

**Habitats Directive Appropriate Assessment
Screening Determination - Passage West Pedestrian and Cycle Route Project**



Cork County Council
Comhairle Contae Chorcaí

**Completed by Cork County Council Ecology Office.
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This document contains the Habitats Directive screening determination of Cork County Council in respect of the Passage West Pedestrian and Cycle Route Project. The determination is based on the information provided in the Appropriate Assessment Screening Report prepared by Ryan Hanley. The Ryan Hanley report concludes that *'It is determined that there is potential for a significant effect on the Cork Harbour SPA in view of the sites' conservation objectives whether alone or in combination with other plans and / or projects.'* This screening determination should be read in conjunction with the aforementioned 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 to adverse impacts on one or more

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.

European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

Name of the project

Passage West Pedestrian and Cycle Route Project

Description of the project

In summary, there is an existing path which is c.8.9km long, from Harty's Quay to Passage West, which runs through Cork City into Cork County. The c.7km pathway within the Cork City boundary is in the process of being upgraded to become part of the Lee to Sea Greenway. The existing 2km long path in the Cork County boundary is 2-2.5m wide and runs between the Cork City/Cork County boundary and Mariner's Quay.

It is proposed to upgrade the existing 2km long and 2-2.5m wide Pedestrian and Cycle Route within the Cork County bounds to be an approximate 4m wide pedestrian and cycle path. The upgrade of this existing route would include, but is not limited to the following:

- Widening works along the existing path;
- Upgrade existing steps between path and the shore of Lough Mahon;
- Construction of on street parking and new stone wall to segregate vehicles from the proposed pedestrian and cycle path;
- Provision of new benches and tables;
- Provision of new landscaping and trees along the new path;
- Provision of Signage including map boards, tourist information, road signage, decals;
- Amendments to public lighting (where required);
- Construction of cycle parking facilities, including cycle stands;
- New utilities or alternative routing of existing utilities; and
- Ancillary works.

Site Context

The proposed works are located in an urban environment along an existing path in Passage West, County Cork, which sits immediately adjacent to the transitional waters of Lough Mahon.

Name and location of EU sites subject to screening

The submitted AA Screening report identifies two EU designated site within the potential zone of influence i.e.15km of the proposed development. These sites are as follows:

1. Great Island Channel SAC (Site Code 001058); and
2. Cork Harbour SPA (Site Code 004030).

No potential pathways for impact to any other EU sites have been identified.

Great Island Channel SAC Site Details

Qualifying Interests	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330]
Conservation Objectives	To maintain the favourable conservation condition of mudflats and sandflats not covered by seawater at low tide.
	To restore the favourable conservation condition of Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>).
Key targets Required to be met to meet Conservation Objectives	<p><i>Mudflats and sandflats</i></p> <ul style="list-style-type: none"> • Permanent habitat area is stable or increasing. • Linked faunal communities are conserved in natural condition.
	<p><i>Saltmarsh</i></p> <ul style="list-style-type: none"> • Permanent habitat area is stable or increasing. • No change in habitat distribution. • Natural hydrological patterns, flooding patterns and patterns of sediment circulation are maintained. • Vegetation composition and structure of saltmeadow is maintained.
Conservation Objectives (npws.ie)	

Cork Harbour SPA Site Details

Qualifying Interests	<ul style="list-style-type: none"> • Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] • Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] • Cormorant (<i>Phalacrocorax carbo</i>) [A017] • Grey Heron (<i>Ardea cinerea</i>) [A028] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Wigeon (<i>Anas penelope</i>) [A050] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056] • Red-breasted Merganser (<i>Mergus serrator</i>) [A069] • Oystercatcher (<i>Haematopus ostralegus</i>) [A130] • Golden Plover (<i>Pluvialis apricaria</i>) [A140] • Grey Plover (<i>Pluvialis squatarola</i>) [A141] • Lapwing (<i>Vanellus vanellus</i>) [A142] • Dunlin (<i>Calidris alpina</i>) [A149] • Black-tailed Godwit (<i>Limosa limosa</i>) [A156] • Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] • Curlew (<i>Numenius arquata</i>) [A160] • Redshank (<i>Tringa totanus</i>) [A162] • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] • Common Gull (<i>Larus canus</i>) [A182] • Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183] • Common Tern (<i>Sterna hirundo</i>) [A193]
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Cork Harbour SPA Site Details	
	<ul style="list-style-type: none"> Wetland and Waterbirds [A999]
Conservation Objectives	All bird species: To maintain the favourable conservation condition.
	Wetlands: To maintain the favourable conservation condition.
Key targets Required to be met to meet Conservation Objectives	<i>Wetland Birds</i> <ul style="list-style-type: none"> Long term population trends for each species are stable or increasing. No significant decrease in the range, timing or intensity of use of areas other than that occurring from natural patterns of variation.
	<i>Common Tern</i> <ul style="list-style-type: none"> No significant decline in breeding population. No significant decline in productivity rate. No significant decline in prey biomass. No barriers to connectivity between breeding sites and feeding areas. Human activities should occur at levels that do not cause disturbance at breeding sites.
	<i>Wetland</i> <ul style="list-style-type: none"> The permanent area occupied by wetland habitat should be stable and not significantly less than 2,587ha.
Conservation Objectives (npws.ie)	

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

No – However, the proposed works are located c.900m northeast of the Great Island Channel SAC and hydrologically connected through the Lough Mahon waterbody and the proposed works are located directly adjacent to the Cork Harbour SPA, lining the boundary of the European Site for c.700m.

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

Potential Impacts to the Great Island Channel SAC - Consideration of potential for the proposed development to impact negatively on the qualifying interests ‘Tidal Mudflats and Sandflats’ and ‘Atlantic salt meadows (*Glauco-Puccinellietalia maritima*)’ is required having regard to the proximity of the works to same i.e. circa 925m northeast and circa 1.9km northeast respectively. However, as per the Ryan Hanely report due to the significant distance between the QI’s and the proposed works and the barrier of the tidal watercourse (Lough Mahon), there is no potential for interaction to occur. As such, per the Ryan Hanely report the potential for likely significant effects has been screened out.

Potential Impacts to Cork Harbour SPA - Consideration of potential for the proposed development to impact negatively on the Cork Harbour SPA is required having regard to the proximity of the works to the SPA.

Per the Ryan Hanely report, Species of Conservation Interest (SCI) listed use the wetland habitat and the waters, which are directly adjacent to the proposed works for c.700m, for foraging. Therefore, the potential for disturbance and water quality effects apply to all SCI’s listed. Furthermore, it is stated that there is potential for indirect water quality effects to the receiving waterbody (Lough Mahon)

arising from the construction stage of the proposed works and the potential for disturbance of the SCI's, thus, there is a possibility for negative ecological effects to occur. Disturbance is also likely at operational stage, due to the increased usage of the pedestrian and cycle path. It is considered that the SCI's are within the zone of influence of the project and thus, there is potential for interaction / significant impacts to these species. Additionally, it is identified within the report that the Passage West Pedestrian and Cycle Route Project, in combination with all other greenway projects that are planned surrounding Lough Mahon and the Cork Harbour SPA, will create an increased footfall and disturbance pressure to the designated species within the SPA in Lough Mahon. Therefore, per the Ryan Hanely report the potential for likely significant effects has been screened in.

AA Screening Report Conclusion

Consideration is given in the submitted report to the potential for the proposed development to impact negatively on the Great Island Channel SAC and on the Cork Harbour SPA.

Per the Ryan Hanely Report it is determined that there is potential for a significant effect on the Cork Harbour SPA in view of the sites' conservation objectives whether alone or in combination with other plans and / or projects. This assessment is based on consideration of:

- Relevant qualifying interests, their sensitivities and Conservation Objectives;
- Potential source pathways between European Sites identified and the proposed development;
- The temporary and localised (scale) nature of the proposed development.

The potential for a significant effect on the Great Island Channel SAC has been screened out.

Cork County Council overall conclusion.

In accordance with Section 177S of the Planning and Development Act 2000 (as amended) and on the basis of the information contained in the Ryan Hanely AA Screening Report, which is considered adequate to undertake a screening assessment and to make a screening determination, Cork County Council is of the opinion that in view of best scientific knowledge and in the absence of mitigation measures the proposed project poses a risk of causing significant negative to the Cork Harbour Special Area of Conservation. This determination is made having regard to

- Location of works adjacent to the SPA;
- The nature of the proposed works both from a construction and operational standpoint;
- Hydrological connection; and
- Known occurrence of Species of Conservation Interest and supporting habitats in close proximity to the proposed works.

As such, this project requires the implementation of environmental controls in order to ensure the avoidance of significant effects on the Cork Harbour Special Protection Area. It is therefore determined that a Stage 2 Appropriate Assessment under Section 177V of the Planning and Development Act 2000 is required.