Courtmacsherry Pontoon Replacement

Appropriate Assessment Screening Report and Determination

Cork County Council
Comhairle Contae Chorcaí

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Date: 05/03/2026

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Introduction

This document includes the Habitats Directive Screening Assessment and Screening Determination by Cork County Council of the proposed replacement of a section of the Pontoon at Courtmacsherry County Cork. The assessment is based on project drawings and details prepared by 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 identifies 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 been 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 pontoon section replacement at Courtmacsherry. 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 Site

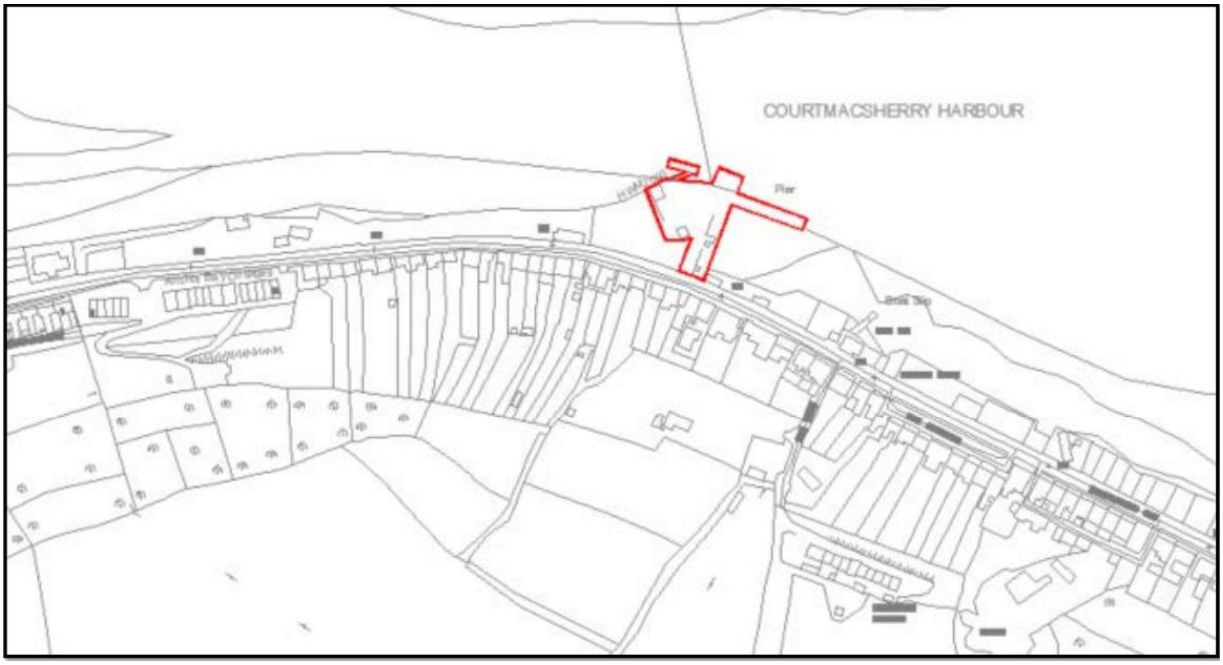


Figure 1. Map showing the location of the pontoon at Courtmacsherry Pier

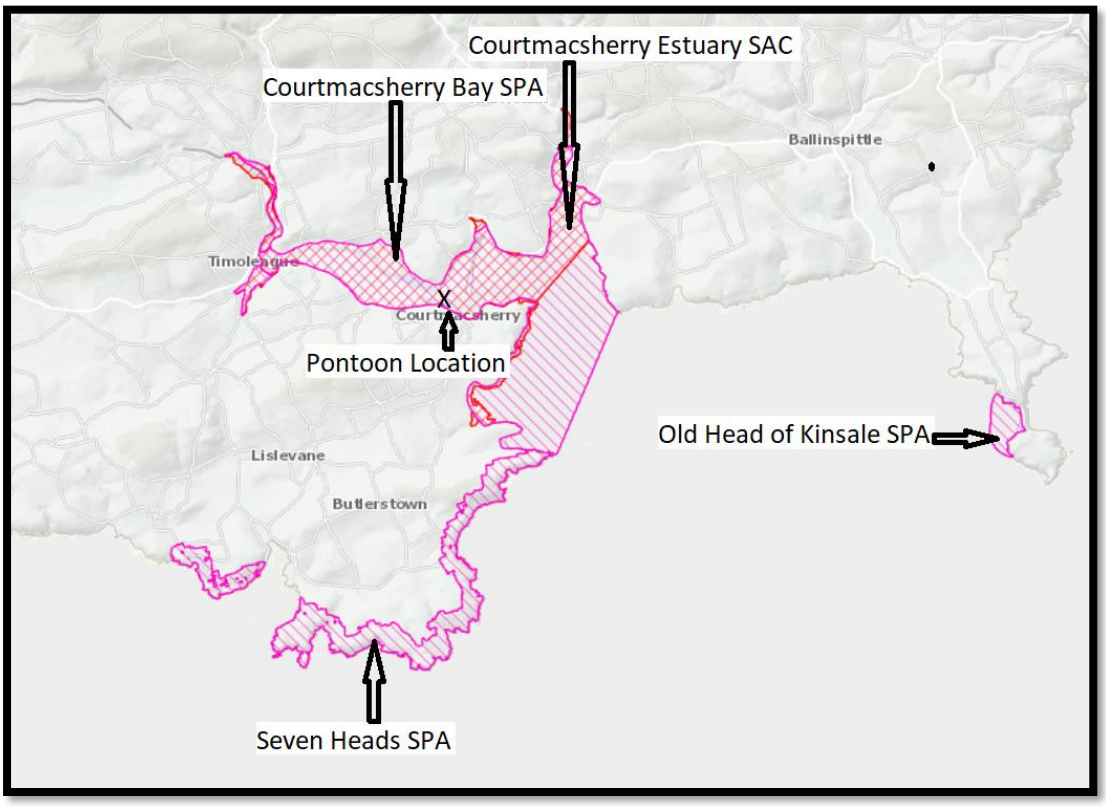


Figure 2. Map showing the closest Natura 2000 sites to Courtmacsherry Pontoon



Figure 3. Photograph of the west section of Courtmacsherry 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:	Courtmacsherry Pontoon Replacement.
(b) Brief description of the project or plan:	Courtmacsherry Pontoon is used by considerable numbers of commercial fishermen and leisure craft users especially during the summer and autumn periods. The existing pontoon was installed in 1997 and extended in 2009. During recent dredging works a survey of the existing pontoon was completed and the condition of the steel works was recorded as corroded and beyond repair. The appointed contractor will be required to fabricate (off-site), deliver and install a new replacement pontoon (consisting of four 9.1m x 1.5m mini pontoons that will be permanently fixed together to complete the structure). The pontoon will rise and fall with the tide as it slides up and down on metal piles that are attached to the pontoon with two pile brackets. It is anticipated that the installation will be completed in the spring/summer of 2026 and the procedure is expected to be completed within two days.
(c) Brief description of site characteristics:	Courtmacsherry Pier (the location of the pontoon) is situated on the southwest shore of Courtmacsherry Harbour on a deep channel of the Argideen Estuary. The site is within Courtmacsherry Bay Special Protection Area (SPA) and Courtmacsherry Estuary Special Area of Conservation (SAC). Seven Heads SPA is located approximately 5 km to the south and the Old Head of Kinsale SPA is approximately 11 km east.
(d) Relevant prescribed bodies consulted:	None
(e) Response to consultation:	N/A

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 [code]	Distance from proposed development (km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Courtmacsherry Bay SPA (4219)	Great Northern Diver (Gavia immer) [A003] Shelduck (Tadorna tadorna) [A048] Wigeon (Anas penelope) [A050] Red-breasted Merganser (Mergus serrator) [A069] Golden Plover (Pluvialis apricaria) [A140] Lapwing (Vanellus vanellus) [A142] Dunlin (Calidris alpina) [A149] Black-tailed Godwit (Limosa limosa) [A156]	The pontoon is within the boundary of the SPA.	There is a direct pathway from the pontoon location to the SPA.	Yes

	Bar-tailed Godwit (Limosa lapponica) [A157] Curlew (Numenius arquata) [A160] Black-headed Gull (Chroicocephalus ridibundus) [A179] Common Gull (Larus canus) [A182] Wetland and Waterbirds [A999]			
Courtmacsherry Estuary SAC (1230)	Estuaries [1130] Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Perennial vegetation of stony banks [1220] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]	The pontoon is within the boundary of the SAC.	There is a direct pathway from the pontoon location to the SAC.	Yes

	Embryonic shifting dunes [2110] Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]			
Seven Heads SPA (4191)	Chough (Pyrrhocorax pyrrhocorax) [A346]	This SPA is approximately 5 km south of the pontoon location (via the sea).	There is no effective pathway to the SPA.	No because this SPA is terrestrial and there is no viable pollution pathway due to the distance between to the two sites and the likelihood of any negative impact is insignificant.
Old Head of Kinsale SPA (4021)	Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199]	This SPA is approximately 11.5 km east of the pontoon location (via the sea).	The pathway via the sea to the SPA is weak and very unlikely to be viable in the unlikely event of a minor fuel spillage.	No because the distance between the two sites (11.5 km) renders the likelihood of any negative effect to be insignificant.

Assessment of Likely Significant Effects

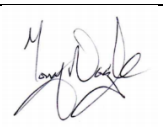
STEP 3. Assessment of Likely Significant Effects	
(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of two European sites **(Courtmacsherry Bay SPA and Courtmacsherry Estuary SAC)**, taking into consideration the size and scale of the project under the following headings:	
Construction phase:	
Impacts	**Significance of Impacts** (duration/magnitude etc.)
1. Vegetation clearance 2. Demolition 3. Surface water runoff from soil excavation/infill/landscaping 4. Contaminants or pollution 5. Dust, noise, vibration 6. Lighting disturbance 7. Impact on groundwater/dewatering 8. Storage of excavated construction materials 9. Access to site 10. Invasive species	1. No vegetation clearance will occur during the dismantling of the existing pontoon other than the removal of any marine algae that has become attached to the pontoons. 2. The existing pontoons will be removed, dismantled and transported to a licensed waste facility. 3. No surface water runoff to the SPA and SAC is anticipated during the dismantling and installation procedures. 4. There will be a very slight risk of fuel oil spillage during the dismantling and installation procedures but volumes (in the unlikely event of an accidental spillage) would be very low and would pose an insignificant threat to the Conservation Objectives of both the SPA and SAC. 5. No significant amount of dust is anticipated during the dismantling and installation procedures. There will be some noise and vibration caused by machinery during the dismantling and installation procedures but levels are anticipated to be low and very localised and no disturbance to the Qualifying Interests of the SPA and SAC is anticipated. The dismantling and installation operations are expected to be completed within 2 days. 6. All work will be completed during daylight hours so no lighting disturbance to the Qualifying Interests is anticipated. 7. No impact on groundwater is anticipated and there will be no dewatering during the dismantling and installation operations.

	8. The dismantled pontoon will be removed from the site to a licensed waste facility shortly after it has been removed from the water. 9. Qualifying Interest access to the site will not be restricted during the two day operation. There may be some slight localised displacement of some bird species during the two day period but plenty of suitable alternative feeding habitat is available nearby. 10. No invasive species are known to occur on site and none are anticipated to be introduced to the site as a result of the dismantling and installation processes.
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. No increase in direct emissions to air or water will occur during the operational phase as the installation process involves the replacement of an existing pontoon with a similarly sized new pontoon. 2. No additional surface runoff containing contaminants or sediment is anticipated in the operational phase. 3. No additional lighting disturbance will arise during the operational phase. 4. No additional noise or vibration will occur as the new pontoon is of a similar size to the current facility. 5. No changes to groundwater will occur during the operational phase as there will be no drainage or abstraction at the new pontoon. 6. The new pontoon will not result in any increase in the presence of people, vehicles or activities in the SPA and SAC as the new pontoon is of a similar size to the current facility and will not facilitate an increase above existing levels of usage. 7. The new pontoon will not result in any additional collision risks as the new pontoon is of a similar size to the current facility. 8. The new pontoon will not increase the potential for accidents or incidents that would impact negatively on the Conservation Objectives of the SPA and SAC as the new

	pontoon is of a similar size to the current facility.
(b) Describe any likely changes to the European site(s):	
In combination/other: A search of the Cork County Council Planning Applications website for plans received for the 12 month period (01/03/2025 to 01/03/2026 in Courtmacsherry found planning permission has been granted for two new houses, two house extensions, one domestic garage and two agricultural buildings. These developments have the potential to cause significant impacts to nearby Natura 2000 sites.	
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. Habitat or 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 development (alone and in combination) will not result in any reduction or fragmentation of habitat area within Courtmacsherry Bay SPA and Courtmacsherry Estuary SAC. 2. The proposed development (alone and in combination) will not result in any significant disturbance to the Qualifying Interests of the SPA or the SAC. 3. The proposed development (alone and in combination) will not result in any habitat or species fragmentation in the SPA or SAC. 4. The proposed development (alone and in combination) will not result in any reduction or fragmentation in species density with the two European sites being assessed. 5. The proposed development (alone and in combination) will not result in any changes to key indicators of conservation status value in the two European 2000 sites. 6. The proposed development(alone and in combination) will not result in any changes to areas of sensitivity or threats to Qualifying Interests in the SPA or SAC. 7. The proposed development (alone and in combination) will not result in any significant interference with the key relationships that define the structure or ecological function of the site. 8. The proposed development (alone and in combination) will not result in any additional increase to the effects of climate change to the two adjacent European sites or any other European sites.
(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 any

	effects on the two European sites that have been assessed. 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 on file, which is considered adequate to undertake a screening determination and having regard to: • The nature and scale of the proposed development, • The short time period for installation, • The timing of the proposed removal of the existing pontoon and replacement with a new pontoon (likely to be late spring/early summer when the great majority of the Qualifying Interest bird species will have returned to their breeding grounds in Northern Europe, Iceland), • The intervening land uses (for one of the assessed European sites) and intervening distances from two of the assessed European sites, it is concluded that the proposed development, individually or in-combination with other plans or projects would not be likely to have a significant effect on 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.

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