

Cork County Council Bandon Compound
Appropriate Assessment Screening Report and Determination



Cork County Council
Comhairle Contae Chorcaí

Completed by Tony Nagle
Capital Projects Implementation Unit
Cork County Council

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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed development of a new Council Compound at the Civic Amenity Centre, Bandon County Cork. The assessment is based on project drawings and details prepared by Cork County Council, a site visit on 05/10/2022 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 Sites¹) 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 new Compound at Bandon Civic Amenity Centre. 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.

Map showing the Layout and Location of the Proposed Development Site and the closest Natura 2000 Sites

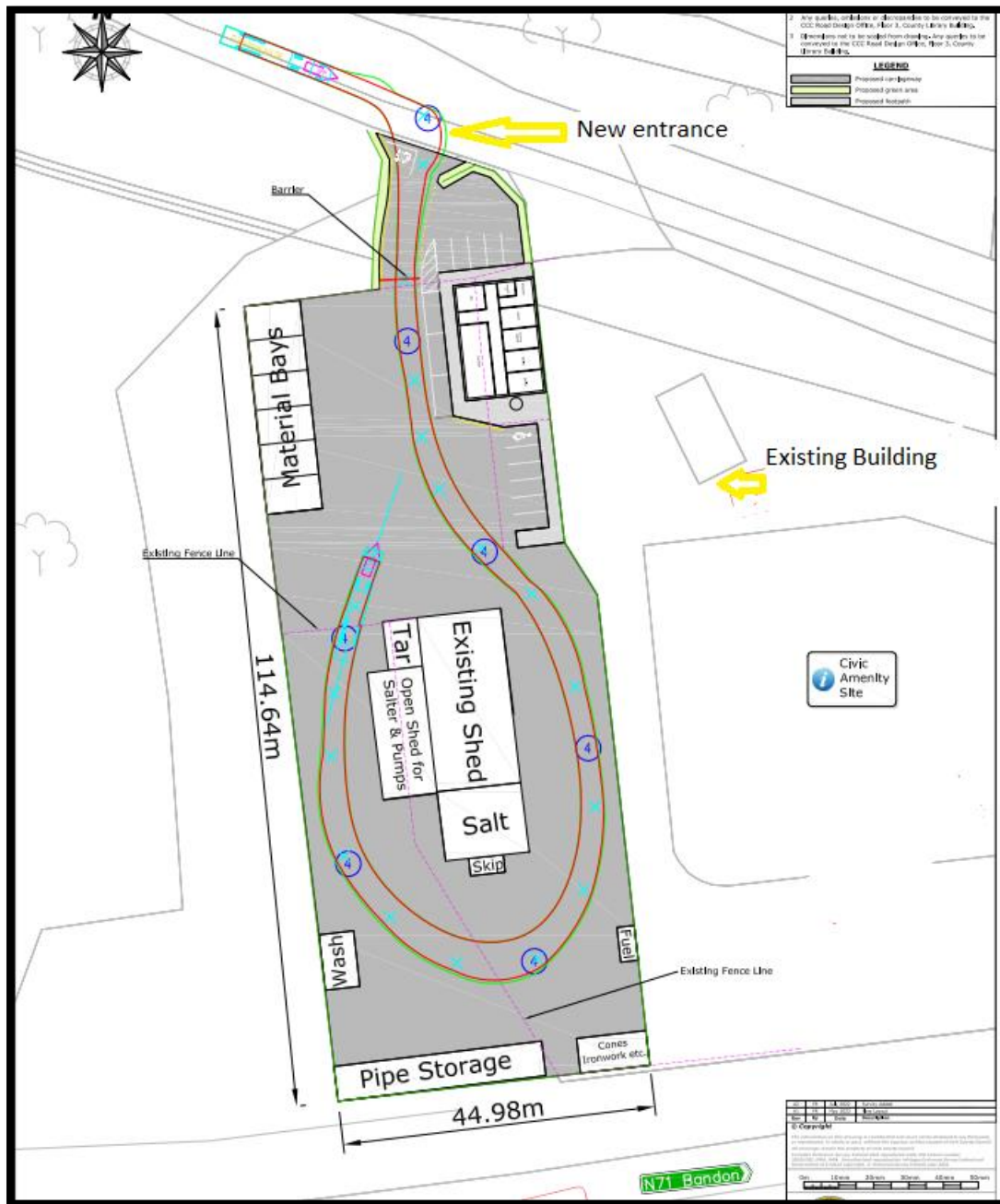


Figure 1. Proposed layout of the new depot showing existing buildings and fence lines.

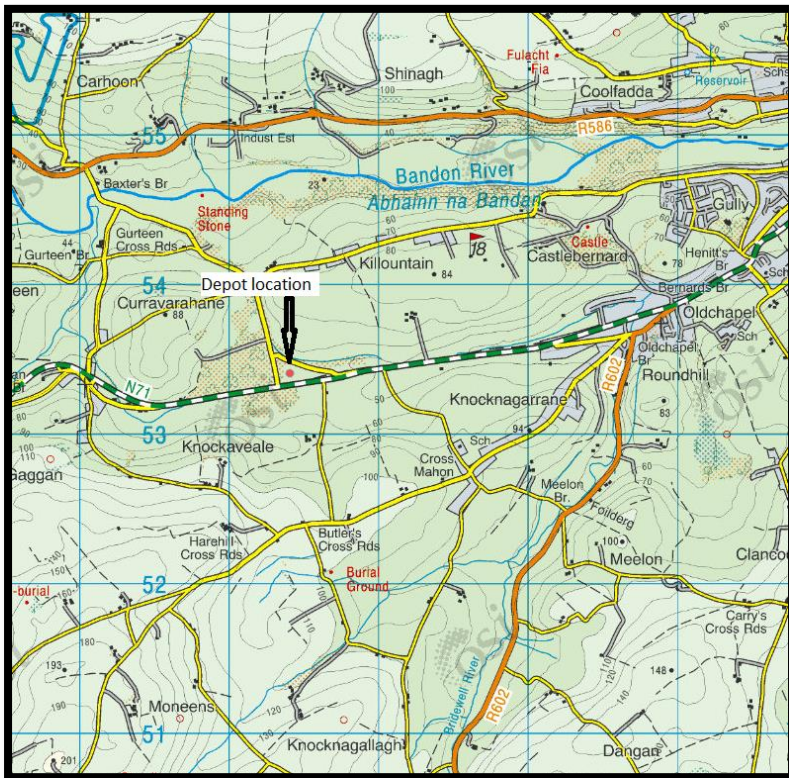


Figure 2. Map showing the location of the proposed new Compound Depot.

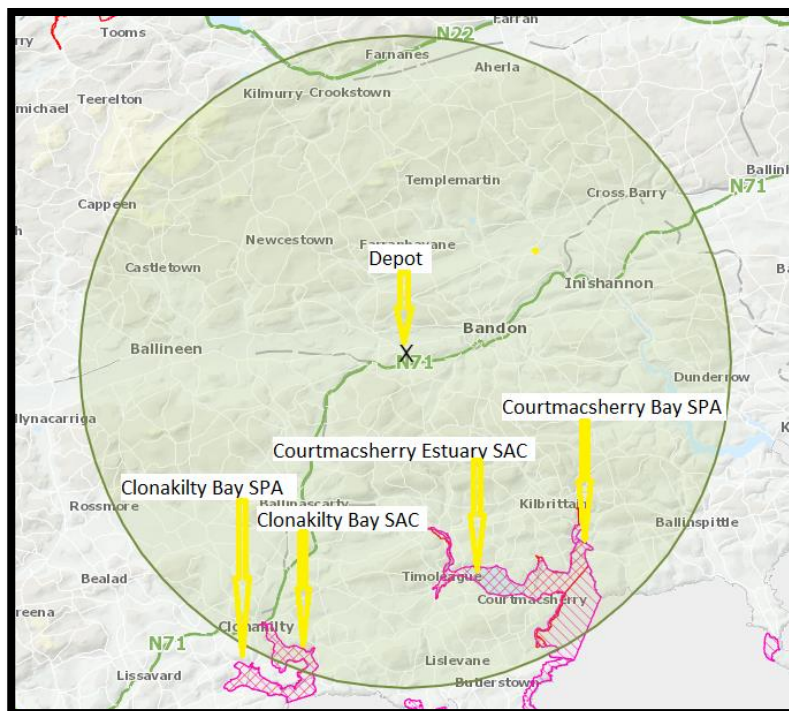


Figure 3. Map showing the location of the proposed Compound Depot and the closest Natura 2000 sites.

Description of the project and local site characteristics

| STEP 1. Description of the project/proposal and local site characteristics | |
|---|--|
| (a) Site Name/Reference Number: | Cork County Council Bandon Compound. |
| (b) Brief description of the project or plan: | <p>The proposed new depot will be constructed on an existing County Council site at Bandon Civic Amenity Site.</p> <ul style="list-style-type: none"> • Separate entrance on a private road to the new yard • A new office building • Road, parking and circulation area • Re-use of an existing shed and construction of a lean to for storage • Materials bays and storage areas • Construction of a new shed on the Civic amenity site to the east and a new WWTP to serve the building. <p>Work will begin in 2023 and will be completed within 6-9 months.</p> |
| (c) Brief description of site characteristics: | <p>The proposed site for the depot is located on the west side of the large Civic Amenity yard. The Civic Amenity Site was originally used as a refuse and landfill facility on the disused West Cork rail line. The site is adjacent to the N71 on the southern boundary and the L-2019-0 on the western boundary. The site is completely surrounded by woodland, much of which lies within the Proposed Natural Heritage Area Bandon Valley West of Bandon.</p> <p>The closest Natura 2000 sites are Courtmacsherry Bay Special Protection Area (SPA) and Courtmacsherry Estuary Special Area of Conservation (SAC) approximately 7.7 km to the south and Clonakilty Bay SPA and Clonakilty Bay SAC approximately 13.5 km southwest.</p> |
| (d) Relevant prescribed bodies consulted: | None |
| (e) Response to consultation: | Not Applicable |

Identification of Relevant Natura 2000 Sites

| STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives: | | | | |
|--|--|------------------------------------|---------------------------------------|--|
| European Site (code) | List of Qualifying Interest/Special Conservation Interest | Distance from proposed development | Connections (Source-Pathway-Receptor) | Considered further in screening Y/N |
| Courtmacsherry Bay SPA (4219) | Great Northern Diver (Gavia immer) [A003] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Red-breasted Merganser (Mergus serrator) [A069] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156] Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Wetland and Waterbirds [A999] For more information see: www.npws.ie/protected-sites/spa/004219 | 7.7 km | No hydrological pathway exists. | Yes because of the relatively close proximity. |
| Courtmacsherry Estuary SAC (1230) | Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] | 7.7 km | No hydrological pathway exists. | Yes because of the relatively close proximity. |

| | | | | |
|---------------------------|--|------|---------------------------------|--|
| | <p>Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]</p> <p>For more information visit: www.npws.ie/protected-sites/sac/001230</p> | | | |
| Clonakilty Bay SPA (4081) | <p>Shelduck (<i>Tadorna tadorna</i>) [A048] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Curlew (<i>Numenius arquata</i>) [A160] Wetland and Waterbirds [A999] For more information visit: www.npws.ie/protected-sites/spa/004081</p> | 13.5 | No hydrological pathway exists. | No, because of a lack of any hydrological pathway and the distance from the proposed development site. |
| Clonakilty Bay SAC (0091) | <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila</p> | 13.5 | No hydrological pathway exists. | No, because of a lack of any hydrological pathway and the distance from the proposed development site. |

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|--|---|--|--|--|
| | <p>arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Atlantic decalcified fixed dunes (Calluno-Ulicetea) [2150] For more information visit: www.npws.ie/protected-sites/sac/000091</p> | | | |
|--|---|--|--|--|


Assessment of Likely Significant Effects

| STEP 3. Assessment of Likely Significant Effects | |
|---|---|
| (a) Identify all potential direct and indirect impacts that may result in significant effects on the Conservation Objectives of Courtmacsherry Bay SPA and Courtmacsherry Estuary SAC, taking into consideration the size and scale of the project under the following headings: | |
| Construction phase: | |
| Impacts | Significance of Impacts (duration/magnitude etc.) |
| <ol style="list-style-type: none"> 1. Vegetation clearance 2. Demolition 3. Surface water runoff from soil excavation/infill/landscaping 4. Contaminants or pollution 5. Dust, noise, vibration 6. Lighting disturbance 7. Impact on groundwater/dewatering 8. Storage of excavated construction materials 9. Access to site 10. Invasive species | <ol style="list-style-type: none"> 1. Development of the site will require the clearance of a small amount of recolonising vegetation (mostly willow and bramble scrub) in an area of approximately 1355m² (or 0.33 acre) but this will have no impact on any Natura 2000 site. 2. No demolition will be required. 3. Surface water runoff from excavation is likely to be absorbed in the surrounding woodland and will not pose a threat to the Conservation Objectives of the SPA and SAC. 4. No contaminants are anticipated. 5. Minor amounts of dust may be released but the anticipated quantities will pose no threat to the Conservation Objectives of the SPA and SAC. Noise and vibration levels will pose no threat to the two closest Natura 2000 sites. 6. All of the work will take place during daylight hours so no lighting disturbance to any Natura 2000 site will occur as a result of the proposed development. 7. No impacts on groundwater likely to impact the SPA and SAC are anticipated and no dewatering will occur. 8. Excavated construction materials will either be used on site or removed to a licenced facility. 9. The proposed new depot will not affect access to the SPA or the SAC. 10. Some invasive species (Japanese Knotweed and Himalayan Balsam) do occur on parts of the site and are being treated. No invasive species occur within the footprint of the proposed development. |

| Operational phase: | |
|--|---|
| Impacts | Significance of Impacts (duration/magnitude etc.) |
| <ol style="list-style-type: none"> 1. Direct emission to air and water 2. Surface water runoff containing contaminant or sediment 3. Lighting disturbance 4. Noise/vibration 5. Changes to water/groundwater due to drainage or abstraction 6. Presence of people, vehicles and activities 7. Physical presence of structures (e.g. collision risks) 8. Potential for accidents or incidents | <ol style="list-style-type: none"> 1. There will be extra emissions to air and water as a result of the proposed development but not at levels that would impact negatively on the Conservation Objectives of the SPA and SAC. 2. Surface water runoff and sediment will be contained on site. 3. There will be some additional lighting during business hours but levels will be low and directed to the ground and will have no impact on the SPA and SAC. 4. The new compound will result in a small increase in traffic and machinery but any increase in noise levels will be low and will not impact negatively on the Conservation Objectives of the SPA and SAC. 5. No changes to groundwater are anticipated as any hazardous materials (e.g. fuel and tar) will be stored in secure and bunded containers. 6. The new facility will result in the presence of a relatively small number of extra people and vehicles at the site but this will have no impact on the closest Natura 2000 sites given the distances from the sites. 7. The new depot will not pose any collision risk to the Qualifying Interests of the SPA. 8. The new facility is not anticipated to result in any increase in the potential for accidents or incidents that would impact negatively on the Conservation Objectives of the closest Natura 2000 sites. |
| (b) Describe any likely changes to the European site(s): | |
| In combination/other: A number of developments such as road and footpath improvements are taking place as a result of the Bandon Transportation and Public Realm Enhancement Plan but none of these developments alone or in combination with the proposed depot are anticipated to pose any threat to the nearby Natura 2000 sites. | |
| Impacts | Significance of Impacts (duration/magnitude etc.) |
| <p>Types of changes to consider include:</p> <ol style="list-style-type: none"> 1. Reduction or fragmentation of habitat area 2. Disturbance to QI species 3. Habitat or species fragmentation 4. Reduction or fragmentation in species density | <ol style="list-style-type: none"> 1. No reduction or fragmentation of nearby SPA or SAC habitat will occur as a result of the proposed new depot alone or in combination with other developments. 2. No disturbance to the Qualifying Interests of the SPA and SAC will result from the |

| | |
|---|---|
| <ul style="list-style-type: none"> 5. Changes in key indicators of conservation status value (water quality etc.) 6. Changes to areas of sensitivity or threats to QI 7. Interference with the key relationships that define the structure or ecological function of the site 8. Climate change | <p>proposed new depot alone or in combination with other developments.</p> <ul style="list-style-type: none"> 3. No habitat or species fragmentation will occur as a result of the proposed new depot alone or in combination with other developments. 4. No reduction or fragmentation in species density will occur as a result of the proposed new depot alone or in combination with other developments. 5. No changes to water quality in the closest SPA and SAC are anticipated to occur as a result of the proposed new depot alone or in combination with other developments. 6. No changes to areas of sensitivity or threats to Qualifying Interests in the closest SPA and SAC are anticipated to occur as a result of the proposed new depot alone or in combination with other developments. 7. No interference with the key relationships that define the structure or ecological function of the closest Natura 2000 sites are anticipated to occur as a result of the proposed new depot alone or in combination with other developments. 8. The proposed depot alone or in combination with other developments is not anticipated to result in any significant increase to the impacts of climate change on nearby Natura 2000 sites. |
| <p>(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?</p> | |
| <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | <p>While best practice methods are referenced (including the use of containers and bunding), these are not required to avoid or reduce any effects on a European site because of the distances between the proposed new depot and the closest Natura 2000 sites. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.</p> |

Screening Determination Statement

| STEP 4. Screening Determination Statement | | |
|--|-------------------------------------|---|
| Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on European site(s) in view of its conservation objectives. | | |
| <p>On the basis of the information on file, which is considered adequate to undertake a screening determination, a site visit (05/10/2022) and having regard to:</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development, • The intervening land uses and distance from European sites, • The lack of direct connections with regard to the Source-Pathway-Receptor model, <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 conservation interests of the above listed European sites or any other European site. An Appropriate Assessment is therefore not required.</p> | | |
| Conclusion: | | |
| | Tick as appropriate | Recommendation |
| (1) It is clear that no likelihood of significant effects arises. | <input checked="" type="checkbox"/> | The proposal can be screened out: Appropriate Assessment is not required. |
| (2) It is uncertain 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) Significant effects 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 28/10/2022 |

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).

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

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