

Shantyman Sculpture Scheme, Cobh

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 “Shantyman” Sculpture Scheme at Five Foot Way Carpark, Cobh, 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 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.

Shantyman Sculpture Appropriate Assessment and Determination

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed Shantyman Sculpture Scheme in Cobh, County Cork. 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 Location of the Proposed Development Site and Natura 2000 Sites

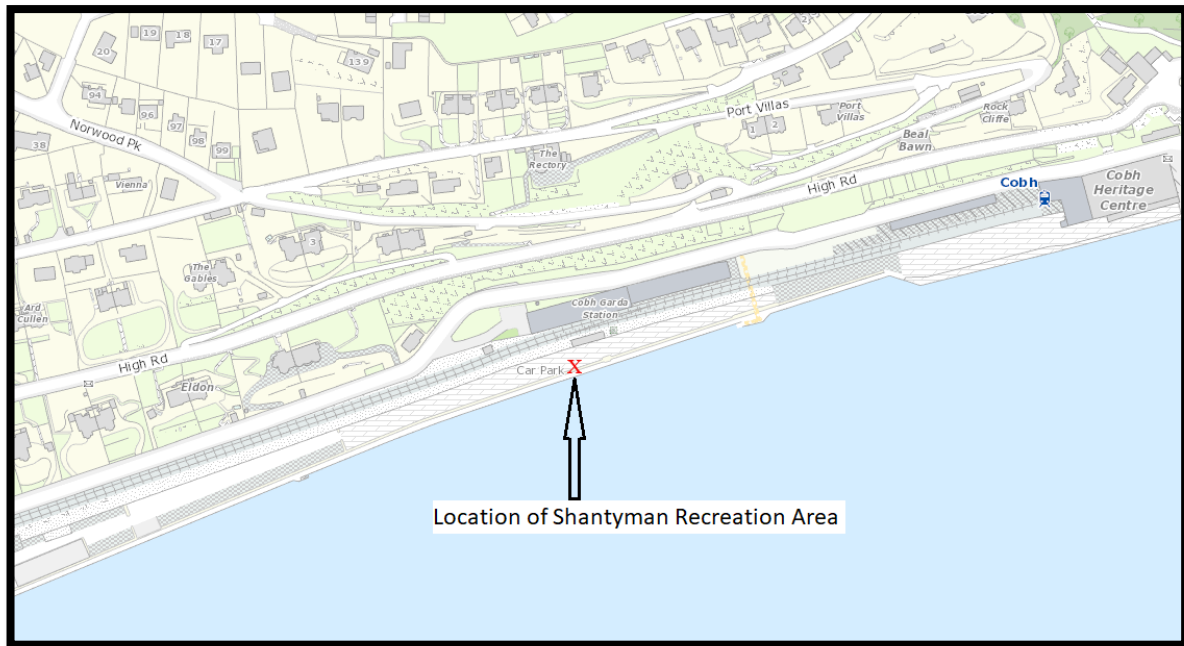


Figure 1. Map showing the proposed location of the Shantyman Recreation area.

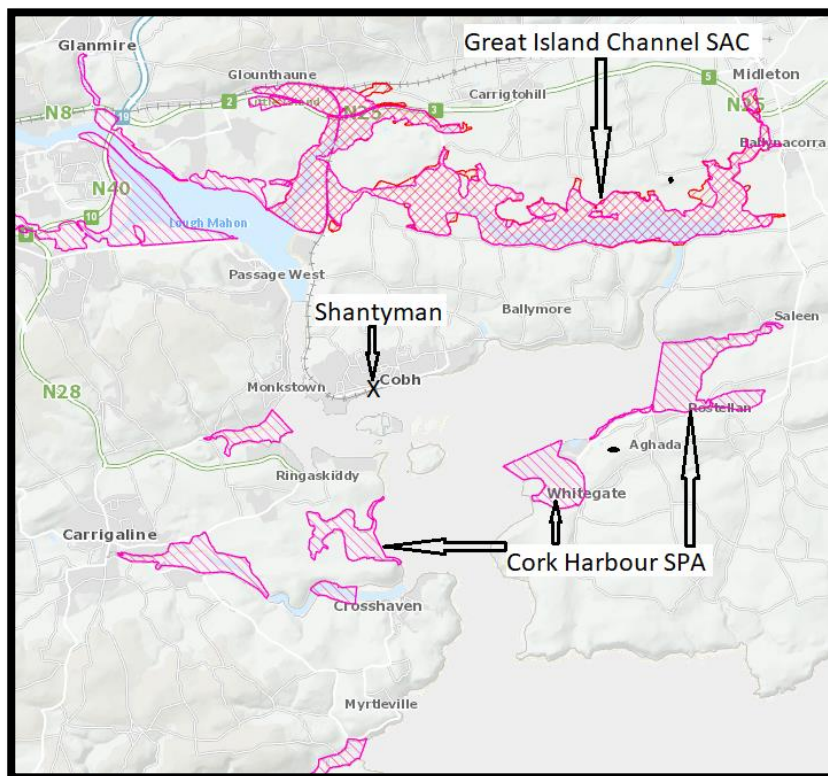


Figure 2. Map showing the location of the Shantyman recreation area in relation to nearby Natura 2000 sites.

Description of the project and local site characteristics

STEP 1. Description of the project/proposal and local site characteristics	
(a) Site Name/Reference Number:	Shantyman Sculpture Scheme, Five Foot Way Carpark, Cobh, County Cork.
(b) Brief description of the project or plan:	The Shantyman sculpture is a new sculpture donated to Cobh and it is proposed to locate the sculpture in a specially designed recreational area in the Five Foot Way Carpark on the seafront. The dimensions of the recreational area will be 10.83 m x 11.5 5m. Site preparation will involve some excavation to a maximum depth of 1.4 m. The recreational area will include a rain garden based on sustainable urban drainage system principles. The rain garden will include up to six trees. The seating area will be placed on natural stone. Strip lighting will be integrated into the seating area and it is intended to use uplighting to illuminate the trees and statue.
(c) Brief description of site characteristics:	The proposed development will be located in the Five Foot Way Carpark on the seafront in Cobh adjacent to deep water. The proposed development will be located 1.9 km northeast of the closest section of the SPA (Monkstown Creek) and 2.1 km via the marine pathway. The proposed development will be located 3.8 km south of the SAC and 6.1 km via the marine pathway.
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	Not applicable

Identification of relevant Natura 2000 sites and Qualifying Interests

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 (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Cork Harbour SPA (4030)	<p>Little Grebe (<i>Tachybaptus ruficollis</i>) [A004]</p> <p>Great Crested Grebe (<i>Podiceps cristatus</i>) [A005]</p> <p>Cormorant (<i>Phalacrocorax carbo</i>) [A017]</p> <p>Grey Heron (<i>Ardea cinerea</i>) [A028]</p> <p>Shelduck (<i>Tadorna tadorna</i>) [A048]</p> <p>Wigeon (<i>Anas penelope</i>) [A050]</p> <p>Teal (<i>Anas crecca</i>) [A052]</p> <p>Pintail (<i>Anas acuta</i>) [A054]</p> <p>Shoveler (<i>Anas clypeata</i>) [A056]</p> <p>Red-breasted Merganser (<i>Mergus serrator</i>) [A069]</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p>	2.1 km (via sea) 1.9 km (over land)	A marine pathway (2.1 km in length) exists via the sea.	Yes

Shantyman Sculpture Appropriate Assessment and Determination

	<p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>			
Great Island Channel SAC (1058)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]</p>	<p>6.1 km (via sea)</p> <p>3.8 km (over land)</p>	<p>A marine pathway (6.1 km in length) exists via the sea.</p>	<p>Yes</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 Cork Harbour SPA and Great Island Channel 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. The proposed development will be located within a largely non-vegetated, hard surfaced carpark. A small section of non-native garden flowers (including Daffodil and Lenten Rose) and a single non-native Cordyline tree are the only plants that will have to be removed. An active rain garden based largely on native trees and plants is part of the proposal for the development. 2. A hard-surfaced area (10.83m x 11.55m in area and a maximum depth of 1.4 m) will have to be excavated and removed to facilitate the construction of the proposed recreation area. The excavated material will be taken to a licenced site for disposal. 3. There may be some surface water runoff in periods of heavy rainfall during the short excavation and construction periods (likely to be completed within five weeks) and given the small site area (10.83m x 11.55m), amounts are likely to be very low and will not have any significant effects on the Conservation Objectives of the SPA (2.1 km to the closest section via the marine pathway) and the SAC (6.1 km via the marine pathway). Construction is likely to begin in the period mid-August to early September and should be completed by late September to early October. This means that construction is likely to be completed before the peak build up in numbers of many of the Qualifying Interests of the SPA. 4. The only contaminants likely to result in pollution events that will be present on site are concrete and hydrocarbons (fuel and lubricants). The chances of any spillage occurring are extremely low and the chances of any significant damage to the Qualifying Interests of the SPA and SAC are even lower

	<p>given the significant distances between the site and the SPA and SAC. Evaporation and dispersal of fuel oil is likely to remove most if not all of any fuel oil leak. Concrete spillage (again, extremely unlikely) is likely to be diluted in the marine environment long before it could reach either of the two European sites. In addition, standard working near water safety measures will be employed by the contractor.</p> <p>5. There may be some dust during periods of dry weather but amounts are likely to be very low and of no significant threat to the Conservation Objectives of both European sites. There will be some localised noise and vibration during the excavation and construction periods but not at a level that is likely to impact negatively on any of the Conservation Objectives of the two European sites.</p> <p>6. All of the excavation and construction work will occur during daylight hours and consequently, lighting will not be necessary.</p> <p>7. There will be no impact on groundwater and no dewatering will take place.</p> <p>8. Excavated material may be held on site for a short period but all of this material will be removed to the disposal site within a few days.</p> <p>9. The proposed excavation and construction period will not cause any obstruction to the Qualifying Interests of the SPA.</p> <p>10. No invasive species are known to be present at the site and it is not anticipated that any invasive plants or animals will be introduced to the site during the excavation and construction period.</p>
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 	<ol style="list-style-type: none"> 1. There will be no direct emission to air or water during the operational phase. The construction of a rain garden will intercept much of the local rainfall and a high proportion of road contaminants (hydrocarbons, heavy metals and plastics will be captured in the rain garden. 2. Much of the surrounding surface water runoff will be diverted to the rain garden and a high proportion of road contaminants and

<p>7. Physical presence of structures (e.g. collision risks)</p> <p>8. Potential for accidents or incidents</p>	<p>sediments will be captured within the rain garden.</p> <p>3. There will be some strip-lighting and uplighting in the recreational area but this is designed to be unobtrusive and will not have any significant impact on the Qualifying Interests of the SPA.</p> <p>4. There will be no significant increase in noise or vibration levels during the operational phase. There may be occasional gatherings of musicians and people attending, but noise levels are not anticipated to be obtrusive and are expected to be contained within and subdued by the normal noise levels of the town.</p> <p>5. Operational impacts on water should result in an improvement of water quality emissions as a result of cleansing and containment by the rain garden. There will be no impacts on groundwater during the operational phase.</p> <p>6. There may be a slight increase in numbers of people during occasional low key musical performances but numbers are anticipated to be low and will not pose any threat to the Conservation Objectives of the two nearby European sites.</p> <p>7. The construction of the recreational area and the erection of the Shantyman sculpture will not be a barrier or collision risk to any of the Qualifying Interests of the SPA.</p> <p>8. The construction of the recreational area and the erection of the Shantyman sculpture will not result in any significant increase in the likelihood of accidents or incidents that could negatively impact on the Conservation Objectives of the two nearby European sites.</p>
<p>(b) Describe any likely changes to the European site(s):</p>	
<p>In combination/other: Cork County Council's Planning Enquiry system was examined to assess the number of new developments that have been granted planning permission over the past 12 months (10/05/2022 to 10/05/2023). A total of 14 houses, 1 creche, 6 extensions (including a single warehouse), 4 changes of use, 1 solar farm, and 3 house modifications were found.</p>	
<p>Impacts</p>	<p>Significance of Impacts (duration/magnitude etc.)</p>
<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 	<ol style="list-style-type: none"> 1. The proposed construction of a recreation area and the erection of the Shantyman sculpture in combination with the above approved developments will not result in the

<ol style="list-style-type: none"> 4. Reduction or fragmentation in species density 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>reduction or fragmentation of habitat area to either of the two nearby European sites.</p> <p>2. The proposed development in combination with the above approved developments are not likely to cause any disturbance to the Qualifying Interests of the two nearby European sites.</p> <p>3. The proposed development alone and in combination with the above approved developments will not result in habitat or species fragmentation in either of the two nearby European sites.</p> <p>4. The proposed development alone and in combination with the above approved developments will not result in a reduction or fragmentation in species density in either of the two nearby European sites.</p> <p>5. The proposed development alone and in combination with the above approved developments will not result in changes in key indicators (such as water quality) in either of the two nearby European sites.</p> <p>6. The proposed development alone and in combination with the above approved developments will not result in changes to areas of sensitivity or threats to Qualifying Interests in either of the two nearby European sites.</p> <p>7. The proposed development alone and in combination with the above approved developments will not result in any interference with the key relationships that define the structure or ecological function of the two nearby European sites.</p> <p>8. The proposed development alone and in combination with the above approved developments will not result in any significant increase on the effects of climate change to the two nearby European sites.</p>
<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, these 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.</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 and having regard to:</p> <ul style="list-style-type: none"> • The nature and scale of the proposed development (relatively minor in terms of construction footprint), • The lack of an effective connection to Great Island Channel SAC with regard to the Source-Pathway-Receptor model, • The intervening water body between the proposed development site and the two closest European sites, <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 10/05/2023

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).

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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