



***Environmental
Services
Consultancy***

**Statement of Screening
for
Appropriate Assessment**

**Swinford,
Claremorris,
Co. Mayo**

Reference: Kilbride Appropriate Assessment Screening

Client Name: HSE

Site Address: Swinford, Claremorris, Co. Mayo

Project Type: Statement of Screening for Appropriate Assessment

Date: 3rd March 2021

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1 Introduction

1.1 Background

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the ecological impacts of a proposed development at Swinford, Claremorris, Co. Mayo was carried out in March 2021 by Environmental Scientists Martijn Leenheer Bsc (Hons) and Leo Cosgrove Bsc (Hons) and Peter McCormick Bsc (Hons) of Environmental Services Consultancy. This assessment allowed areas of potential ecological value and potential ecological constraints associated with this proposed development to be identified and it also enabled potential ecological impacts associated with the proposed development to be assessed and mitigated for.

The location of the proposed development is linked to a site designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely. This exercise will also determine the appropriateness of the proposed project, in the context of the conservation status of the designated sites.

1.2 Regulatory Context

Relevant Legislation

The Birds Directive (Council Directive 79/409/EEC) implies that particular protection is given to sites (Special Protection Areas) which support certain bird species listed in Annex I of the Directive and that surveys of development sites should consider the status of such species.

The EU Habitats Directive (92/43/EEC) gives protection to sites (Special Areas of Conservation) which support particular habitats and species listed in annexes to this directive. Articles 6(3) and 6(4) of this Directive call for the undertaking of an Appropriate Assessment for plans and projects likely to have an effect on designated sites. This is explained in greater detail in the following section.

The Wildlife Act 1976 (and its amendment of 2000) provides protection to most wild birds and animals. Interference with such species can only occur under licence. Under the act it is an offence to "wilfully interfere with or destroy the breeding place or resting place of any protected

wild animal”. The basic designation for wildlife is the Natural Heritage Area (NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage. NHAs are not part of the Natura 2000 network and so the Appropriate Assessment process does not apply to them.

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2015 and that status doesn't deteriorate in any waters.

Appropriate Assessment and The Habitats Directive

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. Natura 2000 sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision -making tests for plans or projects affecting Natura 2000 sites. Article 6(3) establishes the requirement for Appropriate Assessment:

“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.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of

appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

“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 States 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.

Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”

The Appropriate Assessment Process

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a site’s conservation objectives.

Appropriate Assessment is an assessment of the potential effects of a proposed plan - ‘in combination’ with other plans and projects - on one or more European sites. The ‘Appropriate Assessment’ itself is a statement which must be made by the competent authority which says whether the plan affects the integrity of a European site. The actual process of determining whether or not the plan will affect the site is also commonly referred to as ‘Appropriate Assessment’.

If adverse impacts on the site cannot be avoided, then mitigation measures should be applied during the Appropriate Assessment process to the point where no adverse impacts on the site remain (European Commission, 2000, 2001).

The conclusions of the appropriate assessment report should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site (European Commission, 2000, 2001).

Under the terms of the directive (European Commission, 2000, 2001), consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of the site will not be adversely affected, or (b) where an adverse effect is anticipated, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

2 Methodology

2.1 Appropriate Assessment

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2000). Managing Natura 2000 Sites: The Provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC.
- European Commission (2002). 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 (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning
- Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is ‘the precautionary principle’ which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that “each stage determines whether a further stage in the process is

required”. Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four stage process is:

Stage 1: Screening – The process which 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 or not these impacts are likely to be significant;

Stage 2: 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;

Stage 3: Assessment of Alternative Solutions – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain – An assessment of the 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.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects;
- Screening statement with conclusions.

2.2 Desk Studies

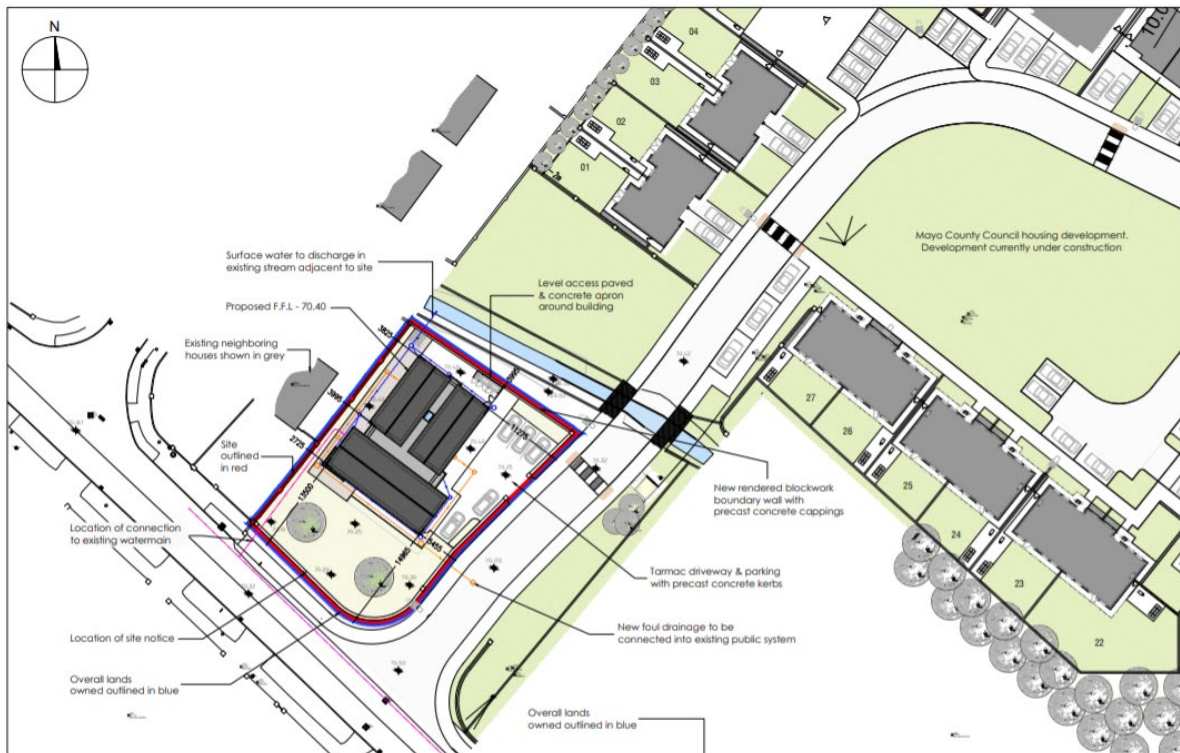
Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species; conservation objectives, site synopses and standard data forms for relevant designated sites;
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- The planning proposal from architect and Site Characterisation Report
- Mayo County Council – Information on planning history in the area;
- Catchment.ie – Catchment based information.

3 Screening

3.1 Description of plan or project

The development consists of a four bedroom community dwelling for usage as an adult residential care facility which will be serviced by Irish Water as the dwelling will be connected to the public sewerage system. The development is situated amongst other houses in the area. The soil code is AminDW - Deep well drained mineral (Mainly acidic). A site suitability assessment for the proposed development has been carried out.



Site Layout
 Scale - 1:500
 Area - 0.097hectares/0.24 acres

Site Layout

3.2 Site Location and surrounding environment

The site in question is located on the outskirts of the town of Swinford, Co. Mayo. The topography of the site is flat (<1:20) with an area of 0.097 hectares. The dominant habitats surrounding the site are mainly Buildings and artificial surfaces with improved agricultural grassland, amenity grassland, hedgerows, treelines, mixed broadleaved woodland, and streams also present.

The site itself currently consists of scrub surrounded by improved grassland habitat and buildings and artificial surfaces. This habitat is of low conservation value.

The application site is located within the Moy & Killala Bay Catchment (34), with the nearest river being the Swinford River (EPA code: SWINFORD_010) in the Moy_SC_050 subcatchment. The website of the Water Framework Directive in Ireland (catchments.ie) classifies the streams and tributaries of the Swinford River in this area as being of Good ecological status and not at risk – under the requirements of the Water Framework Directive, this is satisfactory.

Bedrock is from the Aille Limestone Formation and consists of dark fine-grained limestone and shale. The topsoil consists of grey brown podzolics and brown earths derived from mainly calcareous parent materials whilst the sub-soil consists of Till derived from limestones (source: EPA.ie).

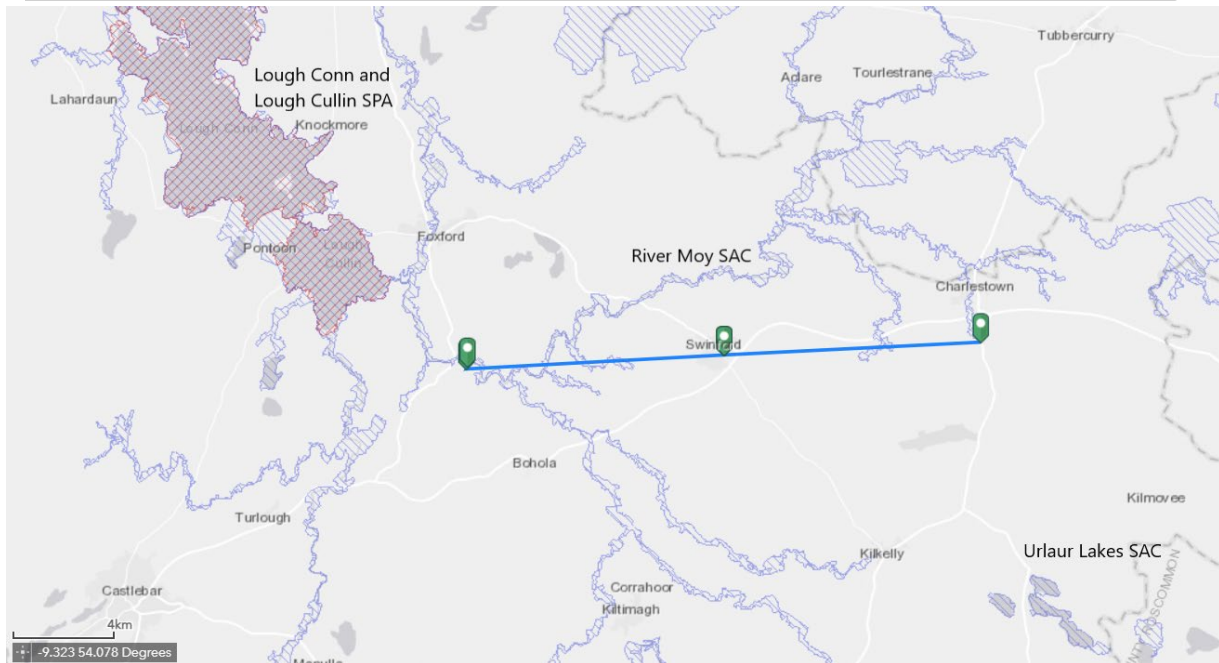
An examination of the website of the National Biodiversity Data Centre, no protected species observed within the two bordering 1km square of the proposed development (M3899 and M3799).

3.3 Natura 2000 Sites Identified

In compliance with the Departmental Guidance, this includes any Natura 2000 sites within or adjacent to the plan area, any sites within 10km of the area, and depending on the likely impacts of the plan and the sensitivities of the receptors, could be further than 10km away. In this case, due to the nature and size of the development and the limited impacts of this development, no impacts are likely to occur at a distance more than 10km away, therefore they are not considered.

There is one SAC's and situated within the 10km from the plan area.

Site Name & Code	Distance from Proposed Development	Qualifying Interests
<p>River Moy SAC IE0002298</p>	<p>2.95km</p>	<p>Habitats:</p> <ul style="list-style-type: none"> • Active raised bogs • Degraded raised bogs still capable of natural regeneration • Depressions on peat substrates of the Rhynchosporion • Alkaline fens • Old sessile oak woods with Ilex and Blechnum in the British Isles • Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) <p>Species:</p> <ul style="list-style-type: none"> • White-clawed Crayfish - <i>Austropotamobius pallipes</i> • Sea Lamprey - <i>Petromyzon marinus</i> • Brook Lamprey - <i>Lampetra planeri</i> • Salmon - <i>Salmo salar</i> • Otter - <i>Lutra lutra</i>



SAC's (Blue) and SPA's (Red) in Relation to development site. 10km radius in blue.

The map of the site in relation to the SAC was unable to be exported from the natura 2000 site to google earth, and due to this it is difficult to mark a 10km circle on the map. The 10km radius has been marked in the Natura 2000 viewer instead.

The generic conservation objectives of these sites are as follows:

1. To maintain the favourable conservation status of the qualifying interests (outlined above) of these SAC's.
2. To maintain the extent, species richness and biodiversity of the entire site.
3. To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

Favourable conservation status of a habitat is achieved when:

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

The favourable conservation status of a species is achieved when:

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

3.4 Assessment Criteria

The impacts (if any) of the proposed development on the Natura 2000 sites identified above are described below. The baseline is that there is an existing dwelling which we be rebuilt to improved specifications including the wastewater treatment plant.

Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:

The construction works of the proposed development will have **no impacts** upon the integrity or the site structure of the designated sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these aforementioned sites. Negative impacts are not likely from this baseline as the new development will have no discharge into the water system apart from surface water runoff from the roof area of the development.

Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:

Size and scale: Given the small size and scale of the development in relation to the overall size of and distance to the Natura 2000 sites identified, the likelihood of any direct, indirect or cumulative impacts on these designated sites are low.

Land-take: There will be no land-take from any designated site.

Distance from Natura 2000 site or key features of the site: At its closest point, the actual proposed development is situated 2.95km up stream of the Moy River SAC IE0002298. As the site will only have surface water runoff from the roof area as a discharge and as it will have a small environmental impact, it is not foreseen that the development will have any direct or indirect impacts on the designated sites.

Resource requirements (water abstraction etc.): No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

Emissions The emission to soil and ground water will be sufficiently treated before introduction into the environment. Clean surface water run-off from the roof area of the dwelling will be directed to surface water..

Excavation requirements: Not Applicable

Transportation requirements: There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

Duration of construction, operation, decommissioning etc: Once construction begins, it should be complete within one year.

<p>Describe any likely changes to the nearby Natura 2000 sites arising as a result of:</p>
<p>Reduction of habitat area: The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area within any SAC/SPA. There will be no interference with the boundaries of any SAC/SPA.</p> <p>Disturbance to key species: There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. There will be no reduction in water quality in the designated sites arising from the construction or operation of this development, therefore any indirect impacts upon listed species will be avoided.</p> <p>Habitat or species fragmentation: There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and the Natura 2000 sites identified will be damaged or destroyed.</p> <p>Reduction in species density: There will be no reduction in species density within the SAC and SPA.</p> <p>Changes in key indicators of conservation value (water quality etc.): There will be no negative impacts upon surface or ground water quality within the SAC or SPA. There will be no negative impacts upon the water quality in any designated sites.</p>
<p>Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:</p>
<p>Interference with the key relationships that define the structure or function of the site: It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified due to the size of the development and the distance from designated sites.</p>
<p>Provide indicators of significance as a result of the identification of effects set out above in terms of:</p>
<p>Loss - Estimated percentage of lost area of habitat: None</p> <p>Fragmentation: None</p> <p>Disruption & disturbance: None</p> <p>Change to key elements of the site (e.g. water quality etc.): None</p>

3.5 Findings of no Significant Effects

Finding of No Significant Effects Report Matrix	
Name of project	Construction of 4 bedroom dwelling house
Name and location of Natura 2000 site	<ul style="list-style-type: none"> Moy River SAC (IE0002298)
Description of project	Construction of a 4 bedroom residential house and associated site works.
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	Considering the size of the proposed development and the discharges from the site, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
Explain why these effects are not considered significant	There will be no impact upon the designated sites
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely

Data Collected to Carry out the Assessment	
Who carried out the assessment	Martijn Leenheer BSc (Hons) Environmental Scientist Leo Cosgrove BSc (Hons) Environmental Scientist Peter McCormick BSc (Hons) Environmental Scientist
Sources of data	NPWS, GSI, EPA, National Biodiversity Data Centre, Dublin County Council
Level of assessment completed	Stage 1 Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	Full results included

4 Best Practice Measures

Whilst the proposed development will have no impacts upon the integrity of any area that has been designated as a Natura 2000 site, it is usually best practice to undertake certain mitigation measures during the construction and operation of any development. These measures will help to protect the local biodiversity of the surrounding area and ensure the protection of local wildlife and water quality. Therefore, it is recommended that the following measures are implemented:

- It is vital that there is no deterioration in water quality in the watercourses and coastal waters in the vicinity of the development. This will protect both habitats and species that are sensitive to pollution. Therefore, consideration should be given to erosion, sediment generation and other pollutants associated with the construction process, including the provision of attenuation measures, silt traps or geotextile curtains to reduce and intercept sediment release into any local watercourses where applicable.
- The applicant must ensure that any excavated soil is used / disposed of responsibly. Its disposal should not lead to the loss or damage of any natural or semi-natural habitats elsewhere. It should not be spread close to any local watercourse as it may result in an increase in the sediment load of that watercourse.
- Trees should only be removed on site where absolutely necessary. Any tree lines and hedgerows that remain should be protected and maintained where possible. They should be carefully cordoned off from the development activities on site. If possible, a natural verge should be allowed to remain along these hedgerows. This will maintain the biodiversity on the site once the development is operational. It is illegal to remove hedgerows and trees during the bird nesting season. The

construction on this site will not be interfering with the trees or hedgerows around the site.

5 Appropriate Assessment Conclusion

The proposed development is the construction of a 4 bedroom residential house with associated site works. The site is situated 2.95km up stream of the Moy River SAC IE0002298, but due to the minimal impacts on the surrounding area it can therefore be concluded objectively that should this development be granted planning permission, that there will be no impacts upon the integrity or the conservation objectives of SAC's and SPA's surrounding this development. The habitats and species associated with these sites will not be adversely affected. This proposed development does not need to proceed to Stage II of the Appropriate Assessment process.