



Medlicott Street Public Realm Works;

Main Street Public Realm Works; and

New Enterprise Centre and Tourist office at Main Street and Barrack Hill.

Appropriate Assessment Screening Report

Mayo County Council

P00007589

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Client: Mayo County Council
Address: Westport Municipal District
Altamont Street
Westport
County Mayo

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Project Director: Eliot Taylor
Project Manager: Maeve Riley

APEM Ltd
Suite 218/219
The Capel Building
Mary's Abbey
Dublin
D07 CR23
Ireland

Tel: 021 2339580

Registered in Ireland No. 693910

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1. Introduction

APEM Ltd was commissioned by Mayo County Council to prepare a report to inform screening for appropriate assessment for the proposed public realm improvement works and enterprise building construction in Newport town, Co. Mayo.

1.1 General Description of the Sites

The proposed works areas (“the Sites”) are located within Newport town in the urban environment dominated by hardstanding such as pavements, roads and buildings. The works boundaries include the Main Street bridge which crosses the Newport [Mayo] River¹. There are areas of green space located beyond the site boundary from Medicott Street, that lead down to the Newport [Mayo] River. The Proposed Development is located approximately 580m upstream of Clew Bay.

1.2 Brief Project Description

The proposed works include three projects:

- Project 1- Site A Medicott Street Public Realm Works;
- Project 2- Site A Main Street Public Realm Works; and
- Project 3- Site B New Enterprise centre and Tourist office at main Street and Barrack Hill.

The extent of the Sites are illustrated in Appendix A, Figure 1. Drainage details for the proposed development has been provided by the client. Water and sewage drainage systems are already present. The existing systems are located along Medicott Street and Main Street (Appendix A, Figure 2). The drainage system for management of surface water within the boundary of Project 1 at the playground area, Canon Killeen Park and on the green space south - east of the bridge consists of a series of gullies that connect directly to the Newport [Mayo] River.

1.3 Aim of the Report

This AA Screening Report has been prepared to provide supporting information to allow the competent authority, in this case Mayo County Council, to carry out a screening for likely significant effects on Natura 2000 sites² because of the Proposed Development.

1.4 Objectives of the Appropriate Assessment Process

The AA process is required by Articles 6(3) and 6(4) of the Habitats Directive. It is a stepwise process which is required to be followed in sequence. The process promotes a hierarchy of avoidance, mitigation and compensatory measures to be addressed in the AA process³ as follows:

- Firstly, a plan / project should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.

¹ As named on EPA Environmental Maps <https://gis.epa.ie/EPAMaps/> (last accessed 14 October 2021)

² Also referred to as European Sites in the Planning and Development Acts 2000 – 2020

³ The objectives as outlined are based on those set out in Scott Wilson and Levett-Therivel, (2006).

- Secondly, mitigation measures should be applied during the AA process (after stage 1 screening) to the point where no adverse impacts on the site(s) remain.
- Thirdly a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

1.5 Evidence of Technical Competence and Experience

The appropriate assessment screening report was prepared by Maeve Riley BSc MSc MCIEEM. Elaine Dromey BSc MSc MCIEEM carried out the technical review of this report.

Maeve Riley holds a MSc in Environmental Consultancy from Newcastle University, UK and a BSc in Zoology from University College Cork. She is a full member of the Chartered Institute of Ecology and Environmental Management. Maeve have prepared a number of AA reports (Screening and Natura Impact Statements (NIS)) for a range of projects.

Elaine Dromey holds a BSc in Earth Science from University College Cork and an MSc in Vegetation Survey and Assessment from the University of Reading, UK. She is a full member of the Chartered Institute of Ecology and Environmental Management. Elaine has prepared AA screening reports and NIS for a range of different projects and plans.

1.6 Relevant Legislation

- The main pieces of relevant legislation are as follows:
- The Habitats Directive 92/43/EEC.
- The Birds Directive 2009/147/EC.
- European Communities (Birds and Natural Habitats) Regulations 2011 – 2015.
- Planning and Development Acts 2000 to 2020 - PART XAB.

The relevant sections of the legislation are summarised in Appendix B of this report.

2. Methods

2.1 Desk Study

A desk study was carried out to gather available information on Natura 2000 sites within the potential zone of influence (Zol) of the Proposed Development. Aerial imagery from Google Maps⁴ and Environmental Protection Agency (EPA) Maps⁵. The National Parks and Wildlife Service (NPWS) website⁶ was accessed for information on Natura 2000 sites.

2.2 Zone of Influence

The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project sites, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).

Irish guidance (DoEHLG, 2010)⁷ states, for the zone of influence of plans, that "*A distance of 15 km is currently recommended in the case of plans derives from UK guidance (Scott Wilson et al, 2006)*". The guidance goes on to state that "for projects, the distance could be much less than 15 km, and in some cases less than 100 m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects."

The zone of influence for this project was identified through a review of the nature of the project, the type of impacts and effects that could arise as a result, the distance between the project and Natura 2000 sites, and the qualifying interests of the Natura 2000 sites.

The zone of influence of the project is discussed in further detail later in this report.

2.3 Screening Report

The approach taken in preparing the screening report is based on standard methods and best practice guidance, as listed in the references section of this report. The approach to preparing the AA screening report is summarised as follows:

- Identify Natura 2000 sites within the potential zone of influence of the project.
- Identify the features of interest of the Natura 2000 sites and review their conservation objectives.
- Review whether there is potential for the features of interest to be affected by the project based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the nature and scale of the works associated with the project.
- Consider the likelihood of the identified potential impacts occurring based on the information collated and professional judgement.

⁴ www.google.ie/maps (last accessed 29/09/2021)

⁵ <http://gis.epa.ie/> (last accessed 29/09/2021)

⁶ <https://www.npws.ie/protected-sites> (last accessed 29/09/2021)

⁷ Appropriate Assessment of Plans and Projects in Ireland -Guidance for Planning Authorities

- Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
- Identify the likelihood of significant effects on Natura 2000 sites occurring because of the project.

3. Detailed Description of the Proposed Development

The proposed development is separated into two areas and three different projects:

- **Site A** consists of two public realm work sites –
 1. Medicott Street
 2. Main Street

The works entail creation of a quality attractive public realm widening footpaths, car parking, footpath in Canon Killeen Park and essential safe access and road crossings for cyclists and pedestrians; and,

- **Site B** comprises development of enterprise centre and tourist office. Creation of new enterprise centre and tourist office building on existing derelict Main Street / Barrack Hill Site. This work comprises the demolition of three derelict houses.

A description of proposed activities are outlined below. The locations of both sites are illustrated in Appendix A, Figure 1.

3.1 Construction Phase

3.1.1 Site A

Proposed works are, for the most part, restricted to existing road surface and paved areas. The path in Canon Killeen park will be created on park grassland. With the exception of works proposed within Canon Killeen park, a wall is present between working areas and the Newport [Mayo] River, which will remain in situ for the construction phase. There are no works proposed along the bridge. Any works that may be required on the bridge will be restricted to repositioning of lampposts. No buildings are proposed to be worked on for site A.

3.1.1.1 Medicott Street

The proposed works for this section of Site A are as follows:

- Reduce road width to 7 metres and replace all remaining tarmac and widen existing footpaths with:
 - New hard and soft landscaped Public realm area with street furniture, cycle stands etc.;
 - 2 metre shared wide cycle and pedestrian path each side; and
 - Perpendicular car parking including new disabled car spaces.
- New cycle path installed at the eastern perimeter (along the existing wall) of Canon Killeen park;
- 2 no road zebra crossings with also serve as traffic calming and cycle path merging areas at bridge;
- Any new public lighting to be 'Dark Skies' friendly;
- Reconstruction of and opening up of some existing heritage of stone walls to facilitate widening of footpath leading to bridge; and
- New directional signage for cyclists and pedestrian, and tourism information signage.

3.1.1.2 Main Street

The proposed works for this section of Site A are as follows:

- Reduce road width to clearly defined 7 metres and replace all remaining tarmacadam and existing footpaths with:
 - New hard and soft landscaped public realm areas, with street furniture;
 - Clearly defined rather than random car parking including accessible car spaces; and
 - Widen and replace all footpaths, repave and restore historic stepped footpath on east side.
- 3 no road zebra crossings with also serve as traffic calming;
- Any new public lighting to be energy efficient and 'Dark Skies' Friendly; and
- New directional signage for cyclists and pedestrian, and tourism information signage.

Existing Limestone steps at this site are to be retained in situ, existing limestone kerbs to be reused where possible.

3.1.2 Site B – Enterprise Centre

Existing derelict houses are proposed to be demolished and replaced with a new 2 storey Enterprise centre for Start-up business and co-working. Within this building is the proposed provision of a tourist office that combines as reception for enterprise centre. The new building line is proposed to be set back from existing street line so as to provide safe footpath leading a proposed greenway (proposed greenway is not included in this assessment).

3.2 Operational Phase

While there is no specific detail on the operational phase of this project is it assumed that it will be similar as pre-works. The proposed developments are located within an existing urban setting which are proposed to be utilised by the residents and visitors as per pre-construction usage.

4. Appropriate Assessment Screening

This section of the report identifies the potential zone of influence of the proposed development, provides information on the Natura 2000 sites within the identified zone of influence and sets out the potential impacts and effects and the likelihood of significant effects.

4.1 Identification of Natura 2000 Sites

The first step in identification of Natura 2000 sites (also referenced as European Sites) is to determine the potential zone of influence of the project. When the zone of influence of the project has been determined, Natura 2000 sites within this area can be identified and the information on each collated.

The closest Natura 2000 site(s) to the Sites are 10m. The boundary of the Clew Bay Complex SAC and Newport River SAC are both approximately 10m from the Site A boundary at the closest point⁸. Canon Killeen Park where works are proposed to create a new cyclepath, is located within the Clew Bay Complex SAC boundary.

There are no other Natura 2000 sites that have the potential to be impacted by the project through other means. Therefore, the zone of influence for the project is limited to those closest (i.e. Natura 2000 sites within 10m). Natura 2000 sites within the zone of influence of the project are outlined in Table 1 and their locations in proximity to the Sites are illustrated in Appendix A Figure 3.

All other Natura 2000 sites are not likely to be affected given the nature and scale of the proposed development, the distance between the Natura 2000 sites and the Sites and the lack of connectivity either through surface water pathways or landscape connectivity.

⁸ Measured in a straight line between the Site boundary and the boundary of the Natura 2000 site

Table 1. Natura 2000 Sites within the Immediate Area

| Site Name (Code) | Distance from Proposed Development | QIs/SCIs (with codes) | Conservation Objectives |
|-------------------------------|------------------------------------|---|---|
| Clew Bay Complex SAC (001482) | 10m | <ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide (1140) • Coastal lagoons (1150) • Large shallow inlets and bays (1160) • Annual vegetation of drift lines (1210) • Perennial vegetation of stony banks (1220) • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) (1330) • Embryonic shifting dunes (2110) • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) (2120) • Machairs (21A0) • Old sessile oak <i>Quercus petraea</i> woods with Ilex and Blechnum in the British Isles (91A0) • Geyer's whorl snail <i>Vertigo geyeri</i> (1013) • Otter <i>Lutra lutra</i> (1355) • Harbour seal <i>Phoca vitulina</i> (1365) | <ul style="list-style-type: none"> • Detailed conservation objectives have been prepared for the Natura 2000 site and are available at www.npws.ie • To maintain the favourable conservation condition of habitats 1140, 1160, 1210, and species 1365. • To restore the favourable conservation condition of habitats 1330, 2110, 2120, 21A0 and species 1355. |
| Newport River SAC (002144) | 10m | <ul style="list-style-type: none"> • 1106 <i>Salmo salar</i> (Salmon) • 1029 <i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) | <ul style="list-style-type: none"> • Detailed conservation objectives have been prepared for the Natura 2000 site and are available at www.npws.ie • To restore the favourable conservation condition of Freshwater Pearl Mussel (<i>Margaritifera margaritifera</i>) in Newport River SAC • To maintain the favourable conservation condition of Atlantic Salmon (<i>Salmo salar</i>) in Newport River SAC |

4.2 Description of Natura 2000 Sites

The Natura 2000 sites within the zone of influence of the proposed development listed in Table 1 are described in more detail here. These are site descriptions extracted from supporting information available from NPWS⁹.

Clew Bay Complex SAC

*“Clew Bay is a wide, west-facing bay on the west coast of Co. Mayo. It is open to the westerly swells and winds from the Atlantic, with Clare Island giving only a small amount of protection. This drumlin landscape was formed during the last glacial period when sediments were laid down and smoothed over by advancing ice. The sea has subsequently inundated the area, creating a multitude of islands. The geomorphology of the bay has resulted in a complex series of interlocking bays creating a wide variety of marine and terrestrial habitats. Within the shallow bay, subtidal sediments are characterised by typical bivalve communities in fine sand (*Chamelea striatula* and *Ensis* sp.), and by the polychaete worm *Euclymene* sp. and the bivalve *Thyasira flexuosa* in muddy sand. Clew Bay is considered to have the most significant shingle reserves in the country, and has (on the islands) the only examples of incipient gravel barriers in Ireland.*

Important populations of Otter and Common (Harbour) Seal are found in Clew Bay. The juxtaposition within Clew Bay of a wide variety of habitats, including 10 listed on Annex I of the E.U. Habitats Directive, and the combination of important flora and fauna, including one Red Data Book plant and three animals listed on Annex II Version date: 11.12.2015 5 of 5 001482_Rev15.Docx of the E.U. Habitats Directive, make this a site of considerable national and international importance.”

Newport River SAC

“The Newport River SAC is of considerable conservation value. It is an important site for the Freshwater Pearl Mussel and the Atlantic Salmon, species listed on Annex II of the E.U. Habitats Directive. The water quality of the river is good and the site supports populations of several protected species, including Otter and Kingfisher. The rare Irish Heath is also known from the site.”

4.3 Identification of Potential Impacts on Natura 2000 Sites

The potential impacts of the project on the habitats and species listed as qualifying interests for Clew Bay Complex SAC and Newport River SAC are discussed in this section.

DoEHLG (2010) guidance for planning authorities states *“If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.”* This approach is adopted in this report to considering the likely significant effects of the proposed development.

⁹ <https://www.npws.ie/protected-sites> (last accessed 29/09/2021)

A significant effect is defined in paragraph 49 of the [Waddenzee Case C-127/02¹⁰](#) as follows “..... pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.”

4.4 Potential Impacts and Effects

Clew Bay Complex SAC and Newport River SAC are approximately 10 m north of the working area of Medicott Street and south of proposed works at Main Street. Part of works to Medicott Street, at Canon Killeen Park (cyclepath) is within Clew Bay Complex SAC boundary.

The proposed development works are all within existing hard standing within Newport town. The proposed development will be confined to the extents of the area shown in Figure 1. Potential impacts from construction phase are described below. Given the Proposed Development is within an existing urban environment, the operational phase is not considered to pose any effect on the SACs. The operational phase is therefore not considered further in this report.

4.5 Construction Phase

Proposed works within Canon Killeen park are not considered likely to affect the functioning of Clew Bay Complex SAC. Where there is predicted land take with the park to create the new cyclepath within the boundary of an SAC, the land affected is does not constitute habitat for which the SAC is designated for i.e. the habitat present is not a qualifying interest of the SAC. All works will take place from the road with no storage of materials or machinery within the park. Therefore, the works within the park will not cause a likely significant effect on Clew Bay Complex SAC.

The other proposed Sites, along Main Street and at the Enterprise Centre (Figure 1) are not within any Natura 2000 site and will therefore not result in any direct habitat loss or fragmentation in Clew Bay Complex SAC and Newport River SAC. There is no hydrological or landscape connectivity from these Sites to Clew Bay Complex SAC and Newport River SAC.

Any surface water carrying silt and / or pollutants will flow to the existing drainage network within the town. Some of this surface water may be carried through existing gullies discharging to the Newport [Mayo] River west of the bridge in proposed works area A (western section of Medicott Street). This section of the Newport [Mayo] River is within the Clew Bay SAC.

The conservation objectives for Clew Bay SAC (NPWS, 2011a and 2011b show that the key habitats and features present within the immediate boundary of the works to Medicott street are:

- Mudflats and sandflats not covered by seawater at low tide (1140) with Intertidal sandy mud with *Tubificoides benedii* and *Pygospio elegans* community complex; and
- Large shallow inlets and bays (1160)

These habitats would, in the long term, be impacted by continuous silt and pollutant influxes, however the proposed works will not result in long term continuous release of silt and other pollutants. The

¹⁰ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127> (last accessed 29/09/2021)

discharge of some surface water to the Newport [Mayo] River via gullies will have no appreciable¹¹ effect on the qualifying interests of Clew Bay Complex SAC and Newport River SAC.

The proposed works are within an urban environment where existing noise levels associated with human activities will not increase. Therefore, there is no risk of disturbance of species listed as qualifying interests of the SAC, such as otter, as a result of noise levels associated with the construction works.

The works will not result in any effects on qualifying interests arising from emissions to air, such as dust, as the works will be small scale and localised. Any emissions to air will be restricted to localised dust from removal of existing hardstanding and will not result in an appreciable effect on the qualifying interests of Clew Bay Complex SAC and Newport River SAC.

4.6 Cumulative Effects

Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant impacts that, when considered in combination with impacts of other proposed or permitted plans and projects, can result in significant effects (CIEEM, 2018).

There are no effects on Natura 2000 sites predicted to occur as a result of the proposed works and therefore there are no pathways for the works to act in-combination with other plans or projects.

4.7 Likelihood of Significant Effects on Natura 2000 Sites

The proposed development along Medicott Street, Main Street and at the Enterprise Centre in Newport is not considered likely to result in effects on Clew Bay Complex SAC and Newport River SAC and as a result there is no risk of undermining the conservation objectives of these sites.

There are no likely significant effects on Clew Bay Complex SAC and Newport River SAC as a result of the proposed development.

5. Consideration of Findings

This screening report, based on the available scientific information and project details, demonstrates that the Proposed Development does not pose a risk of likely significant effects on the Clew Bay Complex SAC and Newport River SAC.

¹¹ Kelly & Ors. v An Bord Pleanála (25 July 2014) Paragraph 48 "*The requirement that the effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have **no appreciable effect** on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill.*" [emphasis added]

We therefore submit that the competent authority, in this case Mayo County Council, can determine that appropriate assessment is not required, as the proposed works, individually or in combination with other plans or projects, will not have a significant effect on any Natura 2000 site.

6. References

CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine. Chartered Institute of Ecology and Environmental Management, Winchester.

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NPWS (2011a). *Conservation Objectives: Clew Bay Complex SAC 001482*. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2011b). *Conservation Objectives Supporting Document – Marine Habitats and Species: Clew Bay Complex SAC 001482*. Version 1.0. National Parks and Wildlife Service, Department of Arts, Heritage and the Gaeltacht.

NPWS (2019) *Conservation Objectives: Newport River SAC 002144. Version 1*. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht.

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Websites

EPA Mapping <http://gis.epa.ie/Envision>

National Biodiversity Data Centre Map <http://maps.biodiversityireland.ie/#/Map>

National Parks and Wildlife Services Protected Sites <https://www.npws.ie/protected-sites>

Appendix A: Figures

Figure 1 – Site Locations within Newport Town

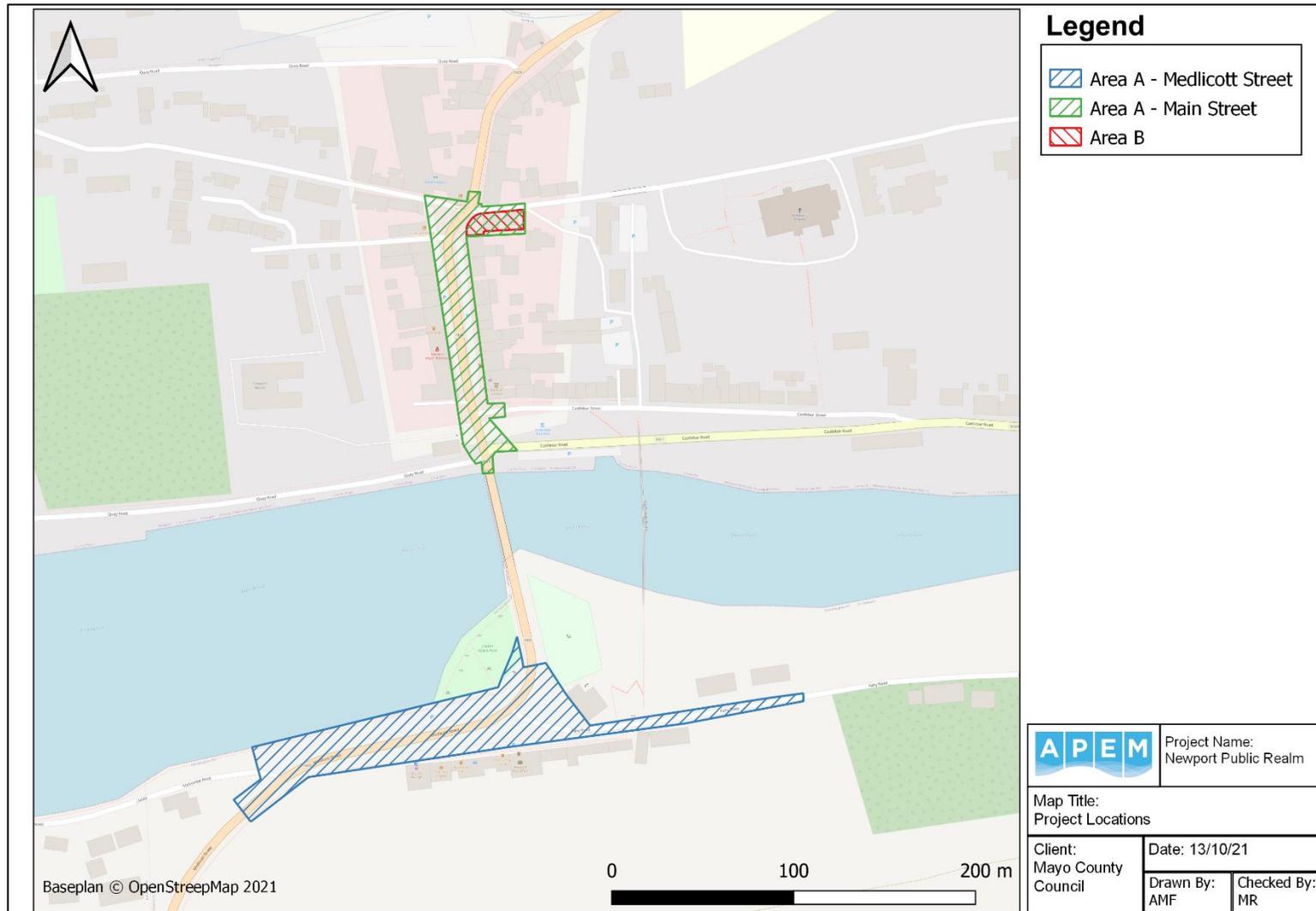


Figure 2 – Existing Drainage within the Sites. Red line represents sewerage and blue lines represent water.

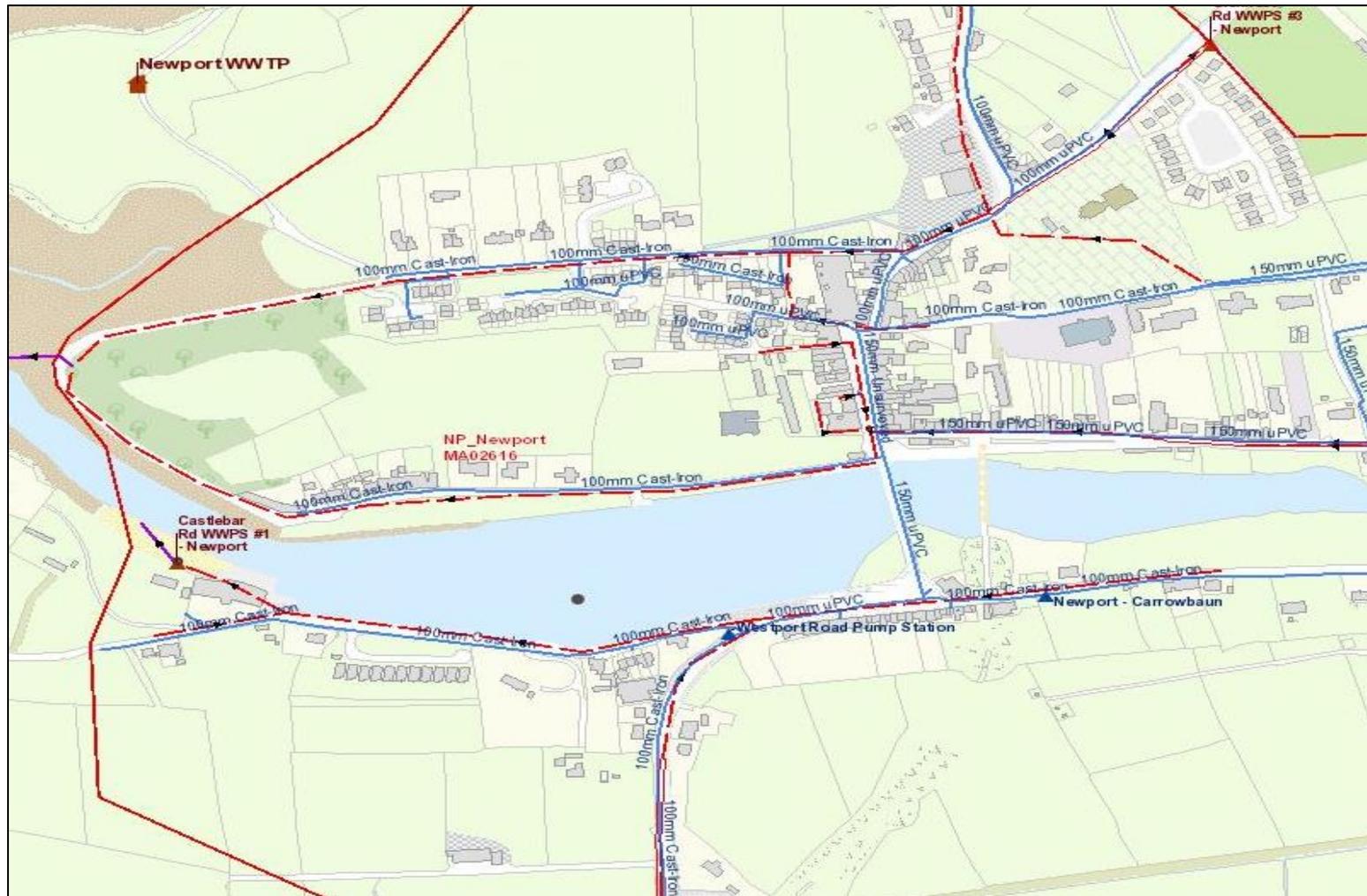
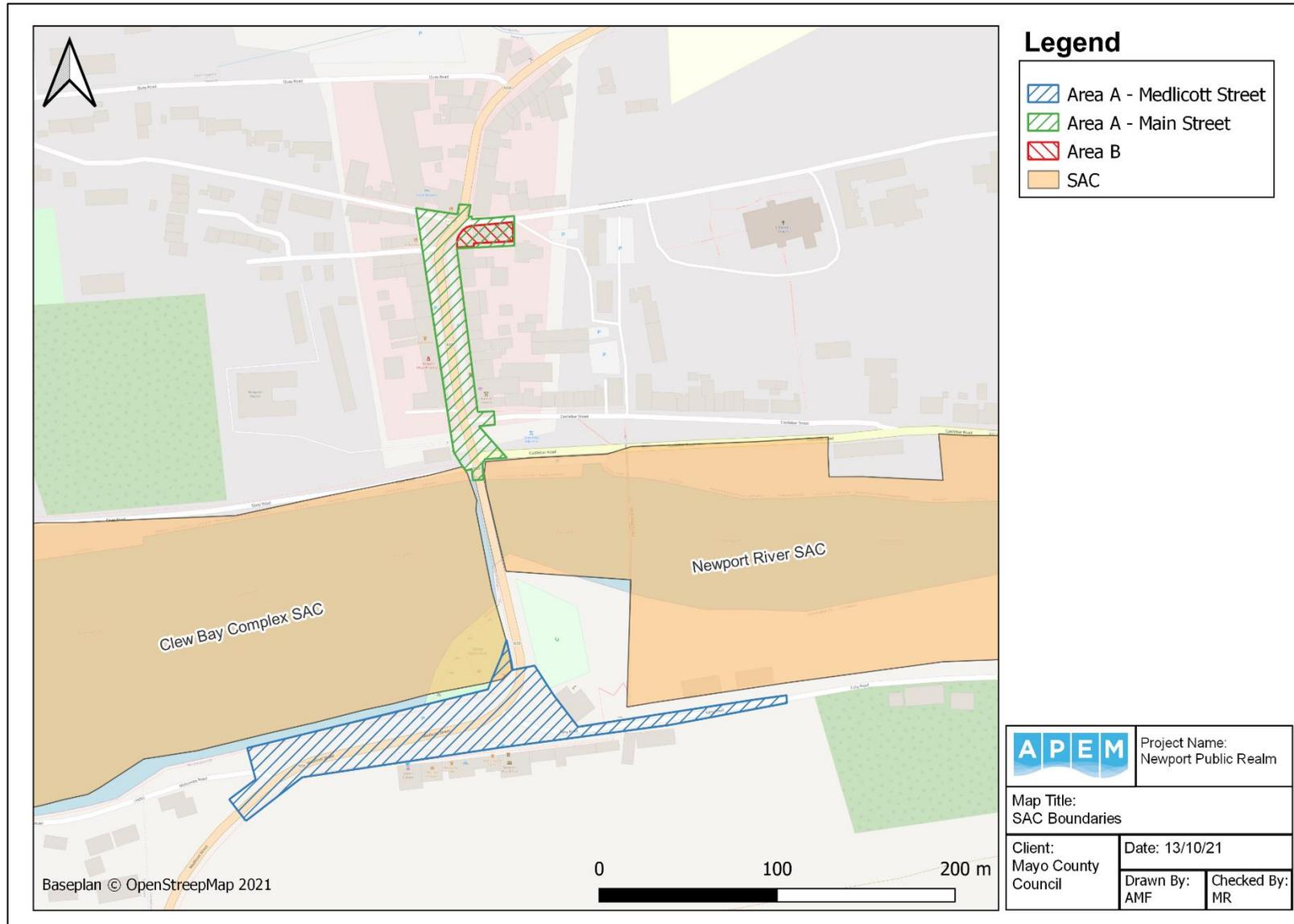


Figure 3 – Natura 2000 Sites within Zol



Appendix B: Relevant Legislation

European Nature Directives (Habitats and Birds)

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation. Similarly, Special Protection Areas are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive an appropriate assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An appropriate assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site¹², and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.

Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC (“the Habitats Directive”) states that: “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”

The Habitats Directive is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 – 2015. Part XAB of the Planning and Development Acts 2000 to 2020 transposes Article 6(3) and 6(4) of the Habitats Directive in respect of land use plans and proposed projects requiring development consent.

EC (Birds and Natural Habitats) Regulations 2011 to 2015 – Part 5

Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 – 2015 sets out the circumstances under which an ‘appropriate assessment’ is required. Section 42(1) requires that *‘a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.’*

¹² Also referred to as European Sites in the Planning and Development Acts 2000 – 2020.

Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives them the authority to direct a third party to provide a Natura Impact Statement and Section 42(3)(b) allows them to request any additional information that is considered necessary for the purposes of undertaking a screening assessment.

Section 42(6) requires that ‘the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site’.

Planning and Development Acts 2000 to 2020¹³ - PART XAB

The relevant sections of Part XAB of the Planning and Development Acts 2000 – 2020 are set out below.

Screening for Appropriate Assessment

Section 177U requires that— (1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed project shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed project, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed project is given.

(3) In carrying out screening for appropriate assessment of a proposed project a competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate and where the applicant does not provide the information within the period specified, or any further period as may be specified by the authority, the application for consent for the proposed project shall be deemed to be withdrawn.

(4) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.

(5) The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.

(6) (a) Where, in relation to a proposed project, a competent authority makes a determination that an appropriate assessment is required, the competent authority shall give notice of the determination, including reasons for the determination of the competent authority, to the following—

(i) the applicant,

¹³ <http://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html> (Updated to 24 September 2020)

- (ii) if appropriate, any person who made submissions or observations in relation to the application to the competent authority, or
- (iii) if appropriate, any party to an appeal or referral.
- (b) Where a competent authority has determined that an appropriate assessment is required in respect of a proposed project it may direct in the notice issued under paragraph (a) that a Natura impact statement is required.
- (c) Paragraph (a) shall not apply in a case where the application for consent for the proposed project was accompanied by a Natura impact statement.
- (7) A competent authority shall, as soon as may be after making the Land use plan or making a decision in relation to the application for consent for proposed project, make available for inspection by members of the public during office hours at the offices of the authority, and may also publish on the internet —
 - (a) any determination that it makes in relation to a draft Land use plan under subsection (4) or (5) as the case may be, and reasons for that determination, and
 - (b) any notice that it issues under subsection (6) in relation to a proposed project.
- (8) In this section ‘consent for proposed project’ means, as appropriate —
 - (a) a grant of permission,
 - (b) a decision of the Board to grant permission on a planning application or an appeal,
 - (c) consent for development under Part IX,
 - (d) approval for development that may be carried out by a local authority under Part X or Part XAB or development that may be carried out under Part XI,
 - (e) approval for development on the foreshore under Part XV,
 - (f) approval for development under section 43 of the Act of 2001,
 - (g) approval for development under section 51 of the Roads Act 1993, or
 - (h) a substitute consent under Part XA.
- (9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.
- (10) In deciding upon an application under section 176A or a determination review or an application referral under section 176C, a planning authority or the Board, as the case may be, shall, where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

Natura Impact Report and Natura Impact Statement

- Section 177T states that—
- (1) (a) A Natura impact report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.
 - (b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a proposed development, on its own or in combination with other plans or projects, for one or more than on European site, in view of the conservation objectives of the site or sites.
 - (2) Without prejudice to the generality of subsection (1) , a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites.

(3) As respects a draft National Planning Framework, the Government shall prepare a Natura impact report in relation to a draft Land use plan and the following bodies shall also prepare a Natura impact report in relation to a draft Land use plan—

(a) as respects a draft regional spatial and economic strategy, the regional assembly for whose area the draft strategy is made,

(aa) as respects a draft National Planning Framework, the Minister

(b) as respects a draft planning scheme in respect of all or any part of a strategic development zone, the planning authority (which term shall be construed in accordance with section 168(5)) for whose area the draft scheme is made,

(c) as respects a draft development plan or draft variation of a development plan, the planning authority for whose area the draft plan or draft variation is made, and

(d) as respects a draft local area plan, the planning authority in whose area the local area concerned is situate.

(4) The applicant for consent for proposed development may, or if directed in accordance with subsection (5) by a competent authority, shall furnish a Natura impact statement to the competent authority in relation to the proposed development.

(5) At any time following an application for consent for proposed development a competent authority may give a notice in writing to the applicant concerned, directing him or her to furnish a Natura impact statement

(6) Where an applicant for consent for proposed development who, having been directed in accordance with subsection (5) , fails to furnish a Natura impact statement within the period specified in the notice, or any further period as may be specified by the competent authority, the application for consent for the proposed development shall be deemed to be withdrawn.

(7) (a) Without prejudice to subsection (1) a Natura impact report or a Natura impact statement shall include all information prescribed by regulations under section 177AD .

(b) Where appropriate, a Natura impact report or a Natura impact statement shall include such other information or data as the competent authority considers necessary to enable it to ascertain if the draft Land use plan or proposed development will not affect the integrity of the site.