Replacement of the existing Pontoon in Baltimore Harbour with a new and equivalent-sized Pontoon

Habitats Directive Appropriate Assessment Screening Report and Determination

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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed removal of the existing pontoon with a new and equivalent-sized pontoon, in Baltimore Harbour, County Cork. The assessment is based on project drawings and details prepared by Cork County Council and on behalf of Cork County Council, and referral to published sources.

Part XAB of the Planning and Development Act as amended, provides for the implementation of the EU Habitats Directive, and Section 177 of the Act, requires Planning Authorities to assess the impacts of land use plans and proposed developments on sites that are designated for the protection of Natura 2000 (European Sites[1]) prior to giving consent for the development of such projects. This process is undertaken to determine whether a proposed development could have negative consequences for the habitats, or plant and animal species for which these sites are designated. This assessment process is called a **Habitats Directive Assessment** (HDA). The requirements originate from Article 6(3) of the Habitats Directive which states:

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

EU and National Guidance set out two main stages to the assessment process which are as follows:

Stage One: Screening

The process which identifies what might be likely impacts arising from a project or a plan on a Natura 2000 site, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant. No further assessment is required if no significant impacts on Natura 2000 sites are identified to be likely to arise, during the screening stage. The findings of the screening assessment are normally contained in a **Habitats Directive Screening Report**.

Stage Two: Appropriate Assessment

Where the possibility of significant impacts has not been discounted by the screening process, a more detailed assessment is required. This is called an Appropriate Assessment, and is completed by the Competent Authority, (the authority designated to give consent to the project). It involves the compilation of a **Natura Impact Statement** by the project proponent, which is a report of scientific evidence and data relating to European sites for which significant negative impacts have not been previously screened out. This is used by the Competent Authority to identify and classify any implications of the project for these sites in view of their conservation objectives. The Appropriate Assessment must include a determination as to whether the project would adversely affect the integrity of any European site or sites. The project may only be consented if adverse effects on the integrity of European sites can be ruled out during the Appropriate Assessment process. The project may not be consented on foot of an Appropriate Assessment, if it is found that it will give rise to adverse impacts on one

or more European sites, or if uncertainty remains in relation to potential impacts on one or more European sites.

The directive provides for a **derogation procedure** which can allow a plan or project to proceed despite a finding that the plan or project could / would give rise to adverse effects on the overall integrity of one or more Natura 2000 sites. Derogation procedures can only be progressed in very limited circumstances which are set out in Article 6(4) of the Directive (see below).

Habitats Directive Article 6(4)
If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

EU and National Guidance identify the procedures which must be followed in circumstances where a derogation from the Habitats Directive is sought to allow a project or a plan to proceed, despite a finding that it will give rise to adverse effects on the integrity of one or more Natura 2000 sites. These procedures can only be invoked where it has been shown that there are no alternative ways to implement the plan/project which avoid adverse effects on the integrity of one or more European sites, where it has been demonstrated that there are imperative reasons of overriding public interest for which the plan/project must proceed and where measures have been developed and provided to compensate for any losses to be incurred. These further stages are described below.

Stage Three: Assessment of alternative solutions
In circumstances where the potential for a plan or project to give rise to adverse effects on the integrity of a European site or sites has not been ruled out during the appropriate assessment process, it can only be considered for authorisation where it is demonstrated that there are no alternative solutions and that there are Imperative Reasons of Overriding Public Interest (IROPI) which can allow the plan or project to proceed. Stage three of a Habitats Directive Assessment involves the assessment of alternative solutions.

Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain
The fourth stage of the Habitats Directive Assessment process involves demonstrating that Imperative Reasons of Overriding Public Interest exist and includes the assessment of the compensatory measures which are proposed to be implemented. In every case in which a local authority envisages approving or proceeding with a plan or project on grounds of IROPI, the Minister for Housing, Local Government and Heritage must be consulted.

The assessment may cease at any of the above stages if significant impacts on Natura 2000 sites can be ruled out.

Regulation 250 of the Planning and Development Regulations requires the Local Authority to complete Habitats Directive Screening in respect of development it proposes to progress.

This document presents the outcomes of the screening assessment of Cork County Council in respect of the proposed removal of the existing pontoon with a new and equivalent-sized pontoon in Baltimore Harbour, County Cork. All European sites within or close to the proposed works site, or that might have an ecological linkage to the proposed development have been identified and screened to determine whether there is potential for this project to give rise to significant impacts on the qualifying features of these sites.

Map showing the Location of the Proposed Development Site and Natura 2000 Sites

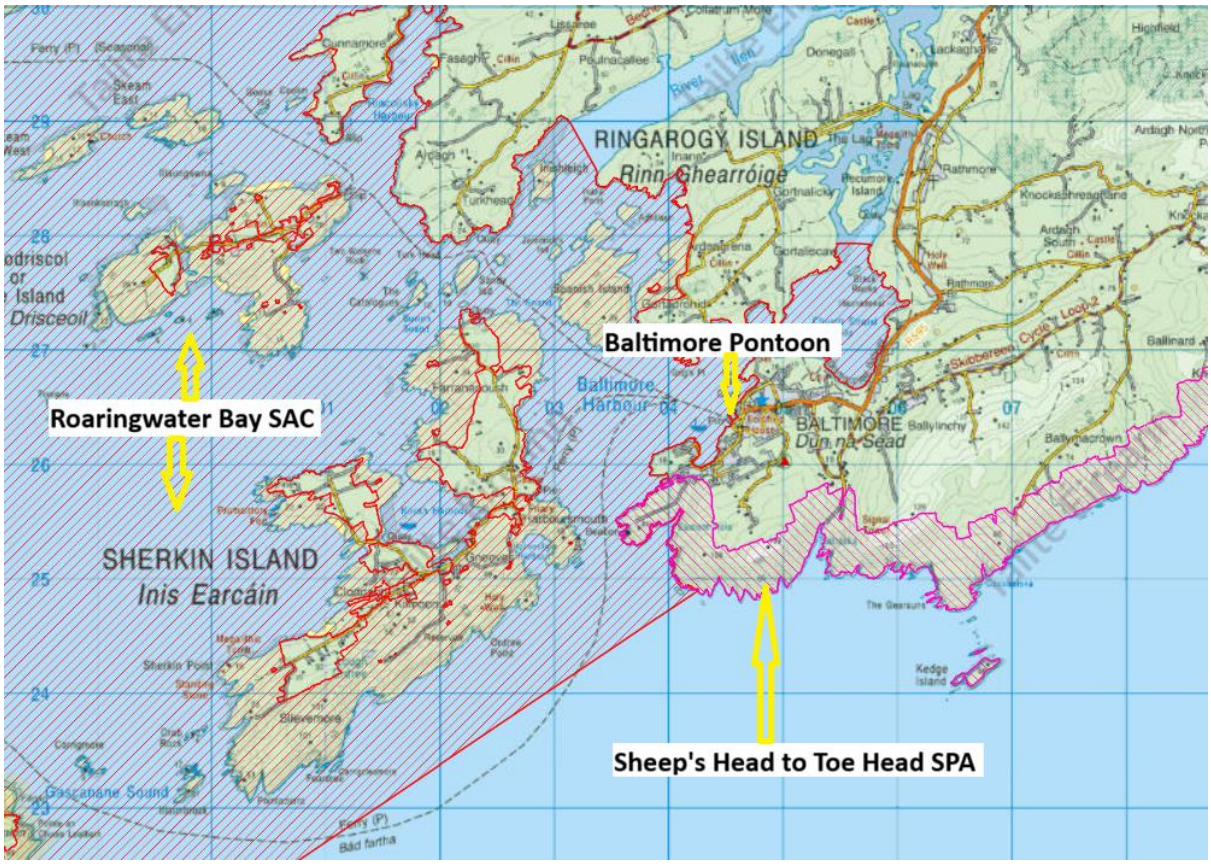


Figure 1. Map showing the location of Baltimore pontoon and nearby Natura 2000 sites Roaringwater Bay and Islands Special Area of Conservation (SAC) and Sheep's Head to Toe Head Special Protection Area (SPA).



Figure 2. Photograph showing Baltimore pontoon.

Description of the project and local site characteristics

STEP 1. Description of the project/proposal and local site characteristics	
(a) Site Name/Reference Number:	Removal of the existing pontoon in Baltimore Harbour and replacement with an equivalent sized-structure.
(b) Brief description of the project or plan:	The new Baltimore Ferry Pontoon: • Supply of walkway units with mooring points, 500mm freeboard and 150DD fender on one side and hardwood timber fendering (150x45mm) on both ends with connections and plain pink GRC deck. • 12 Linear metres of standard 2.4m wide walkway • The pontoon is and will be attached to the pier by two I-beams and will float up and down according to the state of the tide.
(c) Brief description of site characteristics:	The pontoon is (and will) be located between the two piers of Baltimore Harbour, which is situated at the west side of Roaringwater Bay and Islands SAC. The closest point of Sheep's Head to Toe Head SPA is situated approximately 650 metres to the south.
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	Not applicable

Identification of relevant Natura 2000 sites and Qualifying Interests

STEP2. Identification of relevant Natura 2000 sites using the Source-Pathway-Receptor and compilation of information on Qualifying Interests and conservation objectives:				
European Site (code)	List of Qualifying Interest/Special Conservation Interest	Distance from proposed development (km)	Connections (Source- Pathway-Receptor)	Considered further in screening Y/N
Roaringwater Bay and Islands SAC (0101)	Large shallow inlets and bays [1160]	4.7 km northwest	Large shallow inlets and bays occur immediately adjacent to the work zone. A number of sub-habitats and communities occur within these designations. The predominant marine community in the vicinity of the proposed works zone is the *shallow sand/mud community complex*. Areas of *mixed sediment community complex* are located west and south of Beacon Point. A substantial area of *muddy sand with bivalves and polychaetes community complex* is located west of Sherkin Island (6 km west of the pier). *Zostera dominated communities* and *maerl dominated communities* occur north of Cunnamore approximately 4.7 km northwest of the proposed work zone.	Yes
	Reefs [1170]	1.6km southwest	The closest reefs to the proposed works zone occur at locations off Sherkin Island and Beacon Point (1.6km southwest).	Yes

	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]	1.5km south	Vegetated sea cliffs of the Atlantic and Baltic coasts occur widely throughout the SAC on the mainland and islands.	No
	European dry heaths [4030]	700m south	Dry Heath occurs widely throughout the SAC on the mainland and islands.	No
	Submerged or partially submerged sea caves [8330]	1.4km northwest	The closest sea caves to the proposed works zone occur at locations on Spanish Island (1.4 km northwest) and Beacon Point (1.6 km southwest).	Yes
	Phocoena phocoena (Harbour Porpoise) [1351]	6km south	Harbour Porpoises occur widely throughout the SAC but the greatest concentration appears to occur in the deeper waters north of Cape Clear and also south of Cape Clear and Sherkin.	Yes
	Lutra lutra (Otter) [1355]	Widespread in bay.	Otters occur widely throughout the SAC. Otters are shy and often nocturnal mammals and tend to avoid areas frequently used by humans. Regular use of the pontoon by fishermen in the winter months along with leisure craft during the summer period make the pontoon and surrounds unsuitable for this species.	Yes
	Halichoerus grypus (Grey Seal) [1364]	Widespread in bay.	Grey Seals occur throughout the SAC. One or two Grey Seals are occasionally seen in the vicinity of Schull pier and Pontoon but most Grey Seals avoid humans and are very unlikely to be affected by the proposed pontoon replacement work.	Yes

Sheep's Head to Toe Head SPA (4156)	Peregrine (Falco peregrinus) [A103] Chough (Pyrrhocorax pyrrhocorax) [A346]	600m south.	No, this is a terrestrial SPA with two terrestrial species (Peregrine and Chough) as Qualifying Interests, and consequently, no viable pathway exists.	No

Assessment of Likely Significant Effects

STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into consideration the size and scale of the project under the following headings:	
Construction phase:	
Impacts	**Significance of Impacts** (duration/magnitude etc.)
1. Vegetation clearance 2. Habitat loss 3. Demolition 4. Surface water runoff from soil excavation/infill/landscaping 5. Contaminants or pollution 6. Dust, noise, vibration 7. Lighting disturbance 8. Impact on groundwater/dewatering 9. Storage of excavated construction materials 10. Access to site 11. Invasive species	1. There will be no vegetation clearance other than algal growth attached to the existing pontoon and consequently no vegetation removal (other than algal growth) within Roaringwater Bay and Islands SAC. 2. There will be no habitat loss and the existing pontoon will be replaced by a pontoon of the same dimensions. 3. The existing pontoon will be removed to a licensed waste facility and parts will be recycled where possible. 4. There will be no significant runoff. The attachment chains may have to be replaced depending on their condition. 5. Hydrocarbon fuel and lubricants used in machinery are the only potential contaminants but volumes will be low and even in the unlikely event of a significant fuel tank leak, pollution levels would not be a significant threat to the Qualifying Interests of the SAC. Standard best practice working near water procedures will be employed throughout the operation. 6. There will be some noise and vibration during the removal of the old pontoon and installation of the new pontoon but much of this noise will be subsumed by the normal everyday noises associated with a working harbour. Noise may cause some disturbance to mammals including Harbour Porpoise, Grey Seal and Otter but this will only last for a few days and it will only be noticeable in the immediate vicinity of the pier. The pontoon is located in a busy harbour that is used by two island ferries, commercial fishing boats 7. All of the work will be undertaken during daylight hours so there will be no lighting disturbance to any of the Qualifying interest species.

	8. The proposed works will have no impact on the groundwater of the SAC and there will be no dewatering. 9. The existing pontoon will be removed to a licensed waste facility soon after removal from its current location and will not be stored on site. Parts will be recycled where possible. 10. The new pontoon will not restrict access to and within Roaringwater Bay and Islands SAC. 11. There are no known invasive species in the immediate vicinity of the pontoon location. The new structure will arrive directly from the manufacturing facility and will not have been a host to any invasive species.
Operational phase:	
Impacts	**Significance of Impacts** (duration/magnitude etc.)
1. Direct emission to air and water 2. Surface water runoff containing contaminant or sediment 3. Lighting disturbance 4. Noise/vibration 5. Changes to water/groundwater due to drainage or abstraction 6. Presence of people, vehicles and activities 7. Physical presence of structures (e.g. collision risks) 8. Potential for accidents or incidents	1. The new pontoon will not cause any significant increase to air or water that would impact Roaringwater Bay and Islands SAC. 2. The new pontoon will not result in any surface water runoff containing sediment or contaminants that could affect the SAC. 3. No additional lighting will be installed for the new pontoon. 4. There will be some relatively low levels of noise and vibration during the installation phase but not after it has been installed. 5. There will be no changes to water quality or water abstraction as a result of this work during the operational phase. 6. The replacement of the existing pontoon with an identical structure will not result in any significant increase in the presence of people, vessels and activities within the SAC. 7. The new pontoon will not create any additional collision risks within the SAC as it will be identical in size and dimensions to the pontoon that it will be replacing. 8. The new pontoon will not increase the potential for accidents or incidents within the SAC.
(b) Describe any likely changes to the European site(s):	
In combination/other: Examination of Cork County Council's Planning Enquiry System over the past 12 months revealed that Planning Permission has been granted for the following projects in the Baltimore area: one new dwelling house, four house extensions and one change of use from sailing school to two dwelling houses.	
Impacts	**Significance of Impacts** (duration/magnitude etc.)
Types of changes to consider include:	

1. Reduction or fragmentation of habitat area 2. Disturbance to QI species 3. Species fragmentation 4. Reduction or fragmentation in species density 5. Changes in key indicators of conservation status value (water quality etc.) 6. Changes to areas of sensitivity or threats to QI 7. Interference with the key relationships that define the structure or ecological function of the site 8. Climate change	1. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in the reduction or fragmentation of any Qualifying Interest habitat within Roaringwater Bay and Islands SAC. 2. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not cause significant to disturbance to any of the Qualifying Interest species (Harbour Porpoise, Grey Seal and Otter). 3. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in fragmentation of any species populations within the SAC. 4. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in the reduction or fragmentation in any Qualifying Interest species density within the SAC. 5. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result In changes to water quality within the SAC. 6. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in changes to areas of sensitivity outside the SAC used by Qualifying Interests. 7. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in any interference with the key relationships that define the ecological function of the site. 8. The proposed removal of the existing pontoon and replacement with an identical structure, alone and in combination with the above developments, will not result in any significant increase in the effects of climate change on Roaringwater Bay and Islands SAC.
(c) **Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?**	

Yes ☐ No ☒	While best practice methods are referenced, these are not required to avoid or reduce the impacts of any effects on Roaringwater Bay and Islands SAC or any European site resulting from the proposed work. These measures are not relied on to reach a conclusion of no likely significant effects on any European site.

Screening Determination Statement

STEP 4. Screening Determination Statement		
Describe how the proposed development (alone or in-combination) is/is not likely to have significant effect on European site(s) in view of its conservation objectives.		
On the basis of the information available on file, which is considered adequate to undertake a screening determination, and having regard to: • The nature and scale of the proposed development, • The distance to most of the Qualifying Interest habitats, • The distance to sites regularly used by Harbour Porpoise, Grey Seal and Otter. it is therefore concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on the Conservation Interests of the above listed European sites or any other European site. An Appropriate Assessment is therefore not required.		
Conclusion:		
	Tick as appropriate	Recommendation
(1) It is clear that **no likelihood** of significant effects arises.	☒	The proposal can be screened out: Appropriate Assessment is not required.
(2) It is **uncertain** if the proposed development will have a significant effect on a European site.	☐	Request further information to complete screening ☐ Request NIS ☐ Refuse planning permission ☐
(3) **Significant effects** are likely.	☐	Request NIS ☐ Refuse planning permission ☐
Signature and date of Recommending Officer:		 Tony Nagle Cork County Council Ecologist 05/03/2026

References

Information relating to individual Natura 2000 sites including Article 17 Conservation Assessment Reports for Habitats and Species in Ireland (2019), individual site synopses, Natura 2000 data forms, and information relating to the qualifying features and conservation objectives of individual sites was sourced from the NPWS database (www.NPWS.ie).

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

European Communities, Managing Natura 2000 sites. The provisions of Article 6 of the Habitats Directive 92/43/EEC. European Communities, 2000.

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