

Report

Cork Agglomeration Noise Action Plan 2024-2028

Appropriate Assessment Screening

For Cork City Council and Cork County Council

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1 Introduction

1.1 Background

This Appropriate Assessment (AA) Screening Report has been prepared by Logika Consultants Ltd. on behalf of Noise Consultants for the Cork Agglomeration Action Planning Authorities (APAs)¹ and provides Screening for Appropriate Assessment of the Cork Agglomeration Noise Action Plan (NAP) 2024-2028.

It provides information relating to the NAP with respect to its potential for Likely Significant Effect (LSE) upon Natura 2000 sites.

The requirement to prepare a NAP is set for members of the European Union under the Environmental Noise Directive (END) (2002/49/EC), a legal instrument for addressing adverse effects of environmental noise which have been transposed into Irish law² and require preparation of strategic noise mapping and implementation of NAPs. The Environmental Protection Agency (EPA) is the national competent authority responsible for implementing the END and will ultimately report noise mapping and action planning to the European Commission. Under the Regulations, the APA are responsible for preparing a NAP for the Cork Agglomeration.

The purpose of the NAP is to provide a strategic overview of the management of noise issues and effects within the Cork Agglomeration. The NAP aims to develop clear priorities based on detailed noise mapping results, with a view to prevent environmental noise where necessary; particularly where exposure to noise levels can induce harmful effects on human health. The NAP also identifies areas to preserve environmental acoustic quality where the baseline is favourable. The temporal framework for the NAP is 5 years³, at which time the noise mapping and NAP will be reviewed, and where necessary revised. Further details are set out within **Section 4** of this report.

The AA process includes provisions for screening, scoping, and assessment, where relevant. The process of AA screening is required as part of the proposed NAP, to determine whether further assessment is required. Therefore, the overall purpose of this report is to establish whether AA should be carried out within the Cork Agglomeration. The outcome of this screening is to determine whether significant negative environmental effects will arise from implementation of the NAP.

The report provides:

- The methodology used to define the scope of the assessment and identify potential effects on Natura 2000 sites associated with the NAP (Stage 1: screening);
- A list of the Natura 2000 sites and their designated features that may be subject to LSE due to the NAPs, either alone or in combination with other plans or projects; and,
- An assessment (to inform the competent authority's AA) of which LSE may result in an Adverse Effect on the Integrity (AEOI) of one or more Natura 2000 sites, taking in to account the type, timing and securing mechanisms for proposed mitigation.

¹ The APA comprises Cork City Council and Cork County Council.

² The END was transposed into Irish Law by the Environmental Noise Regulations 2006¹ (S.I. 140/2006) (the "Regulations"). The Regulations were revised by the European Communities (Environmental Noise) Regulations 2018² (S.I. 549/2018) and amended through the European Communities (Environmental Noise) (Amendment) Regulations 2021³ (S.I. 663/2021).

³ The European Commission allowed for one additional year for the Round 4 NAPs, reducing the five-year implementation period to four-years (2024-2028).

This AA Screening Report has been undertaken in accordance with the Department of Environment, Heritage, and Local Government (DEHLG) guidance (2009)⁴.

1.2 Legislative Context

The requirement for AA for plans and projects is outlined in European Directives 92/43/EEC and 2009/147/EC (the 'Habitats directive' and the 'Birds directive', respectively), which are transposed into Irish law by the European Communities (Birds and Natural Habitats Regulations 2011 (S. I. No. 477 of 2011)), the 'Habitat Regulations'.

The overarching goal of the Habitats and Birds Directives are to uphold or restore the "favourable conservation status" of habitats and species recognised as of European Community Interest. These specific habitats and species are outlined in the Habitats and Birds Directives, with the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) aimed at safeguarding the most vulnerable among them. Together, these designations are commonly referred to as European Sites, also known as Natura 2000 sites.

In Ireland, the habitats and/or species which are the reason(s) for designation of an SAC are referred to as the 'Qualifying Interest(s)' (QI) of that site. In relation to SPAs, the bird species for which a particular site is designated are referred to as the 'Special Conservation Interests' (SCI).

The Nature 2000 network in Ireland is made up of European sites which include:

- Special Areas of Conservation (SAC);
- Special Protection Areas (SPA);
- Candidate Special Areas of Conservation (cSAC); and
- Proposed Special Protection Areas (pSPA).

Under article 6(3) of the Habitats Directive, any plan or project not directly connected with or necessary to the management of a Natura 2000 site, but would be likely to have a LSE on such a site, either individually or in combination with other plans or projects, shall be subject to an AA. Plans or projects can only be authorised if it can be concluded that it will not adversely affect the integrity of the Natura 2000 site in view of the site's conservation objectives. The exception to this is where there are Imperative Reasons of Overriding Public Interest (IROPI) and there are no other feasible alternatives, which would not affect the integrity of the Natura 2000 site. In this case the Competent Authority must assess all compensatory measures required to ensure the protection of the overall coherence of the Natura 2000 network.

In fulfilling its role as Competent Authority, the APAs of the Cork Agglomeration are required to apply the precautionary principle to Natura 2000 sites and can only grant adoption once it has been ascertained that the proposed NAP will not adversely affect the integrity of any Natura 2000 site. The word 'likely' is regarded as a description of a risk (or possibility) rather than in a sense an expression of probability.

⁴ Department of Environment, Heritage and Local Government (DEHLG) guidance (2009) Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities.

2 Appropriate Assessment (AA)

AA is a systematic process designed to assess potential LSE of implementing plans or projects before they are formally adopted or consented.

The AA process can involve up to four stages:

- **Stage One: Screening:** The process that identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant.
- **Stage Two: Appropriate Assessment:** The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts. If adequate mitigation is proposed to ensure no significant adverse impacts on the integrity of Natura 2000 sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage Three.
- **Stage Three: Assessment of Alternative Solutions:** The process that examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the Natura 2000 site.
- **Stage Four:** Assessment where no alternative solutions exist and where adverse impacts remain: An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

Regulation 42 of the Habitats Regulations requires the competent authority to undertake Stage 1 Screening for AA and where necessary Stage 2 AA of any plan or project. Stage 3 and 4 are included under Regulations 43 and 45 respectively.

A LSE is, in this context, any appreciable effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated but excluding trivial or inconsequential effects.

2.1 Strategic Environmental Assessment (SEA)

A Strategic Environmental Assessment (SEA) screening assessment is being undertaken concurrently with the AA process to determine whether the European Union (EU) Directive 2001/42/EC⁷ (the 'SEA Directive') and European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations S.I.435/2004⁵ as amended 2011, apply to the NAP, and if further SEA beyond formal screening is required.

This AA Screening report has informed the SEA Screening process as this AA Screening does not indicate that there are likely impacts upon a Natura 2000 site of the NAP, either alone or in combination with other projects or plans. On this basis there is no automatic trigger for the requirement of SEA for the plan.

⁵ [S.I. No. 435/2004 - European Communities \(Environmental Assessment of Certain Plans and Programmes\) Regulations 2004 \(irishstatutebook.ie\)](#)

3 AA Screening Methodology

3.1 Overview

Guidance on the screening stage has been provided by the Government⁶, who describe it as a simple assessment to check if a proposal:

- is directly connected with or necessary for the conservation management of a Natura 2000 site;
- risks having a significant effect on a Natura 2000 site on its own or in combination with other proposals.

The screening process has two potential conclusions, namely that a project or plan, alone or in combination with other plans or projects, could result in:

- No LSE on any of the QI/SCI of the Natura 2000 site; or
- LSE identified, or cannot be ruled out, on one or more of the QI/SCI of the Natura 2000 site.

Only the second of these outcomes will trigger an AA. If one or more LSE are identified, or cannot be ruled out, it is then necessary to proceed to Stage 2 and undertake an AA.

This AA Screening Report has been prepared taking into account aforementioned legislation and guidance including the following:

Legislation

- Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora;
- Council Directive 2009/147/EC on the conservation of wild birds, codified version;
- European Communities (Birds and Natural Habitats) Regulations 2011, as amended;
- Planning and Development Act 2000, as amended; and,
- Planning and Development Regulations 2001, as amended.

Guidance

- Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2010, including Appendix 5: AA Checklist);
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10;
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC", European Commission Environment DG, 2002;
- Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC", European Commission 2018;

⁶ [Appropriate Assessment of Plans and Projects in Ireland \(npws.ie\)](https://www.npws.ie)

- Draft Guidance Note for Noise Action Planning for the European Communities (Environmental Noise) Regulations 2018. Draft Version 2, January 2024;
- Guidelines for Good Practice Appropriate Assessment of Plans under Article 6(3) Habitats Directive. Findings of an international workshop on Appropriate Assessment in Oxford, December 2009; and,
- Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC", European Commission, 2000.

Other Sources

- Environmental Protection Agency ENVision maps and water data — www.epa.ie;
- Format for a Prioritised Action Framework (PAF) for Natura 2000 (DAHG, 2014) www.npws.ie/sites/default/files/general/PAF-IE-2014.pdf;
- Ireland's Article 1.2 submission to the EU Commission on the Status and Trends of Bird Species (2008-2012);
- National Biodiversity Action Plan 2017-2021 (DAHG, 2017);
- National Parks and Wildlife Service — Article 17 Status of EU protected habitats in Ireland reporting (NPWS 2013a & 2013b);
- National Parks and Wildlife Service online European Site information — www.npws.ie; and,
- The state of nature in the European Union Report on the status and trends in 2013 - 2018 of species and habitat types protected by the Birds and Habitats Directives.

The AA has been undertaken in consideration of European Union (CJEU) judgment on Case C323/17 (People over Wind, Peter Sweetman v Coillte Teoranta); "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site."

Other caselaw relevant to Screening are Waddenzee (C127/02), Holohan and Others v An Bord Pleanála (C461/17) and Court of Appeal case C1/2009/0041/QBACF Citation No [2009] EWCA Civ. 1061.

4 Stage 1: Screening

Screening is presented in the following Section and includes the following Stages:

- 1) Description of the Plan;
- 2) Identification of relevant Natura 2000 sites;
- 3) Assessment of LSE; and
- 4) Screening Statement.

4.1 Description of the Plan: Cork Agglomeration Noise Action Plan 2024-2028

4.1.1 Background of the Plan/Overview

The Cork Agglomeration NAP will replace the current NAP 2018-2023. As required by the END, the NAP seeks to provide a framework for long-term management of environmental noise from transport systems referring to the results of the strategic noise maps to inform assessments of population exposure and harmful effects of noise. As part of this management, the protection of quiet areas within the Agglomeration is also set out within the NAP.

As there is no provision in legislation upon which the actions outlined in the NAP can be enforced, as set out in the NAP's Noise Policy Statement and Responsible Aims reliance will be made on various other plans and policies such as the Cork Development Plan, the National Planning Framework 2040, and the Planning Acts, for their implementation. The NAP also provides the basis for feedback and input from statutory authorities and the public to help inform the NAP in relation to the assessment and management of environmental noise.

4.1.2 Scope of the NAP

The scope of the NAPs include the identification of existing noise emissions, priority important areas based on an assessment of harmful effects and details of noise management measures for consideration and evaluation at implementation stage. The NAP also includes the identification of Candidate Quiet Areas for consideration as Quiet Areas at the implementation stage.

The prevention, protection and mitigation measures included in the NAP, which are applied to areas subject to noise management activities, is also relevant to this assessment. The management of noise within the Agglomeration focusses on the following approaches:

- **Prevention** – manage the risk of additional members of the community being exposed to undesirable noise levels where it is likely to have significant adverse impact on health and quality of life.
- **Protection** – protect areas which are desirable quiet, or which offer a sense of tranquillity through a process of identification and validation followed by formal designation of 'Quiet Areas'.
- **Mitigation** – identify and prioritise appropriate mitigation measures to reduce noise levels in areas where they are potentially harmful.

Prevention measures, as set out in the NAP, could include the implementation of planning guidance to implement the need for acoustic design statements for new residential applications if adverse noise

impacts are identified. It could also include the consideration of noise levels within areas of public realm.

Protection measures as set out in the NAP includes the identification of candidate quiet areas to which protection measures should be put in place to manage activities in these areas which would impact the acoustic environment. Implemented quiet areas should be considered within City or County Development Plans as well as Local Area Plans.

Mitigation measures as set out in the NAP include the identification and implementation of priority important areas. Noise mitigation measures within these areas should be evaluated of their effectiveness through the following steps as set out in the NAP:

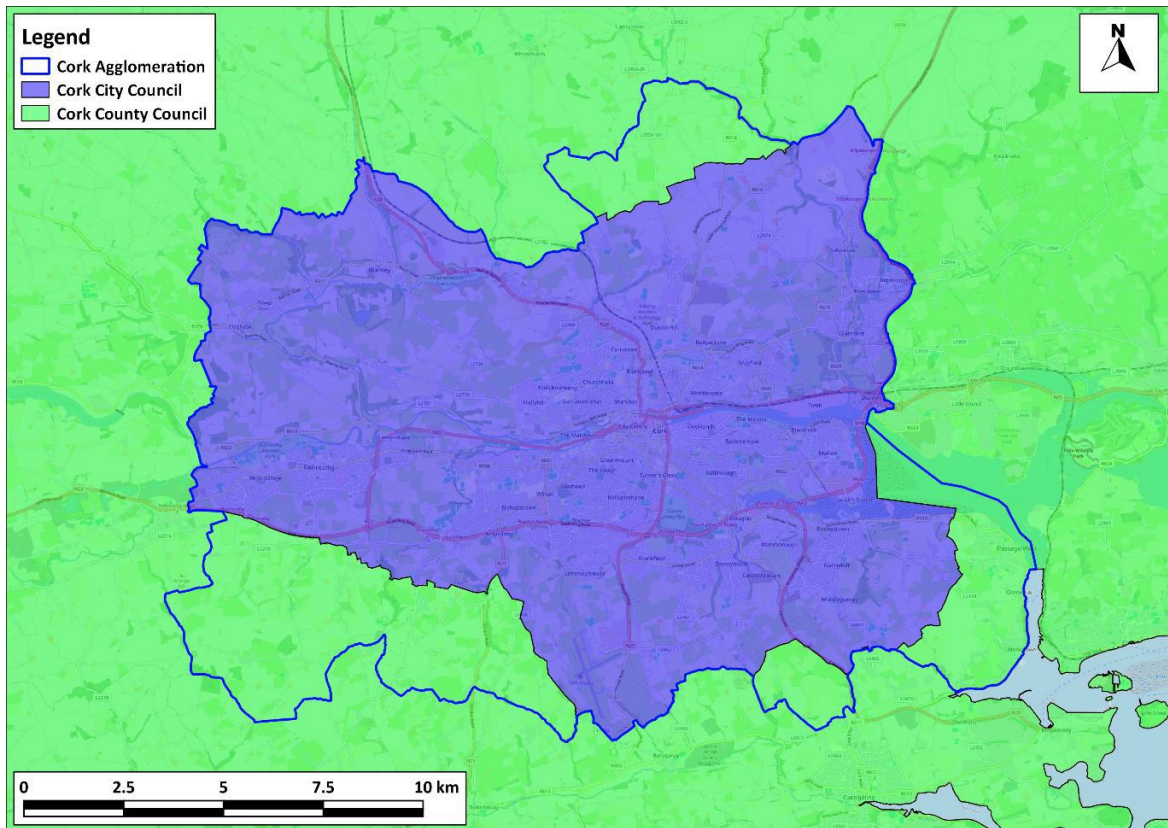
- *Noise measurements at Priority Important Areas;*
- *Review of the assumptions used to identify the Priority Important Areas;*
- *Re-evaluation of Priority Important Areas;*
- *Identification of practical noise mitigation measures;*
- *Appraisal of noise mitigation options monetised benefits to health;*
- *Financial assessment of noise mitigation measures;*
- *Cost-benefit analysis; and,*
- *Recommendation of noise mitigation measure(s).*

How the NAP identifies areas to be preserved for environmental noise quality, is also relevant to this assessment.

4.1.3 Description of the Cork Agglomeration

The Cork Agglomeration is defined in the Regulations and covers an area of 241km² with a population of 219,287 and is shown in **Figure 4-1**.

Figure 4-1 Agglomeration and County Boundaries



As detailed in the NAP, the total population of the Cork Agglomeration is approximately 219,287. In terms of noise sources, there are 9 industry sites and approximately 1,300,746 metres of road (including major roads) in the Agglomeration. There are also a total of 269 noise sensitive buildings (schools and hospitals) located within the Agglomeration.

4.2 Identification of Relevant Natura 2000 sites

4.2.1 Natura 2000 sites

A total of one SPA and one SAC have been identified, as shown on **Figure 4.2** and **Figure 4.3** within or adjacent to the Cork Agglomeration, or within the likely zone of impact which have been considered within this AA. In this instance the likely zone of impact is 15km from the Cork Agglomeration boundary in accordance with Government guidance.

Further details on Natura 2000 sites identified are provided in **Table 4.1**, including the Site Code, location (County) and QI/SCI.

Figure 4-2: SPA Sites within the Agglomeration

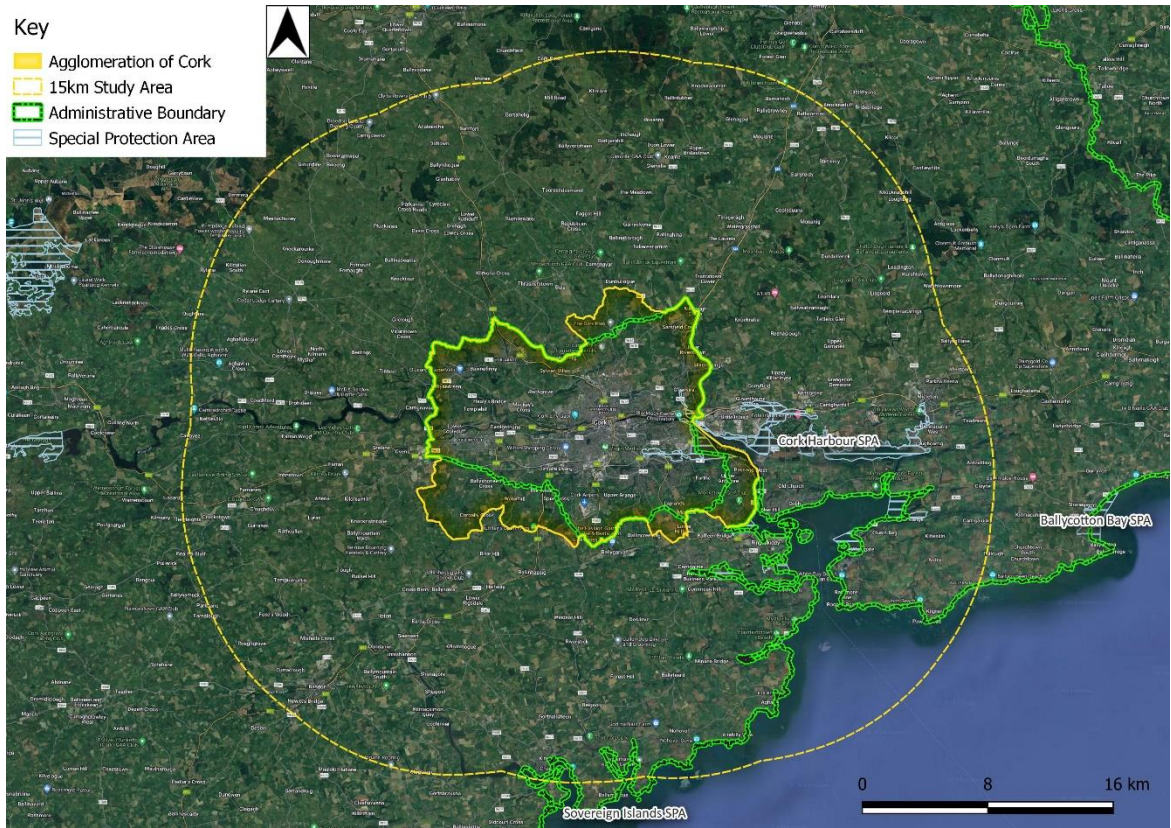


Figure 4-3: SAC Sites within the Agglomeration

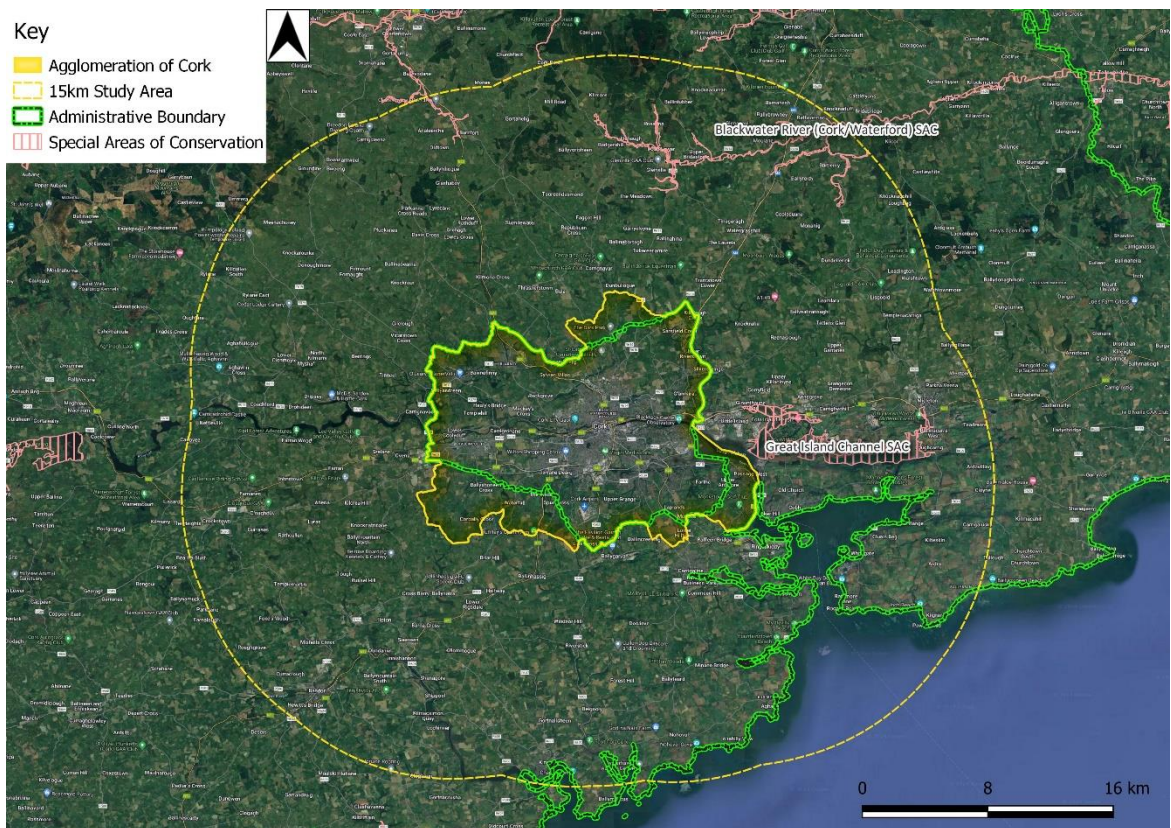


Table 4-1: Natura 2000 sites

Natura 2000 Site	Site Code	County	Qualifying Interests / Species of Conservation Importance
Great Islands Channel SAC	001058	Cork	1140 Mudflats and sandflats not covered by seawater at low tide 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>)
Cork Harbour SPA	004030	Cork	A004 Little Grebe <i>Tachybaptus ruficollis</i> A005 Great Crested Grebe <i>Podiceps cristatus</i> A017 Cormorant <i>Phalacrocorax carbo</i> A028 Grey Heron <i>Ardea cinerea</i> A048 Shelduck <i>Tadorna tadorna</i> A050 Wigeon <i>Anas penelope</i> A052 Teal <i>Anas crecca</i> A054 Pintail <i>Anas acuta</i> A056 Shoveler <i>Anas clypeata</i> A069 Red-breasted Merganser <i>Mergus serrator</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A142 Lapwing <i>Vanellus vanellus</i> A149 Dunlin <i>Calidris alpina alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A160 Curlew <i>Numenius arquata</i> A162 Redshank <i>Tringa totanus</i> A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> A182 Common Gull <i>Larus canus</i> A183 Lesser Black-backed Gull <i>Larus fuscus</i> A193 Common Tern <i>Sterna hirundo</i> A999 Wetlands
Blackwater River (Cork/Waterford) SAC	002170	Cork	1029 Freshwater Pearl Mussel <i>Margaritifera margaritifera</i> 1092 White-clawed Crayfish <i>Austropotamobius pallipes</i> 1095 Sea Lamprey <i>Petromyzon marinus</i> 1096 Brook Lamprey <i>Lampetra planeri</i> 1099 River Lamprey <i>Lampetra fluviatilis</i> 1103 Twaite Shad <i>Alosa fallax</i> 1106 Atlantic Salmon <i>Salmo salar</i> (only in fresh water) 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1220 Perennial vegetation of stony banks 1310 <i>Salicornia</i> and other annuals colonizing mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) 1355 Otter <i>Lutra lutra</i> 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 1421 Killarney Fern <i>Trichomanes speciosum</i> 3260 Water courses of plain to montane

Natura 2000 Site	Site Code	County	Qualifying Interests / Species of Conservation Importance
			levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 91E0 *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae) 91J0 *Taxus baccata woods of the British Isles

4.3 Assessment of LSE

A Screening Matrix is presented in **Table 4-2** based on the guidance provided in “Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC”.

Table 4-2: Screening Matrix

Description of the Plan	An overview of the NAP, including background and context are provided in Section 4 of this document.
Identification of Natura 2000 sites	Natura 2000 sites identified within the Zone of Influence (Zoi) of the NAP are provided in Section 4.1 of this document.
Is the plan directly connected with, or necessary to the management of the Natura 2000 site(s)?	The Plan is not directly connected with, or necessary to, the conservation management objectives of the above listed Natura 2000 sites in Section 4.1 and therefore further consideration of likely significant effects (LSEs) is required.
What are the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site?	<p>Noise is a principal source of disturbance for QI and SCI features of Natura 2000 sites.</p> <p>The aim of the NAP is to reduce noise sources within the Cork Agglomeration and protect 'Quiet Areas', whereby existing baseline noise levels will be maintained, or reduced.</p> <p>Where Candidate Quiet Areas are designated, they will not offset noise elsewhere that might affect Natura 2000 sites, and it is likely that many of the Quiet Areas will also coincide with the Natura 2000 sites. For other identified sites there again there are no policies or requirements that would directly offset noise elsewhere that could give rise to LSE to Natura 2000 sites, or the QI/SCI of that site.</p> <p>Therefore, there is no pathway for potential LSE as the plan does not propose any measures which could increase or negatively affect existing noise levels.</p> <p>The reduction in noise in areas near to, or within Natura 2000 sites will ultimately contribute to a beneficial effect of Natura 2000 sites and their QI/SCI features.</p> <p>The potential noise impacts that arise from future development works will be assessed in their own right through Planning and Licensing processes, including through Environmental Impact Assessments, Strategic Environmental Assessments, Appropriate Assessments and application of relevant Guidance relating to noise.</p>

<p>What are the likely effects on the Natura 2000 sites in view of the specific conservation objectives set out for the designating features?</p>	<p>None – the NAP does not provide a specific framework for development; they provide a strategy to reduce noise emissions and identify quiet areas where either baseline noise emissions will be protected, therefore there is no pathway for potential LSE on Natura 2000 sites in view of their conservation objectives.</p>
<p>Describe how the project or plan (alone or in-combination) is likely to affect the Natura 2000 site(s).</p>	<p>The effects of the NAPs are considered to be beneficial, however no pathway for LSE is identified.</p>
<p>Explain why these effects are not considered to be significant.</p>	<p>The proposals in the NAP will seek to reduce noise emission levels of road traffic, rail traffic and at industrial activity sites, including ports. The reduction in noise at these locations across the Cork Agglomeration will ultimately result in the reduction or retention of baseline noise emissions within and adjacent to Natura 2000 sites. Therefore, there is no pathway for adverse effect and so it cannot be significant. The reduction in noise emissions will be indirectly beneficial for species associated with Natura 2000 sites albeit not significantly, as it is well documented that noise can have detrimental effects on a species ability to reproduce (timing, frequency and hatching success) and communicate⁷. It is acknowledged that some species may be habituated to current noise levels and it is considered that their function within the Natura 2000 sites would only be improved by reduced noise levels.</p>
<p>Are there other projects or plans that together with the project of plan being assessed could affect the site?</p>	<p>The following other Plans have been considered:</p> <ul style="list-style-type: none"> • Cork Metropolitan Area Transport Strategy (CMATS) 2040; • Cork City Development Plan 2022-2028; • Cork County Development Plan 2022-2028; • Cork City Council 2021-2026 Air Quality Strategy; • National Planning Framework; and, • Renewable Electricity Plan. <p>The NAP present a framework for the identification and reduction of potential noise sources and the identification or proposed 'Quiet Areas'. There are no additional sources for effects to Natura 2000 sites in combination with other projects or plans.</p>

⁷ Masayuki., S *et al* (2020) Sensory pollutants alter bird phenology and fitness across a continent. Nature.

4.4 Screening Statement

The NAP is not directly connected with or necessary to the management of a Natura 2000 site.

The NAP establishes a framework for identifying and mitigating noise pollution sources within the Cork Agglomeration. Any project resulting from the NAP must adhere to relevant levels within the National Planning Framework, such as the Cork Development Plan 2022-2028, along with other applicable legislation and policy requirements.

The potential noise impact of development is overseen through the Planning and Licensing processes, encompassing Environmental Impact Assessments, Strategic Environmental Assessments, Appropriate Assessments and adherence to pertinent guidance on noise. The primary trigger for AA would be if the NAP was likely to significantly affect a Natura 2000 site. However, the NAP elements are not identified as having any direct or indirect impacts on Natura 2000 sites.

Stage 1: Screening has concluded that the NAP is not predicted, either alone or in-combination with other plans or projects, to have LSE upon the 28 Natura 2000 sites identified in Section 4.2.

Therefore, in alignment with the Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is determined that the NAP will generate no potential for LSE. Consequently, a Stage 2 Appropriate Assessment is not required.

The statement as above is still valid following consultation responses to the NAP and associated SEA and AA screenings. Should there be further changes to the NAP, which may affect the conclusions presented herein, then a further screening of the potential for LSEs upon Natura 2000 sites will be required.



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