Appropriate Assessment Screening

Flinters Field

08/11/2016

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Neo Environmental Ltd	
Scottish Office (Head Office) Wright Business Centre. 1 Lonmay Road. Glasgow. G33 4EL **T** 0141 773 6262 **E:** info@neo-environmental.co.uk	**English Office:** Valiant Suites. Lumonics House, Valley Drive, Swift Valley, Rugby, Warwickshire, CV21 1TQ **T:** 01788 297012 **E:** info@neo-environmental.co.uk
ROI Office: Johnstown Business Centre, Johnstown House, Naas, Co. Kildare, **T:** 00 353 (0)45 844250 **E:** info@neo-environmental.ie	**NI Office:** Premier Business Centre 20 Adelaide St, Belfast, Northern Ireland BT2 8GD **T:** 02890 517 092 **E:** info@neo-environmental.co.uk

Prepared For:

Respond! Housing Association

Prepared By:

Claire Dunphy MSc (Hons) GradCIEEM

Dawn Thompson BSc (Hons) MCIEEM AEECW

	Name	Date
Edited By:	Susan Bell	08/11/2016
Checked By:	Michael McGhee	08/11/2016
	Name	**Signature**
Approved By	Paul Neary	

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1. INTRODUCTION

SCOPE OF THE ASSESSMENT

1.1. Neo Environmental, on behalf of Respond! Housing Association, have produced an Appropriate Assessment Phase 1 Screening of the proposed residential housing development at Flinters Field, Athy, Co. Kildare. The aim of which is to determine whether a Natura Impact Statement (NIS) is required to be undertaken for the proposed development.

DEVELOPMENT DESCRIPTION

1.2. The proposed residential housing development at Flinters Fields will comprise of residential dwellings with car parking spaces and open green spaces.

SITE CONTEXT

1.3. The proposed development site is composed of improved grassland and hardstanding, located within a residential area. Land adjacent to the proposed development comprising of residential properties with gardens and amenity grassland. Adjacent to the eastern boundary of the proposed development is the Grand Canal, which is separated from the proposed development by a hedgerow with trees.

STATEMENT OF AUTHORITY

1.4. The assessment has been conducted by ecologists registered with the Chartered Institute of Ecology and Environmental Management (CIEEM). All work has been carried out in line with the relevant professional guidance; CIEEM's Guidelines for Preliminary Ecological Appraisal[1] and the Environment, Heritage and Local Government's Guidance on Appropriate Assessments[2].

1.5. Claire Dunphy is an Ecologist with Neo Environmental. She has completed an MSc in Ecological Management and Conservation Biology. Claire Dunphy has experience in undertaking

[1] CIEEM, 2013. Guidelines for Preliminary Ecological Appraisal. Available at www.cieem.net

[2] Environment, Heritage and Local Government, 2009. Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities. Available at www.npws.ie

extended phase 1 habitat surveys, mammal surveys and bat surveys for a number of development projects such as solar farm developments, residential developments and road schemes.

1.6. Dawn Thompson is an experienced ecologist with five years of experience in ecological surveys and assessments. Dawn is a full member of the CIEEM, and an associate member of the Association of Environmental & Ecological Clerks of Works (AEECoW). Dawn Thompson has experience in undertaking and managing a range of surveys including extended phase 1 habitat, badger, ornithological, and protected species for over 200 projects. These numerous projects include a variety of developments such as renewables, residential, utility, roads and flood prevention schemes.

2. LEGISLATION

REQUIREMENT FOR APPROPRIATE ASSESSMENT

2.1. The requirement for Appropriate Assessment of plans or projects originates from Article 6 (3) and (4) of European Union (EU) Habitats Directive. This is implemented in Ireland through the European Communities (Natural Habitats) Regulations of 1997[3].

2.2. The wording of Article 6 (3) of the Directive is as follows:

"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."

2.3. The aim of Stage 1, 'Screening' is to determine whether or not Stage 2, the Appropriate Assessment is required, therefore to determine whether the proposed development is likely to have a significant, negative impact upon any Natura 2000 site. This is done by considering the type of development and the conservation objectives of any Natura 2000 sites which may be impacted.

2.4. As outlined in the European Commission document 'Assessment of plans and projects significantly affecting Natura 2000 sites'[4], any project that is not directly connected with or necessary to the management of a Natura 2000 site but likely to have a significant effect upon it, either individually or cumulatively will be subject to Appropriate Assessment.

2.5. Where significant effects are uncertain or unknown at the screening stage an AA will be required, due to the need to apply the precautionary principle. Conversely, if a project will have impacts on a site, but these impacts will clearly not affect or undermine those conservation objectives, it is not considered that it will have a significant effect on the site concerned.

[3] Office of the Attorney General (1997), European Communities (Natural Habitats) Regulations 1997 (amended 1998, 2005), available at www.irishstatutebook.ie

[4] European Commission (2001) 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. Available at: http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf

3. ASSESSMENT METHODOLOGY

STAGES OF APPROPRIATE ASSESSMENT

3.1. The Appropriate Assessment process comprises of four stages in order to identify whether proposals have the potential to significantly impact upon Natura 2000 designations. Natura 2000 designations include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The stages are as follows:

- Stage 1 Screening: To determine the likelihood of significant impacts.
- Stage 2 Natura Impact Statement: To assess the impact of proposals on the integrity of the Natura 2000 site, considering the conservation objectives of the site and its ecological structure and function.
- Stage 3 Assessment of alternatives: Where significant impacts are anticipated despite mitigation measures, the proposal should progress to Stage 3 or no longer proceed.
- Stage 4 Assessment where no alternative exists and where adverse impacts remain: The final stage involves examining whether there are imperative reasons of overriding public interest for allowing the proposal to adversely impact upon a Natura 2000 site.

STUDY ZONE IDENTIFICATION

3.2. The 'Appropriate Assessment of Plans and Projects in Ireland, Guidance for Planning Authorities'[5] states that the AA Screening should include the following:

- *"Any Natura 2000 sites within or adjacent to the plan or project area.*
- *Any Natura 2000 sites within the likely zone of impact of the plan or project.*
- *A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et. al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case*

[5] Department for Environment, Heritage and Local Government (2009) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Available at: http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects.

- *Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project, and the sensitivities of the ecological receptors, bearing in mind the precautionary principle. In the case of sites with water dependent habitats or species, and a plan or project that could affect water quality or quantity, for example, it may be necessary to consider the full extent of the upstream and/or downstream catchment."*

3.3. Therefore in accordance with NPWS guidance, this stage of the AA has identified all Natura 2000 sites located within 15km of the proposed development boundary at Flinters Field. The potential impacts associated with the proposed development will be identified. Those Natura 2000 sites which will not be significantly impacted upon will be ruled out.

3.4. These impacts can depend more on the nature of impacts, sensitivity of receptors and causal linkage, rather than actual distances. The assessment below considers potential connectivity, either ecological or hydrological, that may exist between the development and the designated site.

4. BASELINE

4.1. In accordance with NPWS guidance, this stage of the AA has identified all Natura 2000 sites located within 15km of the proposed Application Site boundary at Flinters Field. The potential impacts associated with the proposed Development have been identified. Those Natura 2000 sites which will not be significantly impacted upon will be ruled out of any further assessment. Due to the proximity of the proposed development to a non-statutory designated site, all designated sites within 5km will therefore be included within this assessment.

4.2. There are two Special Areas of Conservation (SACs) located within 15km of the proposed development boundary. The designated features of these sites have been outlined within Table 4-1 below. There is also one proposed Natural Heritage Area (pNHA) within 5km of the proposed development boundary. The details of this site has been outlined within Table 4-2 below.

Table 4-1: Natura 2000 sites with 15km

Site Code	Site Name	Qualifying Features	Distance (km)	Direction	Potential Connectivity with the Proposed Development Site
002162	River Barrow and River Nore SAC	This site consists of the freshwater stretches of the Barrow and Nore River catchments. Qualifying features include: • Desmoulin's whorl snail *Vertigo moulinsiana* • Freshwater pearl mussel *Margaritifera margaritifera* • White-clawed crayfish *Austropotamobius pallipes* • Sea lamprey *Petromyzon marinus*	0.2	East	Yes; hydrological connection as the Grand Canal flows into the River Barrow just after Athy.

		• Brook lamprey *Lampetra planeri* • River lamprey *Lampetra fluviatilis* • Twaite shad *Alosa fallax* • Altantic salmon *Salmo salar* • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Salicornia and other annuals colonising mud and sand • Altantic salt meadow *Glauco-Puccinellietalia maritimae* • Otter *Lutra lutra* • Mediterranean salt meadows *Juncetalia maritime* • Killarney fern *Trichomanes speciosum* • Nore freshwater pearl mussel *Margaritifera durrovensis* • Watercourses of plain to montane levels with the *Ranunculion*			

		fluitantis and *Callitricho-Batrachion* vegetation • European dry heaths • Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels • Petrifying springs with tufa formation • Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles • Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior*			
002256	Ballyprior Grassland SAC	Ballyprior Grassland SAC is located at the north end of the Castlecomer Plateau on largely limestone bedrock. The site contains old grassland habitat of high quality and is important due to the loss of similar habitat in surrounding areas. Qualifying features include: • Orchid-rich calcareous grassland	9.0	West	No

Table 4-2: Non-statutory designated sites within 5km

Site Code	Site Name	Qualifying Features	Distance (km)	Direction	Potential Connectivity with the Proposed Development Site
002104	Grand Canal pNHA	The Grand Canal is a man-made waterway linking the River Liffey at Dublin with the Shannon at Shannon Harbour and the Barrow at Athy. A number of different habitats are found within the canal boundaries – hedgerow, tall herbs, calcareous grassland, reed fringe, open water, scrub and woodland. Features of interest include: • Otter • The ecological value of the canal lies more in the diversity of species it supports along its linear habitats than in the presence of rare species.	0.0	West	Yes; immediately adjacent to the western boundary of the proposed development.

4.3. These impacts can depend more on the nature of impacts, sensitivity of receptors and causal linkage, rather than actual distance. The assessment below considers potential connectivity, either ecological or hydrological, that may exist between the development and the designated site.

5. POTENTIAL IMPACTS

5.1. The closest designated site to the proposed development is the River Barrow and River Nore SAC and it is located approximately 0.2km to the east of the proposed development. The proposed development site is connected to the SAC as the Grand Canal flows into the River Barrow to the south of Athy. This large site is designated for a range of habitats and species listed in Table 4-1 above.

5.2. Potential direct impacts from the proposed development during the construction phase include pollution from surface and ground water. Appropriate pollution prevention measures should be implemented during the construction phase to prevent contamination of the waterways.

5.3. Contamination of the waterways during the construction phase has the potential to indirectly impact the species that are the conservation objectives of this designated site. Otter, twaite shad, river lamprey, Atlantic salmon, white-clawed crayfish and freshwater pearl mussel are some of the qualifying features of the River Barrow and River Nore SAC. Records of these species were searched through the National Biodiversity Data Centre (NBDC) to obtain information regarding their presence/absence within the area.

5.4. Freshwater pearl mussel and white-clawed crayfish require good water quality and have specific habitat requirements. These species are sensitive to change, therefore appropriate mitigation measures are required to ensure that this important freshwater habitat is not polluted. With the implementation of the pollution prevention measures, the construction phase will not significantly impact on these species.

5.5. River lamprey and Atlantic salmon are species that are restricted to aquatic habitats and require good quality freshwater habitat. From the data search, no records of either species were recorded within sections of this SAC near to Athy. The records highlighted the presence of these species in the southern sections of river. This is likely due to a lack of recording effort rather than complete absence of the species. It is considered that there is still potential for either species to be found within the northern stretch of the river. Therefore, as detailed in Paragraph 5.2 above, maintaining clean good quality water through preventing contaminations from the construction phase from entering the adjacent watercourse, will ensure that there will be no significant impact on these species.

5.6. Otter are a highly mobile species and can travel significant distances across land while foraging. Potential impacts for otter include the loss of habitat, disturbance and the segmentation of habitat connectivity. Due to the proximity of the two watercourses there is the potential for otter to be present within the proposed development site. The data search returned two records of otter to the south of the proposed development, where the Grand Canal and River Barrow meet. Along the banks of the canal and the hedgerow adjacent to the proposed development site, there is the potential otter resting, commuting and foraging habitat, therefore there is the potential for an otter holt to be present in this area. Therefore

prior to construction it is recommend that otter surveys are carried out by a qualified ecologist.

5.7. Implementation of appropriate pollution prevention measures to prevent surface water pollution during the construction phase can protect the aquatic habitat of otter. During the construction phase, potential impacts can also be mitigated for by ensuring that movement of the species is not restricted. All excavations should also be securely covered at the end of each working day, or a suitable means of escape provided to prevent accidental trapping of otter. If these measures are adhered to, it is considered that the proposed development will not significantly impact upon populations of otter within the local area.

5.8. Ballyprior Grassland SAC is located approximately 9.0km to the west of the proposed development site with no ecological or hydrological connectivity to the proposed development site. This site qualifies as a SAC for its orchid-rich calcareous grassland. Given the distance it is considered that the proposed development will not significantly impact upon this designated site.

5.9. The Grand Canal pNHA is adjacent to the western boundary of the proposed development site. Direct impacts from the proposed development during the construction phase are pollution of the watercourse from surface run-off. This can then indirectly impact species and other habitats that are associated with the canal. However with the implementation of the appropriate pollution prevention measures during the construction phase the potential impact from surface run-off can be mitigated for.

5.10. From the findings of the above assessment it is considered that with implementation of suitable mitigation measures during the construction phase of the proposed development, no significant impacts will arise for any of the designated sites within 5km or any of the Natura 2000 sites within 15km of the proposed development site at Flinters Field.

6. CONSIDERATION OF CUMULATIVE IMPACTS

6.1. As well as singular effects, cumulative effects also need to be considered. Article 6 of the EU Habitats Directive and Regulation 15 of the European Communities (Natural Habitats) Regulations state that any plan or project that may, either alone or in combination with other plans or projects, significantly affects a Natura 2000 site, should be the subject of an Appropriate Assessment.

6.2. Cumulative impacts can be an issue when proposals have a small impact on Natura 2000 sites. If other proposals have a small impact, the combined result can have a significant impact on the Natura site.

6.3. Currently there are no similar residential development planning applications (granted or being considered) within 5km of the proposed development. Therefore no cumulative impacts need to be considered.

6.4. It has been concluded above, that with the implementation of mitigation measures, there will be no potential impacts on the Natura 2000 sites or their qualifying features.

7. CONCLUSION

7.1. The proposed housing development at Flinters Field was screened for potential significant adverse impacts upon both designated sites within 5km and Natura 2000 sites within 15km of the site boundary.

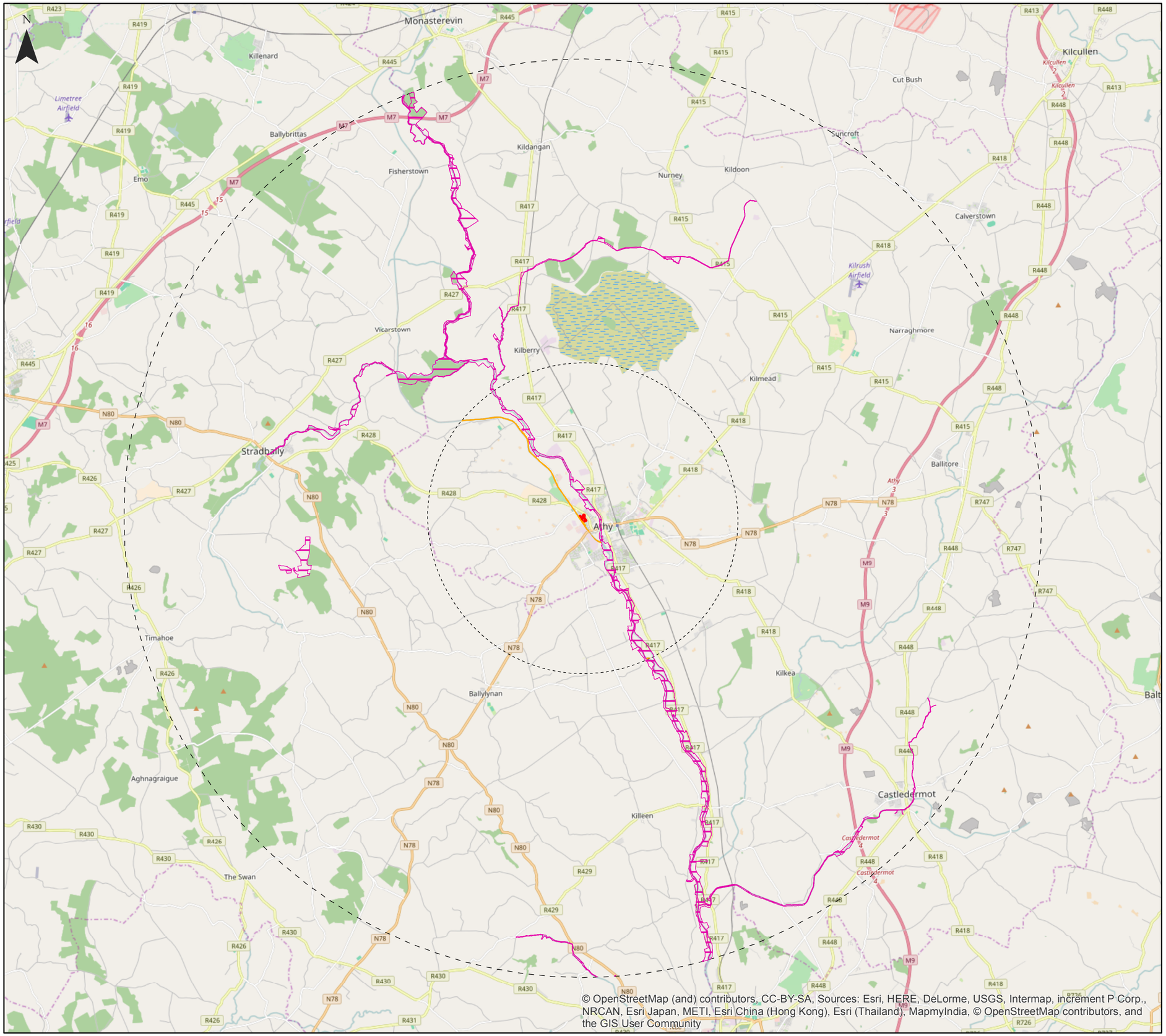
7.2. The Screening for Appropriate Assessment has identified that there will be no significant impact on the designated sites within 6km and the Natura 2000 sites within 15km of the proposed development, with the implementation of recommended mitigation measures. Therefore a Natura Impacts Statement is not required.

8. APPENDICES

APPENDIX A - FIGURES

- Figure 1: Environmental Designations Map

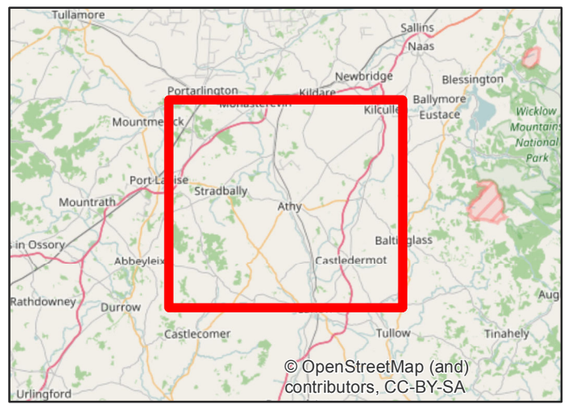
Flinters Field
Environmental Designations
Figure 1



0 3.75 7.5 15 Kilometers

Key

- Site boundary
- 15km buffer
- 5km buffer
- Special Area of Conservation (SAC)
- proposed Natural Heritage Area (pNHA)



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ENVIRONMENTAL

HEAD OFFICE

Wright Business Centre, 1 Lonmay Road, Glasgow G33 4EL | T: 0141 773 6262 | W: www.neo-environmental.co.uk

KILDARE OFFICE

Johnstown Business Centre
Johnstown House, Naas
Co. Kildare
T: 00 353 (0)45 844250
E: info@neo-environmental.ie
W: neo-environmental.ie

BELFAST OFFICE

Premier Business Centre
20 Adelaide St, Belfast
Northern Ireland
BT2 8GD
T: 02890 517 092
E: info@neo-environmental.co.uk

WARWICK OFFICE

Valiant Office Suites
Lumonics House, Valley Drive,
Swift Valley, Rugby,
Warwickshire, CV21 1TQ
T: 01788 297012
E: info@neo-environmental.co.uk