has been demonstrated that there are imperative reasons of overriding public interest for which the plan/project must proceed and where measures have been developed and provided to compensate for any losses to be incurred. These further stages are described below.

**Stage Three: Assessment of alternative solutions**

In circumstances where the potential for a plan or project to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorisation where it is demonstrated that there are no alternative solutions and that there are Imperative Reasons of Overriding Public Interest (IROPI) which can allow the plan or project to proceed. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

**Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain**

The fourth stage of the Habitats Directive Assessment process involves demonstrating that Imperative Reasons of Overriding Public Interest exist and includes the assessment of the compensatory measures which are proposed to be implemented. In every case in which a

local authority envisages approving or proceeding with a plan or project on grounds of IROPI, the Minister for Housing, Local Government and Heritage must be consulted.

The assessment may cease at any of the above stages if significant impacts on Natura 2000 sites can be ruled out.

Regulation 250 of the Planning and Development Regulations requires the Local Authority to complete Habitats Directive Screening in respect of development it proposes to progress.

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed playground at Bantry Peace Park and an accompanying car park in the adjacent Community Garden. 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.

Maps showing the Location of the Proposed Development Site and Natura 2000 Sites

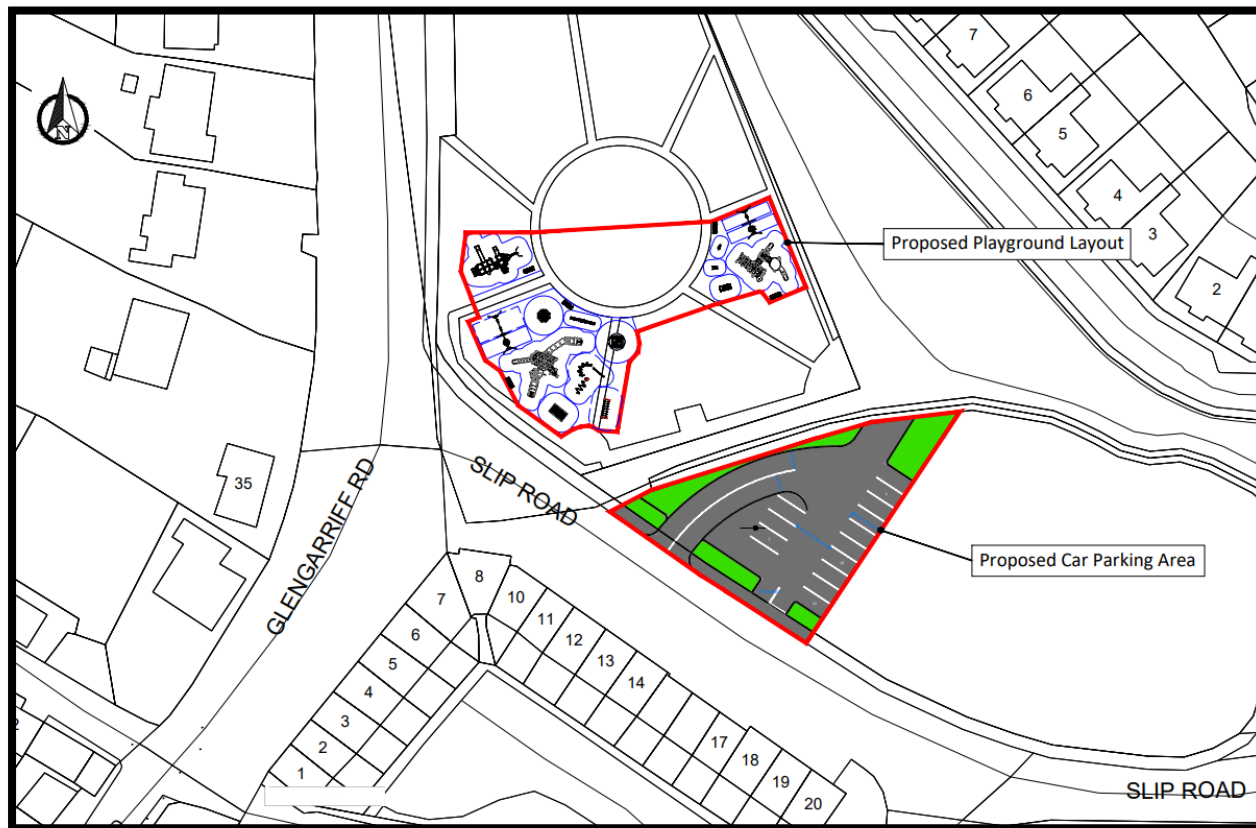


Figure 1. Map showing the layout of the proposed new playground in Bantry Peace Park.

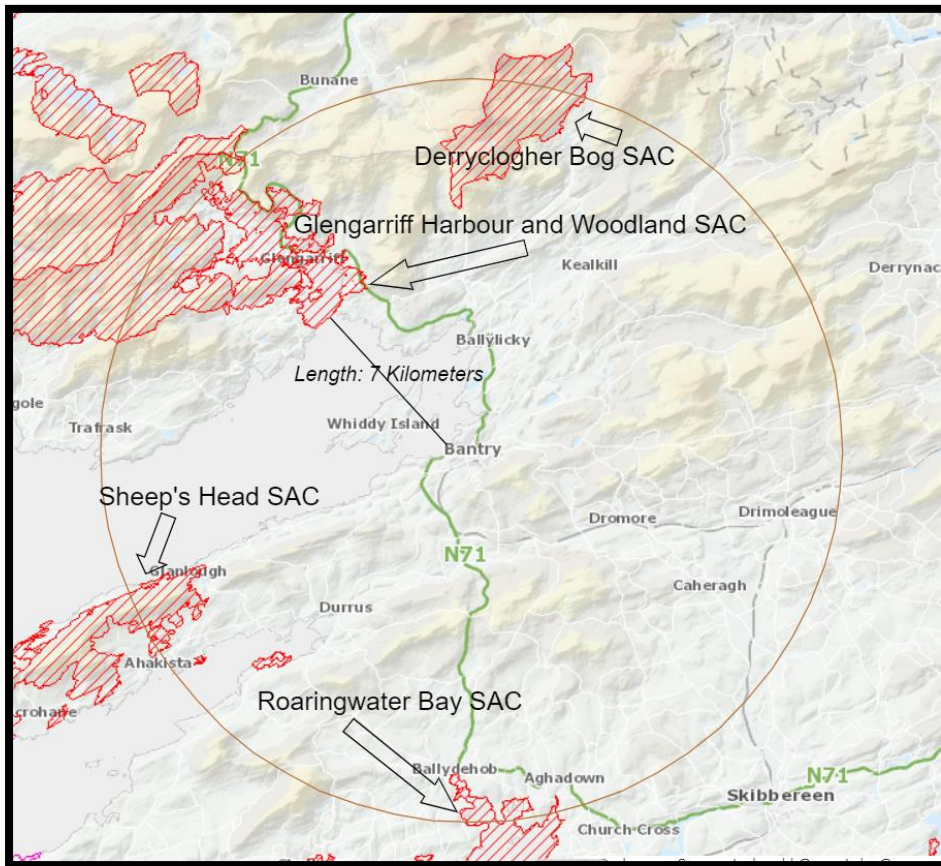


Figure 2. Map showing the proximity of Natura 2000 sites to Bantry.

## Description of the project and local site characteristics

<b>STEP 1. Description of the project/proposal and local site characteristics</b>	
(a) Site Name/Reference Number:	New Playground in Bantry Peace Park and car-parking area immediately south of the park.
(b) Brief description of the project or plan:	It is proposed to construct a new children's playground in the southern section of the Peace Park in Bantry. It is also proposed to construct a car parking area catering for up to twenty cars for parents and their children visiting the playground in a section of the Community Garden immediately south of the Peace Park.
(c) Brief description of site characteristics:	Bantry Peace Park is situated at the junction of Glengarriff Road and Slip Road in the north side of Bantry. Bantry is situated on the east end of Bantry Bay. The town is surrounded by high ground to the north, east and south. A total of seven Natura 2000 sites are located within 15 km of Bantry including Derryclogher Bog Special Area of Conservation (SAC), Roaringwater Bay and Islands SAC, Dunbeacon Shingle SAC, Reen Point Shingle SAC, Sheep's Head SAC, Caha Mountains SAC and Glengarriff Harbour and Wood SAC. A small stream flows between the Peace Park and the Community Garden.
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	Not Applicable



## Identification of relevant Natura 2000 sites and Qualifying Interests

<b>STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:</b>				
<b>European Site (code)</b>	<b>List of Qualifying Interest/Special Conservation Interest</b>	<b>Distance from proposed development (km)</b>	<b>Connections (Source-Pathway-Receptor)</b>	<b>Considered further in screening Y/N</b>
Derryclogher Bog SAC (1873)	Blanket bogs (* if active bog) [7130] For more information: <a href="https://www.npws.ie/protected-sites/sac/001873">https://www.npws.ie/protected-sites/sac/001873</a>	10	No connectivity	No
Roaringwater Bay and Islands SAC (0101)	Large shallow inlets and bays [1160] Reefs [1170] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030] Submerged or partially submerged sea caves [8330] Phocoena phocoena (Harbour Porpoise) [1351] Lutra lutra (Otter) [1355] Halichoerus grypus (Grey Seal) [1364] For more information: <a href="https://www.npws.ie/protected-sites/sac/000101">https://www.npws.ie/protected-sites/sac/000101</a>	13	No connectivity	No
Dunbeacon Shingle (2280)	Perennial vegetation of stony banks [1220] For more information: <a href="https://www.npws.ie/protected-sites/sac/002280">https://www.npws.ie/protected-sites/sac/002280</a>	11	No connectivity	No

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Reen Point Shingle (2281)	Perennial vegetation of stony banks [1220] For more information: <a href="https://www.npws.ie/protected-sites/sac/002281">https://www.npws.ie/protected-sites/sac/002281</a>	13.8	No connectivity	No
Sheep's Head SAC (0102)	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] <i>Geomalacus maculosus</i> (Kerry Slug) [1024] For more information: <a href="https://www.npws.ie/protected-sites/sac/000102">https://www.npws.ie/protected-sites/sac/000102</a>	12	No connectivity	No
Caha Mountains SAC (0093)	Oligotrophic waters containing very few minerals of sandy plains ( <i>Littorelletalia uniflorae</i> ) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels ( <i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i> ) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] <i>Geomalacus maculosus</i> (Kerry Slug) [1024] <i>Trichomanes speciosum</i> (Killarney Fern) [1421] For more information: <a href="https://www.npws.ie/protected-sites/sac/000093">https://www.npws.ie/protected-sites/sac/000093</a>	10	No connectivity	No
Glengarriff Harbour and	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	7	Connectivity exists a weak pathway	Yes

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Wood SAC (0090)	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i> ) [91E0] <i>Geomalacus maculosus</i> (Kerry Slug) [1024] <i>Rhinolophus hipposideros</i> (Lesser Horseshoe Bat) [1303] <i>Lutra lutra</i> (Otter) [1355] <i>Phoca vitulina</i> (Harbour Seal) [1365] For more information: <a href="https://www.npws.ie/protected-sites/sac/000090">https://www.npws.ie/protected-sites/sac/000090</a>			
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## Assessment of Likely Significant Effects


<b>STEP 3. Assessment of Likely Significant Effects</b>	
(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of <b>Glengarriff Harbour and Wood SAC</b> , taking into consideration the size and scale of the project under the following headings:	
<b>Construction phase:</b>	
<b>Impacts</b>	<b>Significance of Impacts</b> (duration/magnitude etc.)
<ol style="list-style-type: none"> <li>1. Vegetation clearance</li> <li>2. Demolition</li> <li>3. Surface water runoff from soil excavation/infill/landscaping</li> <li>4. Contaminants or pollution</li> <li>5. Dust, noise, vibration</li> <li>6. Lighting disturbance</li> <li>7. Impact on groundwater/dewatering</li> <li>8. Storage of excavated construction materials</li> <li>9. Access to site</li> <li>10. Invasive species</li> </ol>	<ol style="list-style-type: none"> <li>1. Limited vegetation clearance will be required within the Peace Park (mostly flower beds and mown grass). A significant area of grass and bramble will have to be cleared to facilitate construction of the new car park. All of the cleared material will be taken to a licensed landfill site and none of these works is anticipated to negatively impact the Conservation Objectives of the SAC.</li> <li>2. There will be some demolition work in the Community Park to facilitate construction of the new car park. All excavated material will be taken to a licensed landfill for disposal and no impact on any Natura 2000 site is anticipated as a result of this work.</li> <li>3. There is a small stream in the north of the Community Garden and immediately south of the Peace Park but this will not be affected by the proposed development. There may be some surface water runoff to this stream during periods of heavy rainfall but amounts are anticipated to be low and are not anticipated to have any impact on the SAC.</li> <li>4. No contaminants or pollution are anticipated to be released into the surrounding environment as a result of these works and in the unlikely event of an accidental spillage of lubricant or fuel oil, amounts would be very small and would have no impact on the SAC due to the weak pathway and the likely dispersal and evaporation of any leaked hydrocarbon.</li> <li>5. A limited amount of dust may be result from these works but not at a level that is likely to impact negatively on the SAC. Noise and vibration levels will also be low and will</li> </ol>

	<p>not have any negative impacts on the Qualifying Interests of the SAC.</p> <p>6. All of the proposed works will take place during daylight hours and no negative lighting impacts on Glengarriff Harbour and Wood SAC are anticipated.</p> <p>7. No negative impacts on groundwater are anticipated and there will be no dewatering.</p> <p>8. All of the excavated material will be removed to a licensed landfill site.</p> <p>9. The proposed site investigation works will not restrict access to the SAC for any of the Qualifying Interests.</p> <p>10. Invasive species have been surveyed in the area and no negative impacts relating to the spread of invasive species are anticipated as a result of the proposed works.</p>
<b>Operational phase:</b>	
<b>Impacts</b>	<b>Significance of Impacts</b> (duration/magnitude etc.)
<ol style="list-style-type: none"> <li>1. Direct emission to air and water</li> <li>2. Surface water runoff containing contaminant or sediment</li> <li>3. Lighting disturbance</li> <li>4. Noise/vibration</li> <li>5. Changes to water/groundwater due to drainage or abstraction</li> <li>6. Presence of people, vehicles and activities</li> <li>7. Physical presence of structures (e.g. collision risks)</li> <li>8. Potential for accidents or incidents</li> </ol>	<ol style="list-style-type: none"> <li>1. There will be no direct emission to air or water once the excavated sites have been paved and landscaped.</li> <li>2. A limited amount of surface water runoff may occur for a short period after the construction work at the sites has been completed but no impacts on the Conservation Objectives of the SAC are anticipated because of weak connectivity (7 km).</li> <li>3. No additional lighting will be installed during the operational phase.</li> <li>4. There will be some localised increase in noise levels once the playground has been constructed but any additional vibration or noise will not impact the SAC during the operational phase.</li> <li>5. No changes to groundwater due to drainage or abstraction will occur during the operational phase.</li> <li>6. The new playground and car park will not result in any increase in the presence of people, vehicles or activities in the SAC.</li> <li>7. There will be some slight increase in physical structures when the playground and car park have been constructed but these new structures will be low in terms of height (&lt;4 metres) and will not cause any risk of</li> </ol>

	<p>collision or obstruction to the Qualifying Interests of the SAC.</p> <p>8. The proposed playground and car park will not increase the potential for accidents or incidents that would negatively affect the Conservation Objectives of the SAC.</p>
<p>(b) Describe any likely changes to the European site(s):</p>	
<p><b>In combination/other:</b>                  A search of Cork County Council’s Planning Enquiry System revealed applications for dwelling houses, garages, house extensions, house restoration and a car-park. In addition, Flood Relief Scheme works involving construction work in and around the town of Bantry will begin in late 2023 and continue in 2024 and beyond.</p>	
<p><b>Impacts</b></p>	<p><b>Significance of Impacts</b> (duration/magnitude etc.)</p>
<p>Types of changes to consider include:</p> <ol style="list-style-type: none"> <li>1. Reduction or fragmentation of habitat area</li> <li>2. Disturbance to QI species</li> <li>3. Species fragmentation</li> <li>4. Reduction or fragmentation in species density</li> <li>5. Changes in key indicators of conservation status value (water quality etc.)</li> <li>6. Changes to areas of sensitivity or threats to QI</li> <li>7. Interference with the key relationships that define the structure or ecological function of the site</li> <li>8. Climate change</li> </ol>	<ol style="list-style-type: none"> <li>1. The proposed playground and car park in combination with the various developments above will not cause a reduction or fragmentation of habitat area in the SAC.</li> <li>2. The proposed playground and car park (alone or in combination) will not cause any disturbance to Qualifying Interests in the SAC.</li> <li>3. The proposed playground and car park (alone or in combination) will not cause any fragmentation of Qualifying Interests in the SAC.</li> <li>4. The proposed playground and car park (alone or in combination) will not cause any reduction or fragmentation of Qualifying Interests species density in the SAC.</li> <li>5. The proposed playground and car park (alone or in combination) will not result in any change in water quality that would affect the Conservation Objectives of the SAC.</li> <li>6. The proposed playground and car park (alone or in combination) will not result in changes to areas of sensitivity or threats to Qualifying Interests.</li> <li>7. The proposed playground and car park (alone or in combination) will not interfere with the key relationships that define the structure or ecological function of the SAC.</li> <li>8. The proposed playground and car park (alone or in combination) will not result in any significant increase in the effects of climate change on the Conservation Objectives of the SAC.</li> </ol>
<p>(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p>	

Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	While best practice methods are referenced, they are not required to avoid or reduce any effects on a European site. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.
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## Screening Determination Statement

<b>STEP 4. Screening Determination Statement</b>		
<b>Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on any European sites in view of its conservation objectives.</b>		
<p>On the basis of the information on file, which is considered adequate to undertake a screening determination and having regard to:</p> <ul style="list-style-type: none"> <li>• The nature and scale of the proposed site investigation works,</li> <li>• The intervening land uses and distance from European sites,</li> <li>• The lack of effective connections with regard to the Source-Pathway-Receptor model,</li> </ul> <p>it is concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the conservation interests of the above listed European sites or any other European site. An Appropriate Assessment is therefore not required.</p>		
<b>Conclusion:</b>		
	Tick as appropriate	Recommendation
(1) It is clear that <b>no likelihood</b> of significant effects arises.	<input checked="" type="checkbox"/>	The proposal can be screened out: Appropriate Assessment is not required.
(2) It is <b>uncertain</b> if the proposed development will have a significant effect on a European site.	<input type="checkbox"/>	Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
(3) <b>Significant effects</b> are likely.	<input type="checkbox"/>	Request NIS <input type="checkbox"/> Refuse planning permission <input type="checkbox"/>
Signature and date of Recommending Officer:		 Tony Nagle Cork County Council Ecologist 07/04/2023



## References

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

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

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

European Communities, Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Communities, 2001.

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