

**Habitats Directive Appropriate Assessment
Screening Determination**

Housing Scheme in Elm Grove, Crann Ard, Fermoy, Co. Cork.



Cork County Council
Comhairle Contae Chorcaí

**Completed by: Ecology Office
Cork County Council.**

Date: November 2023

This document contains the Habitats Directive Screening Determination of Cork County Council (CCC) in respect of the completion of 26 houses (units 17 to 42 Elm Grove) previously permitted under CCC Planning Reference 05/3120 and extended under CCC Planning References 10/5816 and 15/5973 at Elm Grove, Crann Ard, Fermoy, Co. Cork. The determination is based on the information provided in the Appropriate Assessment (AA) Screening Report prepared by Ash Ecology & Environmental Ltd, the Drainage Impact Assessment (DIA) & SUDS Statement (Incorporating Flood Risk Assessment) and the Engineering & Infrastructure Report prepared by BRH Architecture and Engineering. This screening determination should be read in conjunction with the AA screening report and all other relevant material.

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 objective 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

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.

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.

Name of the project: Housing Scheme in Elm Grove, Crann Ard, Fermoy, Co. Cork.

Description of the project: The proposed development relates to the completion of 26 houses (units 17 to 42 Elm Grove) previously permitted under CCC Planning Reference 05/3120 and extended under CCC Planning References 10/5816 and 15/5973 at Elm Grove, Crann Ard, Fermoy, Co. Cork. Specifically, the proposal will be to complete the existing estate of 26 houses which are currently not at wall plate level.

The 26 houses consist of:

- 6 no. 3 Bedroom Detached Houses;
- 7 no. 3 Bedroom Semi-Detached Houses;
- 1 no. 4 Bedroom Detached Houses;
- 4 no. 3 Bedroom Semi-Detached Houses;
- 2 no. 2 Bedroom Semi-Detached Houses; and
- 6 no. 2 Bedroom Semi-Detached Houses

The development will necessitate the construction / provision of new site infrastructure to service the proposed 26 no. houses. The proposed infrastructure will include foul and surface water drainage, water, electrical and telecommunication services, access roads and common areas.

Foul Water Disposal Arrangements: The application area which consists of the 26 houses will connect into the existing site under construction as permitted under planning permission reference: 15/5973. As part of the development, it is proposed to relocate the foul pump permitted previously further north to service the additional zoned lands north of the subject site. This pump station will be sized to cater for Crann Ard (80 units), Elm Grove (49 units) and the future housing requirement per the development plan of the zoned lands to the north.

Stormwater Disposal Arrangements: As part of the development the stormwater system will tie back into storm system under construction as permitted under planning permission reference: 15/5973. The surface water system ties into the overall estate infiltration area which has been designed to take the surface water from these 26 houses and infiltrate to ground. In addition to this existing system a new full retention fuel / oil separator (a Klargester/Clearwater/Kingspan NSBE015 Bypass Separator) will be provided such that the discharge of the 26 houses and associated road network will go through this oil separator before discharge to the sewer and then the stormtec system.

Site Context: The proposed development site is located to the north of Fermoy town at Elm Grove, Ballynamona, Fermoy, Co. Cork, within an area of land zoned as 'Existing Residential'. The site is brownfield in nature and is currently part of a 'ghost estate'. The site is bounded on the northern side by a greenfield site, on the southern side by the L1513 'Pike Road', on the eastern side by an existing house and garden before the 'Dublin Road' and on the western side by an incomplete housing estate.

The site is located within the Blackwater WFD catchment. There are no watercourses on site. The nearest watercourse is the River Blackwater, approximately 1.2km south of the site. The River Blackwater has been assigned good water quality status. According to the Strategic Flood Risk Assessment produced for the 2022 County Development Plan, the proposed development site does not lie within an area which is considered to be at risk of flooding.

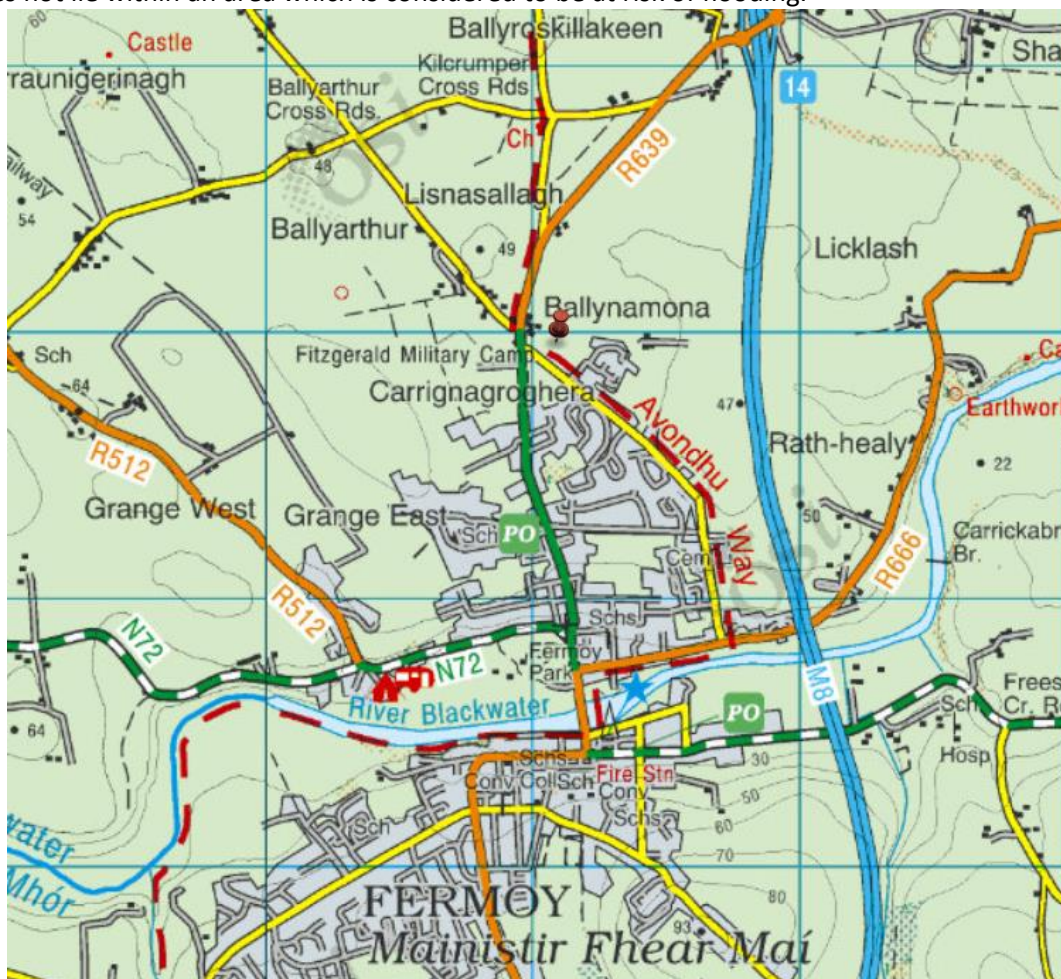


Figure 1: Site Context (Red pin drop indicates site location within the settlement)

Name and location of EU sites subject to screening

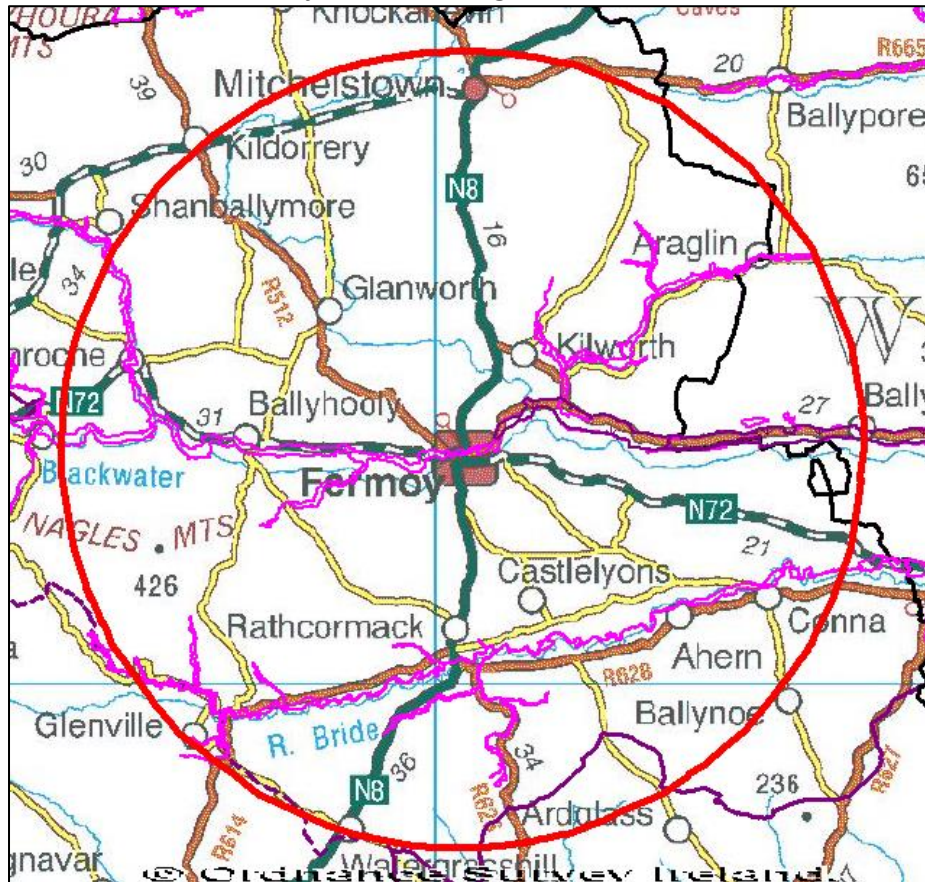


Figure 2: Red buffer indicates all European sites within 15kms of the proposed development location.

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:

1. Blackwater River (Cork/Waterford) SAC (Site Code: 002170) - approximately 0.14km removed from the development site; and
2. Blackwater Callow SPA (Site Code: 004094) – approximately 0.14km removed from the development 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 maritimae*) [1330]
- Mediterranean salt meadows (*Juncetalia maritimi*) [1410]

- Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-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]

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]

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. 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.

The AA Screening Report prepared by Ash Ecology & Environmental Ltd considers potential impacts on European Sites as follows:

- *Habitat Loss/Alteration:* As there will be no direct habitat loss of Blackwater River (Cork/Waterford) SAC or Blackwater Callows SPA, impacts arising from habitat loss/alteration are therefore screened out.
- *Disturbance and/or Displacement of Species:* Impacts to protected species associated with Blackwater River (Cork/Waterford) SAC or Blackwater Callows SPA are screened out due to the distance (approx. 1.4km remove) and the fact the construction works will be localised and temporary.
- *Habitat /Species Fragmentation:* It is considered that habitat fragmentation of qualifying habitats will not arise from the proposed works and impacts to Blackwater River (Cork/Waterford) SAC or Blackwater Callows SPA are therefore screened out.
- *Changes in Population Density:* It is not expected that the proposed works will cause any reduction in the baseline population of any qualifying species of the Blackwater River (Cork/Waterford) SAC or Blackwater Callows SPA and is therefore screened out.
- *Impacts to Water Quality:* Impacts to water quality have been screened out as the potential risk to water quality during the construction phase of the proposed works e.g. silt and harmful substances becoming entrained in surface water run-off is ruled out as there are no watercourses or drains on the site. There is no direct pathway to the Blackwater River which would cause water pollution during construction phase. The operational phase will be ensuring foul water is directed to the proposed pump station and treated thereafter by Irish Water as agreed.
- *In Combination Effects of Plans & Projects:* Given the confined area of the works, and the lack of direct connections to any Natura 2000 sites, there is no potential for any other plans or projects to act in combination with the proposed works which would adversely affect the integrity of any other European sites.

Screening Report Assessment and Conclusion: The report as submitted states in conclusion that the proposed development will not have a significant impact on qualifying interests and conservation objectives for Natura 2000 sites, and that the integrity of these sites will not be adversely affected. No significant direct, indirect or cumulative impacts on Natura 2000 sites have been identified. A stage 2 Appropriate Assessment is not considered necessary.

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;
- The proposed development site lacks any direct hydrological connection to any European Designated Sites which could be considered within the zone of influence of the proposal. The potential risk related to release of sediments and/or accidental spillage of hydrocarbons from construction plant and equipment would be short-term and localized

to the immediate area of the site. The overall risk of surface water emissions associated with the proposed development is considered low during the construction phase and imperceptible during the post construction phase.

- Wastewater generated by the proposal will be directed to the existing wastewater infrastructure onsite and in turn conveyed to the municipal WwTP plant for treatment prior to discharge. A confirmation of feasibility has been issued by Uisce Eireann dated the 24th of August 2023 (Ref: CDS23005373) which states that a wastewater connection is feasible and that there is currently capacity in the Fermoy wastewater treatment plant to facilitate the proposed connection. Furthermore, based on the most recently available annual environmental report (2022 AER) for the WwTP, the discharge from the wastewater treatment plant does not have an observable negative impact on water quality or the Water Framework Directive status;
- The site is located sufficiently distant from any EU site to be satisfied that there is no risk of activities associated with the project causing disturbance to qualifying habitats or species;
- There are no features or habitats of value within the proposed works areas which would differentiate it as a critical resource for ex-situ qualifying interest species from similar habitats in the surrounding area;
- 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.