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Appropriate Assessment Screening Report

Nash's Boreen Pedestrian & Cycle Scheme

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1 Introduction

This report comprises information in support of screening for Appropriate Assessment (AA) in line with the requirements of Article 6[3] of the EU Habitats Directive (EC 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development (Amendment) Act 2010; and the European Union (Birds and Natural Habitats) Regulations 2011 as amended.

The project is located at Nash's Boreen on the northside of Cork City. Nash's Boreen extends west and southwards from Upper Fairhill to David McCarthy Road (adjacent to Apple Computers) and is approximately 2.1 km in length. The existing road is mostly paved and serves houses located on both sides for approximately 1.2 km west of Upper Fairhill. The remaining section (approx. 0.9km) up to David McCarthy Road has greenfield/agricultural land on both sides of the road. Nash's Boreen is also used as an amenity walk as part of the Cork City Northwest Slí na Sláinte loop.

The purpose of this scheme is to upgrade Active Travel (walking and cycling) infrastructure within the project area. The facility will be complete with raised traffic calming ramps and drop kerbs at strategic points (Fig. 5-11 in Appendix). The project will include accommodation works for vehicle access, as well as a dedicated vehicle turning facility (CH+ 1700). Traffic management bollards and appropriate signage will also be installed where necessary.

This screening exercise aims to determine whether the proposed works have the potential to significantly impact upon the conservation objectives and overall integrity of any Natura 2000 sites. This assessment is based upon a desk study and field work carried out by suitably qualified ecologists. Also included is a general assessment of the ecological status of the site and the potential impacts of the proposed works on the ecology of the surrounding area, including Designated Sites.

The Competent Authority is obliged to examine the likely significant effects individually or in combination, of the proposed development on European Designated Sites in light of their specific qualifying interests and conservation objectives. If AA screening determines that there is likely to be significant effects on one of these sites, then full AA must be carried out for the proposed works, including the compilation of a Natura Impact Statement to inform the decision making.

2. Relevant Legislation and Overall Screening Methodology

The methodology for this screening statement is set out in a document prepared for the Environment DG of the European Commission entitled 'Assessment of plans and projects significantly affecting Natura2000 sites: Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC' (European Commission, 2019). This report and any contributory fieldwork were carried out in accordance with guidelines given by the Department of Environment, Heritage and Local Government (2009, amended 2010).

The process is given in Articles 6(3) and 6(4) of the Habitats Directive and is commonly referred to as 'Appropriate Assessments' (which in fact refers to Stage 2 in the sequence under the Habitats Directive Article 6 assessment). Article 6 of the Habitats Directive sets out provisions which govern the conservation and management of Natura 2000 sites. Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the (Natura2000) site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication 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."

Article 6(4) of the same directive states:

"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 social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of the Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

It is the responsibility of the proponent of the plan or project to provide the relevant information (ecological surveys, research, analysis etc.) for submission to the 'competent national authority'. Having satisfied itself that the information is complete and objective, the competent authority will use this information to screen the project, i.e. to determine if an AA is required and to carry out the AA, if one is deemed necessary. The competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. The appropriate assessment process has four stages. Each stage determines whether a further stage in the process is required. If, for example, the conclusions at the end of Stage One are that there will be no significant impacts on the Natura 2000 site, there is no requirement to proceed further. The four stages are:

1. Screening to determine if an appropriate assessment is required.
2. Appropriate assessment
3. Consideration of alternative solutions
4. Imperative Reasons of Overriding Public Interest/Derogation

Stage 1: Screening for AA

The aim of screening is to assess firstly if the plan or project is directly connected with or necessary to the management of Designated Site(s); or in view of best scientific knowledge, if the plan or project, individually or in combination with other plans or projects, is likely to have a significant effect on a Designated Site. This is done by examining the proposed plan or project and the conservation objectives of any Designated Sites that might potentially be affected. If screening determines that there is potential for significant effects or there is uncertainty regarding the significance of effects, then it will be recommended that the plan or project is brought forward to the next stage of the AA process.

Stage 2: Appropriate Assessment

The aim of stage 2 of the AA process is to identify any adverse impacts that the plan or project might have on the integrity of relevant Designated Sites. As part of the assessment, a key consideration is 'in combination' effects with other plans or projects. Where adverse impacts are identified, mitigation measures can be proposed that would avoid, reduce or remedy any such negative impacts and the plan or project should then be amended accordingly, thereby avoiding the need to progress to Stage 3.

Stage 3: Assessment of Alternative Solutions

If it is not possible during Stage 2 of the AA process to conclude that there will be no adverse effects on site integrity, Stage 3 of the process must be undertaken which is to objectively assess whether alternative solutions exist by which the objectives of the plan or project can be achieved. Explicitly, this means alternative solutions that do not have adverse impacts on the integrity of a Designated Site. It should also be noted that EU guidance on this stage of the process states that, 'other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria' (EC, 2002). In other words, if alternative solutions exist that do not have adverse impacts on Designated Sites; they should be adopted regardless of economic considerations. This stage of the AA process should result in the identification of the least damaging options for the plan or project.

Stage 4: Imperative Reasons of Overriding Public Interest (IROPI)/Derogation

This stage of the AA process is undertaken when it has been determined that a plan or project will have adverse effects on the integrity of a Designated Site, but that no alternatives exist. At this stage of the AA process, it is the characteristics of the plan or project itself that will determine whether or not the competent authority can allow it to progress. This is the determination of 'overriding public interest'. It is important to note that in the case of Designated Sites that include in their qualifying features 'priority' habitats or species, as defined in Annex I and II of the Directive, the demonstration of 'overriding public interest' is not sufficient and it must be demonstrated that the plan or project is necessary for 'human health or safety considerations'. Where plans or projects meet these criteria, they can be allowed, provided adequate compensatory measures are proposed. Stage 4 of the process defines and describes these compensation measures.

Appropriate Assessment Screening Report

This report provides stage one: screening for appropriate assessment. It aims to establish whether a plan or project is likely to have any significant effects on any Natura 2000 sites. The study is based on a preliminary impact assessment using both publicly available data and data collected during site visits and ecological surveys. This is followed by a determination of whether there is a risk that the effects identified could significantly impact any Natura 2000 sites, and if so an AA is required. The need to apply the precautionary principle in making any key decisions in relation to the tests of AA has been confirmed by European Court of Justice case law. Therefore, where significant effects are likely, possible or uncertain at screening stage, AA will be required.

2.1 Reference Documents

Name / Number	Description
Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities	National guidance on Appropriate Assessment for planning authorities. Department of Environment, Heritage and Local Government, (2010 revision)
Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities	Circulars issued by the Department of Environment, Heritage and Local Government with guidance relating to Appropriate Assessment. Circular NPWS 1/10 & PSSP 2/10 (2010)
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	The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and (4) of the Habitats Directive European Commission Environment Directorate-General, (2001 and updates April 2015 and September 2021).
Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC	Publication to the Member States with an interpretation of certain concepts in Article 6 of the Habitats Directive. EC Environment Directorate-General (2018)
Communication from the Commission on the precautionary principle.	Publication relating to the use of the precautionary principle. European Commission (2000)
Appropriate Assessment Screening for Development Management. Practice Note PN01.	Publication from the Office of the Planning Regulator relating to screening for Appropriate Assessment. OPR (March 2021)

3. Methodology

3.1. Desk Study

A desktop study was carried out as part of this screening process. This included a review of available literature on the site and its immediate environs. Sources of information included the National Parks and Wildlife Service databases on protected sites and species data, and from the Environmental Protection Agency on watercourses and groundwater.

3.2. Data Used To Carry Out The Assessment

The following sources of data were employed:

- Environmental Protection Agency (EPA) Appropriate Assessment Tool
- EPA Maps (to identify watercourses, hydrology, and Natura 2000 site boundaries)
- NPWS protected species database and online mapping
- National Biodiversity Data Centre
- Inland Fisheries Ireland
- An Bord Pleanála's online database
- Geological survey Ireland's online database

3.3. SPR Model

This assessment was carried out with regard to the source-pathway-receptor (SPR) approach, a standard tool in environmental assessment. The SPR concept in ecological impact assessment relates to the idea that for the risk of an impact to occur, a source is needed (a development site); an environmental receptor is present (a lake); and finally, there must be a pathway between the source and the receptor (a watercourse linking the development site to the lake). Even though there might be a risk of an impact occurring, that does not necessarily mean that it will occur, and even if it does occur, it may not be significant. Identification of a risk means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

In this instance, the most relevant receptors are any relevant Natura 2000 sites with connectivity of the proposed works. These were considered during the desktop study stage of this screening assessment in order to assess the potential for significant effects upon their Qualifying Interests (QIs), Sites of Community Importance (SCIs) and Conservation Objectives (COs). This stage of the process is used to determine whether any of the Natura sites may be 'screened out'. That is, that they can be regarded as not being relevant to the process, having no potential to be significantly affected or impacted upon.

4. Screening of Designated Sites

4.1. Site Location

The purpose of this scheme is to upgrade Active Travel (walking and cycling) infrastructure within the project area.

The eastern most point of this project is at Grid ref.: 51.91617, -8.49149 and its western most point is at Grid ref.: 51.90864, -8.51313.

The closest European sites are the Cork Harbour SPA and Great Island Channel SAC, which are located 5.3km and 10.1km to the east of the project area.

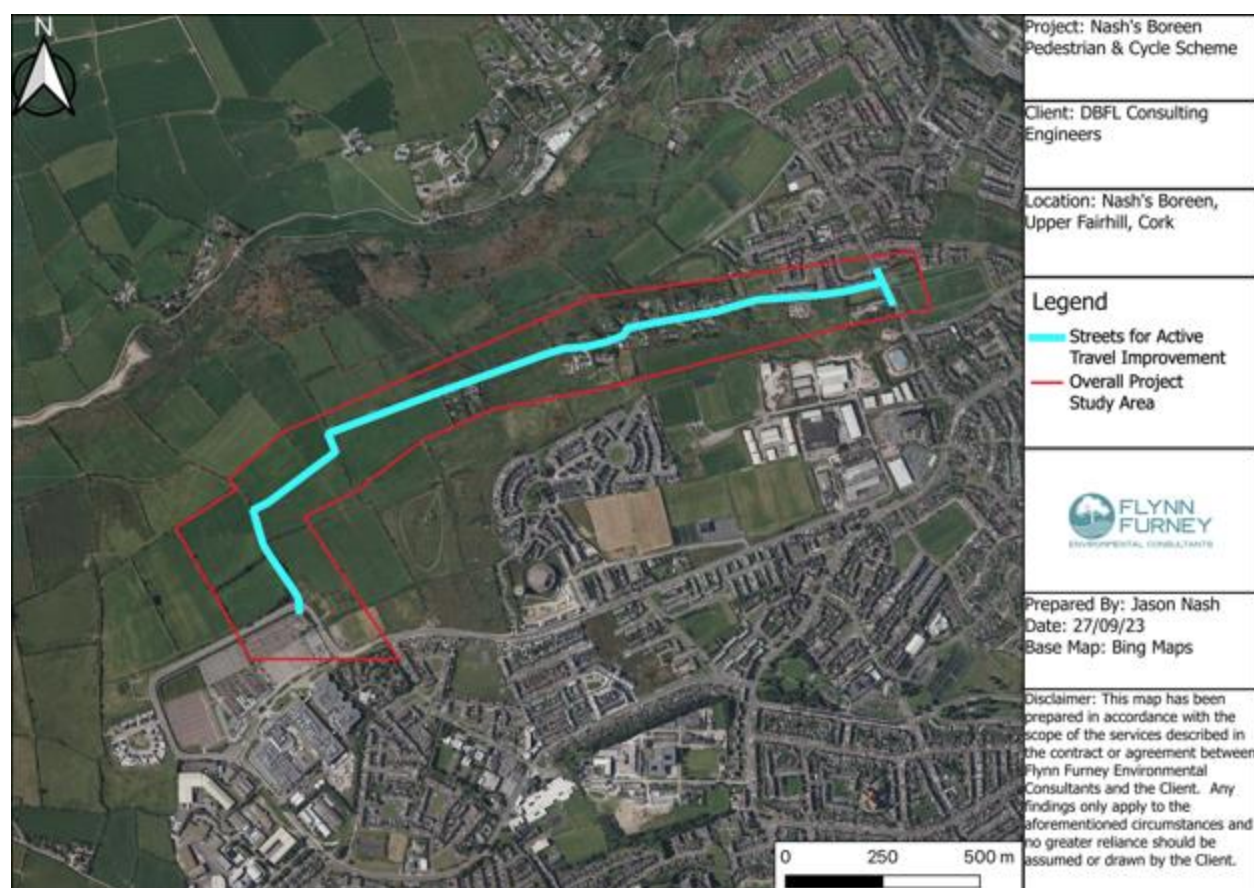


Figure 1: Site location.

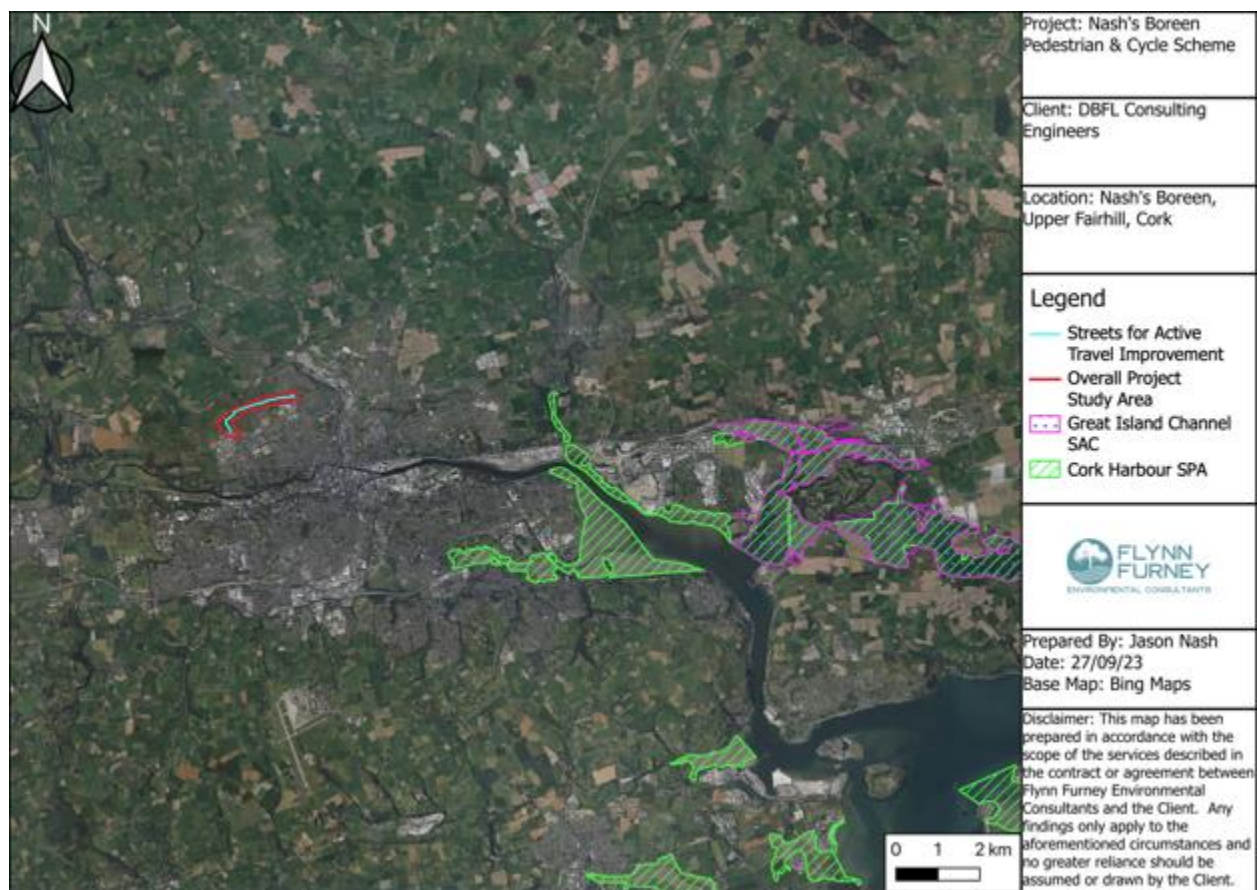


Figure 2: Site location and adjacent Natura 2000 sites.

4.2. Receiving Environment

4.2.1. Habitat Overview

The proposed works are planned to take place along the existing Nash's Boreen footpath, which is approximately 2.1 km in length (Buildings and Artificial Surfaces – BL3). The habitats directly adjacent to the footpath are hedgerows (WL1), treelines (WL2) and grassy verges (GS2), earth bank (BL2), stone walls and other stonework (BL1). Treelines included species such as Hawthorn (*Crataegus monogyna*), Sycamore (*Acer pseudoplatanus*) and Elder (*Sambucus nigra*), while hedgerows were mainly composed of Waxyleaf Privet (*Ligustrum quihoui*). The surrounding landscape is primarily composed of improved agricultural grassland (GA1), immature woodland (WS2), Sitka Spruce conifer plantation (WD4) and sparse patches of scrub dominated by Bramble (*Rubus fruticosus agg.*) and Nettle (*Urtica dioica*) (WS1)

4.2.2. Surface water

There are no bridges or stream crossings associated with the proposed works.

4.2.3. Breeding Birds

All species of wild birds that occur naturally in Ireland are fully protected at all times by the Wildlife Act and relevant amending legislation. Similarly, all birds naturally occurring in the wild state are afforded a measure of protection by the EU Birds Directive, but derogations may reduce protection for specific reasons. As such, any vegetation clearance must be carried out outside of the bird nesting season (March 1st to August 31st).

No bird habitat will be impacted from the proposed works.

4.2.4. Amphibians

An amphibian survey was not carried out as part of this project, due to the lack of suitable habitat for spawning common frog (*Rana temporaria*) or smooth newt (*Lissotriton vulgaris*) within the proposed works area.

4.2.5. Mammals

Badger (*Meles meles*) droppings were recorded in improved agricultural grassland to the north and south of the proposed route.

No other signs of mammal activity, such as holes, burrows, setts, couches, or spraint were found during the course of the survey conducted.

4.2.6. Invasive Plant Species

Japanese Knotweed (*Fallopia japonica*), listed on the Third Schedule of the European Communities Regulations, was recorded adjacent to the proposed route of works. This is discussed further in the Ecology Survey report. Other invasive alien plant species noted included Butterfly Bush (*Buddleja davidii*), Cherry Laurel (*Prunus laurocerasus*) and Fuchsia (*Fuchsia magellanica*).

4.3 Proposed Works

The purpose of this scheme is to upgrade Active Travel (walking and cycling) infrastructure within the project area.

4.4 Works And Site Characteristics And Risks To The Environment

There is no likely significant effects (LSE) to any Qualifying Interests (QIs) of adjacent Cork Harbour SPA and Great Island Channel SAC envisaged as a result of the proposed works

4.5 Nearby Designated Sites

The closest European sites are the Cork Harbour SPA and Great Island Channel SAC, which are located 5.3km and 10.1km to the east of the project area.

Table 1: Designated Sites near the proposed works

Site Name	Qualifying Interests (* denotes a priority habitat)	Distance (m)	Source- Pathway- Receptor Link	Further Analysis for LSEs Required	Rationale
Cork Harbour SPA Site Code: 004030	• 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]	5.3km	None	No LSE expected	No impacts are predicted due to: • Size and scale of the proposed works. • Being contained to an urban space of little ecological value. • Being outside the nearest SPA with no relevance to its Qualifying Interests. • No direct connectivity to the Natura 2000 site.

	• 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] • Wetland and Waterbirds [A999]				
Great Island Channel SAC Site Code: 001058	• Mudflats and sandflats not covered by seawater at low tide [1140] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) [1330]	10.1km	None	No LSE expected	No impacts are predicted due to: • Size and scale of the proposed works. • Being contained to an urban space of little ecological value • Being outside the nearest SAC with no relevance to its Qualifying Interests. • No direct connectivity to the Natura 2000 site.

5. Assessment Criteria

5.1. Is The Project Necessary to The Management of The Designated Site(s)?

The proposed project is not necessary to or connected with the management of any Designated Sites.

5.2. Direct, Indirect or Secondary Impacts

Applying the concept of the source-pathway-receptor model, there are no identifiable direct impacts on nearby Designated Sites.

5.2.1. Water Quality and Pollution Control

There are no hydrological connections to the surrounding Natura 2000 sites.

5.3. Cumulative And in Combination Impacts

A number of other projects have been considered as part of the screening process. A search of National Planning Application Database and the Cork County Council planning web portal was carried out as part of this desktop study. A number of planning applications were reviewed; the greater majority of these related to the construction, demolition or alteration of private dwellings, and residential developments. The most notable application is App. 2241121 for the construction of a four storey over partial lower ground floor level office building providing office space, meeting rooms, staff welfare, service areas and all ancillary site development works. This is located along the westernmost section of Nash's Boreen. Due to the scale/nature of works, the distance between the site and receptor, lack of direct connectivity and absence of habitat suitable for ex-situ Qualifying Interests, it is considered there will be no impact of these works, or no impact of any cumulative or in combination effects of this project with other projects or plans, on any surrounding Natura site.

5.4. Likely Changes to the Designated Site(s)

The project is not expected to lead to any LSE to any nearby Designated Sites due to the following:

- Size and scale of the proposed works.
- Being contained to an urban space of little ecological value
- Being outside any Natura 2000 site with no relevance to its Qualifying Interests.
- No direct connectivity to the Natura 2000 site.

6. Screening Conclusions

In our professional opinion and in view of the best scientific knowledge and in view of the conservation objectives of the European sites reviewed in the screening exercise, the proposed development individually/in combination with other plans and projects (either directly or indirectly) are not likely to have any significant effects on any of the European sites.

Therefore, Appropriate Assessment is not required.

7. References

- European Commission DE, 2001. Assessment of plans and projects significantly affecting Natura 2000 sites.
- Environmental Protection Agency, Appropriate Assessment Tool:
<https://gis.epa.ie/EPAMaps/AAGeoTool>
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8. NBDC Record

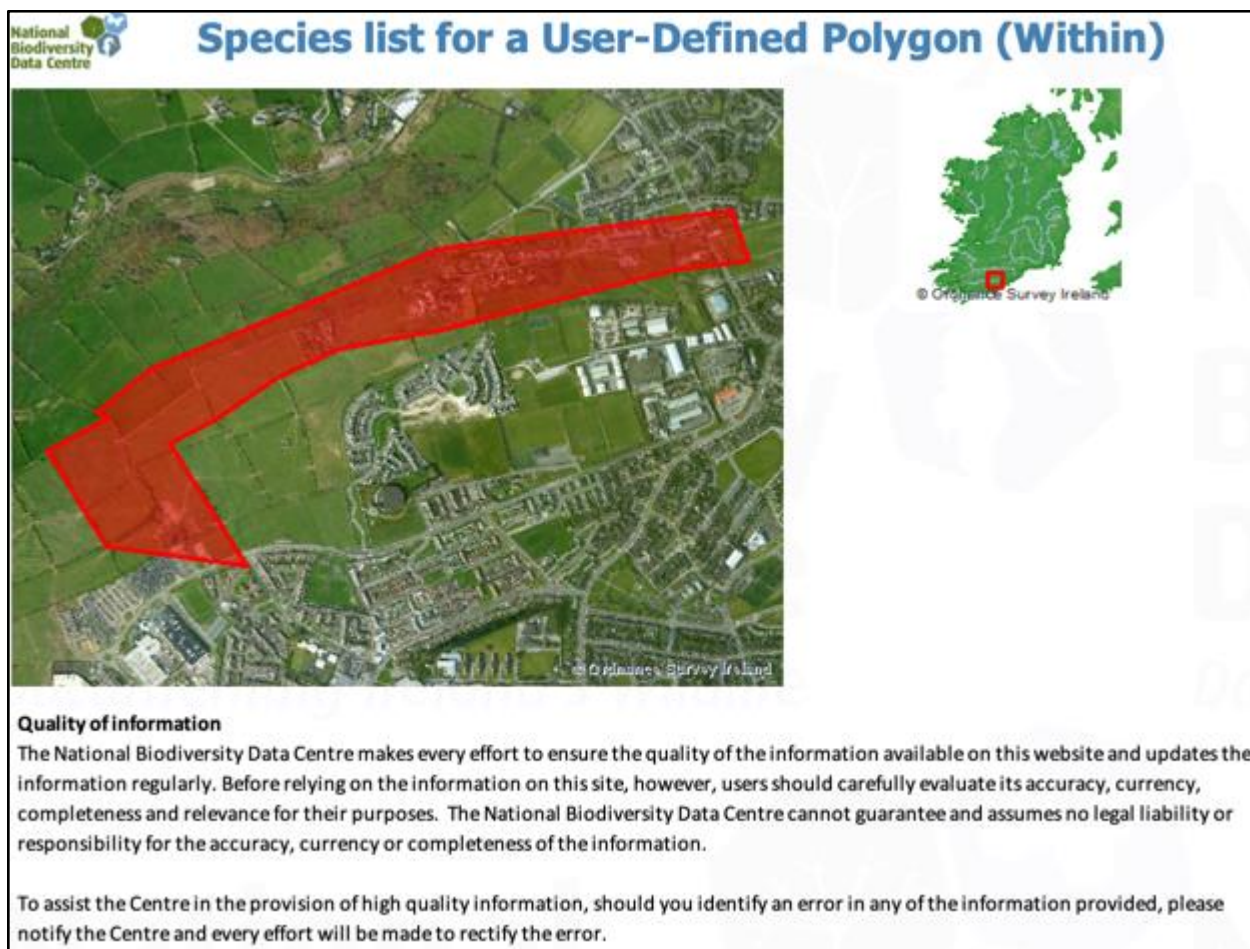


Figure 3: NBDC Polygon Species Search: No results found.

Appropriate Assessment Screening Report





Figure 6: Details of works – Section 3

