

**Habitats Directive Appropriate Assessment
Screening Determination**

Ringaskiddy Urban Realm and Active Travel Project



Cork County Council
Comhairle Contae Chorcaí

**Completed by: Ecology Office
Cork County Council
June 2024**

Introduction

This document contains the Habitats Directive Screening Determination of Cork County Council in respect of the proposed Ringaskiddy Urban Realm and Active Travel. The assessment is based on the project drawings, information provided in the AA Screening report prepared by Jacobs Engineering Consultants and Cork Harbour SPA data available on the NPWS website. This screening determination should be read in conjunction with this report.

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 Ringaskiddy Public Realm and Active Travel Project.

Project Description

As per the AA screening report the proposed development will provide an active travel route along the existing N28 road, through the village of Ringaskiddy and on to the L2545 between the signalised junction with the R613 and the car park at Gobby Beach (1.7km).

A new shared use pedestrian/cycle facility will be provided on the north side of the N28. Public Realm improvements to the village centre will also be undertaken, and will include new paving, landscaping and junction improvements. Speed reduction measures in the form of Gateway features and raised pedestrian crossings are also included.

The proposed development extends through Ringaskiddy village from the R613 junction to the east of Gobby Beach car park including the side road and private accesses. The works area comprises buildings and artificial surfaces with scattered trees on amenity grassland and grassy verges. The full details of the scheme are presented in the project drawings and in the AA Screening Report.

It is proposed that the scheme will tie into the existing surface water drainage networks. Provision is made for SuDS incorporating soakaways and infiltration trenches. Drainage along the north side of the N28 through the village is proposed to connect to the existing pipe network through infiltration connections and rain gardens with soakaways will be provided at the gateway medians.

Invasive species have been identified within and close to the footprint of the development area. This includes Japanese Knotweed located to the north and south of the M28 proximal to Gobby Beach. These species are to be managed in accordance with an Invasive Alien Species Management Plan which is to be prepared by project consultants.

Contractor will have a designated site compound adjacent to the site for storage of material, refuelling machinery, and operative welfare.

Site Context

The proposed development is located in the village of Ringaskiddy 16kms from Cork City and on the western side of Cork Harbour. The 1.7km route will run along the existing N28 through the village from the R613 Junction to the East of Gobby Beach. The entire project is to be located within the carriageway of the existing road and along its verges. The site is not located within an area identified to be at risk of flooding and no water crossings are required.

The nearest water body to the proposed development is the Cork Harbour coastal water less than 100 metres from the proposed works from the north and to the east.



Figure 1: Proposed development route. Source: Jacobs Engineering Consultants

Identification of EU Sites Within the Zone of Influence of Project

This project is located within the environs of Cork Harbour. There are two EU sites located within Cork Harbour. These are the Great Island Channel SAC (Site Code 1058) and the Cork Harbour SPA (Site Code 4030). The Great Island Channel SAC is located in the north channel of Cork Harbour approximately 6km up-channel from the proposed development site. There is no physical or hydrological linkage connecting the proposed development to this site. No potential pathway for impact has been identified between this site and the proposed development.

The Cork Harbour SPA comprises a network of estuarine channels and inlets throughout Cork Harbour which are used by a range of coastal and wetland bird species. The SPA includes Monkstown Creek which is located immediately north (approximately 400m) of the proposed project and Lough Beg estuary to the south (600m) (see **Figure 2**). Given proximity and potential hydrological linkages connecting the development site to Monkstown Creek and to Lough Beg, the Cork Harbour SPA is considered to be within the zone of influence of the proposed development and requires further assessment to determine whether it could be impacted by the development.

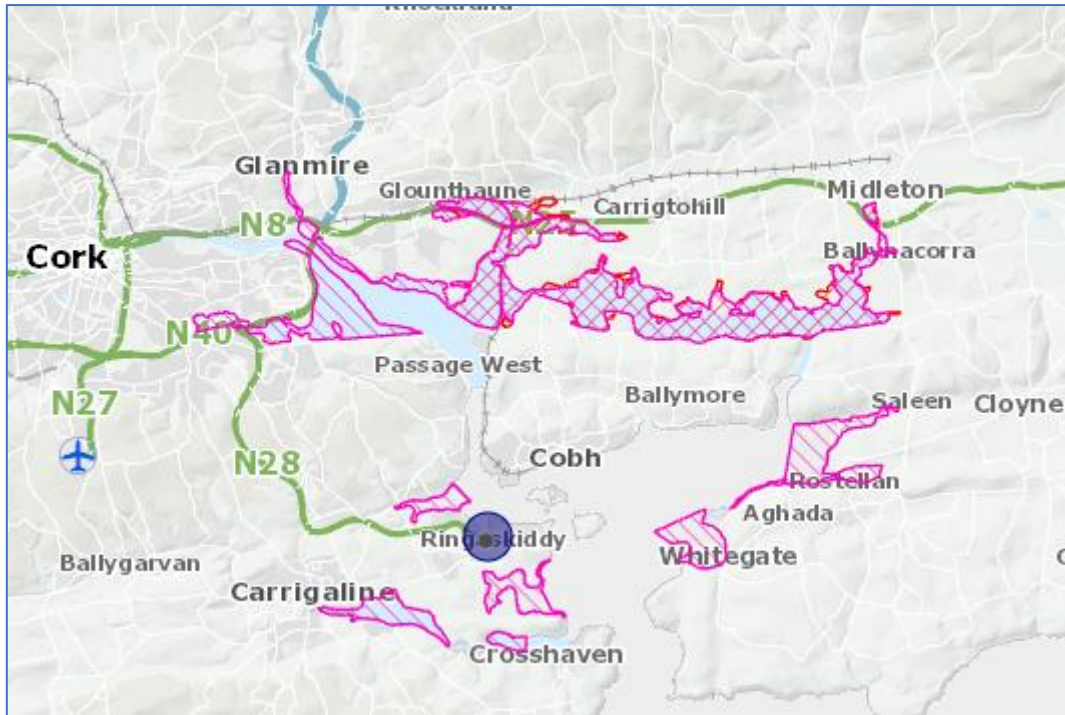


Figure 2: Location of project site relative to Cork Harbour SPA

The Cork Harbour SPA encompasses areas where tidal mudflats and other wetland habitats 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).

Wetland, waterbird and gull species for which the Cork Harbour SPA is designated are listed below. Those species listed in bold occur in internationally important numbers in the harbour area. Other species occur in nationally important numbers:

- 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.

The submitted AA screening report references other EU sites within the potential zone of influence of the proposed works area. The report rules out potential for the project to impact negatively on these sites based on the weak linkages between the project site and these sites. Cork County Council is satisfied that there is no potential pathway for impact linking these sites to the project works area.

The Conservation Objectives published for each of the qualifying interests of the Cork Harbour SPA is designated requires the maintenance of their favourable conservation condition. These are available [here](#). The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Summary of Assessment of Likely Significant Effects Per Submitted Screening Report

The submitted screening report addresses potential for the project to cause degradation of wetland habitats, mortality to species which are qualifying interests of the SPA and disturbance to species.

It rules out risks of impact to the SPA for the following reasons:

- The project area does not impinge on wetland habitat or any habitat within the SPA. No potential for direct effects on habitats within the EU site to arise.
- While there is a hydrological link to the SPA, the link is via the coastal waters of Cork Harbour which have a large assimilative capacity. A pollution event (associated with

construction) is unlikely to reach the EU site to cause significant impacts when taking the distance and dilution capacity of the harbour into account;

- While a pollution event could theoretically lead to mortality of birds by causing deterioration in the quality of habitats upon which they feed, the risk of such an event arising is assessed to be negligible taking account of the small scale and localised nature of the proposed works;
- The project is visually screened from wetland habitat and while the site occurs in relatively close proximity to known breeding locations for Common Tern, there is no risk of activities associated with either the construction or use of the cycleway or pathways to cause disturbance at either the breeding sites of Tern or wetland habitats used by waterbirds. Gulls may occur within the urban environment in close proximity to the project site, however, these species are acclimated to activities associated with the urban zone and are not predicted to be significantly disturbed by this development. The urban environment does not support habitats which are a critical resource for any species which are qualifying interests of the Cork Harbour SPA.

Cork County Council Assessment and Determination

Cork County Council is satisfied that the focus of the screening assessment should be on the Cork Harbour SPA and that there is no risk of impact to any other EU site. In relation to the Cork Harbour SPA, it is our 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 and no habitats which are a critical resource of any qualifying interest species will be impacted. The potential for the project to give rise to direct effects on wetland habitats does not arise.

Disturbance Risks: The entire route is screened from the harbour area. There is no mudflat habitat immediately adjoining the proposed route and there no high tide roosts adjoining proposed route. There is no risk of causing disturbance at the breeding sites for Common Tern. These sites are located within the harbour area well away from the works. 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. I concur that species such as gulls which may occur within the urban footprint of Ringaskiddy are acclimated to human activity and are not predicted to be impacted by the development and I am also satisfied that no significant areas of grassland or other habitat which could serve as a critical resource for wetland birds species will be impacted by the development. No disturbance risk to birds is therefore predicted.

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 noted that that nature-based SUDS approaches will be integrated into the scheme to manage surface water. While it is

expected that standard environmental controls including water pollution controls will be implemented during the construction phase, I consider that even in the absence of these measures, I concur with the conclusions of the Jacobs 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 proposed to incorporate SuDS within the scheme which 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 this project 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.

References

Ringaskiddy Urban Realm and Active Travel Appropriate Assessment Screening Report. Report prepared by Jacobs for Cork County Council, June 2024

Ringaskiddy Urban Realm and Active Travel Environmental Impact Assessment Report – Screening Report. Report prepared by Jacobs for Cork County Council, June 2024

Ringaskiddy Urban Realm and Active Travel Flood Risk Assessment. Report prepared by Jacobs for Cork County Council, June 2024

Ringaskiddy Urban Realm and Active Travel, Preliminary Ecological Appraisal Report. Report prepared by Karen Banks, Greenleaf Ecology, May 2024.

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, 2021.

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