

Proposed Amendment to the West Cork Municipal  
Local Area Plan 2017

Amendment No.1 Extension of Development Boundary  
to include parcel of land as 'Existing Built-Up Area' in  
Skibbereen

**Habitats Directive Assessment Report**

21<sup>st</sup> March 2019



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## 1 Introduction

In accordance with requirements of Articles 6(3) of the Habitats Directive as transposed into Part XAB of the Planning and Development (Amendment) Act 2010 (and subsequent amendments), the impacts of all statutory land use plans and proposed amendments to these on certain sites that are designated for the protection of nature (known as Natura 2000 sites or European sites<sup>1</sup>), must be assessed as an integral part of the process of drafting of the plan or amendment. This is to determine whether or not the implementation of plan or amendment could have negative consequences for the habitats or plant and animal species for which these sites are designated. This assessment process is called a Habitats Directive Assessment (HDA) and must be carried out at all stages of the plan making process.

### **Habitats Directive Article 6(3)**

*Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*

Habitats Directive Assessment is an iterative process which is intended to run parallel to and inform the plan making process. It involves analysis and review of draft policies as they emerge during each stage of plan making, to ensure that their implementation will not impact on sites designated for nature conservation, nor on the habitats or species for which they are designated. Within this process, regard is had to the potential for policies to contribute to impacts which on their own may be acceptable, but which could be significant when considered in combination with the impacts arising from the implementation of other plans or policies.

The process may result in the development of new policy areas and/or the modification or removal of certain policies to be presented in the final plan. The results of this analysis and review are presented in reports which are produced for each stage of the plan making process. At the end of the process, a Final Natura Impact Report and Habitats Directive Conclusion Statement will be produced which will contain a statement relating as to the likely consequences of the plan on the Natura 2000 network and a summary of how ecological considerations in relation to Natura 2000 sites have been integrated into the plan. There are two main stages to the assessment process which are as follows:

#### *Stage One: Screening*

The process which identifies what might be likely impacts arising from a plan on a Natura 2000 site, either alone or in combination with other projects or plans, and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura

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<sup>1</sup> Natura 2000 sites include Special Areas of Conservation designated under the Habitats Directive and Special Protection Areas designated under the Birds Directive. Special Areas of Conservation are sites that are protected because they support particular habitats and/or plant and animal species that have been identified to be threatened at EU community level. Special Protection Areas are sites that are protected for the conservation of species of birds that are in danger of extinction, or are rare or vulnerable. Special Protection Areas may also be sites that are particularly important for migratory birds. Such sites include internationally important wetlands.

2000 sites are identified during the screening stage. The screening assessment is normally set out in a Habitats Directive Screening Report.

*Stage Two: Appropriate Assessment*

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an **Appropriate Assessment** and involves the compilation of a **Natura Impact Report** by the Planning Authority which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used to identify and classify any implications of the plan for these sites in view of their conservation objectives. The appropriate assessment must include a determination as to whether or not the plan or its proposed amendments would adversely affect the integrity of any European site or sites. The plan may be adopted if adverse effects on the integrity of European sites can be ruled out during the appropriate assessment process. The plan may not be adopted on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites following appropriate assessment.

Article 6(4) of the Directive sets out procedures to allow the adoption and implementation of plans despite a finding of adverse effects on one or more European sites. In order for such a plan or project to proceed, it must be demonstrated that

- that there are no alternatives;
- there are imperative reasons of overriding public interest for which the plan must proceed; and
- that measures have been put in place that compensate for losses/impacts which will be incurred.

***Habitats Directive Article 6(4)***

*If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.*

Two further assessment stages are required, if it is determined that a plan must proceed for imperative reasons of overriding public interest, despite a finding that it will have adverse effects on the integrity of one or more European sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan which avoid adverse effects on the integrity of one or more European sites. These are set out below.

*Stage Three: Assessment of alternative solutions*

In circumstances where the potential for a plan to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorization where it is demonstrated that there are no alternative solutions. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

*Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain*

In circumstances where it has been demonstrated that a plan must proceed for imperative reasons of overriding public interest, and where it has been shown that there are no alternatives, compensatory measures must be put in place in advance of the implementation of the plan/project which ensure the coherence of the Natura 2000 network. Compensatory measures must

compensate for the expected impact on the site. The fourth stage of the habitats directive assessment process involves the assessment of the proposed compensatory measures.

This document represents the first phase of the Habitats Directive Assessment process, being the assessment of impacts of the proposed amendment to the West Cork Municipal District Local Area Plan on European sites.

Section 20 of the Planning & Development Act 2000 (as amended) obliges the County Council to make the proposed amendment to the West Cork Municipal District Local Area Plan available for inspection by the public for a period of at least 6 weeks so that written submissions or observations regarding the proposed amendments can be made to the Council. **This period will commence on Thursday 21<sup>st</sup> March 2019.** In order to be taken into consideration by the County Council, written submissions or observations must be received within that period.

**Submissions to the Proposed Amendment to the West Cork Municipal District Local Area Plans 2017 and the Habitats Directive Assessment may be made in either of the following two ways:**

Make a formal written submission to:

**The Senior Planner  
Planning Policy Unit  
Cork County Council  
Floor 13  
County Hall  
Cork**

**Or**

**On-line via [www.corkcoco.ie](http://www.corkcoco.ie) following the instructions provided**

All such submissions lodged within the above period will be taken into consideration prior to the making of the new County Development Plan. Cork County Council cannot accept email submissions. It is important to note that submissions and observations made on foot of this amendment should be concerned with the changes included in the amendment only. Submissions or observations should quote the relevant paragraph / proposed change number referred to in the amendment document(s).

**Please note that in accordance with Section 19 of the Planning and Development (Amendment) Act, 2018 all written submissions received by the Council shall, be published on the Cork County Council website within 10 working days of its receipt by the Council. The planning process is an open and public process and therefore your submission (in part or in total) will be available to view online and at the Planning Offices of Cork County Council.**

**Cork County Council is subject to the requirements of the Freedom of Information Act, 2014 and to the General Data Protection Regulations (GDPR) and Data Protection Act 2018.**

**Please be aware that in order to process these submissions that contain certain GDPR Special Categories of data/Sensitive Personal Data as defined by Article 9 of the GDPR explicit consent to the processing of the special categories of data must be provided by the person to whom the data refers.**

**Personal information collected by the Council is done so for us to process your submission/observation. Legally we can process this information in the exercise of official authority vested in the Council. The protection of your personal data is a key priority for the Council and your data will be processed in line with our Privacy policy which is available at <https://www.corkcoco.ie/privacy-statement-cork-county-council> or hardcopy from our offices at County Hall, Carrigrohane Road, Cork.**

**Should you have any questions about our privacy policy or the information we hold about you please contact us by email to [dpo@corkcoco.ie](mailto:dpo@corkcoco.ie) or write to us at Data Protection Officer, Cork County Council, County Hall, Carrigrohane Road, Cork.**

**Please note that the closing date for submissions is 4.00 p.m. on Friday 3<sup>rd</sup> May 2019.**



## 2 Proposed Amendment to the West Cork Municipal District Local Area Plan, 2017

This amendment proposes an extension to the development boundary to include a parcel of land as 'Existing Built-up Area', in Skibbereen.

This amendment proposes to extend the development boundary of Skibbereen to include a parcel of land (1.389 ha) and zone as 'Existing Built-up Area'. The Proposed Amendment has arisen as a result of an omission to include the land within the development boundary of Skibbereen as recommended in the Chief Executive's Report on the Preliminary Public Consultation Draft of the Proposed West Cork Municipal District Local Area Plan 2017.

## 3 Identification of Natura 2000 Sites Required to be Screened

This section identifies all Natura 2000 sites within Skibbereen, as well as all other sites occurring within 15km of Skibbereen. These are the sites which are subject to Habitats Directive Assessment for the proposed amendment.

**Table 3.1 Natura 2000 Sites within Skibbereen as well as all other sites occurring within 15km of Skibbereen**

Site Code	Site Name	Qualifying Interests	Conservation Objectives	Features of biodiversity	Key requirements to protect site integrity
000097	Lough Hyne Reserve and Environs SAC	<ul style="list-style-type: none"> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Submerged or partially submerged sea caves [8330]</li> </ul>	<p>To maintain the favourable conservation condition of the following habitats for which the Lough Hyne Nature Reserve and Environs SAC is designated:</p> <ul style="list-style-type: none"> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Submerged or partially submerged sea caves [8330]</li> </ul> <p>which are defined by attributes and targets set out in <a href="#">Conservation Objectives for</a></p>	<p>This coastal marine site supports a range of rare marine plant and animal species. The terrestrial portion of the site is also diverse with woodland, marsh and heath habitats and associated plant and animal species.</p> <p><a href="#">Lough Hyne Nature Reserve &amp; Environs SAC Site Data</a></p>	<p>Maintain / restore a high standard of water quality in discharging rivers and streams and transitional coastal zones in bay area;</p> <p>Prevent direct loss marine habitats within the SAC;</p> <p>Prevent drainage of wetland habitats;</p> <p>Prevent contamination or deterioration of marine habitats.</p>

**Table 3.1 Natura 2000 Sites within Skibbereen as well as all other sites occurring within 15km of Skibbereen**

Site Code	Site Name	Qualifying Interests	Conservation Objectives	Features of biodiversity	Key requirements to protect site integrity
			<a href="#">Lough Hyne Nature Reserve and Environs SAC (Aug 2014)</a> available at <a href="http://www.NPWS.ie">www.NPWS.ie</a>		
000101	Roaringwater Bay and Islands SAC	<ul style="list-style-type: none"> <li>• Large shallow inlets and bays [1160]</li> <li>• Reefs [1170]</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]</li> <li>• <i>Phocoena phocoena</i> (Harbour Porpoise) [1351]</li> <li>• <i>Lutra lutra</i> (Otter) [1355]</li> <li>• <i>Halichoerus grypus</i> (Grey Seal) [1364]</li> <li>• European dry heaths [4030]</li> <li>• Submerged or partially submerged sea caves [8330]</li> </ul>	<p>To maintain the favourable conservation condition of the following habitats and species for which the Roaringwater Bay and Islands SAC is designated:</p> <ul style="list-style-type: none"> <li>• Large shallow inlets and bays [1160];</li> <li>• Reefs [1170];</li> <li>• Vegetated sea cliffs of the Atlantic and Baltic coasts [1230];</li> <li>• European dry heaths [4030];</li> <li>• Submerged or partially submerged sea caves [8330];</li> <li>• <i>Phocoena phocoena</i> (Harbour Porpoise) [1351];</li> <li>• <i>Halichoerus grypus</i> (Grey Seal) [1364];</li> </ul> <p>and to restore the favourable conservation condition of</p> <ul style="list-style-type: none"> <li>• <i>Lutra lutra</i></li> </ul>	<p>This coastal marine site supports a diversity of marine and terrestrial habitats. It is notable for the presence of a number of rare plant species and also supports important sea bird colonies.</p> <p><a href="#">Roaringwater Bay &amp; Islands SAC Site Data</a></p>	<p>Maintain a high standard of water of water quality in discharging rivers and transitional coastal zones in harbour area;</p> <p>Prevent direct loss of terrestrial and estuarine habitats within the SAC;</p> <p>Prevent drainage of wetland habitats;</p> <p>Prevent contamination or deterioration of marine habitats;</p> <p>Protect marine mammals from disturbance in particular at haul outs and breeding sites;</p> <p>Regulate visitor access / human use with potential to cause path erosion on upland habitats within SAC.</p>

**Table 3.1 Natura 2000 Sites within Skibbereen as well as all other sites occurring within 15km of Skibbereen**

Site Code	Site Name	Qualifying Interests	Conservation Objectives	Features of biodiversity	Key requirements to protect site integrity
			(Otter) [1355] which are defined by attributes and targets set out in <a href="#">Conservation Objectives for Roaringwater Bay and Islands SAC (July 2011)</a> available at <a href="http://www.NPWS.ie">www.NPWS.ie</a>		
001070	Myross Wood SAC	<ul style="list-style-type: none"> <li><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> </ul>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which this SAC has been selected:</p> <ul style="list-style-type: none"> <li><i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> </ul> <p>as set out in <a href="#">Conservation Objectives for Myross Wood (August 2016)</a> available at <a href="http://www.NPWS.ie">www.NPWS.ie</a></p>	<p>This is a small site near Leap, comprising mixed woodland habitat. It has a diverse ground flora, and is of particular importance for its presence of the Annex II species Killarney Fern.</p> <p><a href="#">Myross Wood SAC Site Data</a></p>	<p>Prevent direct loss of woodland habitat within the SAC;</p> <p>Prevent drainage of wetland habitats;</p> <p>Regulate visitor access / human use within SAC.</p>
4156	Sheeps Head to Toe Head SPA	Peregrine Falcon; Chough	To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation interests for this SPA.	This site encompasses high coast and sea cliffs on the SW coast including Sheeps Head, Mizen Head, Brow Head and Crookhaven, Baltimore, Tragumna, Gokane Point and Toe Head. It	<p>Prevent disturbance to breeding birds;</p> <p>Protect breeding habitat for Chough and Peregrine Falcon.</p> <p>Protect feeding and flocking sites / habitats used by</p>

**Table 3.1 Natura 2000 Sites within Skibbereen as well as all other sites occurring within 15km of Skibbereen**

Site Code	Site Name	Qualifying Interests	Conservation Objectives	Features of biodiversity	Key requirements to protect site integrity
				<p>includes sea cliff and land inward from these. It also includes areas of sand dune at Barley Cove and Crookhaven. It includes breeding, feeding and flocking areas for an important population of Chough. It also supports breeding sea birds and an important population of Peregrine Falcon.</p> <p><a href="#">Sheeps Head to Toe Head SPA Site Data</a></p>	Chough.
001547	Castletownsend SAC	<ul style="list-style-type: none"> <li>• <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> </ul>	<p>To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which this SAC has been selected:</p> <ul style="list-style-type: none"> <li>• <i>Trichomanes speciosum</i> (Killarney Fern) [1421]</li> </ul> <p>as set out in the <a href="#">Conservation Objectives for Castletownshend SAC (NPWS 2016)</a> available at <a href="http://www.NPWS.ie">www.NPWS.ie</a></p>	<p>This is mixed woodland site near Castletownshend, which is of conservation importance for its population of Killarney Fern.</p> <p><a href="#">Castletownshend SAC Site Data</a></p>	<p>Prevent direct loss of woodland habitat within the SAC;</p> <p>Prevent drainage of wetland habitats;</p> <p>Regulate visitor access / human use within SAC.</p>

## **4 Screening Assessment**

### **4.1 Proposed Amendment to West Cork Municipal District Local Area Plan 2017**

This amendment proposes an extension to the Development Boundary of Skibbereen and include land as 'Existing Built-up Area'.

There are no Natura 2000 sites located within Skibbereen Town.

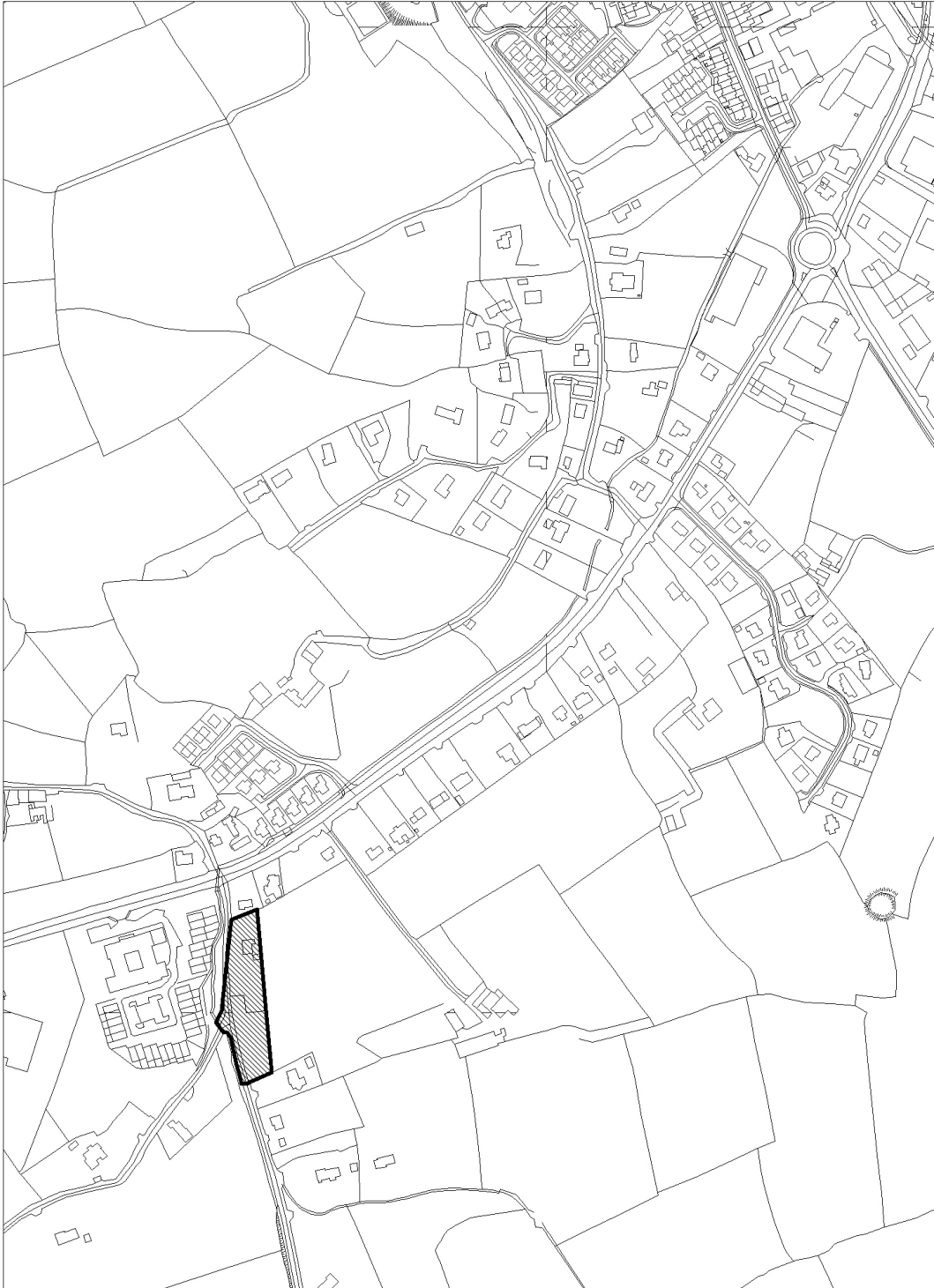
It is not expected that the proposed amendment will give rise to a significant increase in number of houses in Skibbereen, and no significant increase in demand for water supply, or on wastewater infrastructure is expected to arise as a result of this proposed amendment. No aspects of the proposed amendment have been identified which would be likely to give rise to impacts on any Natura 2000 sites. Accordingly, the requirement for the proposed amendment to be subject to Appropriate Assessment is screened out.

## **5 Screening Conclusion**

The proposed amendment to the West Cork Municipal District Local Area Plan, 2017 will not result in any significant change to the population or number of houses to be developed in Skibbereen. No increased pressure for drinking water or on wastewater infrastructure is expected to arise from these changes. The amendments do not direct development to any areas within or near Natura 2000 sites, and no increased risk of disturbance to species for which these sites have been designated has been identified. No potential for the amendments to cause or contribute to negative impacts on any Natura 2000 site within or near the County has been identified, and accordingly it is considered that the amendment does not need to be subject to Appropriate Assessment.

**West Cork Municipal District**

**Skibbereen**



**Proposed Amendment to MD Local Area Plan**