

**Habitats Directive Appropriate Assessment
Screening Determination**

Demolition and Rebuild of Mid-Terrace Dwelling at West End, Milford



Cork County Council
Comhairle Contae Chorcaí

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This document contains the Habitats Directive Screening Determination of Cork County Council in respect of a proposed the proposed demolition and rebuild of a mid-terrace welling at West End, Milford.

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 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.

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.

Name of the project

Proposed demolition and rebuild of mid-terrace dwelling at West End, Milford.

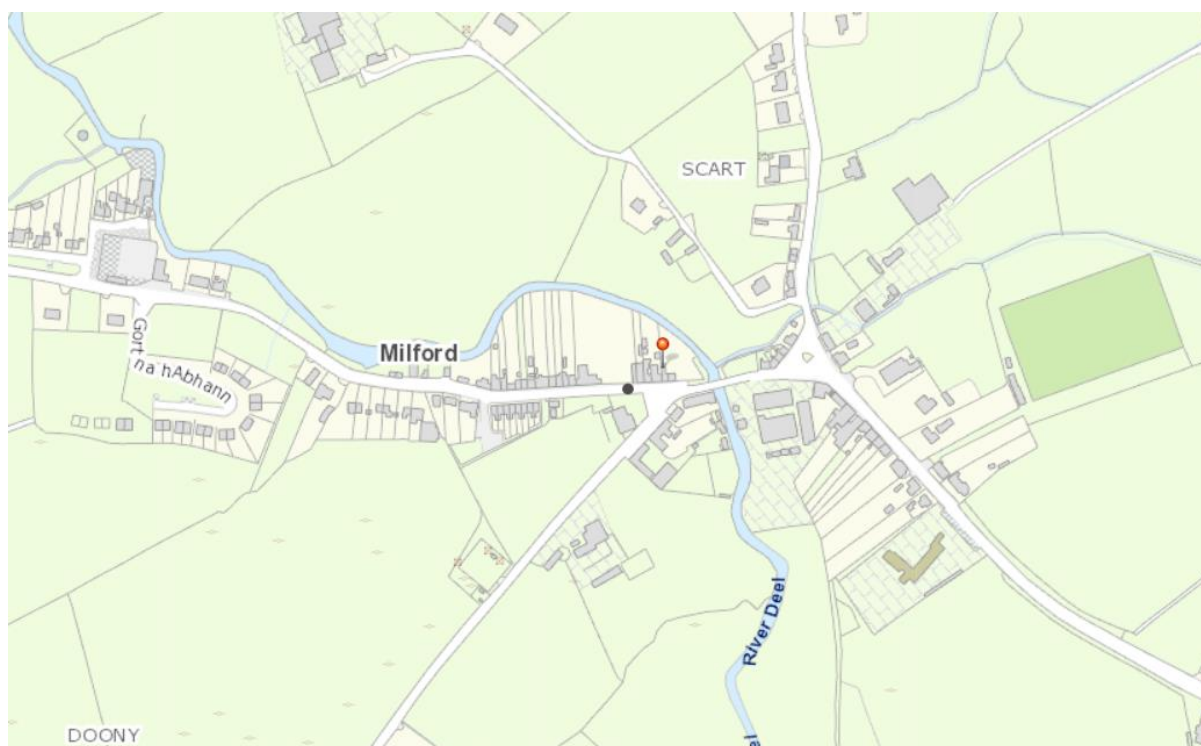
Description of the project

It is proposed to demolish an existing mid-terraced 2-storey structure and rebuild substantially within the existing footprint. The dwelling will be connected into the existing foul sewer. From here it will be directed to the Milford public waste-water treatment plant for treatment.

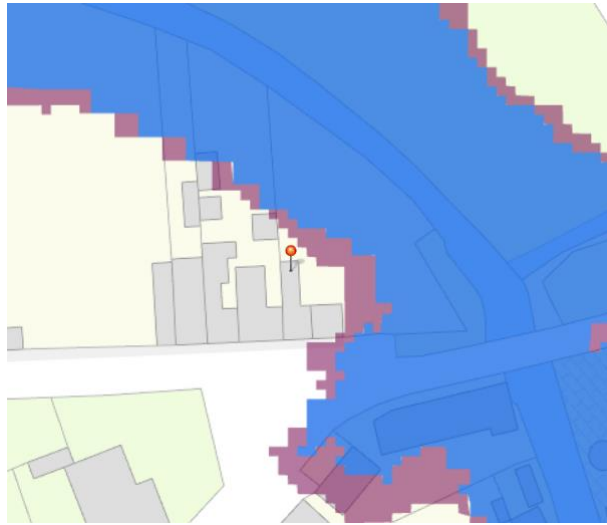
Surface water from this site is to be discharged to a soakaway which is to be located in the rear garden. The boundary to the west of the dwelling will be retained and a new concrete post and panel fence will be provided to the western rear boundary.

Site Context

The development site is located at West-End in the small village of Milford North Cork. The rear garden of this property extends to the Deel River to the north. Milford is located within the Deel (Newcastlewest) Sub-catchment, which is located in the Shannon Estuary South Catchment. The Deel River flows north through Newcastlewest, Rathkeale and Askeaton and discharges to the Shannon Estuary at Shannonview.



The immediate development site is not located within an area identified to be at risk of flooding. However, the rear garden of the site is within the flood risk zone of the River Deel.



Name and location of EU sites subject to screening

The development site is located approximately 6km from the Allow River which forms part of the Blackwater River Special Area of Conservation, however, Milford is not located within the Allow catchment and there is no hydrological linkage to the Blackwater River SAC. No potential pathway for impact exists between the proposed development site and the Blackwater River SAC.

There is a distant hydrological linkage to the Lower River Shannon Special Area of Conservation via the Deel River. The Lower River Shannon SAC is located approximately 50km downstream of the proposed development site. The Special Area of Conservation is located over 50km downstream from Milford. Consideration is given to potential for the proposed project to impact this site below.

The proposed development site does not have any direct or indirect ecological or hydrological linkages to any other EU sites. No potential pathway for impact to any other EU site has been identified.

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

No.

Describe how the project (alone or in combination) is likely to affect the Natura 2000 Site

The Lower River Shannon SAC is designated for the protection of a range of freshwater and coastal habitats and species for which maintenance of a high standard of water quality is critical to the maintenance of favourable conservation condition. Activities associated with this development, which could contribute to negative effects on water quality in waters discharging to the SAC, could have the potential to contribute to water quality pressures, and could thereby impact on certain such habitats and species. Water quality in the River Deel is moderate and is deemed to be at risk of not reaching Good Status as required under the Water Framework Directive.

There are a number of possible threats to water quality in the Deel associated with this proposal. These are considered below.

Risk of release of toxic contaminants or silt to the river associated with construction phase activities:

Activities associated with the demolition of the existing dwelling and construction of a new dwelling could result in the release of silt or toxic contaminants to the adjoining River Deel, which is located 30m from the river-bank. Per standard operating procedures and best practise, water quality protection measures will be put in place to prevent a water pollution event in the river. However, given the scale of the development and the distance of the development site from the SAC, it is considered that water quality in the SAC will not be impacted, even in a worst case scenario, should such measures not be put in place, and should activities associated with demolition or construction cause water pollution.

Risk of introduction of nutrients via waste-water discharges: Waste-water is to be disposed of to the public WWTS in Milford. Treated effluent from this plant is discharged to the Deel River. The plant is operating under a Certificate of Discharge provided by the EPA. Available documents indicate that the plant has spare capacity, but that it is not operating in accordance with design standards. Water quality in the receiving river (River Deel) is assigned moderate status only and is deemed to be at risk of not achieving good status. It is not known to me whether the WWTP is contributing to negative impacts on water quality.

Notwithstanding issues with the operation of the WWTP and water quality in the receiving water, it is noted that this is a very small-scale development which is located over 50km from the SAC. The development replaces an existing dwelling and will not increase pressure on the existing public WWTP. On the basis of the distance of the development site from the SAC (over 50km), the scale of the development (single dwelling), and the fact that it will not contribute any additional loading to the WWTP, it is determined that waste-water discharges from this development do not pose a threat to water quality in the SAC.

Potential for impact to water quality in the post construction phase: Surface water is to be disposed to a soakaway in the rear garden of the property. This is a standard design feature intended to contribute to the protection of water quality and thereby the achievement of the WFD objective for this watercourse. It is neither necessary for, nor intended to prevent an impact on the downstream SAC and, even in the absence of same, it is considered that there would be no risk of impact to water quality in the SAC having regard to the distance of the site from the SAC and the scale of the development. In the interest of ensuring its proper functioning and the avoidance of impact on water quality and river hydrology at a local level, it is recommended that the soakaway be designed and built to accord with recommended best practice.

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

No potential for impacts identified, therefore the proposed project does not pose a threat of contributing to effects which could be significant when considered in combination with other impact 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 of the listed European sites.

- No direct loss, alteration or fragmentation of habitats will occur within any EU sites;
- 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 of any linked EU sites.
- The site is located sufficiently distant from any EU site to be satisfied that there is no risk of impact to water quality in the downstream Lower River Shannon SAC.

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