

# GLENGARRIFF PIER DREDGING, GLENGARRIFF, CORK (FS006970)

## Appropriate Assessment Screening Report



July 2022

Client:  
Foreshore Unit  
Department of Housing, Local Government and Heritage  
Newtown Road  
Wexford  
Y35 AP90

# Foreshore Licence Application for FS006970 Glengarriff Pier Dredging, Glengarriff, Cork

## Appropriate Assessment Screening Report

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## 1.0 INTRODUCTION

### 1.1 Project Overview

Cork County Council (“the Applicant”) has submitted a Foreshore Licence Application relating to the proposed Glengarriff Pier Dredging, Glengarriff, Cork (“the proposed development”). The proposed development is intended to stop the current grounding and twisting of the pontoon at low tide as well as to increase the amenity value of the pontoon. The location and site boundary of the proposed development are shown below in Figures 1.1 and 1.2 respectively.

A Foreshore Licence is required in order to complete the proposed dredging of the area under the pontoon. An application for such a licence was submitted to the Foreshore Unit of the Department of Housing, Local Government and Heritage (DHLGH) by Cork County Council on the 14<sup>th</sup> October 2019 (hereafter referred to as “the Application”).

The proposed development comprises the following:

- The removal and replacement of the pontoon;
- Disconnection and reconnection of power and water supplies to the pontoon;
- Dredging of the channel and immediately around the pontoon to a depth of - 5.0mODM (proposed dredged footprint is 815m<sup>2</sup>);
- Disposal of dredged materials at a suitably-licensed facility on land.

ROD has been commissioned by the Foreshore Unit of the Department of Housing, Local Government and Heritage to prepare this Appropriate Assessment (AA) Screening Report in accordance with relevant EU and national legislation, associated guidelines and standards. The aim of this AA Screening Report is to inform and assist the Competent Authority in carrying out its AA Screening Assessment by determining whether or not the proposed development, either individually or in combination with other plans and projects, has the potential to significantly affect one or more European sites in view of their Conservation Objectives.

It is the considered opinion of ROD, as the author of this AA Screening Report, that the proposed development, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on one European site, namely the Glengarriff Harbour and Woodland SAC, in view of their Conservation Objectives, and, therefore, that AA is required in respect of the proposed development.

### 1.2 Site Location

The location of the proposed development is on Glengarriff Pier, just outside the village of Glengarriff. Glengarriff village is approximately 75km west of Cork City, and 10 km north of Bantry on the Beara Peninsula in County Cork. The site of the proposed development is situated within the Glengarriff Harbour and Woodlands SAC and the Transitional Waterbody of Glengarriff Harbour. The site is shown in Figures 1.1 -1.3 below.

### 1.3 Competent Experts

This report has been prepared by Patrick O'Shea and Rachel Heaphy. Patrick has a degree in Botany from Trinity College Dublin and an MSc in Ecological Management and Conservation Biology from Queen's University Belfast. He is a Full Member of the Chartered Institute of Ecology and Environmental Management and has over nine

years' experience in the ecological assessment including impact assessment and Appropriate Assessment. Rachel holds a BSc (Hons) in Zoology from University College Cork, an MRes degree (with distinction) from the University of Roehampton and has one year's experience in ecological assessment.

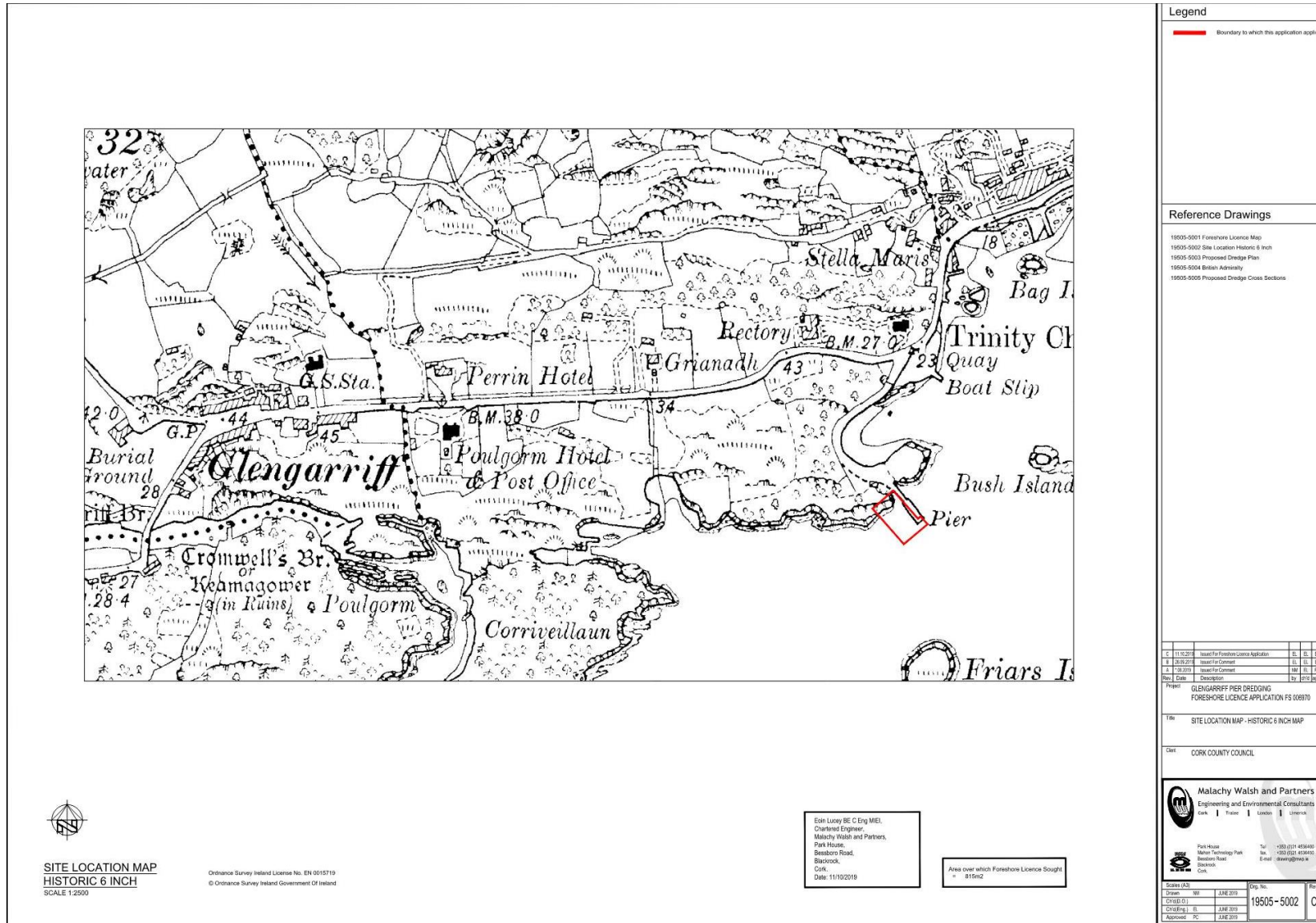


Figure 1.1 Site Location of the proposed Glengarriff Pier Dredging at Glengarriff, Co. Cork

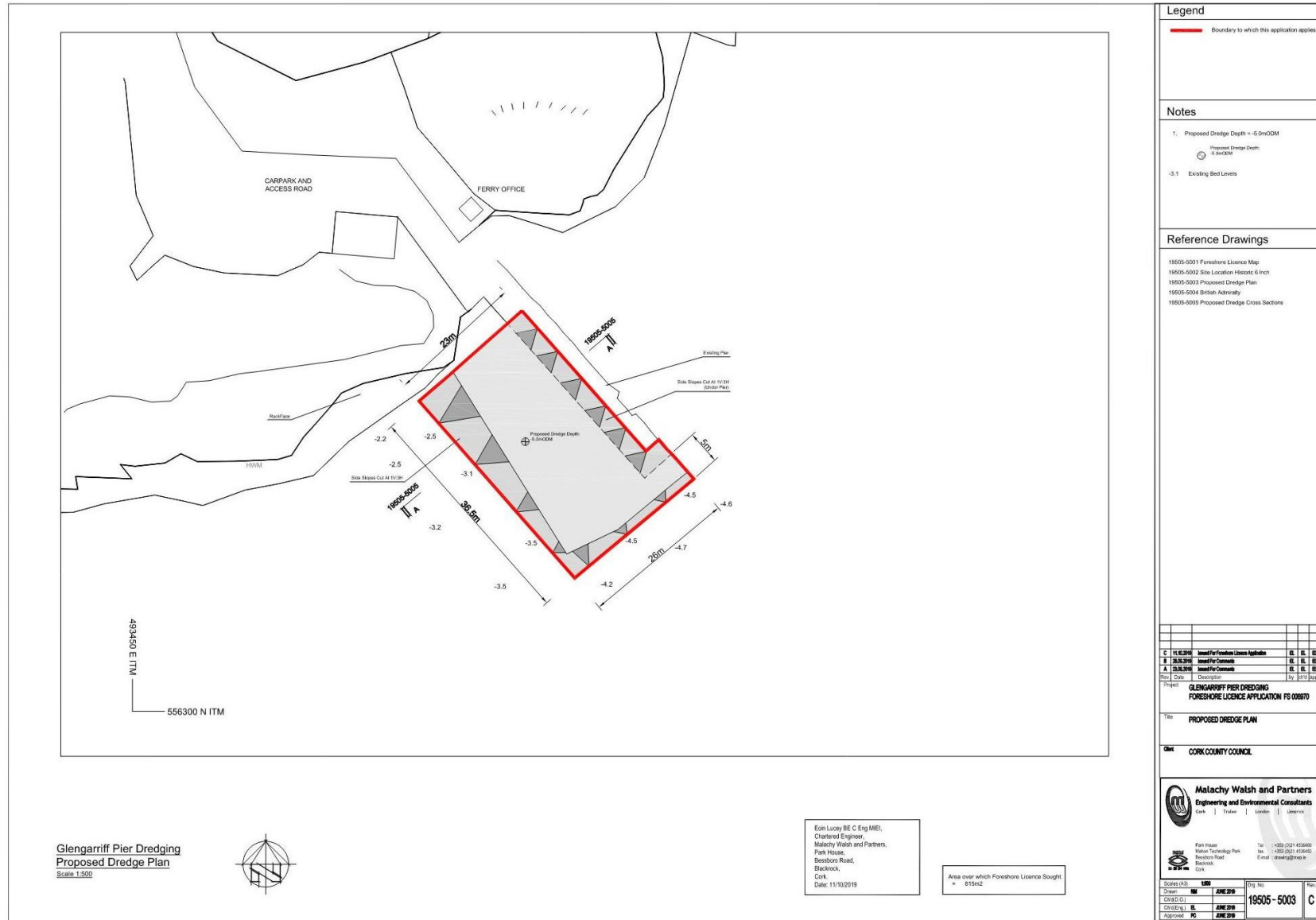


Figure 1.2 Glengarriff Pier Dredging Project Site Boundary

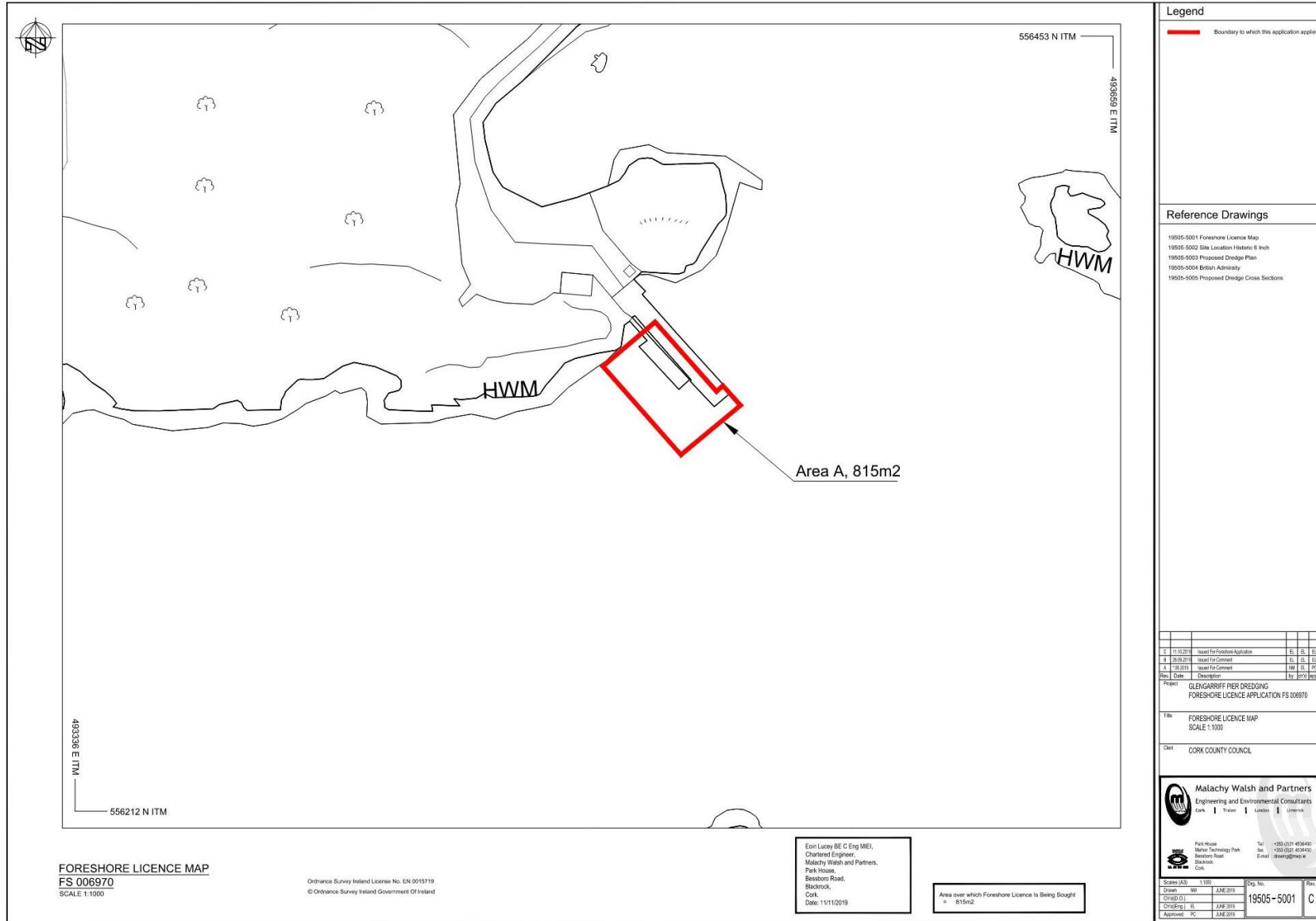


Figure 1.3 Foreshore Licence Area

## 1.4 Application Documents

The following documents submitted with the Foreshore Licence Application were used to inform this AA Screening Report:

- Appropriate Assessment Screening Report (included in Appendix 2 of the Natura Impact Statement) (dated February 2022)
- Natura Impact Statement (Version C, dated February 2022)
- Foreshore Licence Application Form (dated 11/10/2019)
- Site Location Map (dated June 2019)
- Foreshore Licence Map (dated June 2019)
- Proposed Dredge Plan Map and Cross Sections (dated June 2019)
- Admiralty Chart (dated June 2019)
- Archaeological Impact Assessment (dated June 2019)
- Otter Survey Summary and Map (dated 11/04/2019)
- Stages of Appropriate Assessment (included in Appendix 1 of the Natura Impact Statement) (dated August 2019)
- Site Investigation Survey Report (included in Appendix 3 of the Natura Impact Statement) (dated August 2019)
- Marine Mammal Risk Assessment (included in Appendix 4 of the Natura Impact Statement) (dated August 2019)
- Glengarriff Otter Survey Report (included in Appendix 5 of the Natura Impact Statement) (dated 11/04/2019)
- Copies of Newspaper Notices (dated 17/07/2020 and 18/07/2020)
- Observations from Prescribed Bodies
- Responses to Submissions from Prescribed Bodies (dated 28/01/2021)

## 1.5 Legislative Context

Council Directive 92/43/EEC of the 21<sup>st</sup> May 1992 on the conservation of natural habitats of wild fauna and flora (“the Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of the 30<sup>th</sup> November 2009 on the conservation of wild birds (“the Birds Directive”) list habitats and species which are, in a European context, important for conservation and in need of protection. This protection is afforded in part through the designation of sites which support significant examples of habitats or populations of species (“European sites”). Sites designated for wild birds are termed “Special Protection Areas” (SPAs) and sites designated for natural habitat types or other species are termed “Special Areas of Conservation” (SACs). The complete network of European sites is referred to as “Natura 2000”.

In order to ensure the protection of European sites in the context of land use planning and development, Article 6(3) of the Habitats Directive provides for the assessment of the implications of plans and projects for European sites, as follows:

*“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<sup>1</sup> 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.”*

In Case C-323/17 [§34], *People Over Wind*, the Court of Justice of the European Union (‘the CJEU’) referred to the nature of the test to be applied in making a screening determination as follows:

“[...] it is settled case-law that Article 6(3) of the Habitats Directive makes the requirement for an appropriate assessment of the implications of a plan or project conditional on there being a probability or a risk that the plan or project in question will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the site concerned (judgment of 26 May 2011, *Commission v Belgium*, C-538/09, EU:C:2011:349, paragraph 39 and the case-law cited). The assessment of that risk must be made in the light *inter alia* of the characteristics and specific environmental conditions of the site concerned by such a plan or project (see, to that effect, judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraph 45 and the case-law cited).”

Article 7 of the Habitats Directive provides that the provisions of, *inter alia*, Article 6(3) are to apply to SPAs under Directive 2009/147/EC (the “Birds Directive”).

As stated, the requirements arising out of Article 6(3) of the Habitats Directive are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 as amended<sup>2</sup> (S.I. No.477 of 2011) (the Habitats Regulations), including Part 5 thereof.

The determination of whether or not a plan or project requires AA is referred to as “Stage 1” or “AA Screening”. A “Stage 1” or “AA Screening” is completed to determine whether or not the proposed development, either individually or in combination with other plans or projects, in view of best scientific knowledge, is likely to have a significant effect on areas designated as being of European importance for nature conservation (“European sites”), thereby enabling the Applicant, to fulfil its obligations under Article 6(3) of the Habitats Directive.

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Article 6(3) of the Habitats Directive specifies that AA must be undertaken by the “competent national authorities”. In Ireland, the “competent authority” is the relevant planning authority for each plan or project, e.g. the local authority, public authority or An Bord Pleanála. Consequently, the responsibility for carrying out AA Screening lies solely with the competent authority. In that respect, the AA Screening Report is not in itself an AA Screening Assessment but provides the competent authority with the information it needs in order to carry out its AA Screening.

## 1.6 Screening Methodology

The AA Screening Report assesses the potential effects from the plan or project on the European sites within the zone of influence and evaluates them in view of the sites’ Conservation Objectives.

<sup>1</sup> Including, where applicable, ‘sites’.

<sup>2</sup> Including *inter alia* S.I. 290 of 2013; SI 499 of 2013; SI 355 of 2015; the Planning, Heritage and Broadcasting (Amendment) Act 2021, Chapter 4; SI 293 of 2021.

This AA Screening Report has had regard inter alia to the following matters<sup>3</sup>:

- The threshold test is that an appropriate assessment will be required if the proposed development is likely to have a significant effect on (a) European site(s) either individually or in combination with other plans or protects.
- It is not necessary, in order to trigger the requirement to proceed to stage 2 AA that the proposed development will 'definitely' have significant effects on the protected site, but such a requirement will arise if it is a 'mere probability' that such an effect exists. The requirement to carry out an AA will be satisfied if there is a 'probability or a risk' that the proposed development will have 'significant effects' on (a) European site(s).
- Consequent upon the application of the precautionary principle, such a 'risk' will be found to exist if 'it cannot be excluded on the basis of objective information that the particular proposed development 'will have significant effects' on (a) European site(s).
- An AA will be required if, on the basis of objective information, a 'significant effect' on a European site 'cannot be excluded'. An AA will not be required if, on the basis of objective information, a 'significant effect' on (a) European site(s) 'can be excluded'.
- In the case of 'doubt as to the absence of significant effects' an AA must be carried out.
- The requirement to conduct an AA will arise where, at the screening stage, it is ascertained that the particular development is 'capable of having any effect' (albeit this must be any 'significant effect') on (a) European site(s).
- The 'possibility' of there being a 'significant effect' on (a) European site(s) will give rise to a requirement to carry out an AA for the purposes of Article 6(3). There is no need to 'establish' such an effect and it is merely necessary to determine that there 'may be' such an effect.
- In order to meet the threshold of likelihood of significant effect, the word 'likely' in Article 6(3) means less than the balance of probabilities. The test does not require any 'hard and fast evidence' that such a significant effect was likely. It merely has to be shown that there is a 'possibility' that this significant effect is likely.
- The assessment of whether there is a risk of 'significant effect' on the European site must be made in light, inter alia, of the 'characteristics and specific environmental conditions of the site concerned' by the relevant plan or project.
- Plans or projects or applications for developments which have no appreciable effect on European sites are excluded from the requirement to proceed to AA. If all applications for permission for proposed developments capable of having *any effect whatsoever* on such sites were to be caught by Article 6(3) activities on or near the site would risk being impossible by reason of legislative overkill.

While the threshold at the screening stage of Article 6(3) is very low, nonetheless it is a threshold which must be met before it is necessary to proceed to the stage 2 AA.

Accordingly, best practice in undertaking AA Screening involves five steps as follows:

- (i) The first step involves gathering the information and data necessary to carry out a screening assessment. These include, but are not limited to, the details of all phases of the plan or project, environmental data pertaining to the area in which the plan or project is located, e.g. rare or protected habitats and species present

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<sup>3</sup> See Eoin Kelly v. An Bord Pleanála [2019] IEHC 84; Kelly v. An Bord Pleanála [2014] IEHC 400; Connelly v. An Bord Pleanála [2018] IESC 31; [2018] ILRM 453.

or likely to be present, and the details of the European sites within the zone of influence.

- (ii) The second step involves examining the information gathered in the first step and a scientific analysis of the potential impacts of the project on the receiving environment, particularly the European sites in the zone of influence.
- (iii) The third step evaluates the impacts analysed in the second step against the Conservation Objectives of the relevant European sites, thereby determining whether or not those impacts constitute “likely significant effects”, within the meaning of Article 6(3) of the Habitats Directive.
- (iv) The fourth step involves considering the potential for likely significant effects to arise from the combination of the impacts of the plan or project with those of other plans or projects. If it is determined in the third step that Stage 2 (AA) is required, consideration of potential cumulative impacts may be deferred to that stage.
- (v) The last step involves the issuing of a statement of the determination of the AA Screening. Notwithstanding the recommendation made in the AA Screening Report, the responsibility for completing this step lies solely with the competent authority.

The following guidance documents informed the assessment methodology:

- EC (2018) *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*. European Commission, Brussels.
- EC (2021) *Assessment of plans and projects in relation to Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*. Environment Directorate-General of the European Commission.
- DEHLG (2010) *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.
- NPWS (2010) *Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular Letter NPWS 1/10 & PSSP 2/10*. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.
- OPR (2021) *Practice Note PN01: Appropriate Assessment Screening for Development Management*. Office of the Planning Regulator.

## 2.0 IDENTIFICATION OF LIKELY SIGNIFICANT EFFECTS

### 2.1 Establishing the Zone of Influence

Section 3.2.3 of DEHLG (2010) outlines the procedure for selecting the European sites to be considered in AA. It states that European sites potentially affected should be identified and listed, bearing in mind the potential for direct, indirect and cumulative effects. It also states that the specific approach in each case is likely to differ depending on the scale and likely effects of the plan or project. However, it advises that the following sites should generally be included:

- All European sites within or immediately adjacent to the plan or project area;
- All European sites within the zone of influence of the plan or project; and,
- In accordance with the Precautionary Principle, all European sites for which there is doubt as to whether or not they might be significantly affected.

The “zone of influence” of a plan or project is the geographic extent over which significant ecological effects are likely to occur. In the case of plans, this zone should extend to a distance of 15km in all directions from the boundary of the plan area. In the case of projects, however, the guidance recognises that the zone of influence must be established on a case-by-case basis, with reference to the following key variables:

- The nature, size and location of the project;
- The sensitivities of the ecological receptors; and,
- The potential for in-combination effects.

For example, in the case of a project that could affect a watercourse, it may be necessary to include the entire upstream and/or downstream catchment in order to capture all European sites with water-dependent Qualifying Interests.

Having regard to the above key variables, the zone of influence was defined as:

- The entire area within 15 km works.

This was based on the maximum extent of potential impacts associated with the proposed development.

It was determined that eight European sites, namely the Glengariff Harbour and Woodland SAC, the Caha Mountains SAC, Derryclogher (Knockboy) Bog SAC, Maulagowna Bog SAC, Clonee and Inchiquin Loughs SAC, Glanlough Woods SAC, Sheep’s Head SAC and the Kenmare River SAC occur within the zone of influence. These sites are listed in Table 2.1 which also assesses whether or not there are pathways for impacts to the sites. Where pathways exist, a detailed description is provided in Section 2.2.

**Table 2.1 European sites with closest proximity to the Plan.**

European site [site code]	Are there potential pathways for impacts from the Plan to this site? Explain.
Glengariff Harbour and Woodland SAC	<b>Yes.</b> The proposed development is within this SAC.
Caha Mountains SAC	<b>No.</b> This European site is located 0.8 km to southwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater

European site [site code]	Are there potential pathways for impacts from the Plan to this site? Explain.
	habitats and are not hydrologically connected to the proposed development.
Derryclogher (Knockboy) Bog SAC	<b>No.</b> This European site is located 6.3km northeast of the proposed development. The Qualifying Interest is a terrestrial habitat and is not hydrologically connected to the proposed development.
Maulagowna Bog SAC	<b>No.</b> This European site is located 8.2km northwest of the proposed development. The Qualifying Interest is a terrestrial habitat and is not hydrologically connected to the proposed development.
Clonee and Inchiquin Loughs SAC	<b>No.</b> This European site is located 8.6km northwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater habitats and species and are not hydrologically connected to the proposed development.
Glanlough Woods SAC	<b>No.</b> This European site is located 14.9km northeast of the proposed development. This site is designated for Lesser-horseshoe Bat.
Sheep's Head SAC	<b>No.</b> This European site is located 13.8km southwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater habitats and species and are not hydrologically connected to the proposed development.
Kenmare River SAC	<b>No.</b> This European site is located 13km west of the proposed development. This site is not hydrologically connected to the proposed development.

## 2.2 Site Description

The following section describes the European site where potential pathways for effects between the proposed development and this site have been identified.

### 2.2.1 Glengarriff Harbour and Woodland SAC

#### Site Overview

The description of the Glengarriff Harbour and Woodland SAC provided here is based on the Site Synopsis (NPWS, 2013), Conservation Objectives (NPWS, 2015), and Natura 2000 Standard Data Form (NPWS, 2020) for the site.

Glengarriff woodland consists of a sizeable area of broadleaved semi-natural woodland comprised of oak (*Quercus* sp.) and Holly (*Ilex aquifolium*), with much Downy Birch (*Betula pubescens*) and Rowan (*Sorbus aucuparia*). A little Yew (*Taxus baccata*) occurs and Strawberry Tree (*Arbutus unedo*) is scattered through the woods. The most frequent ground plants are Heather (*Calluna vulgaris*), Great Wood-rush (*Luzula sylvatica*), Bilberry (*Vaccinium myrtillus*) and the ferns *Pteridium aquilinum*, *Blechnum spicant* and *Dryopteris aemula*. Wet woodland occurs along parts of the Canrooska and Glengarriff rivers. This is dominated by willows (mainly *Salix cinerea* subsp. *oleifolia*) and Downy Birch, with Alder (*Alnus glutinosa*) also frequent. A rich herb layer is found, characterised by such species as Bugle (*Ajuga reptans*), False Brome (*Brachypodium sylvaticum*), Meadowsweet (*Filipendula ulmaria*) and Wood Sanicle (*Sanicula europaea*). The rivers flood regularly, depositing silt within the woodlands. However, there is much small-scale variation in the habitat from heathy places with Heath Bedstraw (*Galium saxatile*), Star Sedge (*Carex echinata*) and Purple Moor-grass (*Molinia caerulea*), to rocks with Goldenrod (*Solidago virgaurea*), Navelwort (*Umbilicus rupestris*) or Filmly-fern (*Hymenophyllum* sp.). Common woodland herbs include Bugle, Enchanter's-nightshade (*Circaea lutetiana*), Irish

Spurge (*Euphorbia hyberna*), Common Cow-wheat (*Melampyrum pratense*) and Foxglove (*Digitalis purpurea*).

Although this is the site of an ancient woodland, it was once part of an estate and much of the oak was planted around 1807-1810. Some exotic species were also introduced, such as Beech (*Fagus sylvatica*), Sycamore (*Acer pseudoplatanus*) and Rhododendron (*Rhododendron ponticum*). The latter has invaded parts of the woodland, posing a serious problem. However, it is being systematically removed. Other areas within the woodland have been planted with conifers including Sitka Spruce (*Picea sitchensis*), Scots Pine (*Pinus sylvestris*) and Western Hemlock (*Tsuga heterophylla*). In addition to the woodlands, the harbour is of great interest. This sheltered inlet of Bantry Bay has a rocky shore vegetated with brown seaweeds (*Pelvetia caniculata*, *Fucus spp.* and *Ascophyllum nodosum*). The inlet also features rocky islets. Adding to the diversity of the site is a wet meadow, adjacent to the woodlands, which supports species such as Ragged-Robin (*Lychnis flos-cuculi*). Smooth Brome (*Bromus racemosus*), an uncommon grass which is listed as 'Vulnerable' in the Red Data Book, occurs within this habitat.

The rocky islets in the harbour support the largest colony of Common Seals in the south-west of Ireland (maximum count of 151 in the all-Ireland survey of 2003). This legally protected species is listed on Annex II of the E.U. Habitats Directive.

Lesser Horseshoe Bat, also an Annex II species, were formerly recorded in high numbers in Glengarriff Castle (e.g. 300+ recorded during summer 1985, 268 in winter 1989). However, numbers decreased at the Castle from the late 1990's onwards. Since then, summer roosts within the SAC boundary have been found in three buildings. The highest combined counts for the three summer sites were taken in July 2002 with a total of 228 bats. Bats have also been confirmed hibernating in one of the buildings and have used two purpose-built hibernacula. A total of 114 hibernating bats were counted in winter 2002/2003. This site is of international importance for both summer roosting and hibernating Lesser Horseshoe Bats. Given the combination of winter, summer and foraging sites, the site is one of the most important for the species in the south-west. The woods, and the river flowing through it, are home to a range of other mammal species, including Otter (listed in Annex II of the E.U. Habitats Directive).

Invertebrates, too, are well represented. Species found include the Kerry Slug (*Geomalacus maculosus*) a legally protected species, listed on Annex II of the E.U. Most of the woodlands are a National Nature Reserve and as such are primarily managed for nature conservation and amenity purposes. However, some commercial forestry still occurs within the site. The harbour supports mariculture (rope grown mussels) and tourism (boats visiting Garinish Island) industries. Neither activity appears to have affected seal numbers, although increased disturbance may pose a threat. One of the main threats to the site, however, is housing developments within the woodland. This site is of importance because it is the only sizeable area of old oak woodland remaining in west Cork and is considered second only to Killarney as an example of Oceanic Sessile Oak/Holly woodlands. Furthermore, the site supports populations of a number of animal species listed on Annex II of the Habitats Directive.

### **Qualifying Interests of the Site**

- [91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles
- [91E0] Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)
- [1024] Kerry Slug (*Geomalacus maculosus*)

[1303] Lesser Horseshoe Bat (*Rhinolophus hipposideros*)

[1355] Otter (*Lutra lutra*)

[1365] Harbour Seal (*Phoca vitulina*)

### **2.3 Evaluation Against Conservation Objectives**

Table 2.2 below details the evaluation of the likely effects of the proposed development in view of the Conservation Objectives of the site identified in Section 2.1 and described in Section 2.2. As explained in Sections 1.5 and 1.6, AA Screening is carried out in view of the Conservation Objectives of the relevant European sites, which are in turn defined by detailed Attributes and corresponding Targets. Therefore, the evaluation of whether or not a likely effect is significant (in view of the Conservation Objective in question) is made with regard to these Attributes and Targets.

**Table 2.2 Evaluation of the likely effects of the proposed development in view of the Conservation Objectives of the Glengarriff Harbour and Woodland SAC.**

<b>Qualifying Interest</b>	<b>Conservation Objective (NPWS, 2015)</b>	<b>Do the proposed development provide for any potential delay or interruption in the achievement of this Conservation Objective, as defined by its Attributes and Targets?</b>	<b>Likely Significant Effect</b>
<b>Old sessile oak woods with Ilex and Blechnum in the British Isles[91A0]</b>	<i>“To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glengarriff Harbour and Woodland SAC”</i>	This habitat occurs c. 1km west of the proposed development. There is no spatial overlap between the proposed development and this habitat. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</b>	<i>“To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in Glengarriff Harbour and Woodland SAC”</i>	The extent of this habitat within the SAC has not been calculated. There is no spatial overlap between the proposed development and this habitat. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1024] Kerry Slug (Geomalacus maculosus)</b>	<i>“To maintain the favourable conservation condition of Kerry Slug in Glengarriff Harbour and Woodland SAC”</i>	This species has been recorded c. 500m west of the proposed development. There is no spatial overlap between the proposed development and habitat used by this species. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1303] Lesser Horseshoe Bat (Rhinolophus hipposideros)</b>	<i>“To maintain the favourable conservation condition of Lesser Horseshoe Bat in Glengarriff Harbour and Woodland SAC”</i>	There is no spatial overlap between the proposed development and habitat used by this species. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron into the SAC. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1355] Otter (Lutra lutra)</b>	<i>“To maintain the favourable conservation condition of Otter in Glengarriff Harbour and Woodland SAC”</i>	Otter is present in the area of the proposed development and the proposed development have the potential to disturb this species. Therefore, likely significant effects cannot be excluded.	Yes



Qualifying Interest	Conservation Objective (NPWS, 2015)	Do the proposed development provide for any potential delay or interruption in the achievement of this Conservation Objective, as defined by its Attributes and Targets?	Likely Significant Effect
<b>[1365] Harbour Seal (<i>Phoca vitulina</i>)</b>	<i>"To maintain the favourable conservation condition of Harbour Seal in Glengarriff Harbour and Woodland SAC"</i>	Harbour Seal is present in the area of the proposed development and the proposed development have the potential to disturb this species. Therefore, likely significant effects cannot be excluded.	Yes

## **2.4 Summary of Likely Significant Effects**

In Section 2.1, it was established that eight European sites, namely the Glengariff Harbour and Woodland SAC, the Cahal Mountains SAC, Derryclogher (Knockboy) Bog SAC, Maulagowna Bog SAC, Clonee and Inchiquin Loughs SAC, Glanlough Woods SAC, Sheep's Head SAC, and the Kenmare River SAC occur within the zone of influence.

It was determined that potential pathways for effects exist between the proposed development and one site, namely the Glengariff Harbour and Woodland SAC. There are no pathways for effects between the proposed development and any other European sites. This site was described in detail in Section 2.2. Table 2.2 above established that, in the absence of appropriate mitigation, the proposed development are likely to have significant effects on eight of the Qualifying Interests of this site, in view of its Conservation Objectives.

### **3.0 IN-COMBINATION EFFECTS**

Article 6(3) of the Habitats Directive requires that AA be carried out in respect of any plan or project which is likely to have a significant effect on one or more European sites, "either individually or in combination with other plans or projects". Therefore, regardless of whether or not the likely effects of a plan or project are significant when considered in isolation, the potential for the plan or project to significantly affect European sites in combination with other past, present or foreseeable future plans or projects must also be assessed.

In the case of the proposed development, this AA Screening Report has found that the proposed development, individually, is likely to have significant effects on one European site. Therefore, the assessment of the proposed development must proceed to Stage 2 (AA). The assessment of likely significant effects on that European site arising from the proposed development, in combination with other plans or projects, should be undertaken at that stage.

## **4.0 APPROPRIATE ASSESMENT SCREENING CONCLUSION**

In accordance with Article 6(3) of the Habitats Directive and Part 5 of the Birds and Natural Habitats Regulations, the relevant case law, established best practice and the Precautionary Principle, this AA Screening Report has considered the proposed development and its potential to significantly affect European sites. This report has concluded, on the basis of objective information, that the proposed development, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on one European site, namely the Glengariff Harbour and Woodland SAC, in view of its Conservation Objectives.

In light of this conclusion, it is the considered opinion of ROD, as the author of this AA Screening Report, that the Department of Housing, Local Government and Heritage, as the Competent Authority in this case, in completing its AA Screening in respect of the proposed development, should find that the proposed development, either individually or in combination with other plans or projects, is likely to have a significant effect on one European site, namely the Glengariff Harbour and Woodland SAC, in view of its Conservation Objectives. Therefore, the Department should determine that AA is required in respect of the proposed development.

The AA must contain complete, precise and definitive findings and conclusions in relation to the implications of the proposed development for the integrity of the Glengariff Harbour and Woodland SAC. A Natura Impact Statement (NIS) should be prepared to provide the Department with the scientific information upon which it will base its findings and conclusions. The NIS should take the form of a comprehensive examination, analysis and evaluation, including recommendations, in respect of the implications of the proposed development, individually and in combination with other plans and projects, for the integrity of the European site concerned.

## 5.0 REFERENCES

The description of the Glengariff Harbour and Woodland SAC provided here is based on the Site Synopsis (NPWS, 2013), Conservation Objectives (NPWS, 2015), and Natura 2000 Standard Data Form (NPWS, 2020) for the site.

Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Official Journal of the European Communities, L206/7.

DEHLG (2010) *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities*. Department of the Environment, Heritage and Local Government, Dublin.

Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (the Birds Directive). Official Journal of the European Union, L20/7.

EC (2018) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission, Brussels.

EC (2021) *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*. Environment Directorate-General of the European Commission.

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NPWS (2013) Site Synopsis for Glengariff Harbour and Woodlands SAC [000090]. Published 08/07/2013. National Parks & Wildlife Service, Department of Arts, Heritage and the Gaeltacht, Dublin.

NPWS (2020) Natura 2000 Standard Data Form for the Glengariff Harbour and Woodlands SAC [000090]. Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

NPWS (2021) *Online Map Viewer* <<http://webgis.npws.ie/npwsvviewer/>> [Accessed 09/03/2022]. Department of Culture, Heritage and the Gaeltacht, Dublin.

People Over Wind and Peter Sweetman v. Coillte Teoranta [2018] C-323/17.

Rossmore v. An Bord Pleanála [2014] IEHC 557.

Sweetman & Others v. An Bord Pleanála [2013] C-258/11.

# GLENGARRIFF PIER DREDGING, GLENGARRIFF, CORK (FS006970)

## Appropriate Assessment Screening Report

March 2022



Client:  
Foreshore Unit  
Department of Housing, Local Government and Heritage  
Newtown Road  
Wexford  
Y35 AP90

# Foreshore Licence Application for FS006970 Glengarriff Pier Dredging, Glengarriff, Cork

## Appropriate Assessment Screening Report

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## 1.0 INTRODUCTION

### 1.1 Project Overview

Cork County Council (“the Applicant”) has submitted a Foreshore Licence Application relating to the proposed Glengarriff Pier Dredging, Glengarriff, Cork (“the proposed development”). The proposed development is intended to stop the current grounding and twisting of the pontoon at low tide as well as to increase the amenity value of the pontoon. The location and site boundary of the proposed development are shown below in Figures 1.1 and 1.2 respectively.

A Foreshore Licence is required in order to complete the proposed dredging of the area under the pontoon. An application for such a licence was submitted to the Foreshore Unit of the Department of Housing, Local Government and Heritage (DHLGH) by Cork County Council on the 14<sup>th</sup> October 2019 (hereafter referred to as “the Application”).

The proposed development comprises the following:

- The removal and replacement of the pontoon;
- Disconnection and reconnection of power and water supplies to the pontoon;
- Dredging of the channel and immediately around the pontoon to a depth of - 5.0mODM (proposed dredged footprint is 815m<sup>2</sup>);
- Disposal of dredged materials at a suitably-licensed facility on land.

ROD has been commissioned by the Foreshore Unit of the Department of Housing, Local Government and Heritage to prepare this Appropriate Assessment (AA) Screening Report in accordance with relevant EU and national legislation, associated guidelines and standards. The aim of this AA Screening Report is to inform and assist the Competent Authority in carrying out its AA Screening Assessment by determining whether or not the proposed development, either individually or in combination with other plans and projects, has the potential to significantly affect one or more European sites in view of their Conservation Objectives.

It is the considered opinion of ROD, as the author of this AA Screening Report, that the proposed development, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on one European site, namely the Glengarriff Harbour and Woodland SAC, in view of their Conservation Objectives, and, therefore, that AA is required in respect of the proposed development.

### 1.2 Site Location

The location of the proposed development is on Glengarriff Pier, just outside the village of Glengarriff. Glengarriff village is approximately 75km west of Cork City, and 10 km north of Bantry on the Beara Peninsula in County Cork. The site of the proposed development is situated within the Glengarriff Harbour and Woodlands SAC and the Transitional Waterbody of Glengarriff Harbour. The site is shown in Figures 1.1 -1.3 below.

### 1.3 Competent Experts

This report has been prepared by Patrick O’Shea and Rachel Heaphy. Patrick has a degree in Botany from Trinity College Dublin and an MSc in Ecological Management and Conservation Biology from Queen’s University Belfast. He is a Full Member of the Chartered Institute of Ecology and Environmental Management and has over nine



years' experience in the ecological assessment including impact assessment and Appropriate Assessment. Rachel holds a BSc (Hons) in Zoology from University College Cork and an MRes degree (with distinction) in Primate Biology, Behaviour and Conservation from the University of Roehampton.

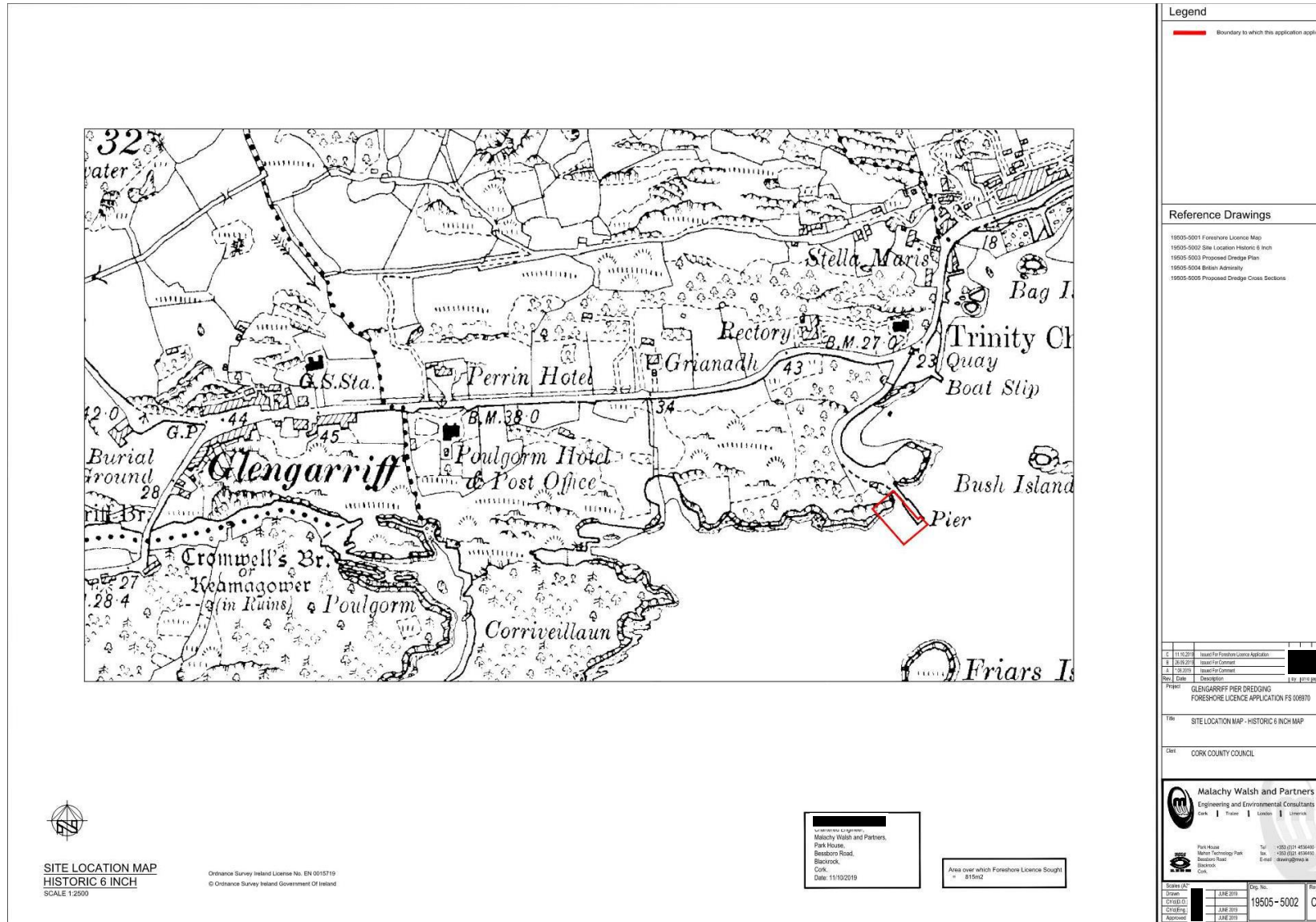


Figure 1.1 Site Location of the proposed Glengarriff Pier Dredging at Glengarriff, Co. Cork

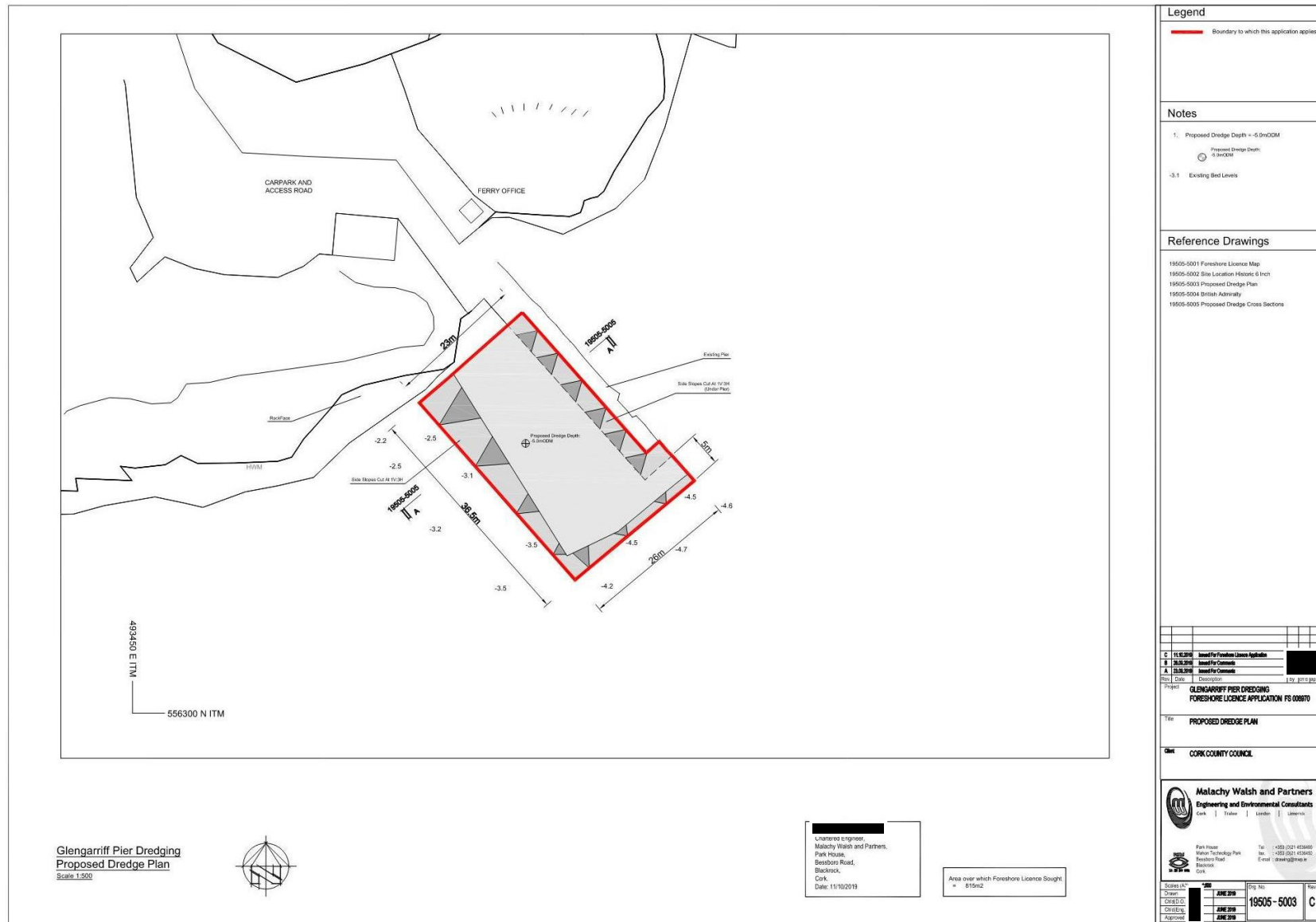


Figure 1.2 Glengarriff Pier Dredging Project Site Boundary

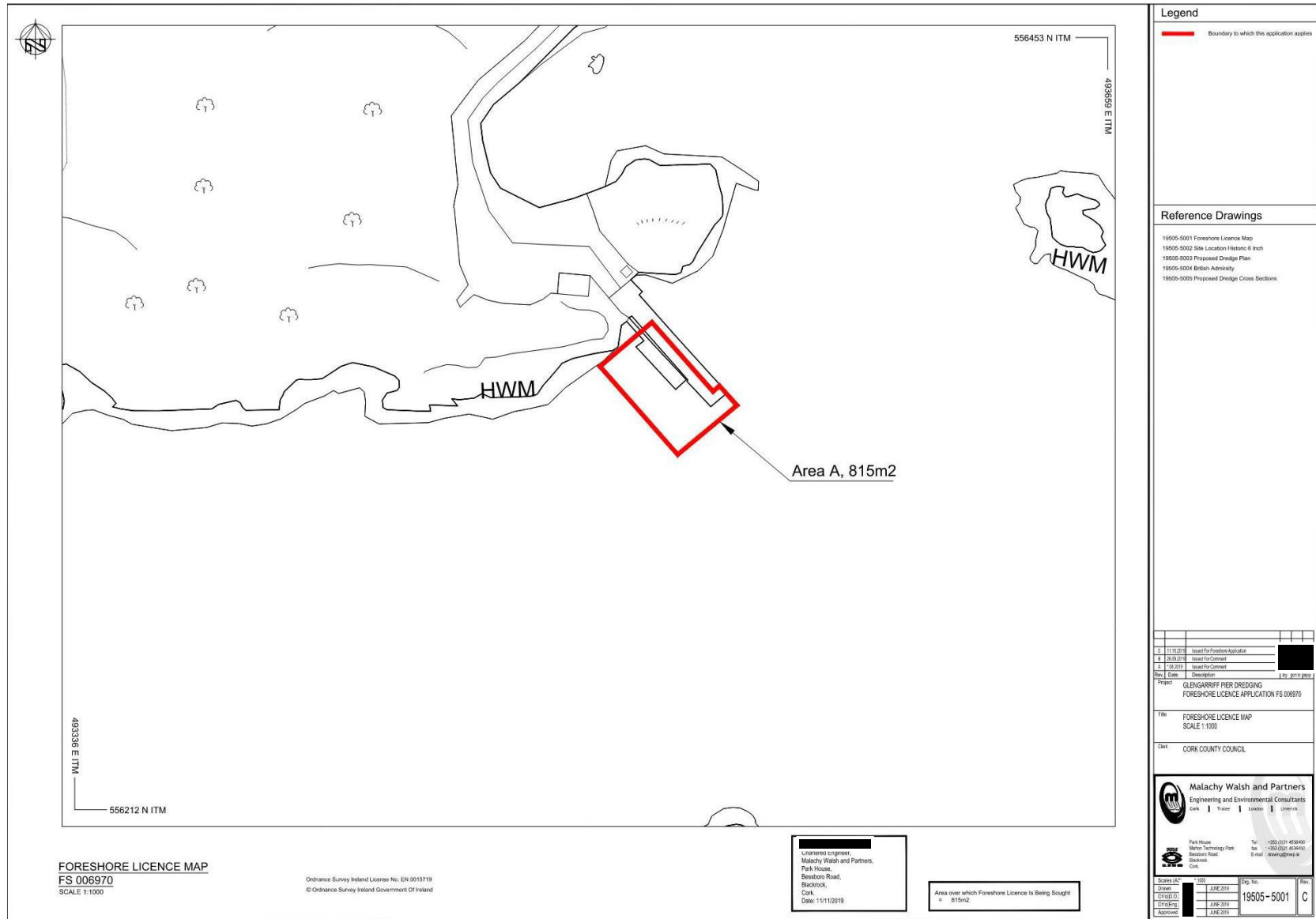


Figure 1.3 Foreshore Licence Area

## 1.4 Application Documents

The following documents submitted with the Foreshore Licence Application were used to inform this AA Screening Report:

- Appropriate Assessment Screening Report (included in Appendix 2 of the Natura Impact Statement) (dated February 2022)
- Natura Impact Statement (Version C, dated February 2022)
- Foreshore Licence Application Form (dated 11/10/2019)
- Site Location Map (dated June 2019)
- Foreshore Licence Map (dated June 2019)
- Proposed Dredge Plan Map and Cross Sections (dated June 2019)
- Admiralty Chart (dated June 2019)
- Archaeological Impact Assessment (dated June 2019)
- Otter Survey Summary and Map (dated 11/04/2019)
- Stages of Appropriate Assessment (included in Appendix 1 of the Natura Impact Statement) (dated August 2019)
- Site Investigation Survey Report (included in Appendix 3 of the Natura Impact Statement) (dated August 2019)
- Marine Mammal Risk Assessment (included in Appendix 4 of the Natura Impact Statement) (dated August 2019)
- Glengarriff Otter Survey Report (included in Appendix 5 of the Natura Impact Statement) (dated 11/04/2019)
- Copies of Newspaper Notices (dated 17/07/2020 and 18/07/2020)
- Observations from Prescribed Bodies
- Responses to Submissions from Prescribed Bodies (dated 28/01/2021)

## 1.5 Legislative Context

Council Directive 92/43/EEC of the 21<sup>st</sup> May 1992 on the conservation of natural habitats of wild fauna and flora (“the Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of the 30<sup>th</sup> November 2009 on the conservation of wild birds (“the Birds Directive”) list habitats and species which are, in a European context, important for conservation and in need of protection. This protection is afforded in part through the designation of sites which support significant examples of habitats or populations of species (“European sites”). Sites designated for wild birds are termed “Special Protection Areas” (SPAs) and sites designated for natural habitat types or other species are termed “Special Areas of Conservation” (SACs). The complete network of European sites is referred to as “Natura 2000”.

In order to ensure the protection of European sites in the context of land use planning and development, Article 6(3) of the Habitats Directive provides for the assessment of the implications of plans and projects for European sites, as follows:

*“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<sup>1</sup> 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.”*

In Case C-323/17[§34], *People Over Wind*, the Court of Justice of the European Union (‘the CJEU’) referred to the nature of the test to be applied in making a screening determination as follows:

“[...] it is settled case-law that Article 6(3) of the Habitats Directive makes the requirement for an appropriate assessment of the implications of a plan or project conditional on there being a probability or a risk that the plan or project in question will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the site concerned (judgment of 26 May 2011, *Commission v Belgium*, C-538/09, EU:C:2011:349, paragraph 39 and the case-law cited). The assessment of that risk must be made in the light *inter alia* of the characteristics and specific environmental conditions of the site concerned by such a plan or project (see, to that effect, judgment of 21 July 2016, *Orleans and Others*, C-387/15 and C-388/15, EU:C:2016:583, paragraph 45 and the case-law cited).”

Article 7 of the Habitats Directive provides that the provisions of, *inter alia*, Article 6(3) are to apply to SPAs under Directive 2009/147/EC (the “Birds Directive”).

As stated, the requirements arising out of Article 6(3) of the Habitats Directive are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 as amended<sup>2</sup> (S.I. No.477 of 2011) (the Habitats Regulations), including Part 5 thereof.

The determination of whether or not a plan or project requires AA is referred to as “Stage 1” or “AA Screening”. A “Stage 1” or “AA Screening” is completed to determine whether or not the proposed development, either individually or in combination with other plans or projects, in view of best scientific knowledge, is likely to have a significant effect on areas designated as being of European importance for nature conservation (“European sites”), thereby enabling the Applicant, to fulfil its obligations under Article 6(3) of the Habitats Directive.

As set out above, it is the considered opinion of ROD, as the author of this AA Screening Report, that the proposed development, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on three European sites, namely the Rye Water Valley/Cartron SAC, the South Dublin Bay and River Tolka Estuary SPA and the North Bull Island SPA, in view of their Conservation Objectives, and, therefore, that AA is required in respect of the proposed development.

Article 6(3) of the Habitats Directive specifies that AA must be undertaken by the “competent national authorities”. In Ireland, the “competent authority” is the relevant planning authority for each plan or project, e.g. the local authority, public authority or An Bord Pleanála. Consequently, the responsibility for carrying out AA Screening lies solely with the competent authority. In that respect, the AA Screening Report is not in

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<sup>1</sup> Including, where applicable, ‘sites’.

<sup>2</sup> Including *inter alia* S.I. 290 of 2013; SI 499 of 2013; SI 355 of 2015; the Planning, Heritage and Broadcasting (Amendment) Act 2021, Chapter 4; SI 293 of 2021.

itself an AA Screening Assessment but provides the competent authority with the information it needs in order to carry out its AA Screening.

## 1.6 Screening Methodology

The AA Screening Report assesses the potential effects from the plan or project on the European sites within the likely zone of impact and evaluates them in view of the sites' Conservation Objectives.

This AA Screening Report has had regard inter alia to the following matters<sup>3</sup>:

- The threshold test is that an appropriate assessment will be required if the proposed development is likely to have a significant effect on (a) European site(s) either individually or in combination with other plans or projects.
- It is not necessary, in order to trigger the requirement to proceed to stage 2 AA that the proposed development will 'definitely' have significant effects on the protected site, but such a requirement will arise if it is a 'mere probability' that such an effect exists. The requirement to carry out an AA will be satisfied if there is a 'probability or a risk' that the proposed development will have 'significant effects' on (a) European site(s).
- Consequent upon the application of the precautionary principle, such a 'risk' will be found to exist if 'it cannot be excluded on the basis of objective information that the particular proposed development 'will have significant effects' on (a) European site(s).
- An AA will be required if, on the basis of objective information, a 'significant effect' on a European site 'cannot be excluded'. An AA will not be required if, on the basis of objective information, a 'significant effect' on (a) European site(s) 'can be excluded'.
- In the case of 'doubt as to the absence of significant effects' an AA must be carried out.
- The requirement to conduct an AA will arise where, at the screening stage, it is ascertained that the particular development is 'capable of having any effect' (albeit this must be any 'significant effect') on (a) European site(s).
- The 'possibility' of there being a 'significant effect' on (a) European site(s) will give rise to a requirement to carry out an AA for the purposes of Article 6(3). There is no need to 'establish' such an effect and it is merely necessary to determine that there 'may be' such an effect.
- In order to meet the threshold of likelihood of significant effect, the word 'likely' in Article 6(3) means less than the balance of probabilities. The test does not require any 'hard and fast evidence' that such a significant effect was likely. It merely has to be shown that there is a 'possibility' that this significant effect is likely.
- The assessment of whether there is a risk of 'significant effect' on the European site must be made in light, inter alia, of the 'characteristics and specific environmental conditions of the site concerned' by the relevant plan or project.
- Plans or projects or applications for developments which have no appreciable effect on European sites are excluded from the requirement to proceed to AA. If all applications for permission for proposed developments capable of having *any effect whatsoever* on such sites were to be caught by Article 6(3) activities on or near the site would risk being impossible by reason of legislative overkill.

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<sup>3</sup> See Eoin Kelly v. An Bord Pleanála [2019] IEHC 84; Kelly v. An Bord Pleanála [2014] IEHC 400; Connelly v. An Bord Pleanála [2018] IESC 31; [2018] ILRM 453.

While the threshold at the screening stage of Article 6(3) is very low, nonetheless it is a threshold which must be met before it is necessary to proceed to the stage 2 AA.

Accordingly, best practice in undertaking AA Screening involves five steps as follows:

- (i) The first step involves gathering the information and data necessary to carry out a screening assessment. These include, but are not limited to, the details of all phases of the plan or project, environmental data pertaining to the area in which the plan or project is located, e.g. rare or protected habitats and species present or likely to be present, and the details of the European sites within the likely zone of impact.
- (ii) The second step involves examining the information gathered in the first step and a scientific analysis of the potential impacts of the project on the receiving environment, particularly the European sites in the likely zone of impact.
- (iii) The third step evaluates the impacts analysed in the second step against the Conservation Objectives of the relevant European sites, thereby determining whether or not those impacts constitute “likely significant effects”, within the meaning of Article 6(3) of the Habitats Directive.
- (iv) The fourth step involves considering the potential for likely significant effects to arise from the combination of the impacts of the plan or project with those of other plans or projects. If it is determined in the third step that Stage 2 (AA) is required, consideration of potential cumulative impacts may be deferred to that stage.
- (v) The last step involves the issuing of a statement of the determination of the AA Screening. Notwithstanding the recommendation made in the AA Screening Report, the responsibility for completing this step lies solely with the competent authority.

The following guidance documents informed the assessment methodology:

- EC (2018) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission, Brussels.
- EC (2021) 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. Environment Directorate-General of the European Commission.
- DEHLG (2010) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, Dublin.
- NPWS (2010) Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular Letter NPWS 1/10 & PSSP 2/10. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.
- OPR (2021) *Practice Note PN01: Appropriate Assessment Screening for Development Management*. Office of the Planning Regulator.



## 2.0 IDENTIFICATION OF LIKELY SIGNIFICANT EFFECTS

### 2.1 Establishing the Likely Zone of Impact

Section 3.2.3 of DEHLG (2010) outlines the procedure for selecting the European sites to be considered in AA. It states that European sites potentially affected should be identified and listed, bearing in mind the potential for direct, indirect and cumulative effects. It also states that the specific approach in each case is likely to differ depending on the scale and likely effects of the plan or project. However, it advises that the following sites should generally be included:

- All European sites within or immediately adjacent to the plan or project area;
- All European sites within the likely zone of impact of the plan or project; and,
- In accordance with the Precautionary Principle, all European sites for which there is doubt as to whether or not they might be significantly affected.

The “likely zone of impact” of a plan or project is the geographic extent over which significant ecological effects are likely to occur. In the case of plans, this zone should extend to a distance of 15km in all directions from the boundary of the plan area. In the case of projects, however, the guidance recognises that the likely zone of impact must be established on a case-by-case basis, with reference to the following key variables:

- The nature, size and location of the project;
- The sensitivities of the ecological receptors; and,
- The potential for in-combination effects.

For example, in the case of a project that could affect a watercourse, it may be necessary to include the entire upstream and/or downstream catchment in order to capture all European sites with water-dependent Qualifying Interests.

Having regard to the above key variables, the likely zone of impact was defined as:

- The entire area within 15km works.

This was based on the maximum extent of potential impacts associated with the proposed development.

It was determined that eight European sites, namely the Glengariff Harbour and Woodland SAC, the Caha Mountains SAC, Derryclogher (Knockboy) Bog SAC, Maulagowna Bog SAC, Clonee and Inchiquin Loughs SAC, Glanlough Woods SAC, Sheep’s Head SAC and the Kenmare River SAC occur within the likely zone of impact. These sites are listed in Table 2.1 which also assesses whether or not there are pathways for impacts to the sites. Where pathways exist, a detailed description is provided in Section 2.2.

**Table 2.1 European sites with closest proximity to the Plan.**

European site [site code]	Are there potential pathways for impacts from the Plan to this site? Explain.
Glengariff Harbour and Woodland SAC	Yes. The proposed development are within this SAC.

European site [site code]	Are there potential pathways for impacts from the Plan to this site? Explain.
Caha Mountains SAC	No. This European site is located 0.8 km to southwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater habitats and are not hydrologically connected to the proposed development.
Derryclogher (Knockboy) Bog SAC	No. This European site is located 6.3km northeast of the proposed development. The Qualifying Interest is a terrestrial habitat and is not hydrologically connected to the proposed development.
Maulagowna Bog SAC	No. This European site is located 8.2km northwest of the proposed development. The Qualifying Interest is a terrestrial habitat and is not hydrologically connected to the proposed development.
Clonee and Inchiquin Loughs SAC	No. This European site is located 8.6km northwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater habitats and species and are not hydrologically connected to the proposed development.
Glanlough Woods SAC	No. This European site is located 14.9km northeast of the proposed development. This site is designated for Lesser-horseshoe Bat.
Sheep's Head SAC	No. This European site is located 13.8km southwest of the proposed development. The Qualifying Interests are all terrestrial and freshwater habitats and species and are not hydrologically connected to the proposed development.
Kenmare River SAC	No. This European site is located 13km west of the proposed development. This site is not hydrologically connected to the proposed development.

## 2.2 Site Description

The following section describes the European site where potential pathways for effects between the proposed development and this site have been identified.

### 2.2.1 Glengarriff Harbour and Woodland SAC

#### Site Overview

The description of the Glengarriff Harbour and Woodland SAC provided here is based on the Site Synopsis (NPWS, 2013), Conservation Objectives (NPWS, 2015), and Natura 2000 Standard Data Form (NPWS, 2020) for the site.

Glengarriff woodland consists of a sizeable area of broadleaved semi-natural woodland comprised of oak (*Quercus* sp.) and Holly (*Ilex aquifolium*), with much Downy Birch (*Betula pubescens*) and Rowan (*Sorbus aucuparia*). A little Yew (*Taxus baccata*) occurs and Strawberry Tree (*Arbutus unedo*) is scattered through the woods. The most frequent ground plants are Heather (*Calluna vulgaris*), Great Wood-rush (*Luzula sylvatica*), Bilberry (*Vaccinium myrtillus*) and the ferns *Pteridium aquilinum*, *Blechnum spicant* and *Dryopteris aemula*. Wet woodland occurs along parts of the Canrooska and Glengarriff rivers. This is dominated by willows (mainly *Salix cinerea* subsp. *oleifolia*) and Downy Birch, with Alder (*Alnus glutinosa*) also frequent. A rich herb layer is found, characterised by such species as Bugle (*Ajuga reptans*), False Brome (*Brachypodium sylvaticum*), Meadowsweet (*Filipendula ulmaria*) and Wood Sanicle (*Sanicula europaea*). The rivers flood regularly, depositing silt within the woodlands. However, there is much small-scale variation in the habitat from heathy places with Heath Bedstraw (*Galium saxatile*), Star Sedge (*Carex echinata*) and Purple Moor-grass (*Molinia caerulea*), to rocks with Goldenrod (*Solidago virgaurea*),

Navelwort (*Umbilicus rupestris*) or Filmy-fern (*Hymenophyllum* sp.). Common woodland herbs include Bugle, Enchanter's-nightshade (*Circaea lutetiana*), Irish Spurge (*Euphorbia hyberna*), Common Cow-wheat (*Melampyrum pratense*) and Foxglove (*Digitalis purpurea*).

Although this is the site of an ancient woodland, it was once part of an estate and much of the oak was planted around 1807-1810. Some exotic species were also introduced, such as Beech (*Fagus sylvatica*), Sycamore (*Acer pseudoplatanus*) and Rhododendron (*Rhododendron ponticum*). The latter has invaded parts of the woodland, posing a serious problem. However, it is being systematically removed. Other areas within the woodland have been planted with conifers including Sitka Spruce (*Picea sitchensis*), Scots Pine (*Pinus sylvestris*) and Western Hemlock (*Tsuga heterophylla*). In addition to the woodlands, the harbour is of great interest. This sheltered inlet of Bantry Bay has a rocky shore vegetated with brown seaweeds (*Pelvetia caniculata*, *Fucus* spp. and *Ascophyllum nodosum*). The inlet also features rocky islets. Adding to the diversity of the site is a wet meadow, adjacent to the woodlands, which supports species such as Ragged-Robin (*Lychnis flos-cuculi*). Smooth Brome (*Bromus racemosus*), an uncommon grass which is listed as 'Vulnerable' in the Red Data Book, occurs within this habitat.

The rocky islets in the harbour support the largest colony of Common Seals in the south-west of Ireland (maximum count of 151 in the all-Ireland survey of 2003). This legally protected species is listed on Annex II of the E.U. Habitats Directive.

Lesser Horseshoe Bat, also an Annex II species, were formerly recorded in high numbers in Glengarriff Castle (e.g. 300+ recorded during summer 1985, 268 in winter 1989). However, numbers decreased at the Castle from the late 1990's onwards. Since then, summer roosts within the SAC boundary have been found in three buildings. The highest combined counts for the three summer sites were taken in July 2002 with a total of 228 bats. Bats have also been confirmed hibernating in one of the buildings and have used two purpose-built hibernacula. A total of 114 hibernating bats were counted in winter 2002/2003. This site is of international importance for both summer roosting and hibernating Lesser Horseshoe Bats. Given the combination of winter, summer and foraging sites, the site is one of the most important for the species in the south-west. The woods, and the river flowing through it, are home to a range of other mammal species, including Otter (listed in Annex II of the E.U. Habitats Directive).

Invertebrates, too, are well represented. Species found include the Kerry Slug (*Geomalacus maculosus*) a legally protected species, listed on Annex II of the E.U. Most of the woodlands are a National Nature Reserve and as such are primarily managed for nature conservation and amenity purposes. However, some commercial forestry still occurs within the site. The harbour supports mariculture (rope grown mussels) and tourism (boats visiting Garinish Island) industries. Neither activity appears to have affected seal numbers, although increased disturbance may pose a threat. One of the main threats to the site, however, is housing developments within the woodland. This site is of importance because it is the only sizeable area of old oak woodland remaining in west Cork and is considered second only to Killarney as an example of Oceanic Sessile Oak/Holly woodlands. Furthermore, the site supports populations of a number of animal species listed on Annex II of the Habitats Directive.

### **Qualifying Interests of the Site**

[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles

- [91E0] Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)
- [1024] Kerry Slug (*Geomalacus maculosus*)
- [1303] Lesser Horseshoe Bat (*Rhinolophus hipposideros*)
- [1355] Otter (*Lutra lutra*)
- [1365] Harbour Seal (*Phoca vitulina*)

### **2.3 Evaluation Against Conservation Objectives**

Table 2.2 below details the evaluation of the likely effects of the proposed development in view of the Conservation Objectives of the site identified in Section 2.1 and described in Section 2.2. As explained in Sections 1.5 and 1.6, AA Screening is carried out in view of the Conservation Objectives of the relevant European sites, which are in turn defined by detailed Attributes and corresponding Targets. Therefore, the evaluation of whether or not a likely effect is significant (in view of the Conservation Objective in question) is made with regard to these Attributes and Targets.

**Table 2.2 Evaluation of the likely effects of the proposed development in view of the Conservation Objectives of the Glengarriff Harbour and Woodland SAC.**

<b>Qualifying Interest</b>	<b>Conservation Objective (NPWS, 2015)</b>	<b>Do the proposed development provide for any potential delay or interruption in the achievement of this Conservation Objective, as defined by its Attributes and Targets?</b>	<b>Likely Significant Effect</b>
<b>Old sessile oak woods with Ilex and Blechnum in the British Isles[91A0]</b>	<i>“To maintain the favourable conservation condition of Old sessile oak woods with Ilex and Blechnum in the British Isles in Glengarriff Harbour and Woodland SAC”</i>	This habitat occurs c. 1km west of the proposed development. There is no spatial overlap between the proposed development and this habitat. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</b>	<i>“To maintain the favourable conservation condition of Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) in Glengarriff Harbour and Woodland SAC”</i>	The extent of this habitat within the SAC has not been calculated. There is no spatial overlap between the proposed development and this habitat. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1024] Kerry Slug (Geomalacus maculosus)</b>	<i>“To maintain the favourable conservation condition of Kerry Slug in Glengarriff Harbour and Woodland SAC”</i>	This species has been recorded c. 500m west of the proposed development. There is no spatial overlap between the proposed development and habitat used by this species. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1303] Lesser Horseshoe Bat (Rhinolophus hipposideros)</b>	<i>“To maintain the favourable conservation condition of Lesser Horseshoe Bat in Glengarriff Harbour and Woodland SAC”</i>	There is no spatial overlap between the proposed development and habitat used by this species. However, the proposed development has the potential to introduce and/or spread invasive species, particularly Rhododendron into the SAC. Therefore, likely significant effects cannot be excluded.	Yes
<b>[1355] Otter (Lutra lutra)</b>	<i>“To maintain the favourable conservation condition of Otter in Glengarriff Harbour and Woodland SAC”</i>	Otter is present in the area of the proposed development and the proposed development have the potential to disturb this species. Therefore, likely significant effects cannot be excluded.	Yes

Qualifying Interest	Conservation Objective (NPWS, 2015)	Do the proposed development provide for any potential delay or interruption in the achievement of this Conservation Objective, as defined by its Attributes and Targets?	Likely Significant Effect
<b>[1365] Harbour Seal (<i>Phoca vitulina</i>)</b>	<i>"To maintain the favourable conservation condition of Harbour Seal in Glengarriff Harbour and Woodland SAC"</i>	Harbour Seal is present in the area of the proposed development and the proposed development have the potential to disturb this species. Therefore, likely significant effects cannot be excluded.	Yes

## **2.4 Summary of Likely Significant Effects**

In Section 2.1, it was established that eight European sites, namely the Glengariff Harbour and Woodland SAC, the Cahal Mountains SAC, Derryclogher (Knockboy) Bog SAC, Maulagowna Bog SAC, Clonee and Inchiquin Loughs SAC, Glanlough Woods SAC, Sheep's Head SAC, and the Kenmare River SAC occur within the likely zone of impact.

It was determined that potential pathways for effects exist between the proposed development and one site, namely the Glengariff Harbour and Woodland SAC. There are no pathways for effects between the proposed development and any other European sites. This site was described in detail in Section 2.2. Table 2.2 above established that, in the absence of appropriate mitigation, the proposed development are likely to have significant effects on eight of the Qualifying Interests of this site, in view of its Conservation Objectives.

### **3.0 IN-COMBINATION EFFECTS**

Article 6(3) of the Habitats Directive requires that AA be carried out in respect of any plan or project which is likely to have a significant effect on one or more European sites, “either individually or in combination with other plans or projects”. Therefore, regardless of whether or not the likely effects of a plan or project are significant when considered in isolation, the potential for the plan or project to significantly affect European sites in combination with other past, present or foreseeable future plans or projects must also be assessed.

In the case of the proposed development, this AA Screening Report has found that the proposed development, individually, is likely to have significant effects on three European sites. Therefore, the assessment of the proposed development must proceed to Stage 2 (AA). The assessment of likely significant effects on those European sites arising from the proposed development, in combination with other plans or projects, should be undertaken at that stage.



## **4.0 APPROPRIATE ASSESSEMENT SCREENING CONCLUSION**

In accordance with Article 6(3) of the Habitats Directive and Part 5 of the Birds and Natural Habitats Regulations, the relevant case law, established best practice and the Precautionary Principle, this AA Screening Report has considered the proposed development and its potential to significantly affect European sites. This report has concluded, on the basis of objective information, that the proposed development, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on one European site, namely the Glengariff Harbour and Woodland SAC, in view of its Conservation Objectives.

In light of this conclusion, it is the considered opinion of ROD, as the author of this AA Screening Report, that the Department of Housing, Local Government and Heritage, as the Competent Authority in this case, in completing its AA Screening in respect of the proposed development, should find that the proposed development, either individually or in combination with other plans or projects, is likely to have a significant effect on one European site, namely the Glengariff Harbour and Woodland SAC, in view of its Conservation Objectives. Therefore, the Department should determine that AA is required in respect of the proposed development.

The AA must contain complete, precise and definitive findings and conclusions in relation to the implications of the proposed development for the integrity of the Glengariff Harbour and Woodland SAC. A Natura Impact Statement (NIS) should be prepared to provide the Department with the scientific information upon which it will base its findings and conclusions. The NIS should take the form of a comprehensive examination, analysis and evaluation, including recommendations, in respect of the implications of the proposed development, individually and in combination with other plans and projects, for the integrity of the European sites concerned.

## 5.0 REFERENCES

The description of the Glengariff Harbour and Woodland SAC provided here is based on the Site Synopsis (NPWS, 2013), Conservation Objectives (NPWS, 2015), and Natura 2000 Standard Data Form (NPWS, 2020) for the site.

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