

**Habitats Directive Appropriate Assessment
Screening Determination**

Monkstown Active Travel Link and Public Realm Enhancement



Cork County Council
Comhairle Contae Chorcaí

**Completed by Ecology Office
Planning Department
Cork County Council**

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1 Introduction

This document comprises the Habitats Directive Screening Determination of Cork County Council for the Monkstown Active Travel Link and Public Realm Enhancement Project. The assessment is based on project drawings, Cork Harbour SPA data (NPWS), the AA Screening Report prepared for the Glenbrook to Raffeen Pedestrian and Cycle Greenway (Atkins 2016), the Report for Screening for Appropriate Assessment for the Monkstown Active Travel Link and Public Realm Enhancement project (Arup, 2023) and the Planning Report for the Monkstown Active Travel Link and Public Realm Enhancement project (Arup, 2023). The proposed project is intended to form part of the Glenbrook to Raffeen Pedestrian and Cycle Greenway section of the larger pedestrian and cycling infrastructure in the southern region of Cork City and County. The Glenbrook to Raffeen Pedestrian and Cycle Greenway received Part 8 consent in 2016, however the portion of the scheme running through Monkstown was excluded from the consenting process at that time. This report relates to the portion of the scheme which was excluded from the original Part 8 consent.

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 on proposed developments on sites that are designated for the protection of nature (European Sites¹) prior to the giving consent for development of such projects. This is to determine the potential for the project to give rise to significant effects on European sites and whether, therefore it requires to be subject to Appropriate Assessment. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements emanate 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 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 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, being authority delegated to give consent for

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 or not 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 in spite of 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 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 Culture, Heritage and the Gaeltacht must be consulted.

The assessment may stop 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 Monkstown Active Travel Link and Public Realm Enhancement Project.

2 Proposed Works

The route is to be developed as a shared use walking and cycling facility with a general width varying between 3.5m to 4.0m. Per the submitted reports the proposed project will involve the following works:

- Resurfacing of R610 (Strand Road Monkstown) (approx. 450m);
- Enhancement of adjacent footway on landward side of road to be upgraded;
- Construction of new share cycleway/footpath – extending through village of Monkstown from the Monkstown end of the old railway tunnel to the Sand Quay boat yard (approx. 450m) using standard bituminous materials;
- Construction of new carpark at the Sand Quay boat yard;
- Resurfacing of existing carpark in village centre;
- Relocation of stone wall boundary to existing car-park in village centre;
- Landscaping of new green spaces with shrubs, grasses and trees;
- Installation of street furniture and lighting;
- Installation of traffic calming measures;
- Installation of new roadmarkings, signage and traffic signals; and
- Installation of new street gullies connecting to the existing drainage networks. Hydrocarbon interceptor to be incorporated into drainage scheme.

All works are to be completed within the dashed red line shown in Figure 1 below.

Moving from north to south the proposed project will involve

- the development of approximately 50m of shared cycleway/path adjoining the sea wall in the area to the north of the Monkstown carpark replacing an existing pedestrian path and informal parking spaces;
- the development of approximately 160m of shared cycleway/pedestrian path on the roadside of an existing carpark to be located within the existing road footprint. This stretch of cycleway/pathway will be separated from the sea wall by the car park;

- the development of approximately 200m separated cycleway/pedestrian path extending from the carpark to the Sand Quay boat yard replacing existing footpath and road carriageway. There is an existing footpath extending along this stretch of the route which will be upgraded. The proposed cycleway is to be located on the roadside of the footpath and is to be separated from the footpath with a landscaped area.

Figure 1: Location of proposed works



3 Site Location

The proposed project is to be located in the village of Monkstown which adjoins the estuarine portion of the River Lee in the lower section of Cork Harbour. The route is planned to run along an existing sea wall which separates the river from the village. This portion of the River Lee lies within Lough Mahon catchment area IE_SW_60_0750. Water quality is described to be Eutrophic and at risk of not meeting WFD objectives. The route lies within an area identified to be at risk of flooding (Flood Zone A – CDP 2022 Flood Risk Maps). Estuarine areas extending from the southern most

section of the proposed route and into Monkstown Creek, form part of the Monkstown Creek proposed Natural Heritage Area. A portion of the Cork Harbour SPA encompassing mudflats in Monkstown Creek is located approximately 440m to the south of the proposed site.

4 Identification of EU Sites Subject to Screening

Per the submitted report, the zone of potential influence of the proposed project is identified to be limited to the immediate area having regard to the nature of the proposed works. The Cork Harbour SPA (Site Code 4030) which lies approximately 440m south of the works area is the only EU site located within the immediate area of the proposed project and for which a screening assessment is considered to be required.

The Great Island Channel Special Area of Conservation is located 3.8 km upstream of the proposed project within the north channel of Cork Harbour. No potential pathway for impact on this site is identified having regard to the scale of works proposed and the distance of this site from the proposed project. There are no other sites identified in the submitted report which could be vulnerable to impact from this development.

5 Summary of Screening Assessment per Submitted Report

The Cork Harbour SPA encompasses areas where tidal mudflats occur within Cork Harbour. These areas provide valuable feeding habitat for large numbers of wetland birds of a range of species, some of which are identified to be species of Special Conservation Interest for which the Special Protection Area is designated. Many of these species are migratory and occur in highest numbers in the harbour area in the winter time. Wading species feed on invertebrates which occur in the mudflats that become exposed at low tide. At high tide, these species congregate at undisturbed locations around the harbour (high tide roosts).

Waterbird species for which the Cork Harbour SPA is designated are:

- Little Grebe (*Tachybaptus ruficollis*) [A004]
- Great Crested Grebe (*Podiceps cristatus*) [A005]
- Cormorant (*Phalacrocorax carbo*) [A017]
- Grey Heron (*Ardea cinerea*) [A028]
- **Shelduck (*Tadorna tadorna*) [A048]**
- Wigeon (*Anas penelope*) [A050]
- **Teal (*Anas crecca*) [A052]**
- Pintail (*Anas acuta*) [A054]
- Shoveler (*Anas clypeata*) [A056]
- Red-breasted Merganser (*Mergus serrator*) [A069]
- **Oystercatcher (*Haematopus ostralegus*) [A130]**
- Golden Plover (*Pluvialis apricaria*) [A140]
- Grey Plover (*Pluvialis squatarola*) [A141]
- Lapwing (*Vanellus vanellus*) [A142]
- **Dunlin (*Calidris alpina*) [A149]**
- **Black-tailed Godwit (*Limosa limosa*) [A156]**
- Bar-tailed Godwit (*Limosa lapponica*) [A157]

- **Curlew (*Numenius arquata*) [A160]**
- **Redshank (*Tringa totanus*) [A162]**
- **Black-headed Gull (*Chroicocephalus ridibundus*) [A179]**
- Common Gull (*Larus canus*) [A182]
- Lesser Black-backed Gull (*Larus fuscus*) [A183]

The SPA is also designated for the protection of a breeding population of **Common Tern** which visit the harbour area in the summer-time. This species breeds at a number of locations in the harbour including at Ringaskiddy and Monkstown Creek. Common Tern feed in areas of deep water around the harbour, diving for Sandeel and other small fish. Mudflats within the SPA which are a vital food resource for wetland birds are protected and listed as a qualifying interest of the Special Protection Area.

Monkstown Creek, which occurs to the south of the proposed works area is an important wetland site which supports high numbers of a range of wetland birds species for which the SPA is designated. The works area is also located in close proximity to two of the three main Common Tern breeding sites in Cork Harbour. Species highlighted in bold above are known to occur in Monkstown Creek and are identified to require further screening in the submitted report. Non highlighted species are stated to rarely occur within the vicinity of the proposed works area. The potential for the project to give rise to impacts on these species is ruled out on the basis of lack of occurrence in areas proximal to the proposed project.

It is stated in the report that the proposed changes to the scheme at Monkstown will not materially alter the conclusion of the 2016 AA Screening Report for the following reasons:

- the proposed project is located within an area of low ecological potential;
- emissions will be localised, temporary and minor;
- the proposed project will not result in loss of habitat of ecological value;
- the proposed project will not cause disturbance to qualifying interest species for reasons relating to scale, location and duration of the construction phase;
- the proposed project poses a very low risk of resulting in the release of pollutants or sediments to the harbour.

In-combination effects.

It is stated in the submitted report that there have been no significant changes in the ecological baseline, scheme design or status of potentially affected EU sites since the original scheme was assessed and the requirement for AA was screened out. It is further stated that no other plans or projects were identified which have the potential for negative in-combination effects with the proposed development.

6 Cork County Council Assessment

Based on a review of the drawings for this scheme, it is understood that, moving from north to south, the proposed project will provide for the following,

- the development of approximately 50m of shared cycleway/pedestrian path adjoining the sea wall in the area to the north of the Monkstown carpark replacing an existing footpath and parking spaces;
- the development of approximately 160m of shared cycleway/pedestrian path on the roadside of an existing carpark to be located within the footprint of an existing footpath and the road carriageway. The stone wall of the car park will be moved to widen the space available to develop the cycleway/pedestrian path. This stretch of cycleway/pathway will be separated from the sea wall by the car-park;
- the development of approximately 200m separated cycleway/pedestrian path extending from the southern entrance to the carpark to the Sandquay boat yard. There is an existing footpath adjoining the sea wall which extends along this stretch of the route which will be upgraded. The proposed cycleway is to be located on the roadside of the footpath and is to be separated from the footpath with a landscaped area.

I concur that the focus of the screening assessment should be on the Cork Harbour SPA and am satisfied that there is no risk of impact to any other EU site. In relation to the Cork Harbour SPA, it is my opinion, the primary considerations are:

- Potential for the project to cause disturbance to qualifying interest species for which the Cork Harbour SPA is designated (both construction and post construction phases); and
- Potential risk of release of pollutants and/or sediments to the coastal area during both the construction and post construction phases.

This element of the proposed greenway is to be located entirely within the built environment on existing roads, paths and verges. No removal of coastal/wetland habitats are proposed. The potential for the project to give rise to direct effects on wetland habitats does not arise.

Disturbance Risks: There is no mudflat habitat immediately adjoining the proposed route and there are no high tide roosts adjoining proposed route. There are no estuarine habitats which are of particular high value for qualifying interest species for which the Cork Harbour SPA is designated located proximal to this site. Further, it is noted that no additional or new cycleway/pathway will be created along the sea wall. Accordingly, I am satisfied that the scheme will not result in any significant change or increased visual or noise disturbance risks within areas known to be of importance for wetland and other bird species.

Potential Pollution Risks: I note that the surface water drainage system will incorporate hydrocarbon interceptors and that all works are to be undertaken on existing built land and will not give rise to any increased levels of surface water run-off in the post construction phase. It is expected that standard environmental controls including water pollution controls will be implemented during the construction phase and that nature-based SUDS approaches will be integrated into the scheme to manage surface water where possible. However, even in the absence of these measures, I concur with the conclusions of the ARUP report that the proposed project does not pose a risk of causing a significant effect on estuarine habitats associated with the release of toxic contaminants or sediments during the construction phase, having regard to its location on built land and taking account of the limited scale and nature of works proposed. Accordingly, I am

satisfied that the proposed development does not pose a risk of giving rise to pollution impacts which could be significant.

In accordance with Section 177U of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided in this report, it is concluded beyond reasonable scientific doubt that the proposed works, individually or in combination with other plans/projects are not likely to have a significant effect on a European site (Natura 2000 site). It is therefore considered that a Stage 2 Appropriate Assessment under Section 177V of the Planning and Development Act 2000 (as amended), is not required.

Reasons for Determination

- All works are to be contained entirely within the existing built environment and do not encroach into coastal or other natural or semi-natural habitats. No impacts on wetland habitats or other habitats of potential value to qualifying interest species for which the Cork Harbour SPA are identified.
- There will be no increase in surface water run off generated by this scheme, given the fact that it is to be located entirely within the built environment.
- No additional cycleway/pathway is proposed in locations adjoining habitats which are known to be of high value for qualifying interest species. There is no risk that activities associated with the construction or operation of the shared path at this location will give rise to visual or noise related disturbance to birds.
- The limited scale of the works located in the built environment do not pose a risk of causing a significant pollution event in the coastal environment, even in the absence of implementation of standard pollution control measures as will be implemented.
- As there is no risk of impact to the Cork Harbour SPA arising from this proposed project, there is no risk that the proposed project could contribute to 'in combination' effects when considered in-combination with effects which may arise from other plans or projects.

7 References

AA Screening Report - Glenbrook to Raffeen Pedestrian and Cycle Greenway, Atkins 2016
Monkstown Active Travel Link and Public Realm Enhancement, Project Drawings, ARUP 2023.

Report for Screening for Appropriate Assessment for the Monkstown Active Travel Link and Public Realm Enhancement project, Arup, 2023

Planning Report for the Monkstown Active Travel Link and Public Realm Enhancement project (Arup, 2023).

NPWS, Cork Harbour Special Protection Area Conservation Objectives, Ver 1 2014

NPWS, Cork Harbour Special Protection Area Site Synopsis, 2015

NPWS, Cork Harbour Special Protection Area Conservation Objectives Supporting Document, 2014

Guidance used in the preparation of this report included the following:

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.

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