



Comhairle Cathrach Chorcaí Cork City Council

Halla na Cathrach, Corcaigh - City Hall, Cork - T12 T997

Kevin Fitzgerald,
c/o Ross O'Donovan,
JHK Consultants Ltd.,
Clyde House,
Brian Boru Street,
Cork T23 FR90

23/05/2022

RE: Section 5 Declaration R711/22 Mount Desert, Lee Road, Cork
T23 XVF2

A Chara,

With reference to your request for a Section 5 Declaration at the above-named property, I wish to advise as follows:

The Planning Authority, in view of the above and having regard to —

- Sections 2, 3, 4 and 177U of the Planning and Development Act 2000 (as amended), and
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended),

it is considered that proposed raising of lands at Mount Desert, Lee Road, Carrigrohane is **Development** and is **Not Exempted Development** for which Appropriate Assessment is required.

Is mise le meas,

Kate Magner
Development Management Section
Community, Culture and Placemaking Directorate
Cork City Council



We are Cork.

Planner's Report Ref. R711 /22	Cork City Council, Culture, Community and Placemaking
Application type	Section 5 Declaration
Description	Is the raising of a hollow section of land by less than 1m with native soil and subsoil from existing lands of the applicant considered to be exempted development?
Location	Mount Desert, Lee Road
Applicant	Kevin Fitzgerald
Agent on behalf of applicant	Ross O'Donovan, JHK Consultants Limited
Date	23/05/2022
Recommendation	Is Development and is not Exempted Development

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Act states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a Section 5 'Declaration and referral on development and exempted development' are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q2 of the application form:

Is the raising of a hollow section of land by less than 1m with native soil and subsoil from existing lands of the applicant considered to be exempted development?

Additional details regarding question:

Since the 2009 flooding of the River Lee, a new control regime has been in operation at the ESB's Inniscarra Hydrological Dam resulting in the river running at full bore for a prolonged and more frequent basis. This has resulted in two hollow sections of the land

forming, which now need to be filled, to ensure no further subsidence of the land can occur.

A Natura Site Screening Report ‘Lee Fields, Cork - Proposed Fill’ was provided as part of the Section 5 application form submission.

Notes:

- The same query has previously been raised through Section 5 under Ref. **R665/21** Mount Desert, Lee Road in which the conclusion stated, ‘It is considered that proposed raising of lands at Mount Desert, Lee Road, Carrigrohane **Is Development** and is **Not Exempted Development** for which appropriate assessment is required.’

3. Site Description

The site in question is an agricultural field located on the southern side of the Lee Road and adjoining the northern bank of the River Lee. The land falls southwards from the Lee Road to the River Lee with trees and hedge along all four boundaries of the site. There is a low stone boundary along sections of the road adjoining the site. There are drains running north to south into the Lee River across the site.

The majority of the site falls within **Zone A Flooding**.

Site falls within **Lee Catchment Flood Risk Assessment and Management Study area**.

The majority of the site is designated as **Lee Valley proposed Natural Heritage Area**.

The adjoining section of River Lee is a protected area under **Salmonid River Regs (S.I. 293 only)**.

4. Planning History

There are no planning applications associated with the subject site. The Section 5 Application Form indicates that there are two permissions associated with lands in the same ownership on the opposite side of the Lee Road. These are as follows:

18/5297	Demolition of an existing single storey detached dwellinghouse and the construction of a new single storey detached dwellinghouse including a new wastewater treatment unit, percolation area and all associated site works
Outcome	Granted 27/09/2018 (Within landownership)
16/7114	The construction of a two-storey detached dwelling with split level upper floor including a new site entrance, a wastewater treatment unit, percolation area and all associated site works
Outcome	Granted 16/05/2017 (Outside landownership)

5. Legislative Provisions

5 The Act

Section 1 Preliminary and General

F1 Legal acts of the European Union given effect to by this Act.

Section 2(1),

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1),

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or ‘the making of any material change in the use of any structures or other land’

Section 4(1),

The following shall be exempted developments for the purposes of this Act—
(l) development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced F42 [or works consisting of land reclamation or reclamation of estuarine marsh land and of callows, referred to in section 2 of that Act.]

(Preamble to Land Reclamation Act 1949 – An act to authorise the Minister for Agriculture to carry out land reclamation, field drainage and other works for the improvement of agricultural holdings and to provide for the payment by the occupiers of a contribution towards the cost of those works and for other matters relating to the matters aforesaid.)

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

F40 (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 177U (9) (screening for Appropriate Assessment)

In deciding upon a declaration or a referral under Section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a Screening for Appropriate Assessment in accordance with the provisions of this section.

5.2 Planning and Development Regulations

Article 6 Exempted Development

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 8. Works specified in a drainage scheme

Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development.

(B) Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development.

(C) Land reclamation works (other than reclamation of wetlands) consisting of recontouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

Article 9. Restrictions on exemption

(1) Development to which article 6 relates shall not be exempted development for the purposes of the Act

(a) if the development would –

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

132 G. Screening determination of whether request or referral with certain accompanying information relates to development requiring environmental impact assessment.

Schedule 2, Part 1 Exempted Development – General – Class 6

Schedule 5 Part 2 ‘Development for the Purposes of Part 10’

6. Assessment

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the proposed development of filling in two hollow sections of field with 755m³ of soils (within 12-25m of the River Lee and 8m from road drain on eastern side) at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the proposed development falls within the scope of exempted development.

6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: ‘the carrying out of any works on, in, over or under land’, or ‘the making of any material change in the use of any structures or other land’. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

The proposed infill of two hollow sections of a field with 755m³ of subsoil for recontouring is considered works on land, and so, constitutes development.

6.2 Exempted development

The issue for consideration is whether or not the matter at hand is exempted development.

I note that one of the planning permissions referenced in the application, 18/5297, relates to the demolition of a dwelling. Information provided implies that the fill proposed will exclude waste from the demolition as highlighted in the copy of waste docketts from Conhor Construction Ltd provided (description of waste concrete, mixed soil and stone with origin Lee Road). The submission also indicates that the soil also relates to this application site.

There are no articles within the Regulations which confirm the proposed development to be exempted development. The applicant has not put forward any indication of the provisions, of the Act or Regs, they believe exempts the proposed development from the requirement for planning permission.

Review of the relevant legislation indicates that certain land improvement works for the purposes of drainage for agriculture are exempt. It is unclear from information provided:

- whether or not the two hollow areas are classified as wetland,
- what is the extent of two hollow areas (in Hectares),
- if additional soils will be required for the proposed fill outside of lands within the applicants ownership, or
- if the site forms part of a farm holding.

7. ENVIRONMENTAL ASSESSMENT

Environmental considerations beyond Natura 2000 sites:

- part of the site is designated as the Lee Valley proposed Natural Heritage Area,
- site adjoins section of River Lee protected under the Salmonid Regulations, and
- proposed infill works would result in the loss of 755m³ of flood storage.

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location may have significant effects on the environment, given the above considerations. Accordingly, it is considered that an environmental impact statement screening would be required to be submitted.

7.2 Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the Habitats Directive, the Appropriate Assessment Guidelines for Planning Authorities 2009 (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

I note that there is a hydrological link between the subject site, which is bounded on its southern side with the River Lee, and both the Cork Harbour SPA and the Great Island Channel cSAC.

Please see Screening Report on the next page.

STEP 1 - Description of the project				
(a)	File Reference No:	R665/21		
(b)	Brief description of the project or plan:	The raising of lands by the importation of 755m ³ of soils		
(c)	Brief description of site characteristics:	Site is a low-lying field on the northern side of the River Lee, within an area identified as Flood Zone A and a proposed Natural Heritage Area and immediately adjoining section of Salmonid River		
(d)	Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW			
(e)	Response to consultation			
STEP 2 - Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives				
European Site (code)	List of Qualifying Interest / Special Conservation Interests	Distance from proposed development (km)(2)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Cork Harbour SPA (site code 004030)	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130]	9.7km	River Lee – on southern boundary of site	Y

	<p>Golden Plover (<i>Pluvialis apricaria</i>) [A140]</p> <p>Grey Plover (<i>Pluvialis squatarola</i>) [A141]</p> <p>Lapwing (<i>Vanellus vanellus</i>) [A142]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>			
Great Island SAC (site code 001058)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p>	14.1	River Lee – on southern boundary of site	Y
STEP 3 - Assessment of Likely Significant Effects				
(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings				
Construction phase e.g. Vegetation clearance / Demolition / Surface water runoff from soil Excavation/infill/ landscaping (including borrow pits) / Dust, noise, vibration / Lighting disturbance / Impact on		Construction phase in this instance relates to the act of importation of soil onto the site, from across the Road, within the same land ownerships as the applicant. It is likely that whatever materials are brought to the site, there is potential runoff directly		

<p>Underwater/dewatering / Storage of excavated/construction materials / Access to site / Pests</p>	<p>into the River Lee and could potentially be carried to the SAC and SPA sites downstream.</p>
<p>Operational phase e.g. Direct emission to air and water / Surface water runoff containing contaminant or sediment / Lighting disturbance / Noise/vibration / Changes to water/groundwater due to drainage or abstraction / Presence of people, vehicles and activities / Physical presence of structures (e.g. collision risks) / Potential for accidents or incidents</p>	<p>The importation of 755m³ of soils would displace water during flood events.</p> <p>OPW Flood Risk Management Guidelines state:</p> <p>“Why is land-raising not an easy option? Even in a defended floodplain, land-raising may reduce the potential amount of flood storage or affect a flood-flow route, with consequent effects on flood risk elsewhere.</p> <p>During a flood event that can be contained by the defences, land-raising behind those defences may have little or no impact. However, should overtopping or a breach occur (or the defences be by-passed by flood waters), land-raising could adversely affect the surrounding low-lying areas by causing areas to flood that would not have flooded previously due to loss of floodplain storage. The beneficial effects of land-raising should therefore be balanced against potential increased flood risk elsewhere.”</p> <p>CFRAMS mapping on www.floodinfo.ie, the equivalent 1%AEP fluvial flood level near this site (ref. node 8LEE_7882, adjacent to the downstream end of the site) is estimated at 6.67mOD. With reference to the below sections through the site, the existing ground levels range from 4.5mOD to 5.5mOD. It is very likely this site will be flooded, and the current “hollows” mobilised as flood storage, on a regular basis. The proposed works would effectively lose 755m³ of flood storage.</p> <p>Climate Change will result in more frequent weather events including heavy rainfall. The proposed relocation of flood storage would exacerbate such impacts.</p>

	Changes in the river system have potential to impact upon the European sites downstream.
In combination / other	The site forms part of the Lee Catchment Flood Risk Assessment and Management Study. The infill of 755m ³ of soils would result in the loss of 755m ³ of flood storage.
(b) Describe any likely changes to the European Site	
<p>Examples of the type of changes to give consideration to include:</p> <p>Reduction or fragmentation of habitat area / Disturbance to QI species / Habitat or species fragmentation / Reduction or fragmentation in species density / Changes in key indicators of conservation status value (water or air quality etc.) / Changes to areas of sensitivity or threats to QI / Interference with the key relationships that define the structure or ecological function of the site</p>	<p>The application site is approximately 10.5km due west of Cork Harbour SPA.</p> <p>The site is not located adjacent to or within a European site, however as there is a direct hydrological link from the site to both the SAC and SPA, there is potential direct impact of disturbance or injury of habitat or species.</p> <p>It is not clear if the subject site, a low lying field beside the River Lee, is an ex-situ site for the QI bird species in the Cork Harbour SPA. Further information would be required to establish the ecological significance of the site.</p> <p>It is not clear if the soil contains invasive species which may impact the species habitat.</p> <p>It is not clear if the relocation of flood storage would impact the SAC or SPA. Further information would be required to clarify such.</p> <p>There is potential for sediment and phosphorous discharged into the River Lee would impact:</p> <ol style="list-style-type: none"> the water quality, and adjoining Salmonid River (protected under Salmonid River Regs (S.I. 293 only); which has potential to indirectly impact Natura 2000 species in combination with potential direct impact on both proposed Natural Heritage Area Lee Valley.

	It is unclear if the works would impact the proposed Natural Heritage Area Lee Valley and indirectly impact the SAC or SPA.	
(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? (Select as appropriate)		
<p>Yes - In order to avoid impacts on the status of the European Sites, there are several forms of mitigation measures proposed within the 'Proposed Fill Natura Site Screening Report' including:</p> <p>To avoid risk of surface run-off and increasing sedimentation, increasing phosphorous and nutrient loads, erosion of banks, impacting water quality and Salmonid River:</p> <ul style="list-style-type: none"> • Buffer area of 8m from drain running along eastern boundary of site connecting road drainage to River Lee, • Buffer area of 12-25m from River Lee, and • Earth works (transportation of and grading works) to be carried out during dry periods. <p>To avoid water pollution with oils or lubricants for machinery vehicles / accidental spillage:</p> <ul style="list-style-type: none"> • All equipment will be refuelled, maintained and stored off-site. <p>Suggested additional mitigation:</p> <ul style="list-style-type: none"> • Visual inspection of wildlife activity prior to works commencing, and • Increase of riparian vegetation would be important to bind banks, reduce potential erosion and enhance habitat connectivity. 		
STEP 4 - Screening Determination Statement		
<p>The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives</p>		
<p>On the basis of the information submitted, it is not possible to ascertain whether the proposed importation of soil is or is not likely to have significant effects on European sites. The mitigation measures above cannot be considered as part of the Appropriate Assessment at Screening stage.</p>		
Conclusion:	Select Y or N	Recommendation: (delete as appropriate)
(i) It is clear that there is no likelihood of significant effects on an European site	N	<p>The proposal can be screened out – Appropriate assessment not required</p>
(ii) It is uncertain whether the proposal will have a significant effect on a European site	Y	Appropriate Assessment would be required.
(iii) Significant effects are likely	Unclear - TBC	Request NIS

		Refuse planning permission <input type="radio"/>
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This screening report has concluded that it is not possible, based on the information provided, to ascertain whether the proposed development would have a significant effect on European sites downstream of the site. As this report has concluded elsewhere that the proposed development is **not exempted development** it is not appropriate to issue a request for further information.

8. Conclusion

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed infill of 755m³ of soil is development and is **not exempted development**.

9. Recommendation

In view of the above and having regard to —

- Sections 2, 3, 4 and 177U of the Planning and Development Act 2000 (as amended), and
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended),

it is considered that proposed raising of lands at Mount Dessert, Lee Road, Carrigrohane **Is Development** and is **Not Exempted Development** for which Appropriate Assessment is required.

Kind regards,
 Hugh Killen
 Executive Planner, Development Management,
 Community, Culture and Place-Making, Cork City Council

PLANNER'S REPORT Ref. R665 /21		Cork City Council Culture, Community and Placemaking
Application type	Section 5 Declaration	
Description	See section 2 below	
Location	Mount Desert, Lee Road	
Applicant	Kevin Fitzgerald	
Date	18/05/2022	
Recommendation	Is Development and Is Not Exempted Development	

In this report 'the Act' means the Planning and Development Act 2000 (as amended) and 'the Regulations' means the Planning and Development Regulations 2001 (as amended), unless otherwise indicated.

1. Requirements for a Section 5 Declaration

Section 5(1) of the Planning and Development Act 2000 as amended states,

5.—(1) If any question arises as to what, in any particular case, is or is not development or is or is not exempted development within the meaning of this Act, any person may, on payment of the prescribed fee, request in writing from the relevant planning authority a declaration on that question, and that person shall provide to the planning authority any information necessary to enable the authority to make its decision on the matter.

The requirements for making a section 5 declaration are set out in the Act.

2. The Question before the Planning Authority

In framing the question to the planning authority, the applicant states in Q2 of the application form:

I am applying for a section 5 declaration to carry out the following work on my land at Mount Desert, Lee Rd, Carrigrohane Cork and outlined on the attached map.

Scope of works: Raise two areas of land by 0.95 mts as outline on the attached map together with survey of existing levels. I also enclose photographs indicting the areas where the proposed work is to be carried out and how my land is impacted. The revision in 2010 (approx. date) of how the Inniscarra Dam operates has resulted in the river flowing at full bore for far greater and longer periods prior to this date. This has resulted in water lodging on my land a lot more frequently at the locations indicated which as resulting in the existing levels of my land subsiding. The raising of the land by 0.95 mts will eliminate this issue and help to restore the land to its original levels. The land has a gravel sub base which compounds the issue. This was established during a county wide hydrology survey some years ago. The material to be used to facilitate the work will come from my land on the opposite side of the road. This excavation was necessary to facilitate the building of a house for my son Bryan and further excavation now to build a house for my wife and myself Planning references 16/07114 and 18/05297. I own the land on both sides of the road as indicated on the enclosed map.

3. Site Description

The property in question is low lying field located on the southern side of the Lee Road, between the road and the River Lee.

4. Planning History

There are no planning applications associated with the subject site. The Section 5 Application Form indicates that there are two permissions associated with lands in the same ownership on the opposite side of the Lee Road. These are as follows:

18/5297	Demolition of an existing single storey detached dwellinghouse and the construction of a new single storey detached dwellinghouse including a new waste water treatment unit, percolation area and all associated site works
Outcome	Granted 27/09/2018
16/7114	The construction of a two storey detached dwelling with split level upper floor including a new site entrance, a waste water treatment unit, percolation area and all associated site works
Outcome	Granted 16/05/2017

I note that neither of the site location maps, submitted with of these planning applications, showed the land that is the subject of this Section 5 application as being within the same ownership / control of the applicants.

5. Legislative Provisions

5.1 *The Act*

Section 2(1),

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

Section 3(1),

In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or ‘the making of any material change in the use of any structures or other land’

Section 4(1),

The following shall be exempted developments for the purposes of this Act—

(1) – Development consisting of the carrying out of any of the works referred to in the Land Reclamation Act, 1949, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced

(Preamble to Land Reclamation Act 1949 – An act to authorise the Minister for Agriculture to carry out land reclamation, field drainage and other works for the improvement of agricultural holdings and to provide for the payment by the occupiers of a contribution towards the cost of those works and for other matters relating to the matters aforesaid.)

Section 4(2) provides that the Minister may, by regulations, provide for any class of development to be exempted development. The principal regulations made under this provision are the Planning and Development Regulations 2001-2013.

Section 177U (9) (screening for appropriate assessment)

In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

The Regulations

Article 6

Subject to article 9, development of a class specified in column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1

Article 8

Works specified in a drainage scheme confirmed by the Minister for Finance under Part II of the Arterial Drainage Act 1945 (No. 3 of 1945) or the Arterial Drainage (Amendment) Act 1995 (No. 14 of 1995), carried out by, on behalf of, or in partnership with, the Commissioners, with such additions, omissions, variations and deviations or other works incidental thereto, as may be found necessary by the Commissioners or their agent or partner in the course of the works, shall be exempted development.

(B) Works consisting of field drainage for agriculture, other than drainage and/or reclamation of wetlands, shall be exempted development

(C) Land reclamation works (other than reclamation of wetlands) consisting of re-contouring of land, including infilling of soil (but not waste material) within a farm holding, shall be exempted development.

Article 9 (1)

Development to which article 6 relates shall not be exempted development for the purposes of the Act

(a) if the development would—

(vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,

(viiB) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

Schedule 2, Part 1

Exempted Development – General – Class 6

(a) The construction of any path, drain or pond or the carrying out of any landscaping works within the curtilage of a house.

(b) Any works within the curtilage of a house for—

(i) the provision to the rear of the house of a hard surface for use for any purpose incidental to the enjoyment of the house as such, or,

(ii) the provision of a hard surface in the area of the garden forward of the front building line of the house, or in the area of the garden to the side of the side building line of the house, for purposes incidental to the enjoyment of the house as such.

6. ASSESSMENT

It should be stated at the outset that the purpose of this report is not to determine the acceptability or otherwise of the wake park at this location in respect to the proper planning and sustainable development of the area, but rather whether or not the matter in question constitutes development, and if so falls within the scope of exempted development.

6.1 Development

The first issue for consideration is whether or not the matter at hand is ‘development’.

‘Development’ as defined in the Act (3)(1) comprises two possible chief components: *‘the carrying out of any works on, in, over or under land’, or ‘the making of any material change in the use of any structures or other land’*. In order to ascertain whether or not the subject use is considered to be development as so defined, consideration must first be given to whether any works on, in, over or under land have or will be carried out, and secondly to whether any material change in the use of any structures or other land have or will take place.

I note that there is a general exemption for landscaping works set out in Class 6 of Part 1 of Schedule 2 in the Regs. This however relates only to lands within the curtilage of the a house, which is not the case for the subject lands.

It also states in section 3(2)(b) that:

(2) For the purposes of subsection (1) and without prejudice to the generality of that subsection—

(b) where land becomes used for any of the following purposes—

- (i) the placing or keeping of any vans, tents or other objects, whether or not moveable and whether or not collapsible, for the purpose of caravanning or camping or habitation or the sale of goods,*
- (ii) the storage of caravans or tents, or*
- (iii) the deposit of vehicles whether or not usable for the purpose for which they were constructed or last used, old metal, mining or industrial waste, builders’ waste, rubbish or debris,*

the use of the land shall be taken as having materially changed.

‘Works’ is defined in section 2(1) of the Act as *‘the carrying out of any works on, in, over, or under land’* including *‘any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal, and in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.’*

I consider that the proposed development, which may include the deposit of builders waste from the demolition of a residence permitted under permission 18/5297, and the raising of the land constitutes development.

6.2 Exempted development

The next issue for consideration is whether or not the matter at hand is exempted development.

The applicant has not put forward any indication of the provisions, of the Act or Regs, they believe exempts the proposed development from the requirement for planning permission. My review of the relevant legislation indicates that certain land improvement works for the purposes of arterial drainage or agriculture are exempt. The subject proposal does not accord with these exemptions.

I note that one of the planning permissions referenced in the application, 18/5297, relates to the demolition of a dwelling. It is not clear whether the fill proposed will include waste from the demolition. If this is the case, then a material change of use may have taken place for which there is no exemption.

7. ENVIRONMENTAL ASSESSMENT

7.1 Screening for Environmental Impact Assessment

Having regard to the contents of Article 103 (as amended by Article 14 of the Planning and Development (Amendment) (No 3) Regulations 2011) and Schedule 7 of the Planning and Development Regulations 2001 (as amended) it is considered that the proposed development by reason of its nature, scale and location would not be likely to have significant effects on the environment. Accordingly, it is considered that an environmental impact statement is not required to be submitted.

Screening for Appropriate Assessment

Section 177U (9) of the Act requires planning authorities to screen applications for a section 5 declaration for appropriate assessment. The provisions of the *Habitats Directive*, the *Appropriate Assessment Guidelines for Planning Authorities 2009* (revised 2010) and the Act are noted. The relevant European sites are the Cork Harbour SPA (site code 004030) and the Great Island Channel cSAC (site code 001058).

I note that there is a hydrological link between the subject site, which is bounded on its southern side by the River Lee, and both the Cork Harbour SPA and the Great Island Channel cSAC.

Please see Screening Report on the next page.

STEP 1				
Description of the project				
(a) File Reference No:		R665/21		
(b) Brief description of the project or plan:		The raising of lands by the importation of materials		
(c) Brief description of site characteristics:		Site is a low lying field on the northern side of the River Lee		
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), EPA, OPW		N/A		
(e) Response to consultation		N/A		
STEP 2				
Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information on Qualifying Interests and conservation objectives				
European Site (code)	List of Qualifying Interest / Special Conservation Interests	Distance from proposed development (km)(2)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Cork Harbour SPA (site code 004030)	Little Grebe (<i>Tachybaptus ruficollis</i>) [A004] Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Cormorant (<i>Phalacrocorax carbo</i>) [A017] Grey Heron (<i>Ardea cinerea</i>) [A028] Shelduck (<i>Tadorna tadorna</i>) [A048] Wigeon (<i>Anas penelope</i>) [A050] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Red-breasted Merganser (<i>Mergus serrator</i>) [A069] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Lapwing (<i>Vanellus vanellus</i>) [A142] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156]	9.7km	River Lee – on southern boundary of site	Y

	<p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Common Gull (<i>Larus canus</i>) [A182]</p> <p>Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Wetland and Waterbirds [A999]</p>			
Great Island SAC (site code 001058)	<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) [1330]</p>	14.1	River Lee – on southern boundary of site	Y

STEP 3
Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings

<p>Construction phase e.g. Vegetation clearance / Demolition / Surface water runoff from soil Excavation/infill/ landscaping (including borrow pits) / Dust, noise, vibration / Lighting disturbance / Impact on groundwater/dewatering / Storage of excavated/construction materials / Access to site / Pests</p>	<p>Construction phase in this instance relates to the act of importation of materials onto the site. No detail has been provided regarding the volume of material. No information has been provided regarding the nature of the material, other than the fact that it will come from the site of two permissions one to include the demolition of an existing residence. It is likely that whatever materials are brought to the site will runoff directly into the River Lee and could potentially be carried to the SAC and SPA sites downstream.</p>
<p>Operational phase e.g. Direct emission to air and water / Surface water runoff containing contaminant or sediment / Lighting disturbance / Noise/vibration / Changes to water/groundwater due to drainage or abstraction / Presence of people, vehicles and activities / Physical presence of structures (e.g. collision risks) / Potential for accidents or incidents</p>	<p>The importation of material will displace water during flood events. The subject site forms part of the flood plain for the River Lee and floods regularly. Changes in the river system have the potential to impact upon the European sites downstream.</p>
<p>In combination / other</p>	<p>There are no projects or plans in the vicinity of the</p>

		subject site that would lead to cumulative <input type="radio"/> acts.
(b) Describe any likely changes to the European Site		
Examples of the type of changes to give consideration to include: Reduction or fragmentation of habitat area / Disturbance to QI species / Habitat or species fragmentation / Reduction or fragmentation in species density / Changes in key indicators of conservation status value (water or air quality etc.) / Changes to areas of sensitivity or threats to QI / Interference with the key relationships that define the structure or ecological function of the site	<p>The application site is not located adjacent or within a European site, therefore there is no risk of habitat loss or fragmentation or any effects on QI species in-situ.</p> <p>It is not clear if the subject site, a low lying field beside the River Lee, is an ex-situ site for the QI bird species in the Cork Harbour SPA. Further information would be required to establish the ecological significance of the site.</p>	
(c) Are ‘mitigation’ measures necessary to reach a conclusion that likely significant effects can be ruled out at screening? (select as appropriate)		
Yes	<p>No mitigation measures have been set out. These would however be necessary, if the materials brought to the site could impact on the status of the European Sites and have the potential to travel downstream by the adjoining river.</p> <p>Further information is required regarding the nature of the materials to be imported. If these are potentially harmful then mitigation measures must be implemented.</p>	
STEP 4 Screening Determination Statement		
The assessment of significance of effects: Describe how the proposed development (alone or in-combination) is/is not likely to have significant effects on European site(s) in view of its conservation objectives		
On the basis of the information submitted, it is not possible to ascertain whether the proposed importation of soil is or is not likely to have significant effects on European sites.		
CONCLUSION:		
	Select Y or N	Recommendation: (delete as appropriate)
(i) It is clear that there is no likelihood of significant effects on an European site	N	The proposal can be screened out – Appropriate assessment not required
(ii) It is uncertain whether the proposal will have a significant effect on a European site	Y	Request further information to complete screening Request NIS Refuse planning permission

Significant effects are likely	n/a	Request NIS Refuse planning permission
--------------------------------	-----	--

This screening report has concluded that it is not possible, based on the information provided, to ascertain whether the proposed development would have a significant effect on European sites downstream of the site. As this report has conclude elsewhere that the proposed development is not exempted development it is not appropriate to issue a request for further information.

8. CONCLUSION

Having considered the particulars submitted with the application and the relevant legislation as set out above, it is considered that the proposed altered layout is development and is not exempted development

9. RECOMMENDATION

In view of the above and having regard to —

- Sections 2, 3, 4 and 177U of the Planning and Development Act 2000 (as amended), and
- Articles 6, 8 and 9 of the Planning and Development Regulations 2001 (as amended),

It is considered that proposed raising of lands at Mount Dessert, Lee Road, Carrigrohane Is **Development** and is **Not Exempted Development** for which appropriate assessment is required.



Martina Foley
Executive Planner

**COMHAIRLE CATHRACH CHORCAÍ
CORK CITY COUNCIL**

Community, Culture & Placemaking Directorate,
Cork City Council, City Hall, Anglesea Street, Cork.

R-Phost/E-Mail planning@corkcity.ie

Fón/Tel: 021-4924709

Líonra/Web: www.corkcity.ie

SECTION 5 DECLARATION APPLICATION FORM
under Section 5 of the Planning & Development Acts 2000 (as amended)

1. POSTAL ADDRESS OF LAND OR STRUCTURE FOR WHICH DECLARATION IS SOUGHT

Mount Desert Lee Road, Cork T23,XVF2

2. QUESTION/ DECLARATION DETAILS

PLEASE STATE THE SPECIFIC QUESTION FOR WHICH A DECLARATION IS SOUGHT:

Sample Question: *Is the construction of a shed at No 1 Wall St, Cork development and if so, is it exempted development?*

Note: only works listed and described under this section will be assessed under the section 5 declaration.

Is the raising of a hollow section of land by less than 1 m with native soil and subsoil from existing lands of the applicant considered to be exempted development

ADDITIONAL DETAILS REGARDING QUESTION/ WORKS/ DEVELOPMENT:

(Use additional sheets if required).

Since the 2009 flooding of the River Lee, a new control regime has been in operation at the ESB's Inniscarra Hydroelectric Dam resulting in the river running at full bore for a prolonged and more frequent basis. This has resulted in two hollow sections of the land forming, which now need to be filled, to ensure no further subsidence of the lands can occur.

DEVELOPMENT MANAGEMENT

CCP

26 APR 2022

CORK CITY COUNCIL

3. Are you aware of any enforcement proceedings connected to this site?

If so please supply details: No

4. Is this a Protected Structure or within the curtilage of a Protected Structure? No

If yes, has a Declaration under Section 57 of the Planning & Development Act 2000 been requested or issued for the property by the Planning Authority?

5. Was there previous relevant planning application/s on this site?

If so please supply details:

No

6. APPLICATION DETAILS

Answer the following if applicable. Note: Floor areas are measured from the inside of the external walls and should be indicated in square meters (sq. M)

(a) Floor area of existing/proposed structure/s	N/A
(b) If a domestic extension, have any previous extensions/structures been erected at this location after 1 st October, 1964, (including those for which planning permission has been obtained)?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, please provide floor areas. (sq m)
(c) If concerning a change of use of land and / or building(s), please state the following:	
Existing/ previous use (please circle) ----- ----- -----	Proposed/existing use (please circle) ----- ----- -----

7. LEGAL INTEREST

Please tick appropriate box to show applicant's legal interest in the land or structure	A. Owner <input checked="" type="checkbox"/>	B. Other <input type="checkbox"/>
Where legal interest is 'Other', please state your interest in the land/structure in question		
If you are not the legal owner, please state the name and address of the owner if available		

8. I / We confirm that the information contained in the application is true and accurate:

Signature: 

Date: 26/04/2022

CONTACT DETAILS

9. Applicant:

Name(s)	Kevin Fitzgerald
Address	Mount Desert ----- Lee Road ----- Cork -----

10. Person/Agent acting on behalf of the Applicant (if any):

Name(s):	Ross O'Donovan
Address:	Clyde House, ----- Brian Boru Street, ----- Cork, T23FR90 -----
Telephone:	██████████
E-mail address:	██████████
Should all correspondence be sent to the above address? (Please note that if the answer is 'No', all correspondence will be sent to the Applicant's address)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

11. ADDITIONAL CONTACT DETAILS

The provision of additional contact information such as email addresses or phone numbers is voluntary and will only be used by the Planning Authority to contact you should it be deemed necessary for the purposes of administering the application.

Tel. No. ██████████

Mobile No. ██████████

Email Address: ██████████

For Office Use Only: File Ref. No. _____

ADVISORY NOTES:

The application must be accompanied by the required fee of €80

The application should be accompanied by a site location map which is based on the Ordnance Survey map for the area, is a scale not less than 1:1000 and it shall clearly identify the site in question.

Sufficient information should be submitted to enable the Planning Authority to make a decision. If applicable, any plans submitted should be to scale and based on an accurate survey of the lands/structure in question.

The application should be sent to the following address:

**The Development Management Section, Community, Culture & Placemaking
Directorate, Cork City Council, City Hall, Anglesea Street, Cork.**

- The Planning Authority may request other person(s) other than the applicant to submit information on the question which has arisen and on which the declaration is sought.
- Any person issued with a declaration may on payment to An Bord Pleanála refer a declaration for review by the Board within 4 weeks of the date of the issuing of the declaration.
- In the event that no declaration is issued by the Planning Authority, any person who made a request may on payment to the Board of such a fee as may be prescribed, refer the question for decision to the Board within 4 weeks of the date that a declaration was due to be issued by the Planning Authority.

The application form and advisory notes are non-statutory documents prepared by Cork City Council for the purpose of advising as to the type information is normally required to enable the Planning Authority to issue a declaration under Section 5. This document does not purport to be a legal interpretation of the statutory legislation nor does it state to be a legal requirement under the Planning and Development Act 2000 as amended, or Planning and Development Regulations 2001 as amended.

DATA PROTECTION

"Cork City Council is committed to fulfilling its obligations imposed by the Data Protection Acts 1988 to 2018 and the GDPR. Our privacy statement and data protection policy is available at <https://www.corkcity.ie/en/council-services/public-info/gdpr/>.

We request that you read these as they contain important information about how we process personal data.



Clyde House, Brian Boru St., Cork, Ireland

T. 021 4554040 M. 086 2570508
F. 021 4506007 E. info@jhk.ie

Our Ref: KM/168.
Your Ref:

26th April 2022.

PLANNING DEPARTMENT,
Cork City Council,
City Hall,
Anglesea Street,
CORK

Dear Sir/Madam,

**RE: KEVIN FITZGERALD – SECTION 5 DECLARATION FOR FILLING OF
LANDS AT MOUNT DESERT, LEE ROAD, CORK**

Please find enclosed herewith 2 No. copies of all relevant drawings and documentation with respect to the above Section 5 Declaration application, for your information.

My client wishes to fill 2 existing hollow sections on his lands with native soils and subsoils from his lands. Please note that an original dwelling on his lands was previously demolished and all waste disposed of by a licensed contractor to a licensed waste facility. Please see attached certs.

The volumes of filling material are detailed in the Natura Screening Assessment and are also detailed on the site sections.

Also find herewith cheque for €80.00 being applicable fee which you might please receipt at your earliest convenience.

Engineering & Project Management Consultants

Civil & Structural Engineering | Land & Building Surveys | Arbitration & Expert Witness | Legal Mapping | Sustainable Urban Drainage Design
Planning & Design | Building Energy Rating | Health & Safety (PSDP) | Fire Safety Certification | Disability Access Certification

Registered in Ireland No.: 524054 Director: Ross O Donovan BE, HDip. AppSc., MIEI, ACI Arb.



Clyde House, Brian Boru St., Cork, Ireland

T. 021 4554040

M. 086 2570508

F. 021 4506007

E. info@jhk.ie

Should you have any queries, or should you require any further information, please do not hesitate to contact this office.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ross O'Donovan', written over a horizontal line.

ROSS O'DONOVAN. BE M.I.E.I

Encls.

1. Application Form
2. Site Location map.
3. Site Drawings and sections
4. Natura Site Screening Report.
5. Copy of Waste Certs for removal of original house

Engineering & Project Management Consultants

Civil & Structural Engineering | Land & Building Surveys | Arbitration & Expert Witness | Legal Mapping | Sustainable Urban Drainage Design
Planning & Design | Building Energy Rating | Health & Safety (PSDP) | Fire Safety Certification | Disability Access Certification

Registered in Ireland No.: 524054 Director: Ross O'Donovan BE, HDip. AppSc., MIEI, ACI Arb.



Conhor Construction Ltd
Ballymichael,
Lissarda,
Co. Cork.

T: 0876834092
✉: Conhorconstrucion@gmail.com
www.conhorconstruction.ie

Waste Docket

Date: 21-01-2021 Docket No: 10023
Delivery to: Garry o Leary
Job Type: Collection
Vehicle Reg: 191-C-6888
Origin: Lee road
Destination: Conhor Construction Aherla - WFP-CK-14-0137-01

Description	Basis of Charge	Qty
Concrete - 170101	Tipper Load	1.00 Loads

Signature:

DH



Conhor Construction Ltd
Ballymichael,
Lissarda,
Co. Cork.

☎: 0876834092
✉: Conhorconstrucion@gmail.com
www.conhorconstruction.ie

Waste Docket

Date: 21-01-2021

Docket No: 10024

Delivery to: Garry o Leary

Job Type: Collection

Vehicle Reg: 191-C-6888

Origin: Lee road

Destination: Conhor Construction Aherla - WFP-CK-14-0137-01

Description	Basis of Charge	Qty
Concrete - 170101	Tipper Load	1.00 Loads

Signature:

DH



Conhor Construction L
Ballymichael,
Lissarda,
Co. Cork.

☎: 0876834092
✉: Conhorconstrucion@gmail.com
www.conhorconstruction.ie

Waste Docket

Date: 21-01-2021 Docket No: 10025
Delivery to: Garry o Leary
Job Type: Collection
Vehicle Reg: 191-C-6888
Origin: Lee road
Destination: Conhor Construction Aherla - WFP-CK-14-0137-01

Description	Basis of Charge	Qty
Concrete - 170101	Tipper Load	1.00 Loads

Signature:

DTI



Conhor Construction Ltd
Ballymichael,
Lissarda,
Co. Cork.

☎: 0876834092
✉: Conhorconstrucion@gmail.com
www.conhorconstruction.ie

Waste Docket

Date: 21-01-2021

Docket No: 10026

Delivery to: Garry o Leary

Job Type: Collection

Vehicle Reg: 161-C-16144

Origin: Lee road

Destination: Conhor Construction Aherla - WFP-CK-14-0137-01

Description	Basis of Charge	Qty
Mixed Soil & Stone/Concrete 170101	Tipper Load	1.00 Loads

Signature:

DH



Conhor Construction Ltd
Ballymichael,
Lissarda,
Co. Cork.

☎: 0876834092
✉: Conhorconstrucion@gmail.com
www.conhorconstruction.ie

Waste Docket

Date: 21-01-2021

Docket No: 10027

Delivery to: Garry o Leary

Job Type: Collection

Vehicle Reg: 161-C-16144

Origin: Lee road

Destination: Conhor Construction Aherla - WFP-CK-14-0137-01

Description	Basis of Charge	Qty
Mixed Soil & Stone/Concrete 170101	Tipper Load	1.00 Loads

Signature:

DH

QUARRIES LTD.
 GREEN,
 CO. WATERFORD
 024-96453
 086 3833182

Received In

Permit No:
 WFP - WCCC - 18-0004-01

ORDER No.

Processed & Recycled of Waste Types	
Concrete E.W.C. 17 01 01	
Brick E.W.C. 17 01 02	
Tiles & Ceramics E.W.C. 17 01 03	
Mixture of Concrete, Bricks, Tiles & Ceramics E.W.C. 17 01 07	
Bituminous Material E.W.C 17 03 02	

Customer's Name
Conker Ltd
Bethnalgreen
 Site Address
Co. Cork

Drivers Name
Gary O'Leary
 Collection Permit Number
18696

VEHICLE REG.
 WEIGHMANS SIGNATURE

CO. WATERFORD
 024-96453
 086 3833182

Receive

Permit No:
 WFP - WCCC - 18-0004-01

ORDER No.

LOAD INSPECTED	
Processed & Recycled of Waste Types	
Concrete E.W.C. 17 01 01	
Brick E.W.C. 17 01 02	
Tiles & Ceramics E.W.C. 17 01 03	
Mixture of Concrete, Bricks, Tiles & Ceramics E.W.C. 17 01 07	
Bituminous Material E.W.C 17 03 02	

Customer's Name
Conker
 Site Address
Be

Drivers Name
Gary O'Leary Lee Road
 Collection Permit Number
18696

VEHICLE REG.
 WEIGHMANS SIGNATURE

QUARRIES LTD.

KEREEN,
CO. WATERFORD
024-96453
086 3833182

Received In

Permit No: WFP - WCCC - 18-0004-01	
ORDER No.	
Processed & Recycled of Waste Types	✓
Concrete E.W.C. 17 01 01	✓
Brick E.W.C. 17 01 02	
Tiles & Ceramics E.W.C. 17 01 03	
Mixture of Concrete, Bricks, Tiles & Ceramics E.W.C. 17 01 07	
Bituminous Material E.W.C 17 03 02	

Customer's Name

Conor Butler

Site Address

Drivers Name

VEHICLE REG.

8686

Collection Permit Number

WEIGHMANS SIGNATURE

[Signature]

KEREEN,
CO. WATERFORD
024-96453
086 3833182

Received

Permit No: WFP - WCCC - 18-0004-01	
ORDER No.	
LOAD INSPECTED	
Processed & Recycled of Waste Types	✓
Concrete E.W.C. 17 01 01	✓
Brick E.W.C. 17 01 02	
Tiles & Ceramics E.W.C. 17 01 03	
Mixture of Concrete, Bricks, Tiles & Ceramics E.W.C. 17 01 07	
Bituminous Material E.W.C 17 03 02	

Customer's Name

Conor Butler

Site Address

Drivers Name

VEHICLE REG.

1630

Collection Permit Number

WEIGHMANS SIG

[Signature]

Export WTF

WTF Summary

WTF Number:	C048660
Status:	Completed
Notifier Name:	Asbestaway Ireland Limited

Notifier Address

Address Line 1:	6 Westlink Business Park
Address Line 2:	Doughcloyne Industrial Estate
Address Line 3:	Wilton
Address Line 4:	Cork
County:	Cork County
Country:	Ireland
Consignee:	Rilta Environmental Ltd (W0185-01)

Notifier - Carrier Part

Date Shipped:	02/12/2020
---------------	------------

Quantity Shipped

Tonnes:	
m3:	
Waste Generator (if Different from Notifier):	Declim Ltd. T23 XVF2 (Kevin Fitzgerald)
Type of Collections:	Single Collection
EWC Codes:	17 06 05* Construction materials containing asbestos (18)
Comment:	13-11265-02 Wear PPE
Waste Description:	Corrugated rof sheets & rainwater goods
Physical Characteristics:	Solid
Special Handling Requirements:	Do Not Inhale Dust

Consignee Part

Date Received:	02/12/2020
----------------	------------

Quantity Shipped

Tonnes:	0.1
m3:	
EWC Codes:	
Comment:	JOB REF: 178225
Comments on EWC Codes Differences:	
Vehicle Registration Number:	132KE2377
Vehicle Type:	ARTIC
Trailer/Container Number Received:	N/A

Disposal/Recovery Operation(s)

D-Codes:	D15 Storage pending any of the operations numbered D1-D12
R-Codes:	

Export WTF

WTF Summary

WTF Number:	C048660
Status:	Completed
Notifier Name:	Asbestaway Ireland Limited

Notifier Address

Address Line 1:	6 Westlink Business Park
Address Line 2:	Doughcloyne Industrial Estate
Address Line 3:	Wilton
Address Line 4:	Cork
County:	Cork County
Country:	Ireland
Consignee:	Rilita Environmental Ltd (W0185-01)

Notifier - Carrier Part

Date Shipped:	02/12/2020
---------------	------------

Quantity Shipped

Tonnes:	
m3:	
Waste Generator (if Different from Notifier):	Declim Ltd. T23 XVF2 (Kevin Fitzgerald)
Type of Collections:	Single Collection
EWC Codes:	17 06 05* Construction materials containing asbestos (18)
Comment:	13-11265-02 Wear PPE
Waste Description:	Corrugated roof sheets & rainwater goods
Physical Characteristics:	Solid
Special Handling Requirements:	Do Not Inhale Dust

Consignee Part

Date Received:	02/12/2020
----------------	------------

Quantity Shipped

Tonnes:	0.1
m3:	
EWC Codes:	
Comment:	JOB REF: 178225
Comments on EWC Codes Differences:	
Vehicle Registration Number:	132KE2377
Vehicle Type:	ARTIC
Trailer/Container Number Received:	N/A

Disposal/Recovery Operation(s)

D-Codes:	D15 Storage pending any of the operations numbered D1-D12
R-Codes:	

Lee Fields, Cork, Proposed Fill Natura Site Screening Report



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1. Introduction

Background and Requirement for Habitats Directive Assessment

Jim Minogue have been commissioned by Mr Kevin Fitzgerald to prepare a Natura Impact Statement, under Article 6 of the EU Habitats Directive, for a proposal to deposit soil on fields adjoining the River Lee. The aim of this assessment is to screen for likely or potential or significant impacts on the Designated European Sites, under the EU Habitats Directive.

The EU Water Framework Directive is an important and ambitious piece of EU environmental legislation which aims at improving our water environment. It requires governments to take a new holistic approach to managing their waters. It applies to rivers, lakes, groundwater, estuaries and coastal waters. River Catchment Plans are an important element in managing our waterways, for the entire watershed.

Traditional methods of managing water flows are not suitable for ecological objectives being met. Modern thinking sometimes is in direct opposition to these traditional methods. Our waterways have multi-purpose utilities, rather than single objective drainage purposes. Changing climatic and land use conditions have also influenced river processes. Management techniques are governed by EU legislation and this has prime consideration in conducting the proposed works.



Photo 1. Site area, north of the River Lee and south of the Lee Road.

1.2 A note on surface water condition in Ireland

Any assessment taking in account designated habitats, has to consider the base levels of river conditions at the time that works are being planned, for the last number of years on a number of metrics Irish rivers have been deteriorating. The EPA is responsible for monitoring, assessing and reporting on the quality of rivers and lakes, it found in a 2020 publication that 43% of our rivers are in unsatisfactory condition, with 38% of sites having rising concentrations of nutrients. There has been a decline of water quality in 230 rivers. River Basin Plans are due to be updated from next year. Draft plans are available this year for the Lee Catchment. There is an urgency to reduce high nitrate levels in surface waters and this will be the focus of the next Nitrates Action Plan. Nitrate levels are too high in 47% of Irish Rivers, the Lee and many of the rivers in the south and south east of Ireland have high concentrations of both nitrates and phosphates.

The reformed Common Agricultural Policy will include measures to manage Riparian zones along river banks, it will also through encouragement by agricultural schemes and by limitations on total phosphate and nitrate levels used on farms attempt to reduce agricultural nutrient loads to rivers. The Irish Government has published a Ag-Climatise roadmap for the sector which includes reduction in fertiliser, increases in organic farming and increased afforestation among other measures. The Paris accord and EU commitments to mitigate climate change effects also will focus attention on Irelands land use practices, as agriculture is responsible for 35% of Irelands greenhouse emissions.

Fifteen of the hottest years recorded have occurred in the last twenty years in Ireland with rain-fall 6 % higher in the period 1989 – 2018 than in the proceeding thirty years. Sea levels around the island are increasing by 2-3mm a year and there has been an increase in river flows across Ireland since the 1990 s. As the above illustrates land-use, legislative and environmental systems are in a state of change, while the baseline for Irish Rivers is deteriorating. With such an evolving environment, practises that were once practiced routinely cannot not be applied today.

The overall aim of the Habitats Directive is to maintain or restore the favourable conservation status of habitats and species of community interest. These habitats and species are listed in the Habitats and Birds Directives and Special Areas of Conservation and Special Protection Areas are designated to afford protection to the most vulnerable of them. These two designations are collectively known as the Natura 2000 network.

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

1.3 Requirement for Screening Assessment

The transposition of the EU Habitats Directive Assessment by the European Communities (Natural Habitats) Regulations 1997 – 2011 (referred to as the Habitat Regulations) provide the legal basis for the protection of habitats and species of European importance in Ireland.

The legislative protection of habitats and species provided by the Habitats Directive has been implemented in Ireland and throughout Europe through the establishment of a network of designated conservation areas known as the Natura 2000 (N2K) network.

The N2K network includes sites designated as Special Areas of Conservation (SACs), under the EU Habitats Directive and Special Protection Areas (SPAs) designated under the EU Birds Directive. SACs are designated in areas that support habitats listed on Annex I and/or species listed on Annex II of the Habitats Directive. SPAs are designated in areas that support: 1% or more of the all-Ireland population of bird species listed on Annex I of the EU Birds Directive; 1% or more of the population of a migratory species; and more than 20,000 waterfowl. Under the Habitat Regulations all designated sites are referred to as European Sites. It is noted that, under the Habitats Regulations, the term European Site includes cSACs as well as SACs.

Articles 6(1) & (2) of the Habitats Directive set out provisions for the conservation management of European Sites. Articles 6(3) and 6(4) of this Directive set out a series of procedural steps that test whether or not a plan or project is likely to affect a European Site. Article 6(3) also establishes the requirement for a HDA:

“any plan or project not directly connected with or necessary to the management of the (Natura 2000) site but likely to have a significant effect thereon, either individually or in combination with other plans and 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 (i.e Article 6(4)), the competent national authorities shall agree to the plan or project only after having ascertained that it will not affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”.

As such any project with the potential to result in likely significant effects, either individually or in combination with other plans or projects, upon the conservation objectives of a Natura 2000 site must undergo an assessment of its implications on relevant Natura 2000 sites. In order to establish whether or not a likely significant effects will arise as a result of the implementation of a project a Screening Assessment should be undertaken.

The proposed project is located adjacent to the River Lee, it is located upstream from the Great Island Channel SAC, it is further connected to the Cork Harbour SPA, these are the two designated sites that shall be considered for this screening.

The site is within 14km of the Ballymacoda SAC, Sovereign Islands SPA, Old Head of Kinsale SPA and Ballycotton Bay SPA. For the purpose of this screening report it is considered that only sites that are hydrologically connected to the rivers and waterways should be considered. The Gearagh SAC is located upstream of the site, so is not considered for this assessment.

It has been deemed necessary to screen this project for its potential to result in likely significant effects to the conservation objectives of these two Natura 2000 sites. The prime concern of this screening is on the water quality in the River Lee and any possible effects on conservation interests associated with it.

According to the EPA a waterbody is Not at Risk when it is achieving its environmental objective of either High or Good Status and that there is no evidence indicating that there is a trend towards status decline.

A waterbody can be considered as Review for the following three reasons:

- The waterbody does not have status assigned to it yet, it is referred to as an unassigned waterbody, and therefore there is not enough evidence to determine if it is At Risk or Not At Risk.
- The waterbody has shown some slight evidence or improvement, but more evidence is needed before it can be considered as Not At Risk.
- Measures are planned or have already been implemented for the waterbody and no further measures should be applied until there is enough time to assess if these measures are working.

A waterbody that is at Risk means that either the waterbody is currently not achieving its Water Framework Directive (WFD) environmental objective of Good or High Ecological Status or that there is an upward trend in nutrients or ammonia and if this trend continues the waterbody Status will decline by the end of Cycle 3 and will fail to meet its environmental objective.

The Lee, Cork Harbour and Youghal Bay Catchment Report (DRAFT) (HA 19), released in August 2021, explains the state of waters in the catchment.

In total there are 136 waterbodies in the Lee, Cork Harbour and Youghal Bay Catchment and 49(36%) are At Risk, 34 (25%) in Review and 53 (39%) are Not At Risk

Of concern to this study are the surface waters;

For the 92 river waterbodies, 32 (35%) are At Risk, 22 (24%) are in Review and 38 (41%) are Not At Risk.

- ◆ All three (100%) lake waterbodies in the catchment are At Risk.
- ◆ For the 13 transitional waterbodies, eight (62%) are At Risk and five (38%) are in Review.
- ◆ For the six coastal waterbodies in the catchment, two (33%) are At Risk, one (17%) is in Review and three (50%) are Not At Risk. Cork Harbour and Youghal Bay are the coastal waterbodies at Risk
- ◆ The largest proportion of At Risk waterbodies are found in rivers, accounting for 32 (65%) of 49 At Risk waterbodies.
- ◆ Overall there is an increase in 13 At Risk waterbodies reflected by reductions of nine Review and four Not At Risk waterbodies between Cycle 2 and Cycle 3.

For rivers, the main significant issues are morphological issues (17), nutrient pollution (16), organic pollution (8), hydrological issues (8) and sediment (3).

The site is located in the Lee[Cork]_SC_060, 050 sub-catchment of the Lee, Cork Harbour and Youghal Bay Catchment, as classified under the WFD.

In the Summary information on all waterbodies in the Lee, Cork Harbour and Youghal Bay Catchment the following assessment is as follows;

Recommended Areas for Action Name; Carrigdrohid

LEE (CORK)_050 River which is the section adjacent to the field, to the east of the site, is classified as being not at risk while its water status has not been assigned. It does not have high ecological status.

LEE (CORK)_060 River, which is the section adjacent to the field to the west, is classified as being not at risk. This areas water status is unassigned and it also does not have high ecological status.

Recommended Areas for Action, Expand PAA (Priority Action Areas) to include inputting waterbodies. It is presumed that this means that drainage functions through land is included in this action.



Photo 2. Showing the field looking south towards the River Lee



Map 1. Showing sectional form of the land.

2. Site description

The fields located between the river Lee and Lee road are undulating pasture, with two gentle indentations running roughly parallel to the river Lee, with a rise towards the river channel, which may be the spoil from earlier river dredging (see photo two below). The fields are part of what was previously a large alluvial plain, it is likely that this was before human settlement a flood plain, where the river channel would meander over time, depositing sediments and elevating the adjoining land over the channel.

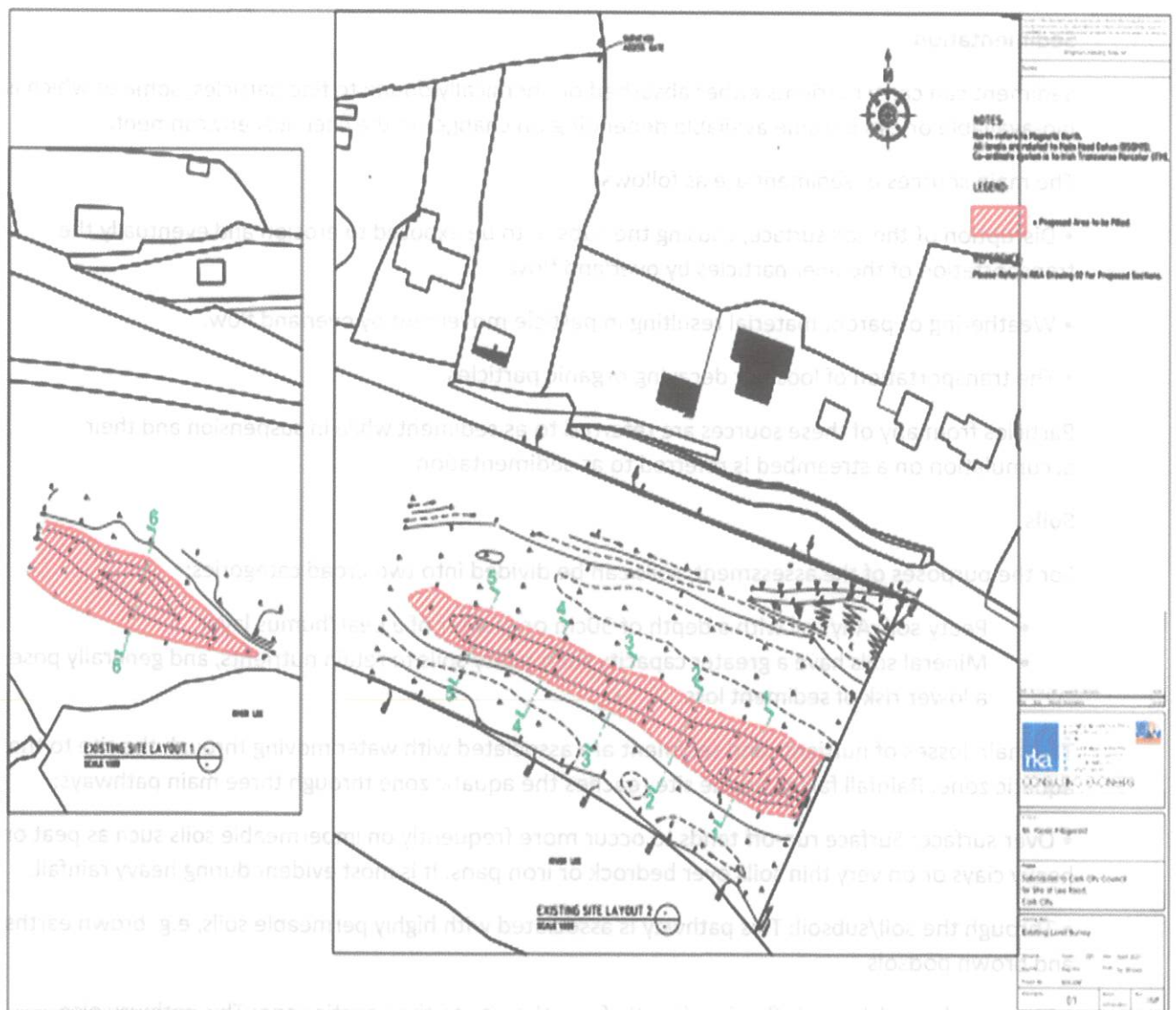


Photo 3. View of field showing indentations.

The **vegetation communities** found within the site are classified according to Fossit (2000). The grassland sward is not intensively farmed or fertilised the species composition fluctuates between Dry meadows/grassy verges and (GS2) and Wet grassland (GS4). The adjoining River Lee can be classified as a depositing lowland river (FW2) which is bordered by riparian woodland (WN5). These habitats are locally abundant and do not represent any ecological interest for conservation objectives. There is also a drainage ditch (FW4) present in the field.

2.1 The Project, following construction activity on land adjacent to the site, the owner of these lands Mr Kevin Fitzgerald, wished to deposit and spread about 755m³ of subsoil and covering topsoil onto the field. Map 1 and 2 above illustrate where this material will be spread. A covering note from the engineer will include description of methods. It will infill the indentations and level the surface of the field. As illustrated in the photos above the land does not slope directly to the river and is retained by higher ground adjoining the channel. The material contains subsoil and topsoil and will be mechanically graded by excavator. The topsoil is to be removed and the imported material will be graded and the topsoil will be reinstated. This will ensure a uniformity of soil type across the fields and merge with adjoining lands. This material does not include any construction or demolition waste (C&D Waste) from the site works north of the Lee Road as this was deposited of through a licenced waste management contractor. It includes soil and subsoil. It will not be within 25 metres of the river Lee on the western side of the fields and will not be within 12 metres of the river at its nearest in the east side of the field. The material will be spread in the areas outlined in the above maps. It will not be near any field drains and there will be no disturbance to vegetation adjoining the river.

As mentioned above, the risk of increasing sedimentation and nutrient loads to the River Lee would represent the greatest potential impact from this proposed development on the designated sites. The site is not in a designated area, if it was, it would be subject to a provision to inform the National Parks and Wildlife as an Activities Requiring Consent (ARC), as reclamation including infill (ARC-1). The fact that it is upstream from two designated sites does mean that consideration has to be given to any possible impact on these sites. The present topsoil will be removed prior to infilling the imported material. The topsoil will then be returned and graded and reseeded. The material to be deposited on the field has been stored across the Lee Road and has no sign of invasive species being present. The material is to be spread about 8 m from the eastern drain in the field, this area will be a buffer area. This eastern drain carries water from the public road and further up slope. The drain is mechanically cleaned annually.



Map 2 showing plan of field



As mentioned above, the risk of increased sedimentation and nutrient loads to the River Lee will be reduced if a greater potential impact from this proposed development on the designated sites (i.e. site is not in a designated area) is less. It would be subject to a provision to inform the Joint Parks and Wildlife as an Activities Reporting Centre (ARC) - a notification (including until ARC 1). The fact that this is a designated site does not mean that consideration has to be given to any possible impact on these sites. The present proposal will be removed prior to installing the impacted material. If a proposal will then be removed and needed, the material to be deposited on the field will need to be stored on site and taken away in a separate vehicle. The present proposal is to be removed about 2 m from the eastern side of the field, this area will be a buffer area to the designated site (i.e. the River Lee) and will be taken away in a separate vehicle.

Sedimentation

Sediment can carry nutrients either absorbed or chemically bound to fine particles; some of which is bio-available or can become available depending on changes in the chemical environment.

The main sources of sediment are as follows:

- Disruption of the soil surface, causing the subsoil to be exposed to erosion and eventually the transportation of the finer particles by overland flow.
- Weathering of parent material resulting in particle movement by overland flow.
- The transportation of loose or decaying organic particles.

Particles from any of these sources are referred to as sediment while in suspension and their accumulation on a streambed is referred to as sedimentation.

Soils

For the purposes of the assessment, soils can be divided into two broad categories:

- Peaty soil: Any soil with a depth of 30cm or greater of a peat/humus layer.
- Mineral soils have a greater capacity than peaty soils to retain nutrients, and generally pose a lower risk of sediment loss.

The main losses of nutrients and sediment are associated with water moving through the site to the aquatic zone. Rainfall falling on the site reaches the aquatic zone through three main pathways:

- Over surface: Surface run-off tends to occur more frequently on impermeable soils such as peat or heavy clays or on very thin soils over bedrock or iron pans. It is most evident during heavy rainfall.
- Through the soil/subsoil: This pathway is associated with highly permeable soils, e.g. brown earths and brown podsols.
- Through drains/channels flowing directly from the site to the aquatic zone: This pathway also includes temporary drains (in which water may not be permanently present) that may only operate during and immediately after rainfall.

The speed of water flow in drains will determine whether the drains can reduce the amount of sediment and/or nutrients being lost to the aquatic zone. If a drain (either permanent or temporary) is devoid of vegetation, water velocity is generally higher.

Where a drain (whether permanent or temporary) is covered with vegetation and the water flows slowly or ponds, sediment may settle out and phosphorus may be taken up in plant growth. However, such drains are unlikely to operate as effective sediment traps or nutrient sinks during heavy rainfall.

Steeper slopes lead to greater soil erosion and more rapid nutrient loss. Surface runoff is faster on a steep slope, resulting in less contact between water and the soil and vegetation, and less time for sediment to settle out or nutrients to be taken up. Slope categories are as follows:

Even to 1-in-7 (<15%) Moderate

1-in-7 to 1-in-3 (15–30%) Steep

1-in-3 or greater (>30%) Very steep

Nutrient transportation

Phosphorus loss is generally considered more significant than nitrogen loss, as this is typically the limiting nutrient in Irish aquatic zones. Phosphorus will behave differently in different soil types. Mineral soils will bind phosphorus, particularly if they are strongly acid or if they have a high clay content (sticky soils).

Peaty soils have very little capacity to bind phosphorus.

Nutrients in both dissolved and particulate forms move with the water leaving the site, either across the surface, through the soil or through drains. The greatest amount of nutrients is lost during or immediately after heavy rainfall. The ability of a site to retain nutrients is influenced by soil type. Research has shown that, because peaty soils have little or no ability to bind phosphorus, this nutrient can be released from un-vegetated sites with a deep peat/humus layer and washed into nearby watercourses. On soils with a shallow peat/humus layer, there is often enough contact with mineral soils to bind the phosphorus, thereby reducing the risk of its release into watercourses. Drained peat is also highly erodible and can give rise to sedimentation. If there is peat adjacent to the aquatic zone, any brash/roots allowed to break down in this area will release phosphorus directly to the water. Where peat is adjacent to the aquatic zone, the buffer zone will be ineffective.

Buffer zones in such situations will only operate through uptake by vegetation. The soils on the site are mineral in nature with no peat soils encountered.

There are two main mechanisms by which the amount of nutrients reaching the aquatic zone can be reduced, providing that the water velocity can be slowed:

- Adsorption: If the water is brought in contact with mineral soil, phosphorus may bind to the clay and mineral particles. This requires sufficient contact between the water and the mineral soil. Consequently, binding is most effective if water percolates into mineral soil. Once water begins to flow over the surface, the binding potential is greatly reduced.
- Uptake: If the water flows slowly through vegetation plants may take up phosphorus and nitrogen for growth. This occurs most effectively where water

runs slowly and percolates into the litter layer or soil of a well-vegetated buffer zone.

Sediment transportation

Best practice aims at minimising sediment mobilisation. Where soil is disturbed or exposed (i.e. little or no vegetation), there is a risk of soil erosion. Where certain soil types (e.g. peaty soils, sandstone derived soils) and steep slopes occur together, there is a greater risk of soil erosion and subsequent sedimentation. It should also be noted that subsoils may be more prone to erosion than the associated top soil. The erodability of a site may be assessed based on relevant factors such as;

- **Parent material:** Parent material comprising non-consolidated material represents a high risk.
- **Soil type:** Soil type is linked to geology. Soils with a high clay content (sticky soils, e.g. gleys) are less likely to erode than those that are friable in nature (e.g. soils derived from Old Red Sandstone).
- **Slope:** Generally the steeper the slope, the greater the likelihood of soil erosion.
- **Climate:** Erosion is linked to climatic severity, which varies with altitude and exposure.

Soil particles move during and immediately after heavy rainfall, with heavier rainfall resulting in the movement of larger soil particles. If rainfall runs off the soil surface or through drains, there is a risk of sedimentation. If the water percolates into the soil, the risk of sedimentation is low. Steep slopes lead to rapid surface run-off and fast flow in drains, and represent the highest risk of sedimentation. Rivers and streams transport sediments downstream as either suspended solids or as part of the bed load.

There are four main mechanisms by which the amount of sediment reaching the aquatic zone can be reduced:

- **Minimisation of soil disturbance:** Reduction of soil disturbance minimises the generation of sediment.
- **Settlement:** where the water ponds or flows slowly, with particles subsequently settling out of suspension.
- **Filtration:** where the water flows slowly through the vegetation and litter layer, e.g. in buffer zones/strips, both act as sieves to filter out particles.
- **Brush mats:** Soil can be protected by the use of brush mats along routes where machinery is obliged to travel.

Soil erosion can continue to occur as long as there is exposed soil on site. In practice, this means that erosion can occur until the soil has been stabilised by vegetation cover.

Tree canopy and ground vegetation cover can influence the ability of the site to retain sediment and nutrients. The canopy intercepts a significant proportion of incoming rainfall, which, consequently, never reaches the ground. Ground vegetation can help retain phosphorus on site by taking it up for growth as it is released from the decaying brush and roots. Ground vegetation can also help to remove sediment, by filtering it out of the water and/or by aiding infiltration into the ground. The ability of a site to retain nutrients and sediment can be referred to as the 'site retention capacity' or 'internal buffering'. Vegetated riparian zones and natural depressions within the site can be particularly effective in retaining nutrients and sediment. The effectiveness of such features depends

on the amount of run-off intercepted before it reaches the aquatic zone. For example, a vegetated zone that runs parallel to the aquatic zone will generally intercept a much greater volume of water than one running at a right angle.

As the above discussion illustrates the presence of material not anchored by vegetation presents a potential risk in terms of sedimentation and nutrient enrichment of the River Lee. It is envisaged that the main material will be deposited within the old channel undulations on site. There will be no drainage directly of this material to the river. There will be buffers exceeding 12-25 metres from the river bank and 35 metres from the field drain, within these buffer zones there will be no disturbance of existing vegetation or deposition of soil material. As the land is undulating and not sloping towards the river it is deemed unlikely that overland flow will transport sediments or nutrients to the River Lee. The mineral nature of the soils on site also aid the retention of nutrients.

3. Screening Methodology

Introduction

The function of the Screening Assessment is to identify whether or not the proposal will have a likely significant effect on European Sites. In this context "likely" refers to the presence of doubt with regard to the absence of significant effects (ECJ case C-127/02) and "significant" means not trivial or inconsequential but an effect that has the potential to undermine the site's conservation objectives (English Nature, 1999; ECJ case C-127/02). In other words, any effect which would compromise the functioning and viability of a site and interfere with achieving the conservation objectives of the site would constitute a significant effect.

The nature of the likely interactions between the proposal and the integrity of the Site will depend upon the sensitivity of the Site's qualifying features to potential impacts arising from the proposal; the current conservation status of the site; and the likely changes to water quality that will result from activities associated with the proposal, in combination with other plans and projects.

The APP Guidelines (2001) outline the stages involved in undertaking a Screening Assessment of a project that has the potential to have likely significant effects on European Sites. The methodology adopted for this Screening Assessment is informed by these guidelines and was undertaken in the following stages:

1. Define the project and determine whether it is necessary for the conservation management of European Sites;
2. Identify European Sites likely to be influenced by the project;
3. Review the project to determine if it has the potential to affect European Sites and determine whether the European Sites are vulnerable to the effects; and
4. Identify other plans or projects that, in combination with the project, have the potential to affect European Sites.

3.1 The Project and Natura 2000 Baseline

The River Lee system flows through County Cork. The Natura sites that may be directly affected are the **Great Island Channel SAC** and **Cork Harbour SPA**

CORK HARBOUR SPA

SITE CODE: 004030

Cork Harbour is a large, sheltered bay system, with several river estuaries - principally those of the Rivers Lee, Douglas, Owenboy and Owennacurra. The SPA site comprises most of the main intertidal areas of Cork Harbour, including all of the North Channel, the Douglas River Estuary, inner Lough Mahon, Monkstown Creek, Lough Beg, the Owenboy River Estuary, Whitegate Bay, Ringabella Creek and the Rostellan and Poul nabibe inlets.

Owing to the sheltered conditions, the intertidal flats are often muddy in character. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*. Green algae species occur on the flats, especially *Ulva* spp. Cordgrass (*Spartina* spp.) has colonised the intertidal flats in places, especially where good shelter exists, such as at Rossleague and Belvelly in the North Channel. Salt marshes are scattered through the site and these provide high tide roosts for the birds.

Some shallow bay water is included in the site. Rostellan Lake is a small brackish lake that is used by swans throughout the winter. The site also includes some marginal wet grassland areas used by feeding and roosting birds.

The site is a Special Protection Area (SPA) under the E.U. Birds Directive, of special conservation interest for the following species: Little Grebe, Great Crested Grebe, Cormorant, Grey Heron, Shelduck, Wigeon, Teal, Mallard, Pintail, Shoveler, Red-breasted Merganser, Oystercatcher, Golden Plover, Grey Plover, Lapwing, Dunlin, Black-tailed Godwit, Bar-tailed Godwit, Curlew, Redshank, Greenshank, Black-headed Gull, Common Gull, Lesser Black-backed Gull and Common Tern.

The site is also of special conservation interest for holding an assemblage of over 20,000 wintering waterbirds. The E.U. Birds Directive pays particular attention to wetlands and, as these form part of this SPA, the site and its associated waterbirds are of special conservation interest for Wetland & Waterbirds.

Cork Harbour is an internationally important wetland site, regularly supporting in excess of 20,000 wintering waterfowl. Of particular note is that the site supports internationally important populations of Black-tailed Godwit (1,896) and Redshank (2,149) - all figures given are five year mean peaks for the period 1995/96 to 1999/2000. Nationally important populations of the following 19 species occur:

Little Grebe (57), Great Crested Grebe (253), Cormorant (521), Grey Heron (80), Shelduck (2,009), Wigeon (1,791), Teal (1,065), Mallard (513), Pintail (57), Shoveler (103), Red-breasted Merganser (121), Oystercatcher (1,809), Golden Plover (3,342), Grey Plover (95), Lapwing (7,569), Dunlin

(9,621), Bar-tailed Godwit (233), Curlew (2,237) and Greenshank (46). The Shelduck population is the largest in the country (over 10% of national total). Other species using the site include Mute Swan (38), Whooper Swan (5), Pochard (72), Gadwall (6), Tufted Duck (64), Goldeneye (21), Coot (53), Ringed Plover (73), Knot (26) and Turnstone (113). Cork Harbour is an important site for gulls in winter and autumn, especially Black-headed Gull (3,640), Common Gull (1,562) and Lesser Black-backed Gull (783), all of which occur in numbers of national importance. Little Egret and Mediterranean Gull, two species which have recently colonised Ireland, also occur at this site.

A range of passage waders occurs regularly in autumn, including such species as Ruff (5-10), Spotted Redshank (1-5) and Green Sandpiper (1-5). Numbers vary between years and usually a few of each of these species over-winter.

Cork Harbour has a nationally important breeding colony of Common Tern (102 pairs in 1995). The birds have nested in Cork Harbour since about 1970, and since 1983 on various artificial structures, notably derelict steel barges and the roof of a Martello Tower. The birds are monitored annually and the chicks are ringed.

Cork Harbour is of major ornithological significance, being of international importance both for the total numbers of wintering birds (i.e. > 20,000) and also for its populations of Black-tailed Godwit and Redshank. In addition, it supports nationally important wintering populations of 22 species, as well as a nationally important breeding colony of Common Tern. Several of the species which occur regularly are listed on Annex I of the E.U. Birds Directive, i.e. Whooper Swan, Little Egret, Golden Plover, Bar-tailed Godwit, Ruff, Mediterranean Gull and Common Tern. The site provides both feeding and roosting sites for the various bird species that use it. Cork Harbour is also a Ramsar Convention site and part of Cork Harbour SPA is a Wildfowl Sanctuary.

Great Island Channel SAC (this SPA overlaps with Cork Harbour SPA),

Site Code: 001058

The Great Island Channel stretches from Little Island to Midleton, with its southern boundary being formed by Great Island. It is an integral part of Cork Harbour which contains several other sites of conservation interest. Geologically, Cork Harbour consists of two large areas of open water in a limestone basin, separated from each other and the open sea by ridges of Old Red Sandstone. Within this system, Great Island Channel forms the eastern stretch of the river basin and, compared to the rest of Cork Harbour, is relatively undisturbed. Within the site is the estuary of the Owennacurra and Dungourney Rivers. These rivers, which flow through Midleton, provide the main source of freshwater to the North Channel.

The site is a Special Area of Conservation (SAC) selected for the following habitats and/or species listed on Annex I / II of the E.U. Habitats Directive (* = priority; numbers in brackets are Natura 2000 codes):

[1140] Tidal Mudflats and Sandflats [1330] Atlantic Salt Meadows

The main habitats of conservation interest in Great Island Channel SAC are the sheltered tidal sand and mudflats and the Atlantic salt meadows. Owing to the sheltered conditions, the intertidal flats are composed mainly of soft muds. These muds support a range of macro-invertebrates, notably *Macoma balthica*, *Scrobicularia plana*, *Hydrobia ulvae*, *Nephtys hombergi*, *Nereis diversicolor* and *Corophium volutator*.

Green algal species occur on the flats, especially *Ulva lactuca* and *Enteromorpha* spp. Cordgrass (*Spartina* spp.) has colonised the intertidal flats in places, especially at Rossleague and Belvelly.

The saltmarshes are scattered through the site and are all of the estuarine type on mud substrate. Species present include Sea Purslane (*Halimione portulacoides*), Sea Aster (*Aster tripolium*), Thrift (*Armeria maritima*), Common Saltmarsh-grass (*Puccinellia maritima*), Sea Plantain (*Plantago maritima*), Greater Sea-spurrey (*Spergularia media*), Lax-flowered Sea-lavender (*Limonium humile*), Sea Arrowgrass (*Triglochin maritimum*), Sea Mayweed (*Matricaria maritima*) and Red Fescue (*Festuca rubra*).

The site is extremely important for wintering waterfowl and is considered to contain three of the top five areas within Cork Harbour, namely North Channel, Harper's Island and Belvelly-Marino Point. Shelduck is the most frequent duck species with 800-1,000 birds centred on the Fota/Marino Point area. There are also large flocks of Teal and Wigeon, especially at the eastern end. Waders occur in the greatest density

A population of about 80 Grey Plover is a notable feature of the area. All the mudflats support feeding birds; the main roost sites are at Weir Island and Brown Island, and to the north of Fota at Killacloyne and Harper's Island. Ahanesk supports a roost also but is subject to disturbance. The numbers of Grey Plover and Shelduck, as given above, are of national importance. The site is an integral part of Cork Harbour which is a wetland of international importance for the birds it supports. Overall, Cork Harbour regularly holds over 20,000 waterfowl and contains internationally important numbers of Black-tailed Godwit (1,181) and Redshank (1,896), along with nationally important numbers of nineteen other species. Furthermore, it contains large Dunlin (12,019) and Lapwing (12,528) flocks. All counts are average peaks, 1994/95 – 1996/97. Much of the site falls within Cork Harbour Special Protection Area, an important bird area designated under the E.U. Birds Directive.

While the main land use within the site is aquaculture (oyster farming), the greatest threats to its conservation significance come from road works, infilling, sewage outflows and possible marina developments.

The site is of major importance for the two habitats listed on Annex I of the E.U. Habitats Directive, as well as for its important numbers of wintering waders and wildfowl. It also supports a good invertebrate fauna.

As mentioned above, over 90% of protected habitats are classified as having "unfavourable conservation status". The catchments based approach requires river restoration and rehabilitation, these things in turn require schemes and plans which are in motion through International, National and County level developments as well as involving local stakeholders. The recent halting of Roscommon Co. in executing a drainage plan as well as increased vocal opposition to hard drainage schemes in Nenagh and Bantry, illustrates the concern people have for the waterways. Blue ways are being created for leisure activities and people have engaged to a much greater degree in rivers and local activities during the Covid lockdowns.

. Increased flow rates with intense increasing rates of precipitation will increase bank erosion, especially in areas with little riparian vegetation. Listed species require areas of gravel, sediment and the cover and feed provided by in stream vegetation. No works to remove material or remodel banks is to be undertaken, vegetation removal will not be undertaken. The screening report has to consider the proposed works in conjunction with other pressures and consider effects on conservation objectives, for this reason works are to be undertaken in dry settled weather and observing buffer zones, while the immediate establishment of surface vegetation through reseeded with meadow species will anchor the soil that is to be spread on the field.

The tree lines and scrub habitats adjacent to the watercourses offer ideal foraging and commuting areas for bat species to utilise. There are three outcomes in dealing with planning and bats as all Irish bats are listed under Annex IV of the Habitats Directive and Appendix II of the Bern Convention and are strictly protected. Each of the following scenarios should be designed to satisfy Section 25 of the Habitats Directive;

- avoidance of the impact- no negative outcome
- on-site mitigation - the improvement /enhancement of existing roosts or the provision of new roost locations within the structures
- off-site compensation of roost structures at another suitable location

Other protected mammal species which could utilise the watercourses are the Otter (*Lutra lutra*), which is strictly protected in Appendix II of the Bern Convention which is listed in Annex II and IV of the Habitats Directive as a species of European interest.

Under the water framework directive (WFD) set out by the EU, Ireland must achieve a 'good status' on all of our watercourses by 2027. Unfortunately, over the past couple of years, Ireland has seen water quality deteriorating.

The two designated sites downstream from the site have specific conservation objectives.;

Favourable conservation status of a habitat is achieved when:

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

The favourable conservation status of a species is achieved when:

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

Conservation objective for Great Island Channel SAC [001058]

1140 Mudflats and sandflats not covered by seawater at low tide

To maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in Great Island Channel SAC, which is defined by the following list of attributes and targets:

Attribute Measure Target Notes

Habitat area Hectares The permanent habitat area is stable or increasing, subject to natural processes.

Habitat area was estimated using as 723ha using OSi data

Community distribution

Hectares Conserve the following community type in a natural condition: Mixed sediment to sandy mud with polychaetes and oligochaetes community complex.

Based on intertidal and subtidal surveys undertaken in 2006 (Aquafact, 2007) and 2011 (EcoServe, 2012; MERC, 2012).

Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

To restore the favourable conservation condition of Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) in Great Island Channel SAC, which is defined by the following

list of attributes and targets:

Habitat area Hectares Area stable or increasing, subject to natural processes, including erosion and succession.

For sub-sites mapped:

Bawnard - 0.29ha;

Carrigatohil - 1.01ha.

Based on data from Saltmarsh Monitoring Project (SMP) (McCorry and Ryle, 2009). Two sub-sites that supported Atlantic salt meadow were mapped

(1.30ha) and additional areas of potential saltmarsh (17.60ha) were identified from an examination of aerial photographs, giving a total estimated area of 18.90ha. Saltmarsh habitat has also been recorded at two other sub-sites within the SAC (Curtis and Sheehy Skeffington, 1998). NB further unsurveyed areas maybe present within the SAC. See coastal habitats supporting document for further details

Habitat distribution Occurrence No decline or change in habitat distribution, subject to natural processes. Based on data from McCorry and Ryle (2009).

Within the sites surveyed by the SMP, estuary type saltmarsh over a mud substrate is most common and ASM is the dominant saltmarsh habitat. NB further unsurveyed areas maybe present within the SAC. See coastal habitats supporting document for further details.

Physical structure: sediment supply

Presence/ absence of physical barriers

Maintain/restore natural circulation of sediments and organic matter, without any physical obstructions

Based on data from McCorry and Ryle (2009). At Bawnard there is a seawall that was constructed in the 18th-19th centuries. At Carrigatohil the northern and eastern shorelines have been significantly

modified by road construction. Part of the saltmarsh has also been infilled.

Physical structure: creeks and pans

Occurrence Maintain/restore creek and pan structure, subject to natural processes, including erosion and succession

Based on data from McCorry and Ryle (2009). The ASM at Carrigatohil is poorly developed, though some of the larger sections contain salt pans. The smaller sections, however, tend to be quite uniform in topography. The saltmarsh topography at Bawnard is poorly developed with few typical saltmarsh features.

Physical structure: flooding regime

Hectares flooded; frequency

Maintain natural tidal regime

Based on data from McCorry and Ryle (2009). At Bawnard, the entire bay empties at low tide to expose soft intertidal mudflats.

Vegetation structure: zonation

Occurrence Maintain range of coastal habitats including transitional zones, subject to natural processes including erosion and succession

Based on data from McCorry and Ryle (2009).

Zonations to *Salicornia* flats and intertidal mudflats occurs at Carrigatohil. At Bawnard, there is succession from saltmarsh to brackish saltmarsh and wet grassland as well as zonation to intertidal mudflats at the lower saltmarsh boundary.

Vegetation structure: vegetation height

Centimetres Maintain structural variation within sward

Based on data from McCorry and Ryle (2009). At Carrigatohil, the sward height is quite tall due to lack of grazing. At Bawnard only part of the site is grazed.

Vegetation structure: vegetation cover

Percentage cover at a representative number of monitoring stops Maintain more than 90% area outside creeks vegetated.

Based on data from McCorry and Ryle (2009). Some poaching was noted in places at Bawnard.

Vegetation composition: typical species and sub-communities

Percentage cover at a representative number of monitoring stops Maintain range of sub-communities with typical species listed in SMP

(McCorry and Ryle, 2009)

Vegetation structure: negative indicator species – *Spartina anglica*

Hectares No significant expansion of common cordgrass (*Spartina anglica*), with an annual spread of less than 1% where it is known to occur

Based on data from McCorry and Ryle (2009).

Spartina occurs at both sub-sites in this SAC.

4. Screening of European Sites

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.

The elements of the project that will have the potential to give rise to impacts to European Sites include both direct and indirect impacts.

The direct impacts that have the potential to arise during the project include the disturbance or injury of qualifying species and habitats of the SAC.

The indirect impacts that have the potential to arise during the project include changes to water quality associated with surface water runoff.

How the project will have the potential to result in direct and indirect impacts and the likelihood of such impacts occurring to the key features of the European Sites are outlined in **Section 4.1 to 4.3**, while Section 4.4 provides an assessment of the risks posed by such impacts to the conservation status of these key features. The potential for significant impacts arising from the proposal was determined by a number of criteria including:

- Habitat loss or alteration
- Disturbance/displacement of key species
- Potential impairment of water quality.
- Increased sediment or erosion of banks

Likely Significant Effect to Qualifying Species

Disturbance to feeding or breeding grounds for qualifying species and impacts to habitats used by birds are likely to generate the most significant effects to the qualifying species of the SAC and SPA.

As the project site is located outside of the SAC/SPA boundary but connected hydrologically, direct impacts to the qualifying species and their associated habitats may arise as a result of the proposed works.

Disturbance to these species arising from noise and dust related impacts associated with the proposed project is unlikely, although the works will be carried out at the correct time of year.

Nevertheless, the potential for such impacts to occur are examined in more detail in **Table 1**.

Furthermore, potential indirect impacts to associated habitats reflect those outlined in **Section 3.1**

and as such it is not considered likely that such impacts will adversely affect the habitats of the SAC/SPA which support the qualifying species.

All the qualifying species of this SAC are dependent on the aquatic environment and all are likely to occur downstream from the proposed project areas. All of these species are sensitive to changes in hydrology, water pollution and disturbance.

It is considered unlikely that changes in hydrology and/or water pollution will arise as a result of the proposed project and therefore do not represent potential risks to the qualifying species of the SAC.

As all construction activity associated with the works, will be undertaken during the daytime, no disturbance associated with lighting will arise.

Likely Significant Effects to Qualifying Habitats

The qualifying habitats associated with the SPA/SAC are estuarine or coastal habitats and do not occur within close proximity to the proposed project area. The site is located in a depositing lowland river with no tidal activity. These habitats are sensitive to hydrological change, water pollution and changes in nutrient status. These habitats are found downstream, the distance from this habitat and the site are considerable and no works are proposed within or adjacent to this habitat; therefore, it is not considered that the works or excavations will interfere with hydrological regimes associated with them.

Impacts

The risk of contamination by accidental spillage is deemed unlikely provided that the mitigation measures are implemented and that all design, construction and operational standards are followed. All equipment will be refuelled, maintained and stored off-site.

Screening Assessment in line with EU Guidance Assessment Criteria

Table 1 provides a Screening Assessment in line with EU Guidance Assessment Criteria used to examine the potential of the proposed development to adversely impact upon the **Great Island Channel SAC** and **Cork Harbour SPA**. A conclusion of this NIS is provided in *Table 1*.

Table 1 summaries the proposed sites, the element of the proposed project and the likelihood of any of these elements adversely affecting the integrity and conservation status of qualifying interests for **Great Island Channel SAC** and **Cork Harbour SPA**. The assessment criteria outlined in *Table 1* follow those detailed in the EC guidance.

Photo 4, showing riparian vegetation and pasture



Table 1: Assessment of Likely Significant Effects to the Great Island Channel SAC and Cork Harbour SPA

<p>Assessment Criteria</p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 sites</p>
<p>Size and Scale</p> <p>The development is to deposit soil in undulations existing in a field adjacent to the River Lee; the topsoil will be removed and the fill will be graded, the topsoil will then be re-instated over the deposited soils and reseeded with meadow species. No riparian vegetation is to be removed and buffer zones are to be observed. It is envisaged that a species rich pasture/meadow will result. There is to be no chemical fertilizer or pesticides used.</p>

<p>Land-take</p> <p>There will be no reduction in habitat areas as channels and banks are to be left undisturbed. With site specific works on the land in indentations. Trees are not be uprooted or removed or trimmed.</p>
<p>Distance from Natura 2000 sites or key features of the site The sites are located within 15 km from Great Island Channel SAC and Cork Harbour SPA . The site are all connected via the River Lee</p>
<p>Resource requirements</p> <p>soil.</p>
<p>Emissions</p> <p>Surface run-off and increasing sediment and nutrient loads could potentially constitute the principal emission from the proposed sites during works. The techniques mentioned below, will if implemented properly reduce the likelihood of watercourse deterioration. Potentially contaminating material required during construction are principally associated with machinery fuels and accidental spills. These will be stored and maintained off site.</p> <p>Changes in the nutrient status of a waterbody and the habitats listed in this section would be likely to arise as a result of increased inputs of nitrogen and phosphorous. The principal sources of excessive nitrogen and phosphorous inputs to watercourses are from point source wastewater discharges and diffuse source surface water runoff (Jarvie <i>et al</i> 2006; Walsh <i>et al</i> 2005). The material is to be taken from its present location north of the Lee Road to the fields adjacent to the River Lee, it is utilising about 150 m of public road. This will reduce traffic and emissions arising from dealing with the material in any other manner.</p> <p>Emissions in terms of dust and air quality will be minimised. Plant should be kept to a minimum and vehicles should not be left idling when not in use. All machinery should be kept in good operational use in order to ensure noise is minimised.</p> <p>All equipment should be serviced and checked for leakage or faults prior to use. Any construction machinery should be maintained in good operational order while on-site, minimising the risk of any pollution incidences arising from leaking vehicles or machinery. All equipment will be operated by a licenced contractor, utilising best practice, all chemicals/fuel will be stored off-site. Refuelling of machinery during the works phase should occur off-site in order to minimise the potential threat to water quality.</p>
<p>Excavation requirements</p> <p>Excavated material being stored prior to backfilling, has the potential to impact negatively on surrounding areas of intact habitat if stored inappropriately. The potential for surface water pollution as a result of run-off from stockpiled soil and building materials is moderate. Works</p>

should proceed in dry periods in order to avoid the risk of surface run-off from entering watercourses.

Transportation requirements

Materials will be transported onto the site, from just across the Lee Road all of the excavated material will be utilized on site. The depositing of soil from an adjacent site will reduce transportation congestion and carbon emissions. Transportation of material will be undertaken by a licensed contractor utilizing best practice.

Duration of construction, operation etc.

All construction activity will be framed with reference to the prevailing weather conditions. Due to the sensitive nature of the site, transporting and grading soil material should be undertaken during dry conditions to reduce risk to qualifying species and to reduce possibility of sedimentation. It is envisaged that works should be completed in less than a month.

Other

The River Lee is a highly modified stretch of watercourse, there are hydro-electric dams upstream and with increased rainfall and river flows there can be increased river energy and with potential to increase bank erosion rates. The increase of riparian vegetation would be considered important to bind banks.

Describe any likely changes to the N2K site arising as a result of:

Reduction of habitat area

There is to be no reduction in protected habitat area.

Disturbance of key species

The disturbance to the soil profile would be the most significant impact. If the guidelines are followed, this potential impact would be reduced. It is not considered that any key species associated with any of the Natura 2000 site, within the sphere of influence, will be significantly disturbed. With no disturbance to channels and banks this likelihood will be reduced. Visual inspections for wildlife activity should be undertaken prior to mechanical activity commencing.

Further enhancement of riparian vegetation could be undertaken with a planting regime and limiting grazing animal impact, this would enhance a more robust riparian zone, allowing natural regeneration of plant species. Marginal and Riparian vegetation also act as a filter to sediments contained in surface run off, reduces bank erosion and limits flood risk.

Habitat or species fragmentation

The site is currently located in open pasture land, with established tree lines. Due to legislation and the advent of new agricultural schemes and implementation of EU Directives it is envisaged that riparian zones along watercourses will be enhanced and restored. Planting shrubs and trees would link existing tree-lines and foraging areas leading to mature riparian woodland. It is not envisaged to remove trees or shrubs along the area beside the waterbodies. Woodland can enhance conditions for some listed species, as well as providing food and shelter. This 'edge

habitat' is important for biodiversity as it interfaces with the watercourse, woodland and pasture giving wildlife a matrix of habitat. To ensure linkages between these areas by planting would enhance habitat connectivity. This development would increase high value habitat and reduce species fragmentation. To remove impediments for migrating fish and to ensure clean water and gravel beds for listed species.

Reduction in species density

It is unlikely for any listed species to be reduced in number.

Changes in key indicators of conservation status

The European Commission (2006) Explanatory Notes and Guidelines for the Assessment, Monitoring and Reporting under Article 17 of the Habitats Directive outlines key indicators for assessing the conservation status of designated sites. The key indicators for assessing the conservation status of key species are:

Range: as outlined above the elements of the proposed project are unlikely to result in direct or indirect impacts to the SAC or SPA. Therefore, it is unlikely that the distribution of key species, for which the SAC and SPA are designated, will be altered by the proposed project.

Population: As the elements of the proposed project are unlikely to result in direct or indirect impacts to the SAC or SPA the populations of key species will not be affected during the implementation of the proposed project;

Habitat for the species: The destruction of important wildlife corridors and linkages between habitats for qualifying species would impact on conservation objectives. The qualifying bird, mammal and aquatic species are not specifically directly impacted by the proposed works. Additional enhancement planting could be undertaken in the future, (pilot projects are being presently undertaken) as part of other schemes and with other agencies, this will improve overall ecological linkages. As direct or indirect impacts to the habitats that support key species i.e. alluvial woodland are not predicted to occur, these habitats which support key species will not be affected by the proposed project.

Future Prospects: As the proposed project will not result in direct or indirect affects to the SAC or SPA the future prospect of the qualifying interests of this site will not be affected.

Climate change

Present land-use of adjoining properties is ongoing so the impacts arising from suburban and agricultural practices will be incremental rather than new. Climate change is accelerating, extreme weather events are expected to be more intense and occur more frequently. The Paris accord limits carbon amounts for its signatory participants. These targets have been recently being given further national incentive by the publication of the Climate Action Bill, which commits Ireland to a climate neutral economy by 2050. There are significant long term effects on land-use which will have to include catchment wide management, rather than the narrow channel focused view of land drainage.

<p>Describe any likely impacts on the Natura 2000 Site as a whole in terms of:</p>
<p>Interference with key relationships that define the structure of the site There will be no interference with key relationships affecting the SPA s structure.</p>
<p>Interference with key relationships that define the function of the site There will be no interference with relationships that define Natura 2000 sites functions.</p>
<p>Describe from the above the elements of the project or plan or combination of elements, where the above impacts are likely to be significant or where the scale of magnitude of impacts is not known.</p>
<p>Based upon the above assessment criteria it has been concluded that the proposed works will not result in likely significant effects to the Natura 2000 Sites occurring within the sphere of influence of this project. It is considered that the proposed work when undertaken as outlined above does not require a stage two appropriate assessment, as it will not have negative ecological impacts on the Great Island Channel SAC and Cork Harbour SPA .</p>

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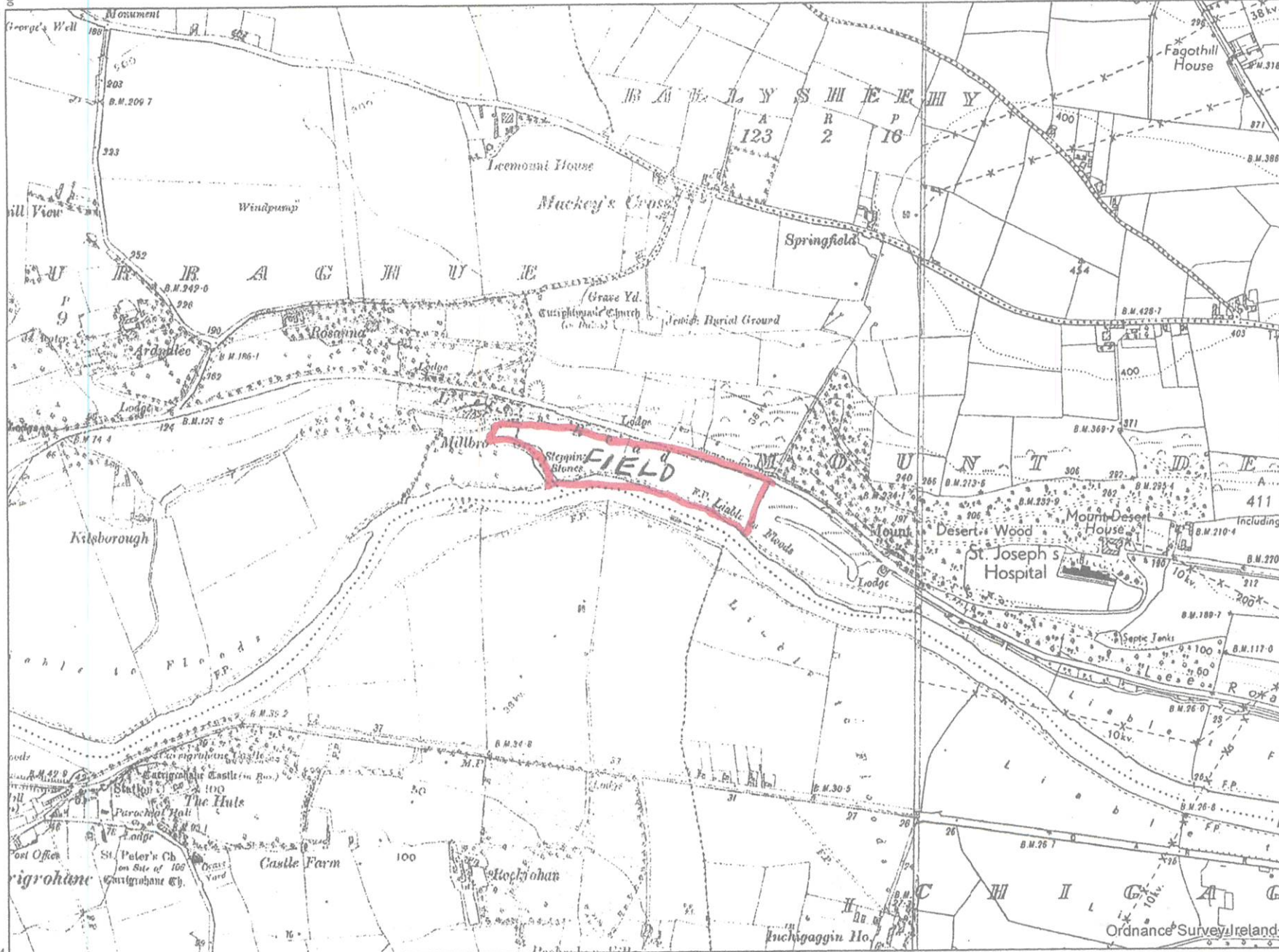
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- Fossitt J. A. (2000). A Guide to Habitats in Ireland. Heritage Council.
- Heritage Council (2002). Draft Habitat Survey Guidelines. Hertiage Council.
- The 3rd Cycle Draft Lee, Cork Harbour and Youghal Bay Catchment Report (HA 16)(Environmental Protection Agency August 2021)

The Screening Assessment was undertaken with reference to the following guidance documents on Appropriate Assessments:

- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (2009). DEHLG.
- Managing Natura 2000 Sites – The provisions of Article 6 of the Habitats directive 92/43/EEC. European commission (2000). (To be referred to as MN 2000).
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites – Methodological Guidance of the Provisions of Article 6(3) and (4) of the Habitats directive 92/43/EEC. European Commission (2001). (To be referred to as the APP Guidelines).
- Guidance on Article 6(4) of the Habitats Directive 92/43/EEC – Clarification of the Concepts of: Alternative Solutions, Imperative reasons of Overriding Public Interest, Compensatory Measures, Overall coherence, Opinion of the Commission. European Commission (2007).

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Site Location Map



CENTRE COORDINATES:
ITM 562431,572283

PUBLISHED: 12/05/2021

ORDER NO.: 20192340_1

MAP SERIES: 6 Inch Raster

MAP SHEETS: CK073, CK074

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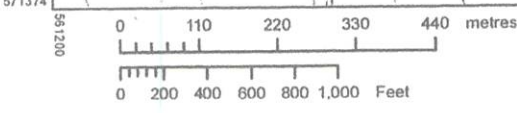
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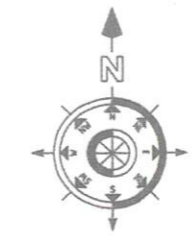
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Original Drawing Size A1

Notes

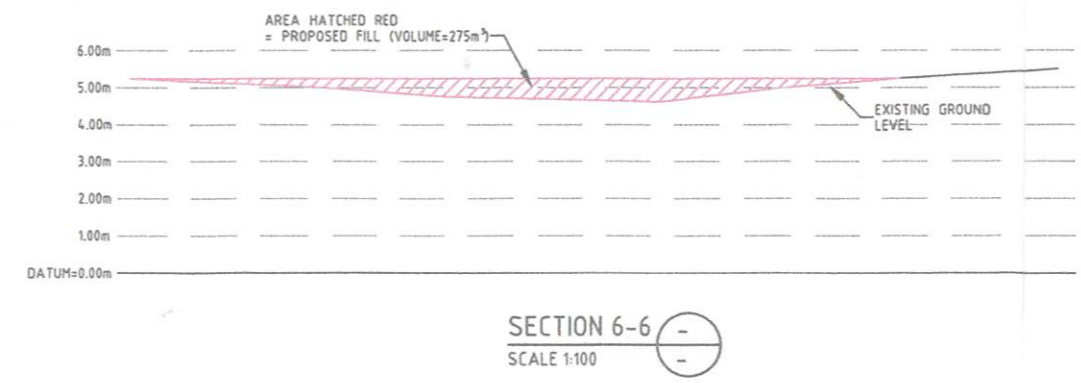
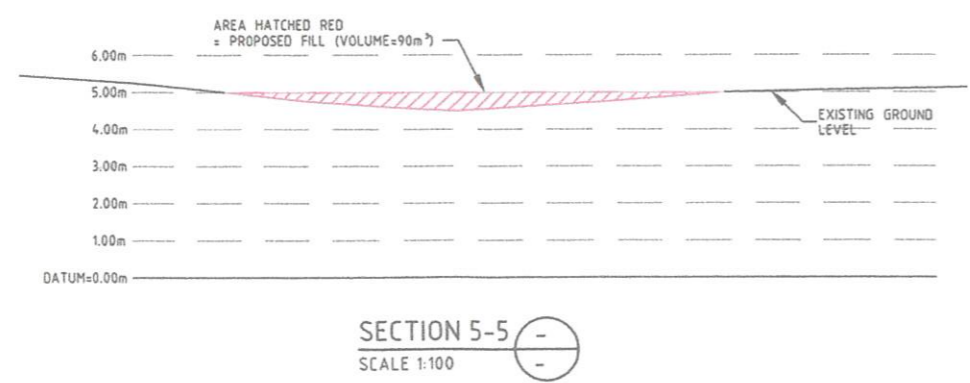
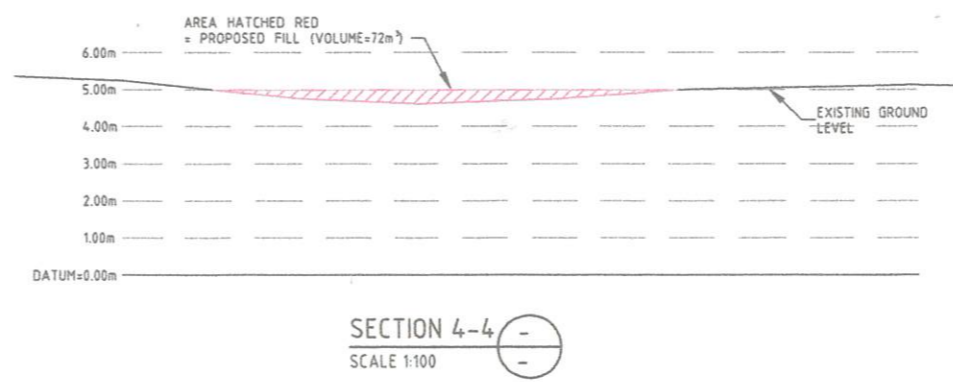
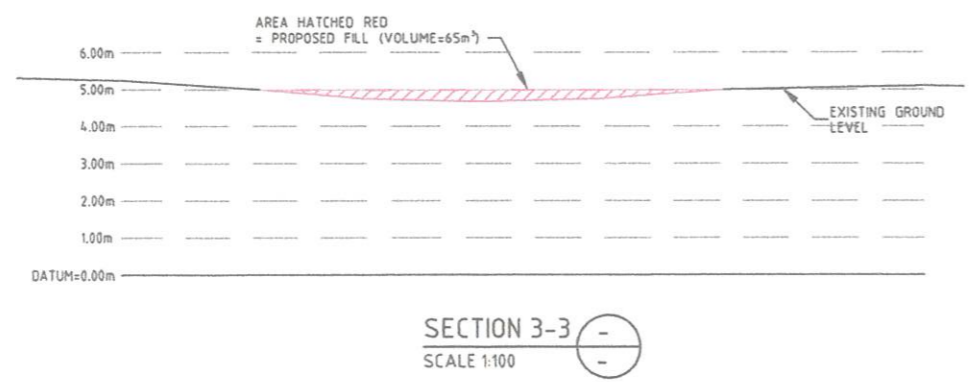
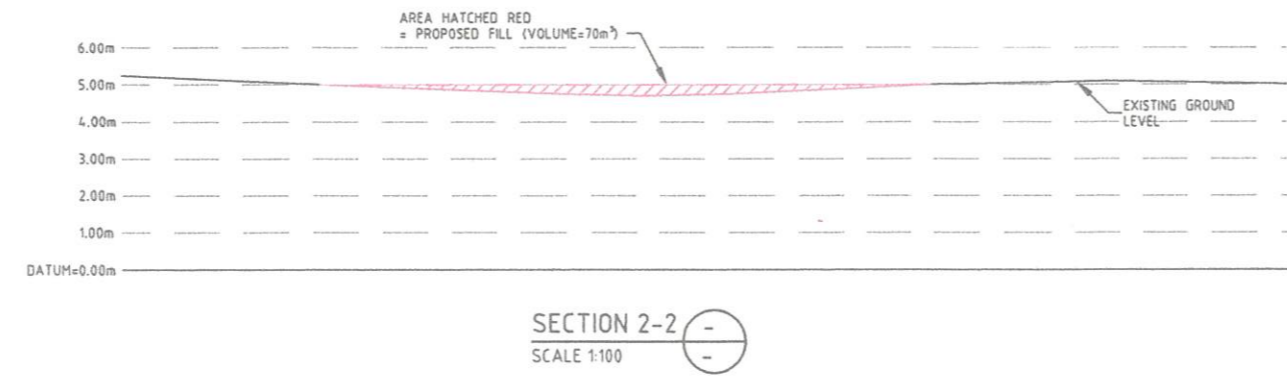
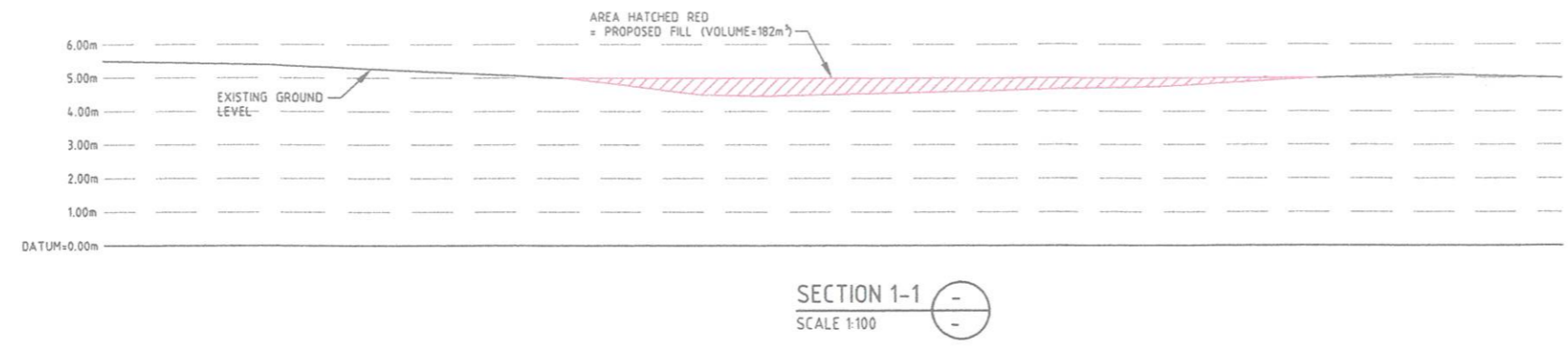


NOTES:
 North refers to Magnetic North.
 All levels are related to Malin Head Datum (OSGM15).
 Co-ordinate system is to Irish Transverse Mercator (ITM).

LEGEND:
 = Proposed Area To Be Filled.

REFERENCE:
 Please Refer to RKA Drawing 01 for Section Locations.

TOTAL PROPOSED FILL = 755m³



Rev	Date	Drawn	Description	Chk'd
INF 19.11.21	GR		Issued for Information	GOM

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Project:
 Submission to Cork City Council
 for Site at Lee Road,
 Cork City.

Drawing Title:
 Proposed Site Sections

Designed: -	Drawn: GR	Date: April 2021
Eng Chk: -	Dwg. Chk: GR	Scale: As Shown
Project. No: 600-686		A3 1-200
Drawing No: 02	Status: Information	Rev: INF

