

**Habitats Directive Appropriate Assessment
Screening Determination**

Proposed upgrade to the N72 Christchurch Junction, Fermoy, Co. Cork.



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 an upgrade to the N72 Christchurch Junction, Fermoy, Co Cork. The determination is based on the information provided in the AA screening report prepared by Moore Group – Environmental Services. This screening determination should be read in conjunction with the AA screening report.

In accordance with Regulation 250 of the Planning and Development Regulations, Local Authorities are required to carry out screening for appropriate assessment of proposed development to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with another plan or project is likely to have a significant effect on one or more European¹ sites. The Local Authority is required to determine that appropriate assessment of the proposed development 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

¹“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.

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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| <p>Name of the project</p> <p>N72 Christchurch Junction, Fermoy Upgrade.</p> |
| <p>Description of the project</p> <p>The proposed development consists of the construction and operation of a scheme to redesign the junction between the N72 national road and the R639 regional road at Christchurch, Fermoy, Co, Cork.</p> <p>As per the information provided in the AA screening report prepared by Moore Group Environmental Services, the proposed development comprises of the following:</p> <ul style="list-style-type: none">• Removal of left turn slip road from N72 (S) to N72 (W).• Removal of left turn lane from N72 (W) to R639.• Removal of traffic islands throughout.• Reduction in carriageway widths and turning radii via extension of public realm areas and revision of kerb lines aligning with the Design Manual for Urban Streets as much as possible considering the requirement to accommodate large numbers of HGV's on the N72.• Incorporation of a raised table across the junction extending into all approaches.• Modification of the junction between the N72 (W) and Church Hill comprising realignment of the Church Hill approach, removing the left turn slip lane and right turning facility from the N72, narrowing the junction mouth, and providing an uncontrolled pedestrian crossing.• Modification of the junction between the R639 and Allen's Walk comprising realignment of the Allen's Walk approach, narrowing the junction mouth, providing an uncontrolled pedestrian crossing, modifying parking at the junction to improve visibility, and extension of the footpath at the junction mouth to define the junction and improve pedestrian facilities.• Incorporation of Sustainable Drainage Systems and enhancement of public realm areas.• SuDS measures will include bioretention tree pits / rain gardens to collect runoff from the public realm areas.• Paved road area reduces from 18,098m² to 12,531m².• Resurfacing the vehicular carriageway within the scheme extents.• Relocation of existing gullies with new connections to the existing surface water drainage system.• The sequence of gully work to be followed is to close off and secure inlets and outlets prior to breaking out the chambers. This effectively removes the pathway to the River Blackwater. The gully is replaced, and the drainage recommissioned. |

Site Context

The proposed development site is located at junction in the Fermoy Town Centre, north of the River Blackwater. It is approximately 0.63 ha in size and the length of the road within the project area is approximately 385m.

The site is located within the development boundary of Fermoy. To the east of the junction is a row of terrace houses, to the north are religious buildings, while to the west is Fermoy Town park. The road leads south to Kent Bridge.

The site is located within the Blackwater WFD catchment. There are no watercourses on site. The nearest watercourse is the River Blackwater, approximately 200m south of the site. The River Blackwater has been assigned good water quality status. The site overlaps slightly on the southern boundary with flood zones A and B according to the Cork County Development Plan 2022.

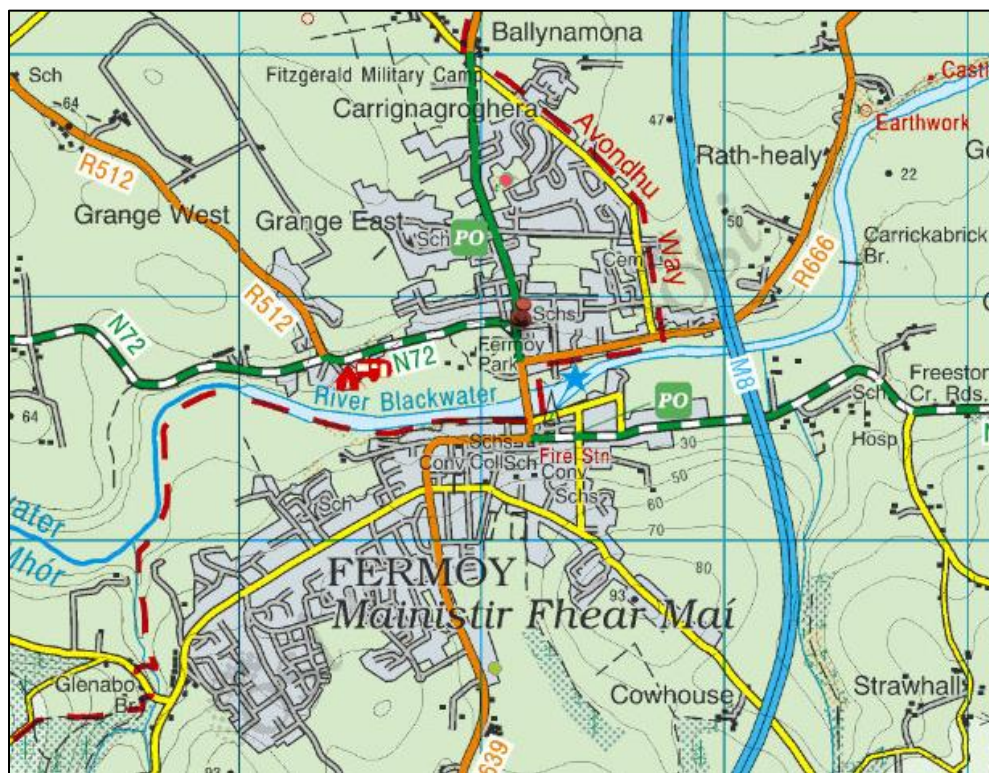


Figure 1: Site Context (Red pin drop indicates site location within the settlement)

Name and location of EU sites subject to screening

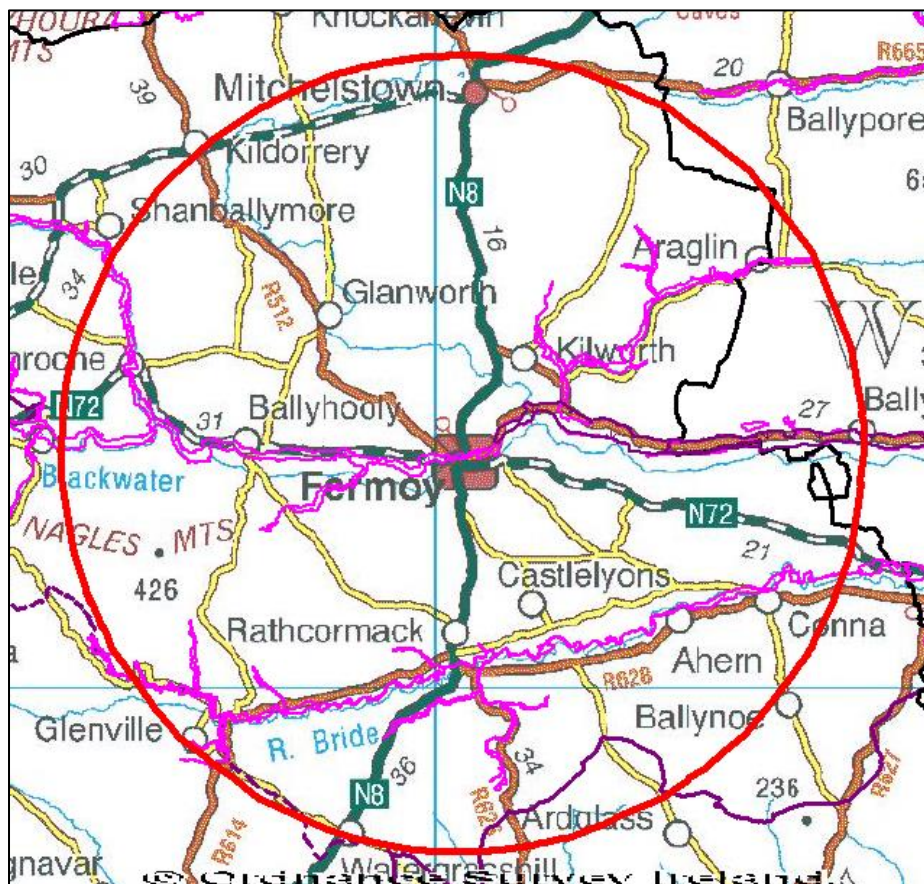


Figure 2: Red buffer indicates all European sites within 15kms of the proposed development location.

The subject site does not overlap with any European site. The submitted AA Screening Report identifies two Natura 2000 (European) sites located within a 15km radius of the site which are considered in this document. These are:

- Blackwater River (Cork/Waterford) SAC (Site Code: 002170) - approximately 0.13km south of the site.
- Blackwater Callow SPA (Site Code: 004094) – approximately 1.25km east of the site.

The sites listed are identified in Figure 2 above relative to the proposed development site. There are no other Natura 2000 sites within the 15km radius of the proposed project.

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 Blackwater River in the vicinity of the works and to which there is a potential link are highlighted in bold above.

The Blackwater Callows SPA extends along a stretch of the Blackwater River just east of Fermoy. This area is part of the natural floodplain of the river and supports a range of wetland bird species including the following species of special conservation interest for which the site is designated:

- Whooper Swan (Cygnus cygnus) [A038]
- Wigeon (Anas penelope) [A050]
- Teal (Anas crecca) [A052]
- Black-tailed Godwit (Limosa limosa) [A156]

The site is also designated for the protection of wetland habitat [A999]

A potential pathway for impact exists between the works site and these two EU sites given the proximity of the site to the Blackwater River and potential hydrological linkages connecting the site to the Blackwater River

Is the project directly connected with or necessary to the management of the sites listed above?

No.

Potential Impacts on EU Sites

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 or sediments to the Blackwater River could negatively affect water quality and thereby have the potential to impact negatively on some of the qualifying interests of the SAC.

The protection of favourable conservation condition of the SPA requires the maintenance of natural flooding patterns to ensure the protection of the wetland itself. The protection of the area from activities which could cause disturbance to the species for which the site is designated is also a key requirement. Activities which could impact on natural hydrological conditions within the callows or which could have the potential to cause disturbance to wetland birds using this area, could have the potential to give rise to significant negative effects on the SPA.

Screening Report Assessment and Conclusion:

The report as submitted states in conclusion that the proposed upgrade to junction either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required for the following reasons:

- No works are proposed in the SAC or in the SPA;
- The drainage network will be cut off during the construction phase and recommissioned nearing completion. No element of the proposed project has been identified which could negatively impact the qualifying interest species of the Blackwater Callows SPA.

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

No potential for impact on any EU site identified. Therefore, there is 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 evaluation and overall conclusion that there are no significant effects on European Sites foreseen as a result of the proposal.

In accordance with Section 177S of the Planning and Development Act 2000 (as amended) and on the basis of the objective information provided in this report, it is concluded that the proposed project does not pose a risk of causing significant negative any EU site for the following reasons:

- No works are proposed within any EU sites;
- No direct loss, alteration or fragmentation of habitats will occur within any EU sites;
- No discharges of surface water are proposed to any watercourse. The drainage network will be cut off at the initial stages of construction, and reconnected and commissioned nearing completion and therefore removes the pathway to the River Blackwater during the construction phase. Once fully operational, all surface water run off will be contained on site and discharged to existing urban drainage systems. Therefore, there is no likely risk of contaminated surface water run off reaching the river and impacting qualifying interest habitats and species of the Blackwater River SAC OR Blackwater Callows SPA during the construction phase.
- No potential for in-combination effects have been identified.

It is therefore determined that a Stage 2 Appropriate Assessment under Section 177V of the Planning and Development Act 2000 is not required.