

**Habitats Directive Appropriate Assessment Screening Report &  
Screening Determination**

**Project: Construction of a 3 bed detached dwelling at no. 2a Glenview, Lyre,  
Banteer, Co. Cork.**



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Comhairle Contae Chorcaí

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# 1 Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination of Cork County Council to: Construction of a 3 bed detached dwelling at no. 2a Glenview, Lyre, Banteer, Co. Cork. The assessment is based on project drawings and details prepared by Cork County Council's Architects Department.

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 Sites<sup>1</sup>) prior to the giving consent for development of such projects. This is to determine whether or not the projects 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 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 Construction of a 3 bed detached dwelling at no. 2a Glenview, Lyre, Banteer, Co. 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.

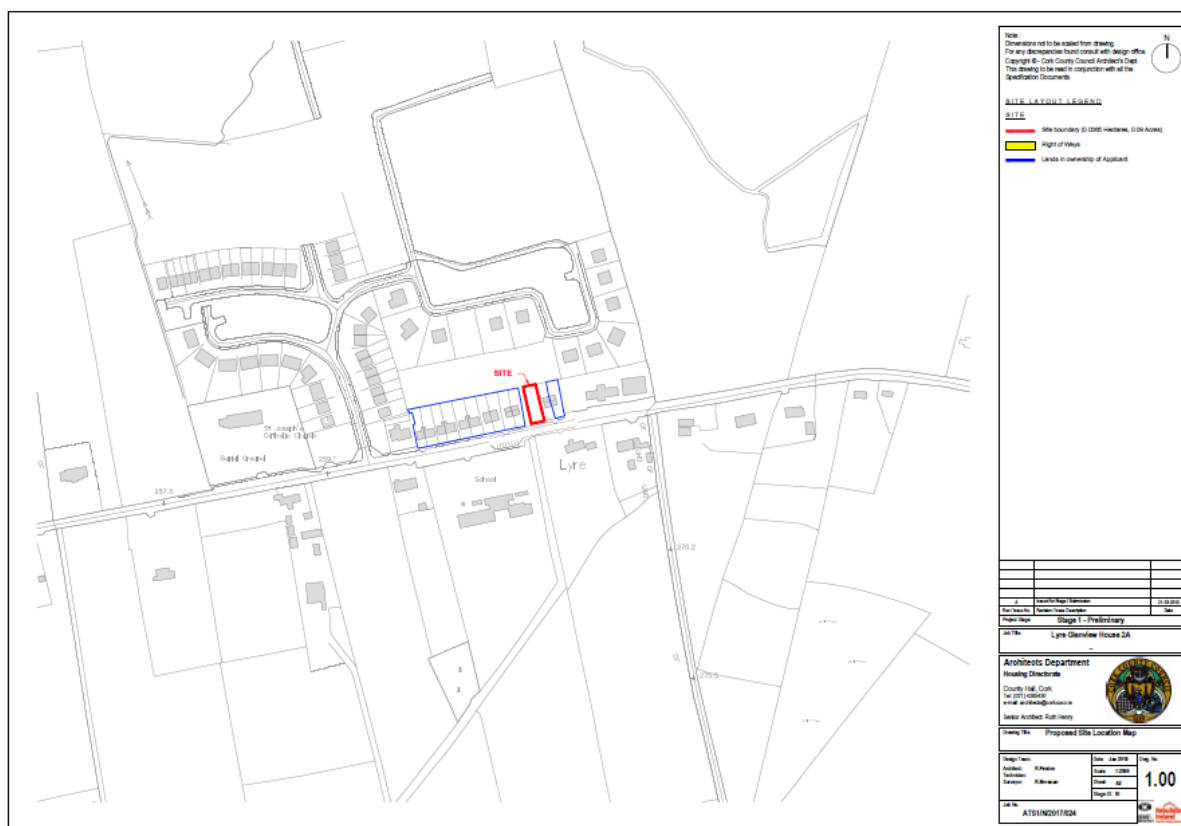
## **2 Proposed Works**

The Construction of a 3 bed detached two storey dwelling including:

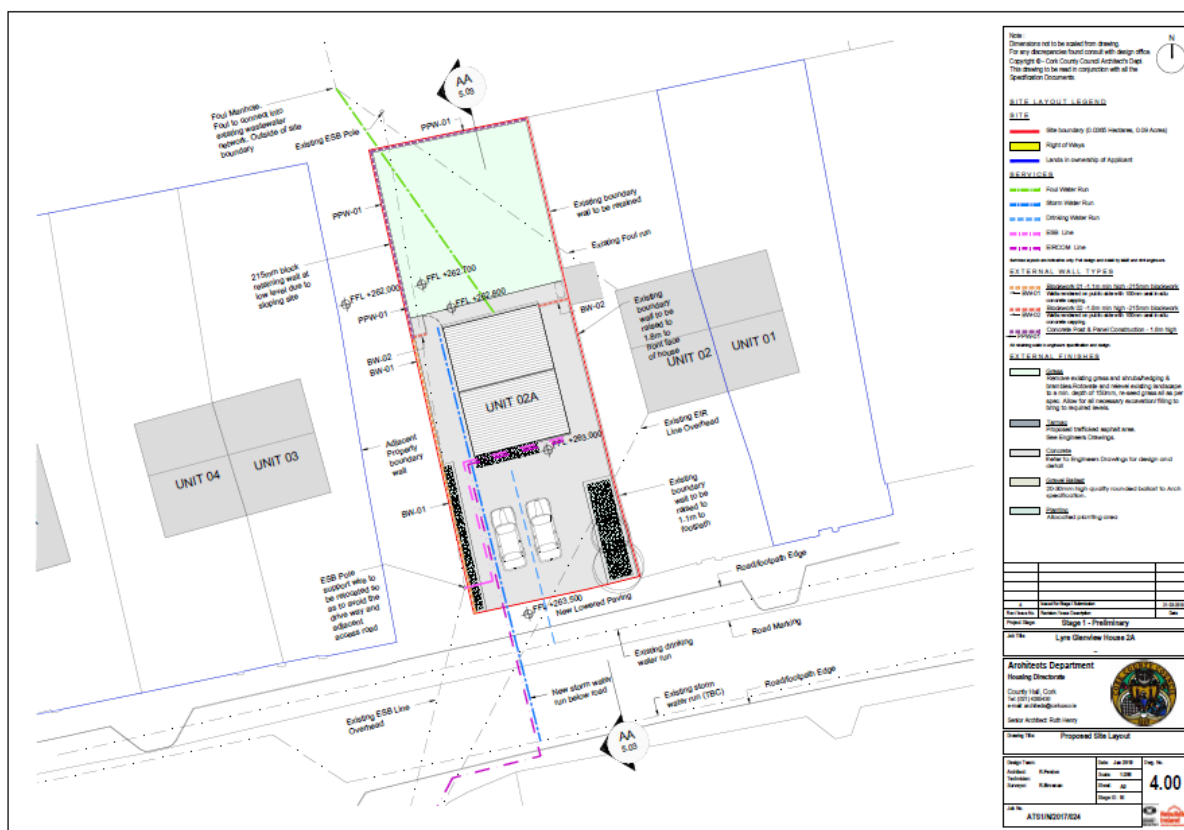
- Site clearance, removal of existing vegetation.
- Connection to existing waste water treatment infrastructure & water supply.
- All associated site works.

## **3 Site Details**

Existing Greenfield infill site at Glenview Estate in Lyre, Banteer, Co. Cork.



**Site Location Map – Not to scale**



Site Layout Map

## 4 Proximity of the Proposed Development Site To European Sites

The site does not overlap with any European site. There are a number of European Sites within 15km of the site where works are proposed. These are set out in Table 1 and shown on Figure 1. Consideration is given to potential for the proposed works to give rise to negative effects on these sites below. No other sites have been identified which could be affected by the proposed development.

Table 1

REF	Site Code	Site Name	Distance from proposed works
A	IE0004162	Mullaghanish to Musheramore Mountain SPA	11.6km
B	IE0002170	Blackwater River (Cork/Waterford) SAC	1.33km



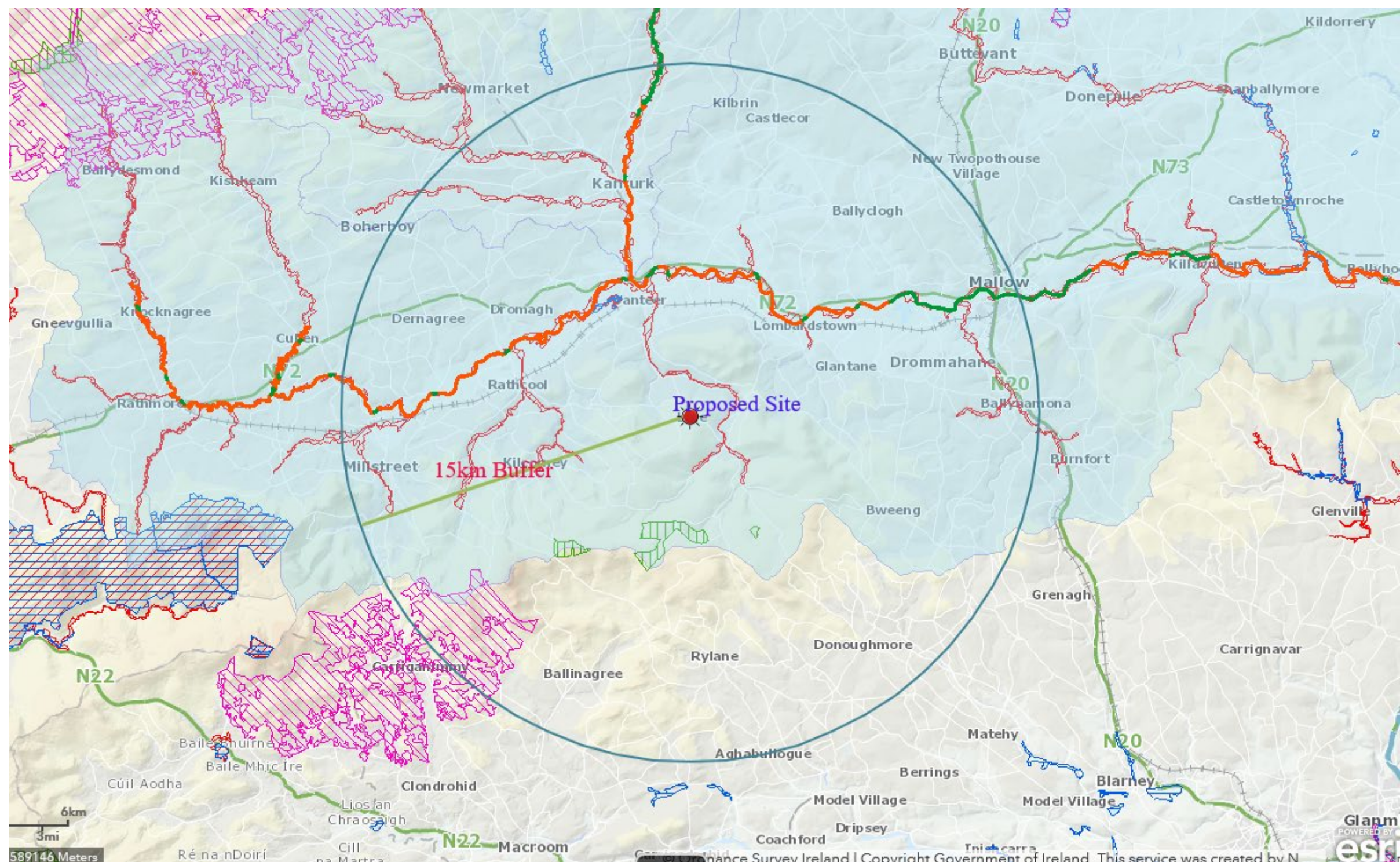


Figure 1: Map showing location of proposed project and 15km buffer with European Sites

## **5 Screening Assessment**

The following constitutes the Habitats Directive Screening Assessment of CCC in respect of this application. Regard has been given to the wastewater treatment plant in Lyre, which has sufficient capacity to cater for the development.

A review of the site indicates that there is no hydrological, physical or other ecological connectivity linking the proposed development to either site A or Site B sites listed above given the nature of the development and the fact that it is connecting to existing services with capacity. Accordingly, potential for the proposed development to give rise to negative effects can be screened out, as no potential pathway for impact to these sites has been identified.

## **6 Screening Conclusion**

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.

## 7 Finding of No Significant Effects Report

<b>Name of project</b>					Alterations to and construction of an extension to existing cottage at Knocknagoun, Rylane				
Name and location of Natura 2000 site identified for screening	REF	Site Code	Site Name	Distance from proposed works					
	A	IE0004162	Mullaghanish to Musheramore Mountain SPA	11.6km					
	B	IE0002170	Blackwater River (Cork/Waterfrod) SAC	1.33km					
Description of the project or plan	The Construction of a 3 bed detached two storey dwelling including: <ul style="list-style-type: none"> <li>• Site clearance, removal of existing vegetation.</li> <li>• Connection to existing waste water treatment infrastructure &amp; water supply.</li> <li>• All associated site works.</li> </ul>								
Is the project or plan directly connected with or necessary to the management of the sites listed above?	The project is not directly connected with or necessary to the management of any European Site.								
<b>The assessment of significance of effects</b>									
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 Site.	The project, alone or in combination, is not likely to affect the Natura 2000 Sites.								
Explain why these effects are not considered significant.	N/a								
List of agencies consulted: provide contact name and telephone or email address	N/A								
Response to consultation	N/A								



Data collected to carry out the assessment			
Who carried out the assessment	Sources of data	Level of assessment completed	Where can the full results of the assessment be accessed and viewed
Linda Roberts, SEE	On Site Inspection. Review of Ordnance Survey mapping data. <a href="https://natura2000.eea.europa.eu/">https://natura2000.eea.europa.eu/</a>	Desktop Review & Site Inspection	N/A

## 8 References

### NPWS Site Data

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species In Ireland (2013), 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](http://www.NPWS.ie)).

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, 2001.

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