

**Habitats Directive Appropriate Assessment  
Screening Determination**

**Residential Development, Mill Road Kanturk  
Part 8**



**Cork County Council**  
Comhairle Contae Chorcaí

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**Cork County Council.**

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This document contains the Habitats Directive screening determination of Cork County Council in respect of a proposed Residential Development at Mill Road, Kanturk. The determination is based on the information provided in the AA Screening Report prepared by Dixon Brosnan Environmental Consulting, drawings prepared in respect of the proposed scheme and the project description provided by the Architects Department.

In accordance with section 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 European<sup>1</sup> 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.

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<sup>1</sup>“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

Residential Development, Mill Road, Kanturk

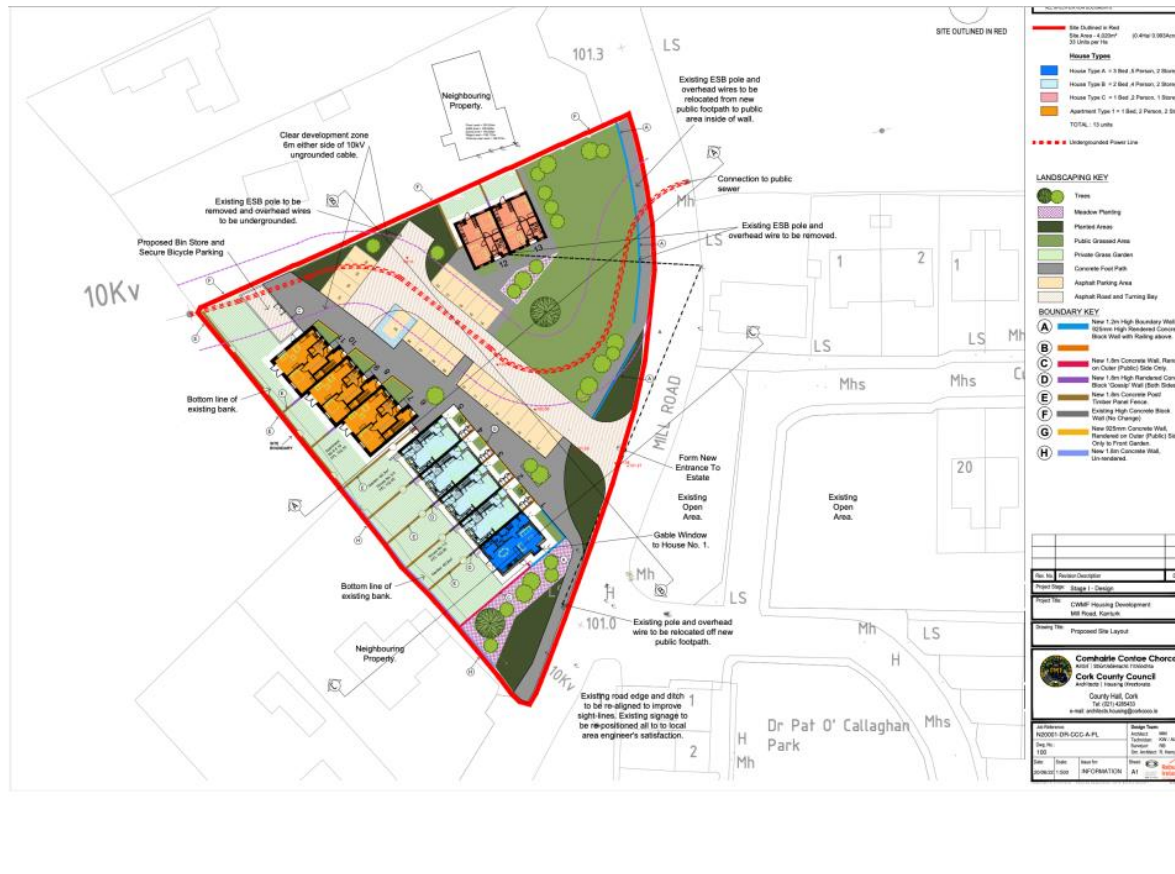
## Description of the project

This is a proposal for the development of 13 housing units to include 6 apartments and 7 houses, 22 car park spaces and all site works at Mill Road, Kanturk (0.4ha). There is a derelict bungalow on site which will need to be demolished to provide for the development and overhead electricity lines are to be undergrounded.

Surface water is to be managed using a combination of a soakaways and attenuation tanks. Surface water will discharge to a soakaway via an oil interceptor and a silt trap. There will be an overflow pipe from the soakaway connected to a storm drain in the public road. The soakaway will have a storage volume above the overflow pipe for the required attenuation volume. The overflow from the soakaway will have a hydrobreak valve attenuating the flow. The soakaway will be designed in accordance with BRE365. The surface water management system is designed to store run-off equivalent to that generated by a 1 in 100 year storm event.

Waste-water is to be directed to the public WWTP in Kanturk. The development will increase loading to the WWTP by 37 P.E.

Construction works are to be implemented in accordance with a Construction and Environmental Management Plan prepared by RKA Consulting Engineers (03/04/2023). The plan has been prepared to accord with CIRIA Guidance documents - Control of Water Pollution from Construction Sites 2001 and Control of Water pollution from Linear Construction Projects 2006.



### **Site Context**

The proposed development site is located on the Mill Road in the town of Kanturk. There is a derelict house located on the site which comprises rank overgrown grassland with a few mature trees. The site is bounded by earthen banks and relatively poor-quality hedgerows. To the south of the site (approx. 300m) lies the Brogeen River which forms part of the Blackwater River Special Area of Conservation. The Brogeen River flows eastward to meet the Allow River just south of the town of Kanturk. The Allow River also forms part of the Blackwater River SAC. There are no watercourses on site and the site is not located within an area identified to be at risk of flooding.

Surface-water from the site will ultimately discharge to the Brogeen River to the south of the site.

Waste-water will be treated in the Kanturk WWTP which discharges treated effluent to the Allow River immediately north of its confluence with the Brogeen.

The Brogeen River is currently assigned Good WFD water quality status and is not identified to be at risk of meeting WFD objectives. The Allow River is currently assigned Good WFD water quality status upstream of Kanturk and Moderate WFD water quality status downstream of Kanturk. It is identified to be at risk of not meeting WFD objectives around the town of Kanturk and all areas to the north of the town, but is not at risk of meeting WFD objectives immediately downstream of the town and the WWTP.



### Name and location of EU sites subject to screening

The submitted AA Screening report identifies two EU designated site within 15km of the development site. These are:

- Blackwater River SAC (2170)
- Stacks to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (4095)

No potential pathways for impact were identified linking the works site to the Stacks SPA. There are no hydrological linkages connecting the proposed works area to this site which is located over 10km from the proposed development site. No potential for impact on these sites was identified and accordingly the requirement for the proposed project to be subject to Appropriate Assessment in respect of this site was ruled out.

A potential pathway for impact exists between the works site and the Blackwater River SAC given the proximity of the site to the SAC and potential hydrological linkages connecting the site to the Brogeen River.

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

Those qualifying interests which are associated with the Brogeen and Allow Rivers and to which there is a potential link are highlighted in bold above.

**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 associated with the proposed development which could impact water quality including activities which have the potential to introduce potentially toxic contaminants, nutrients or sediments to the Brogeen River could negatively affect some of these features.

The surface water management system could have the potential to alter natural hydrological conditions in the river should it be designed to allow unattenuated flows of surface water enter the river.

## **AA Screening Report Assessment and Conclusion:**

No significant effects on European Sites foreseen are predicted for the the following reasons:

1. Direct Effects: 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. Disturbance Related Effects: no works are proposed within the SAC, or within or near habitats likely to support the occurrence of qualifying interest species for which the SAC is designated. The development does not pose a risk of causing disturbance to qualifying interest species of the Blackwater River SAC.
3. Water Quality Effects – Surface Water Management: 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 for the following reasons:
  1. No works are proposed within or near any watercourse;
  2. No discharges of surface water are proposed to any watercourse during the construction phase;
  3. While environmental controls will be put in place during the construction phase as a standard measure to control localised environmental impact risk, even absence of these, the hydrological distance of the site from the SAC means that inadvertent releases of toxic contaminants or silt to watercourses have limited potential to reach the Brogeen River.
  4. The project design provides for the attenuation of surface water through SUDS and for the control of pollution risks (silt trap and hydrocarbon interceptor) as a standard measure. The development will not alter natural hydrological processes and will not pose a water pollution risk in the post construction phase.
  5. Water Quality Effects – Waste-water Management: The proposed development will generate a PE loading of 37 which is to be directed to the Kanturk WWTP. This plant provides for tertiary treatment including P removal and has capacity to take

the loading which will be generated by this development. The most recent Annual Environmental Report available for the plant (2021) indicates that the plant is not operating in compliance with license limits relating to Ammonia (N) (8 exceedances noted) and Ortho-P (1 exceedance noted), and a deterioration in Ortho-P is noted downstream of the plant. It is stated that the ambient monitoring results do not meet the required EQS at the upstream and the downstream monitoring locations (oxygen and nutrients). A deterioration in water quality is noted downstream of the plant, however, it is stated that it is not known if this is or is not caused by the WWTP. Other pressures on water quality are identified to include diffuse urban point sources and S4 industries. It is stated that the discharge from the WWTP does not have an observable negative impact on WFD status.

Notwithstanding the noted issues of non-compliance with license conditions at the WWTP, the submitted screening report concludes that the development does not pose a risk of impact to water quality given that the plant has sufficient capacity to accept the loading and having regard to the statement in the AER that the WWTP does not have an observable negative effect on WFD status.

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

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.

**Cork County Council Assessment**

1. Direct Effects: Cork County Council agrees with the conclusions of the submitted report that there will be no direct effects on habitats within any EU site as there is no spatial overlap between the development site and any site and no works are proposed within any EU site.
2. Disturbance Related Effects: Cork County Council agrees with the conclusions of the submitted report. The proposed development site is sufficiently distant from any EU site to be satisfied that the works will not cause disturbance to qualifying interest species of any EU site. Furthermore, the proposed development site does not support habitats of value for any relevant species.
3. Water Quality Effects – Surface Water Management: Cork County Council agrees with the conclusions of the submitted report. The site is sufficiently distant and lacking in any hydrological connectivity to watercourses to be satisfied that construction related activities do not pose a risk of impact to water quality. The surface water management system which is integral to the design of the site provides for attenuation and pollution controls. There is no risk of impact to water quality during the operational phase.
4. Water Quality Effects – Waste-water Management: Cork County Council notes the conclusions of the submitted screening report. A further analysis of water quality conditions in the receiving environment and the impact of the WWTP on same has been conducted by the Environment Officer. The effluent quality from the treatment plant is



achieving High status for BOD, PO<sub>4</sub> and NH<sub>3</sub>. At background chemistry and discharge quality, the WWTP is assessed to be compatible with High water quality status (although it is noted that Ammonia headroom is almost consumed). It is also noted that water quality improves from Moderate to Good immediately downstream of the WWTP. On the basis of the assessment of the EO and the water quality status noted downstream of the WWTP, and taking account the relatively small scale of the development, it is considered that this proposal can be accommodated without impacting on water quality in the receiving environment and without interfering with the Conservation Objectives established for qualifying interest features of relevance, being freshwater habitats and species known to occur within the Brogeen River, Allow River and Blackwater River downstream of the proposed development. These include Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260]; 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]; Salmo salar (Salmon) [1106] and Lutra lutra (Otter) [1355].

#### **Cork County Council 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. No works are proposed within any EU site, or within or near habitats likely to support the occurrence of qualifying interest species for which the SAC is designated. Accordingly, it can be concluded that the development does not pose a risk of causing disturbance to qualifying interest species of any EU site including, in particular the nearby Blackwater River SAC.
3. No discharges of surface water are proposed to any watercourse during the construction phase and the site is sufficiently distant and lacking in any hydrological connectivity to watercourses to be satisfied that construction related activities do not pose a risk of impact to water quality in the nearby Brogeen River. The surface water management system which is integral to the design of the project, provides for attenuation and pollution controls. There is no risk of impact to water quality during the operational phase.
4. The project design provides for the attenuation of surface water through SUDS and for the control of pollution risks (silt trap and hydrocarbon interceptor) as a standard measure. The development will not alter natural hydrological processes and will not pose a water pollution risk in the post construction phase.
5. The WWTP has sufficient capacity to take the loading which will be generated by this development. Notwithstanding issues of non-compliance with license conditions, it is noted that effluent quality from the plant is achieving High status for BOD, PO<sub>4</sub> and NH<sub>3</sub>.

At background chemistry and discharge quality, the WWTP is assessed to be compatible with High water quality status and that water quality improves from Moderate to Good immediately downstream of the WWTP.