Proposed New Fountainstown Looped Walking Trail

Appropriate Assessment Screening Report and Determination



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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed new Looped Walking Trail along the R612 regional road and the L6512, L6513, L6515 local roads which includes a new 730m footpath along the R612 at Fountainstown village, signage on the local roads, a new pedestrian crossing, landscaping and biodiversity features. The assessment is based on project drawings, a site visit and details prepared by Cork County Council and referral to published sources.

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 proposed developments on sites that are designated for the protection of Natura 2000 (European Sites¹) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements originate 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 set 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, (the authority designated to give consent to 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 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 despite 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 includes 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 Housing, Local Government and Heritage must be consulted.

The assessment may cease 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.

Proposed New Fountainstown Looped Walking Trail

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed new walking trail and footpath at Fountainstown, County Cork. All European sites within or close to the proposed works site, or that might have an ecological linkage to the proposed development have been identified and screened to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

Map showing the Location of the Proposed Development Site and Natura 2000 Sites



Figure 1. Map showing the location of the proposed new walking trail.



Figure 2. Map showing the proposed new footpath on the west side of the R612 at Fountainstown.

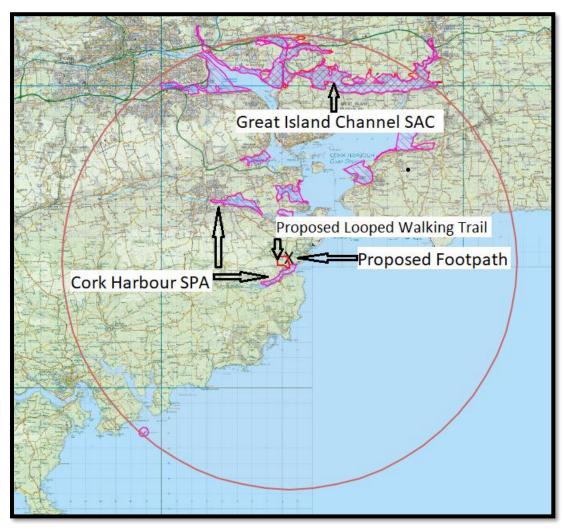


Figure 3. Map showing the location of Natura 2000 sites in the vicinity of the proposed development.

Description of the project and local site characteristics

STEP 1. Description of the project/proposal and local site characteristics		
(a) Site Name/Reference Number:	A new 3.5km looped walking trail, along the R612 regional road and the L6512, L6513, L6515 local roads that includes a new 730m footpath along the R612 at Fountainstown village, signage on the local roads, a new pedestrian crossing at the public car park and some landscaping and biodiversity features.	
(b) Brief description of the project or plan:	The proposal to construct a new looped walking trail along R612 regional road and the L6512, L6513, L6515 local roads that includes a new 730m footpath along the R612 at Fountainstown village, signage on the local roads, a new pedestrian crossing at the public car park involves the following works: • Excavation of a 2m width of the existing verge. • Saw cut the road and excavate for the 125mm kerb backed up with dry concrete. • Placing and compacting circa 75mm depth of clean washed stone over this 2m length. • Shuttering the back of the footpath with timber. • Constructing the 100mm depth concrete footpath at the road edge. • Installing tactile paving at the proposed pedestrian crossings • For traffic management reasons the length of this process is to be 100m sections. Therefore, this process will be repeated seven times. • The clean washed stone to be stored in an area at the eastern side of the existing car park which is the least used section. • The compound is to be located in Carrigaline with the machinery transported back there each evening after work.	

	 Delivery trucks will be carefully managed on site, unloaded and despatched without interface with the general public. Installing signage and lining along the proposed footpath. Provisions for biodiversity and landscaping that will include planting of native trees and shrubs and pollinator-friendly management of the route where possible. All ancillary works required to deliver the proposed works.
(c) Brief description of site characteristics:	The proposed looped walking trail will be located along the R612 regional road and the L6512, L6513, L6515 local roads. The proposed footpath will be located on the west side of the R612 from the Minane Bridge junction to the existing stretch of footpath north of Fountainstown Beach. The route is adjacent to Fountainstown Swamp proposed Natural Heritage Area and is approximately 100 meters the Ringabella Creek section of the adjacent Cork Harbour Special Protection Area (SPA). The roadside is currently used as a walkway by the public and the absence of a footpath constitutes a safety issue for pedestrians.
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	Not applicable

Identification of relevant Natura 2000 sites and Qualifying Interests

-	STEP2. Identification of relevant Natura 2000 sites using the Source- Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:			
European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
Cork Harbour SPA (4030)	23 species of waterbird and their wetland habitats. For more information see the NPWS website: https://www.npws.ie/protectedsites/spa/004030	Adjacent	A small stream flows through Fountainstown Swamp (a proposed Natural Heritage Area) and flows into Cork Harbour SPA at Fountainstown Beach. Surface water runoff is another possible pathway during periods of heavy rainfall	Yes
North Channel Special Area of Conservation (1058)	Mudflats and sandflats not covered by seawater at low tide and Atlantic salt meadows. For more information see the NPWS website: https://www.npws.ie/protectedsites/sac/001058	11.3 km or approximately 15.9 km via the sea.	A very weak potential pathway exists via the stream/surface runoff and the sea. However, the distance via the sea (approximately 15.9 km) renders the chance of any pollution event emanating from this project ever reaching the SAC to be extremely unlikely.	No

Assessment of Likely Significant Effects

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of Cork Harbour SPA, taking into consideration the size and scale of the project under the following headings:

Construction phase:

Significance of Impacts (duration/magnitude **Impacts** etc.) 1. Vegetation clearance 1. Some vegetation clearance will be 2. Demolition necessary to prepare the ground for stone 3. Surface water runoff from soil and concrete and for the erection of signage. A 2m wide strip consisting mostly of mowed excavation/infill/landscaping 4. Contaminants or pollution grass and occasionally winter heliotrope, will 5. Dust, noise, vibration have to be cleared. 6. Lighting disturbance 2. No demolition will be required for this 7. Impact on groundwater/dewatering project. 8. Storage of excavated construction 3. There may be some surface water runoff materials during construction. Runoff to the stream is 9. Access to site unlikely as most, if not all of the runoff is likely to percolate into the soil before it 10. Invasive species reaches the stream. Runoff to the road is also likely to be low as construction will be completed in 100 m sections and these sections will be filled with washed stone shortly after excavation. In the event of some runoff flowing downhill during periods of heavy rain and draining into the Fountainstown Swamp stream, amounts are likely to be at a very low level. Quantities reaching the sea at Fountainstown Beach are likely to be insignificant and will be dissipated by tidal currents and wave action and as such. present no threat to the Conservation Objectives and Qualifying Interests of the SPA. 4. The risk of contaminants or pollution entering the SPA are extremely low due to the small number of machines involved in the construction phase and the relatively small volumes of oils and contaminants in these machines. 5. During periods of dry weather, some dust is likely to be produced, but again quantities are likely to be insignificant and not at any level

that would threaten the Conservation Objectives and Qualifying Interests of the SPA. There will be some noise and vibration during the construction period but not at any level that would cause significant disturbance to any of the Qualifying Interests of the SPA given the low levels of noise involved and the distance from the main waterbird populations which tend to be concentrated over 1 km southwest of the proposed footpath. 6. All work will be undertaken during daylight hours so lighting will not impact the Qualifying Interests of the SPA. 7. There will be no dewatering during construction and no impact is anticipated on groundwater. 8. Excavated vegetation and soil will be removed and taken to a licensed site for disposal. Washed stone will be stored in the car-park for a short period prior to use but no negative impacts in terms of runoff are anticipated from this source. All machinery will return to Carrigaline each evening during the relatively short duration of construction. 9. The proposed construction works will not impede access for any of the Qualifying Interests to and from the SPA. 10. Winter Heliotrope is established at several locations along the route and some of this invasive species will be removed to a licensed disposal site where it will be contained and buried to a depth that will prevent spread.

Operational phase:

Impacts

- 1. Direct emission to air and water
- 2. Surface water runoff containing contaminant or sediment
- 3. Lighting disturbance
- 4. Noise/vibration
- 5. Changes to water/groundwater due to drainage or abstraction
- 6. Presence of people, vehicles and activities
- 7. Physical presence of structures (e.g. collision risks)
- 8. Potential for accidents or incidents

Significance of Impacts (duration/magnitude etc.)

- 1. No significant emissions to air or water will occur during the operational phase.
- 2. There will be some slight runoff over the cured concrete for a few weeks after construction during periods of heavy rain but not at any level likely to pose a threat to the Conservation Interests of the SPA.
- 3. There will be no additional lighting installed as part of the proposed walking trail and footpath.
- 4. The new looped walking trail and footpath is not anticipated to result in any additional noise or vibration that would negatively impact the Conservation Interests of the SPA.

area

1. Reduction or fragmentation of habitat

2. Disturbance to QI species

3. Habitat or species fragmentation

	5. There will be no significant impacts or	
	changes to groundwater as a result of the	
	new walking trail and footpath.	
	6. The new walking trail is anticipated to	
	result in a moderate increase in the presence	
	of humans, vehicles and activities at	
	Fountainstown but most of the walking trail	
	users are likely to be people who already visit	
	the area . The new walkway is likely to result	
	in a moderate increase in the numbers of	
	people walking along the roads north of the	
	SPA and a 400m stretch of the L6515 adjacent	
	-	
	to Fountainstown Beach, which is in the SPA.	
	This road can be busy during the summer	
	months especially during periods of fine	
	weather and the presence of increased	
	numbers of people walking along this stretch	
	will be subsumed by existing levels of usage.	
	Most of the Qualifying Interests of Cork	
	Harbour SPA are absent during the summer	
	months (which will coincide with peak human	
	usage of the walkway). There is likely to be a	
	small to moderate increase in the numbers of	
	walkers during the autumn, winter and early	
	spring periods when most of the Qualifying	
	Interests are present in the nearby SPA but	
no significant impact on the Qualifying		
Interests of the SPA is anticipated as		
	Fountainstown Beach is not an important	
foraging or roosting area for wintering		
	waders and wildfowl.	
	7. The new walking trail and footpath will not	
	pose any threat in terms of obstacles to the	
	Qualifying Interests of the SPA.	
	8. The new walking trail and footpath will not	
	result in any significant increase in the	
	potential for accidents or incidents that	
	would negatively impact the SPA.	
(b) Describe any likely changes to the European site(s):		
In combination/other: A search of the Cork County Council Planning Enquiry System revealed		
planning permissions for one new house, four house extensions, one house alteration, a single		
new fodder shed, removal of a garden hedge and land regrading and a small extension to a		
telecommunications structure over the past 12 mo		
Impacts	Significance of Impacts (duration/magnitude	
	etc.)	
Types of changes to consider include:		
//		

1. The proposed looped walking trail and footpath, alone and in combination with the

above developments, will not result in any

reduction or fragmentation of habitat area

within the SPA.

4.	Reduction or fragmentation in species	2. The proposed walking trail and footpath,
	density	alone and in combination with the above
5.	Changes in key indicators of conservation	developments, will not result in any
	status value (water quality etc.)	additional disturbance to the Qualifying
6.	Changes to areas of sensitivity or threats	Interests of the SPA.
	to QI	3. The proposed walking trail and footpath,
7.	Interference with the key relationships	alone and in combination with the above
	that define the structure or ecological	developments, will not result in any habitat or
	function of the site	species fragmentation within the SPA.
8.	Climate change	4. The proposed walking trail and footpath,
		alone and in combination with the above
		developments, will not result in any reduction
		or fragmentation in species density within the
		SPA.
		5. The proposed walking trail and footpath,
		alone and in combination with the above
		developments, will not result in any
		significant changes in key indicators of
		conservation concern status vale of water
		quality within the SPA.
		6. The proposed walking trail and footpath,
		alone and in combination with the above
		developments, will not result in any changes
		to areas of sensitivity or threats to Qualifying
		Interests.
		7. The proposed walking trail and footpath
		alone and in combination with the above
		developments will not result in any significant
		interference with the key relationships that
		define the structure or ecological function of the SPA.
		8. The proposed walking trail and footpath alone and in combination with the above
		_
		developments will not result in any significant increase in the effects of climate change on
		Cork Harbour SPA or any other European site.
(c) Aro	'mitigation' massures necessary to reach a	conclusion that likely significant effects can
	d out at screening?	conclusion that likely significant effects can
Yes \square	No ⊠	While best practice methods are referenced,
162 ⊏		these are not required to avoid or reduce any
		effects on a European site. These measures
		are not relied on to reach a conclusion of no
		likely significant effects on any European site.
		, , ,

Screening Determination Statement

STEP 4. Screening Determination Statement

Describe how the proposed development (alone or in-combination) is/is not likely to have any significant effects on the Conservation Objectives of any European site or sites.

On the basis of the information on file, which is considered adequate to undertake a screening determination, a site visit (21/02/2023) and having regard to:

- The nature and scale of the proposed development,
- The intervening land uses and distance from the North Channel SAC,
- The lack of direct connections with regard to the Source-Pathway-Receptor model to the North Channel SAC,
- The scale of the proposed development is not likely to significantly impact on Cork
 Harbour SPA through the Source-Pathway-Receptor model as any potential runoff
 (including silt and/or pollutants) is likely to be minimal in terms of volume and any spillage
 is likely to be absorbed in soil prior to entry to the SPA via the Fountainstown Swamp
 stream. In the unlikely event of runoff reaching the SPA, wave action and tidal currents at
 the mouth of the Minane River Estuary at Fountainstown Beach are likely to result in
 dispersal of any contaminants,

it is concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the Conservation Interests of the above listed European sites or any other European site. An Appropriate Assessment is therefore not required.

Conclusion:			
	Tick as appropriate	Recommendation	
(1) It is clear that no likelihood of significant effects arises.		The proposal can be screened out: Appropriate Assessment is not required.	
(2) It is uncertain if the proposed development will have		Request further information to complete screening \Box	
a significant effect on a European site.		Request NIS 🗆	
		Refuse planning permission	
(3) Significant effects are likely.		Request NIS	
		Refuse planning permission	
Signature and date of Recomme	nding Officer:	Many Vola	
		Tony Nagle Cork County Council Ecologist 03/08/2023	

References

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species in Ireland (2019), individual site synopses, Natura 2000 data forms, and information relating to the qualifying features and conservation objectives of individual sites was sourced from the NPWS database (www.NPWS.ie).

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

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.

Office of the Planning Regulator. Appropriate Assessment Screening for Development Management, 2021.

Report on Part 8: Fountainstown Looped Walking Trail

Location and Nature of Development

Cork County Council proposes to construct a "Fountainstown Looped Walking Trail" which comprises a 3.5km looped walk including 730m of concrete footpath and the R612 and suitable signage on the L6512, L6513 and L6515.



The proposal to provide information signage along the walking trail route on L6512, L6513 and L6515 local roads and to construct a new footpath for approximately 730 meters on the west side of the R612 at Fountainstown which involves the following works:

- Excavating 2m width of the existing verge.
- Placing and compacting circa 75mm depth of clean washed stone.
- Shutter the back of the footpath with timber.
- Constructing the 100mm depth concrete footpath at the road edge.
- Installing tactile paving at the proposed pedestrian crossings.
- Installing signage and lining along the proposed footpath.
- Provisions for biodiversity and landscaping.
- All ancillary works required to deliver the proposed upgrade works.

The works will be carried out on the land owned by Cork County Council.

Policy

The subject lands are within a High Value Landscape and part is located within the development boundary of Crosshaven and Bays (zoned Existing Residential/Mixed Residential and Other Uses - Crosshaven and Bays).

The subject lands are on a designated Scenic Route (Roads between Crosshaven and Myrtleville, Church Bay, Camden, Weavers Point and Fountainstown).

The County Development Plan 2022 promotes active travel, sustainable transport infrastructure that strengthens the connections between rural and urban areas, supports demand management measures to reduce car travel and promote best practice mobility management and travel planning via sustainable transport modes and promotes road safety measures including traffic calming, road signage and parking. Objective TM 12-2 Active Travel in Section 12-2-1 states:

"Development should incorporate the retention of existing routes and linkages which contribute to permeability of an area, particularly those providing access to key services, facilities and public transport infrastructure. Loss of existing links shall not occur if their loss results in more circuitous trips.

Walkability and accessibility by walking mode will be a central objective in the planning and design of all new transport infrastructure and public transport services.

Public realm upgrades will be promoted to enhance walking and cycling provision in settlements.

Deliver settlements that offer a broad range of services as well as diverse and higher density, residential development to support walking and cycling."

Environmental Assessments

An Appropriate Assessment Screening Report and Determination has been provided and concludes that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on conservation interests of the above listed European sites or any other European site. An Appropriate Assessment is therefore not required.

An EIS assessment is provided in Appendix A of this report. It concludes that no screening is required.

Conclusion

The proposed development is considered to be in accordance with the policies and objectives as set out in the Development Plan

Bryan Riney Senior Planner

Bryan hines

03/08/2023

Appendix A: EIS Assessment

Establishing if the proposal is a 'sub-threshold development':		
Planning Register Reference:	None provided.	
Development Summary:	The proposal to provide information signage along the walking trail route on L6512, L6513 and L6515 local roads and to construct a new footpath for approximately 730 meters on the west side of the R612 at Fountainstown which involves the following works: • Excavating 2m width of the existing verge. • Placing and compacting circa 75mm depth of clean washed stone. • Shutter the back of the footpath with timber. • Constructing the 100mm depth concrete footpath at the road edge. • Installing tactile paving at the proposed pedestrian crossings. • Installing signage and lining along the proposed footpath. • Provisions for biodiversity and landscaping. • All ancillary works required to deliver the proposed upgrade works. The works will be carried out on the land owned by Cork County Council.	
Was a Screening Determination carried out under Section 176A-C?	No, Proceed to Part A	
A. Schedule 5 Part 1 - Does the development comprise a project listed in Schedule 5, Part 1, of the Planning and Development Regulations 2001 (as amended)?		
No		Proceed to Part B
B. Schedule 5 Part 2 - Does the development comprise a project listed in Schedule 5, Part 2 , of the Planning and Development Regulations 2001 (as amended) and does it meet/exceed the thresholds?		
No, the development is	not a project listed in Schedule 5, Part 2	No Screening required