

**Proposed Development at Naas Town Hall,
Co. Kildare**



Screening for Appropriate Assessment Report

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1. INTRODUCTION

The current document provides a Screening for Appropriate Assessment report for the proposed development of a library at the existing site of Naas Town Hall, Co. Kildare. The two existing outbuildings on the site will be demolished, and the main building will be partly renovated and extended into the courtyard to the west of the site. This report assesses whether the works at this location is likely to have a significant effect on the Natura 2000 site network. Effects upon the conservation objectives and qualifying interests (including habitats and species) within the affected designated areas are considered.

Appropriate Assessment is required under Article 6 of the Habitats Directive (92/43/EEC), in instances where a plan or project may give rise to significant effects upon a Natura 2000 site. Natura 2000 sites are those identified as sites of European Community importance designated under the Habitats Directive (1992) or the Birds Directive (2009). The current document is a Screening for Appropriate Assessment of the proposed works and follows the guidance for screening published by the Department of the Environment, Heritage and Local Government (DoEHLG 2010) '*Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*'.

According to DoEHLG (2010), screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the EU Habitats Directive:

- (1) Whether a plan or project is directly connected to or necessary for the management of the site, and;
- (2) Whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

The current Screening Assessment therefore sets out to determine whether the project, alone or in combination with other plans and projects, has had or is likely to have significant effects on the Natura 2000 sites within the study area.

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 Appropriate Assessment (Natura Impact Statement). When assessing the significance of potential effects, DoEHLG (2010) recommends that "*a precautionary approach is fundamental and, in cases of uncertainty, it should be assumed the effects could be significant*".

When doing a screening it is *merely necessary to determine that there may be such an effect. 'The threshold at the first stage of Article 6(3) is a very low one. It operates merely as a trigger, in order to determine whether an appropriate assessment must be undertaken on the implications of the plan or project for the conservation objectives of the site.'* (Finlay Geoghegan J. in *Kelly -v- An Bord Pleanála 2013/802 JR*).

A *significant effect* is defined as "*any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding de minimis or inconsequential effects*" (EHS, 2002; English Nature, 2004 & 2006; Scottish Natural Heritage, 2006). Where the potential for a significant impact is identified, or if there is any uncertainty regarding an impact, then an Appropriate Assessment must be completed to assess if this effect would cause an integrity level impact. At Appropriate Assessment stage mitigation can also be specified to reduce or avoid this effect. A screening assessment cannot replace the requirement of Appropriate Assessment so if any potential impact on qualifying interests or their



habitats (e.g. siltation from works area during construction phase) is identified then Appropriate Assessment is required. Screening must be approached on a precautionary basis with the safeguards set out in Article 6(3) and (4) of the Habitats Directive triggered not by certainty - but by the possibility of significant effects.

1.1 Consultation

The following bodies provided information for this report, via publically available sources:

- National Parks and Wildlife Service (NPWS);
- Environmental Protection Agency (EPA).

1.2 Legislative context

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora - '*The Habitats Directive*', has been transposed into Irish law by The European Community (Natural Habitats) Regulations 1997 (S.I. No. 94/1997).

The 1997 Regulations were updated in 1998 by The European Communities (Natural Habitats) (Amendment) Regulations 1998 (S.I. No. 233/1998) to include Council Directive 97/62/EC which served to update Council Directive 92/43/EEC, adapting it to technical and scientific progress made in the intervening years.

The 1997 Regulations were again updated in 2005, by The European Communities (Natural Habitats) (Amendment) Regulations 2005 (S.I. No. 378/2005). This amendment served to consolidate the main nature conservation legislation enacted in Ireland, meaning The Wildlife Act 1976, The Wildlife (Amendment) Act 2000, The European Communities (Natural Habitats) Regulations 1997, The European Communities (Natural Habitats) (Amendment) Regulations 1998, and to draw direct reference upon Council Directive (2009/147/EC) on the conservation of wild birds - '*The Birds Directive*'.

The Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs) whereas the Habitats Directive does the same for habitats and other species groups with Special Areas of Conservation (SACs). It lists certain rare habitats (Annex I) and species (Annex II) whose conservation is of community interest. It is the responsibility of each member state to designate SPAs and SACs, both of which will form part of Natura 2000, a network of protected areas throughout the European Community.

Article 6, paragraphs 3 and 4 of the Habitats Directive state that:

6(3) 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.

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.

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.'

In case C-323/17 People Over Wind and Peter Sweetman v Coillte, the Court of Justice of the European Union (CJEU) ruled that mitigation measures could not be taken into account when undertaking a screening for Appropriate Assessment. If mitigation measures are required to reduce or avoid a significant adverse effect, then Appropriate Assessment is required.

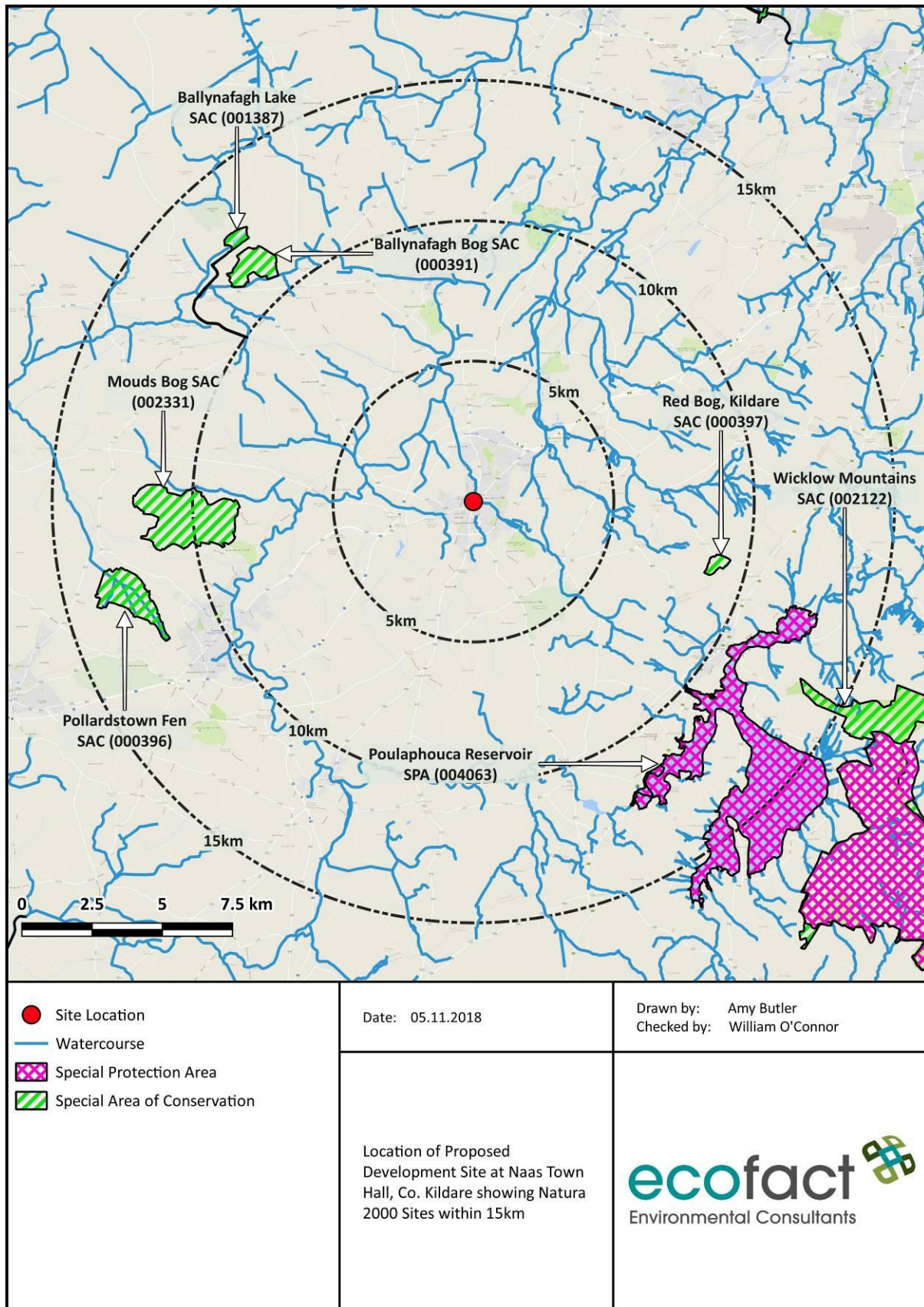


Figure 1 Location of Proposed Development Site at Naas Town Hall, Co. Kildare showing Natura 2000 Sites within 15km.



2. METHODOLOGY

2.1 Desktop Study

A desktop study was undertaken to identify the extent and scope of the potentially affected designated Natura 2000 sites within the current study area in relation to the development site. The desktop study identified the qualifying interests (species and habitats) relevant to the designated sites within the area.

A review of published literature was undertaken in order to collate data on the receiving environment; a range of additional sources of information including scientific reports produced by, and information on the websites of the EPA and NPWS were also reviewed. Information sources reviewed as part of the current assessment included NPWS site synopses, as well as protected species data held on the NPWS/NBDC online databases. A full bibliography of information sources reviewed is given in the reference section. Online aerial imagery was accessed to characterise the nature of proposed works locations near the Natura 2000 network.

2.2 Assessment Methodology

The current Screening Assessment follows the guidance published by the Department of the Environment, Heritage and Local Government (DoEHLG 2010) '*Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities*'. Based on these guidelines, the Appropriate Assessment process is a four staged approach described below:

Stage One: Screening / Test of Significance - 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 these impacts are likely to be significant;

Stage Two: Appropriate Assessment - the consideration of the impact of the project or plan on the integrity of the Natura 2000 site, 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 Three: Assessment of Alternative Solutions - the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site; and

Stage Four: Assessment Where Adverse Impacts Remain - an assessment of 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.

The current report is a Screening Report and therefore makes Stage One assessment only.

According to DoEHLG (2010), screening can result in the following possible conclusions or outcomes:

1. **AA is not required.** Screening establishes that the plan or project is directly connected with or necessary to the nature conservation management of the site.
2. **No potential for significant effects/AA is not required.** Screening establishes that there is no potential for significant effects and the project or plan can proceed as proposed. However, no



changes may be made after this as this will invalidate the findings of screening. Documentation of the AA screening process, including conclusions reached and how decisions were made, must be kept on file.

- 3. Significant effects are certain, likely or uncertain.** The plan or project **must either proceed to Stage 2 (AA), or be rejected.** Rejection of a plan or project that is too potentially damaging and/or inappropriate ends the process and negates any need to proceed to Stage 2 (AA).

The safeguards set out in Article 6(3) and (4) of the Habitats Directive are triggered not by certainty but by the possibility of significant effects. Thus, in line with the precautionary principle, it is unacceptable to fail to undertake an appropriate assessment on the basis that it is not certain that there are significant effects.

The approach to screening is likely to differ somewhat for plans and projects, depending on scale and on the likely effects. It is stated in DoEHLG (2010) that any Natura 2000 site within or adjacent to the proposed development area as well as any Natura 2000 sites within the likely zone of impact should be included for assessment. A distance of 15km is currently recommended by DoEHLG (2010) to loosely define the zone of impact in the case of plans but the distance could be much less than 15km, and in some cases less than 100m: this must be evaluated on a case-by-case 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.

3. DESCRIPTION OF PROJECT CHARACTERISTICS

The proposed development comprises the construction of a library at the existing site of Naas Town Hall, Co. Kildare. The two existing outbuildings on the site will be demolished, and the main building will be partly renovated and extended into the courtyard to the west of the site. An outdoor activities area will be created in the courtyard, along with 7 no. car parking spaces and a market space complete with awnings.



4 IDENTIFICATION OF RELEVANT NATURA 2000 SITES

4.1 Rationale for Appropriate Assessment Screening

Article 6 assessments are required under the Habitats Directive (92/43/EEC), in instances where a plan or project may give rise to significant effects upon a Natura 2000 site. Natura 2000 sites are those identified as sites of European Community importance designated under the Habitats Directive (Special Areas of Conservation, here after referred to as SACs) or the Birds Directive (Special Protection Areas, here after referred to as SPAs).

Following the guidelines set out by DoEHLG (2010) Appropriate Assessment Stage 1: Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3); i.e. whether a plan or project can be excluded from Appropriate Assessment requirements because it is directly connected with or necessary to the management of the site; and the potential effects of a project or plan, either alone or in combination with other projects or plans, on a Natura 2000 site in view of its conservation objectives, and considering whether these effects will be significant.

According to DoEHLG (2010), screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the EU Habitats Directive:

- (1) Whether a plan or project is directly connected to or necessary for the management of the site, and;
- (2) Whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

The proposed development in Naas, Co. Kildare does not comply with the first screening test (i.e. the proposed works are not directly connected to or necessary for the management of any Natura 2000 site). The current Screening Assessment therefore sets out to determine whether the development, alone or in combination with other plans and projects, is likely to have significant effects on the Natura 2000 sites within the study area.

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 Natura Impact Statement. When assessing the significance of potential effects, DoEHLG (2010) recommends that “a precautionary approach is fundamental and, in cases of uncertainty, it should be assumed the effects could be significant”.

4.2 Natura 2000 sites considered for the proposed works

The location of the development site in the context of the Natura 2000 network is indicated in Figure 1. Special Areas of Conservation (SAC's) are sites of international importance because of the presence of habitats or species that are of European importance, listed on the EU Habitats Directive (1992). Special Protection Areas (SPA's) for birds are designated based on the presence of internationally significant populations of bird species, listed in Annex I of the EU Birds Directive (2009).

Special Areas of Conservation (SAC) and Special Protection Areas (SPAs) considered in the current screening are listed in Table 1. The proposed works in Naas, Co. Kildare are not located in proximity to any Natura 2000 site. There are no SACs located downstream of the works. There is only one SPA



downstream of the proposed development, the South Dublin Bay and River Tolka Estuary SPA, which is located some ca. 32.8km from the site, and ca 52.6rkm (river kilometres) downstream of the proposed development. Due to the large geographical distance of this SPA from the works it is considered that there no potential for impacts to arise that would affect the qualifying interests of this SPA and is therefore not included in the current screening.

Table 1 Summary details of the designated Natura 2000 sites considered in the current screening of the proposed development in Naas, Co. Kildare.

Natura 2000 Site	Conservation Interests	Included in the Current Screening (Yes/No)	Distance Current Assessment
Mouds Bog SAC (002331)	Active raised bogs [7110]	No – located upstream of the proposed development– no pathways for effects – development will not be affecting the water table	8.3km West
	Degraded raised bogs still capable of natural regeneration [7120]	No – located upstream of the proposed development– no pathways for effects – development will not be affecting the water table	
	Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	No – located upstream of the proposed development– no pathways for effects – development will not be affecting the water table	
Red Bog, Kildare SAC (000397)	Transition mires and quaking bogs [7140]	No – located upstream of the proposed development– no pathways for effects – development will not be affecting the water table	8.6km South-east
Poulaphouca Reservoir SPA (004063)	Greylag Goose (<i>Anser anser</i>) [A043]	No – located upstream of the proposed development – geological separation from the development >10km – no pathways for effects	10.1km South-east
	Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]	No – located upstream of the proposed development – geological separation from the development >10km – no pathways for effects	
Ballynafagh Bog SAC (000391)	Active raised bogs [7110]	No – no hydrological connection – no pathways for effects – development will not be affecting the water table	10.8km North-west
	Degraded raised bogs still capable of natural regeneration [7120]	No – no hydrological connection – no pathways for effects – development will not be affecting the water table	
	Depressions on peat substrates of the <i>Rhynchosporion</i> [7150]	No – no hydrological connection – no pathways for effects – development will not be affecting the water table	
Pollardstown Fen SAC (000396)	Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i> [7210]	No – no hydrological connection – no pathways for effects	11.9km South-west
	Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]	No – no hydrological connection – no pathways for effects	
	Alkaline fens [7230]	No – no hydrological connection – no pathways for effects	



	<i>Vertigo geyeri</i> (Geyer's Whorl Snail) [1013]	No – no hydrological connection – no pathways for effects	
	<i>Vertigo angustior</i> (Narrow-mouthed Whorl Snail) [1014]	No – no hydrological connection – no pathways for effects	
	<i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	No – no hydrological connection – no pathways for effects	
Ballynafagh Lake SAC (001387)	Alkaline fens [7230]	No – no hydrological connection – no pathways for effects	12.3km South-west
	<i>Vertigo moulinsiana</i> (Desmoulin's Whorl Snail) [1016]	No – no hydrological connection – no pathways for effects	
	<i>Euphydryas aurinia</i> (Marsh Fritillary) [1065]	No – no hydrological connection – no pathways for effects	
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110]	No – no hydrological connection – no pathways for effects	13.2km South-east
	Natural dystrophic lakes and ponds [3160]	No – no hydrological connection – no pathways for effects	
	Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010]	No – no hydrological connection – no pathways for effects	
	European dry heaths [4030]	No – no hydrological connection – no pathways for effects	
	Alpine and Boreal heaths [4060]	No – no hydrological connection – no pathways for effects	
	Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130]	No – no hydrological connection – no pathways for effects	
	Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]	No – no hydrological connection – no pathways for effects	
	Blanket bogs (* if active bog) [7130]	No – no hydrological connection – no pathways for effects	
	Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110]	No – no hydrological connection – no pathways for effects	
	Calcareous rocky slopes with chasmophytic vegetation [8210]	No – no hydrological connection – no pathways for effects	
	Siliceous rocky slopes with chasmophytic vegetation [8220]	No – no hydrological connection – no pathways for effects	
	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]	No – no hydrological connection – no pathways for effects	
	<i>Lutra lutra</i> (Otter) [1355]	No – no hydrological connection – no pathways for effects	

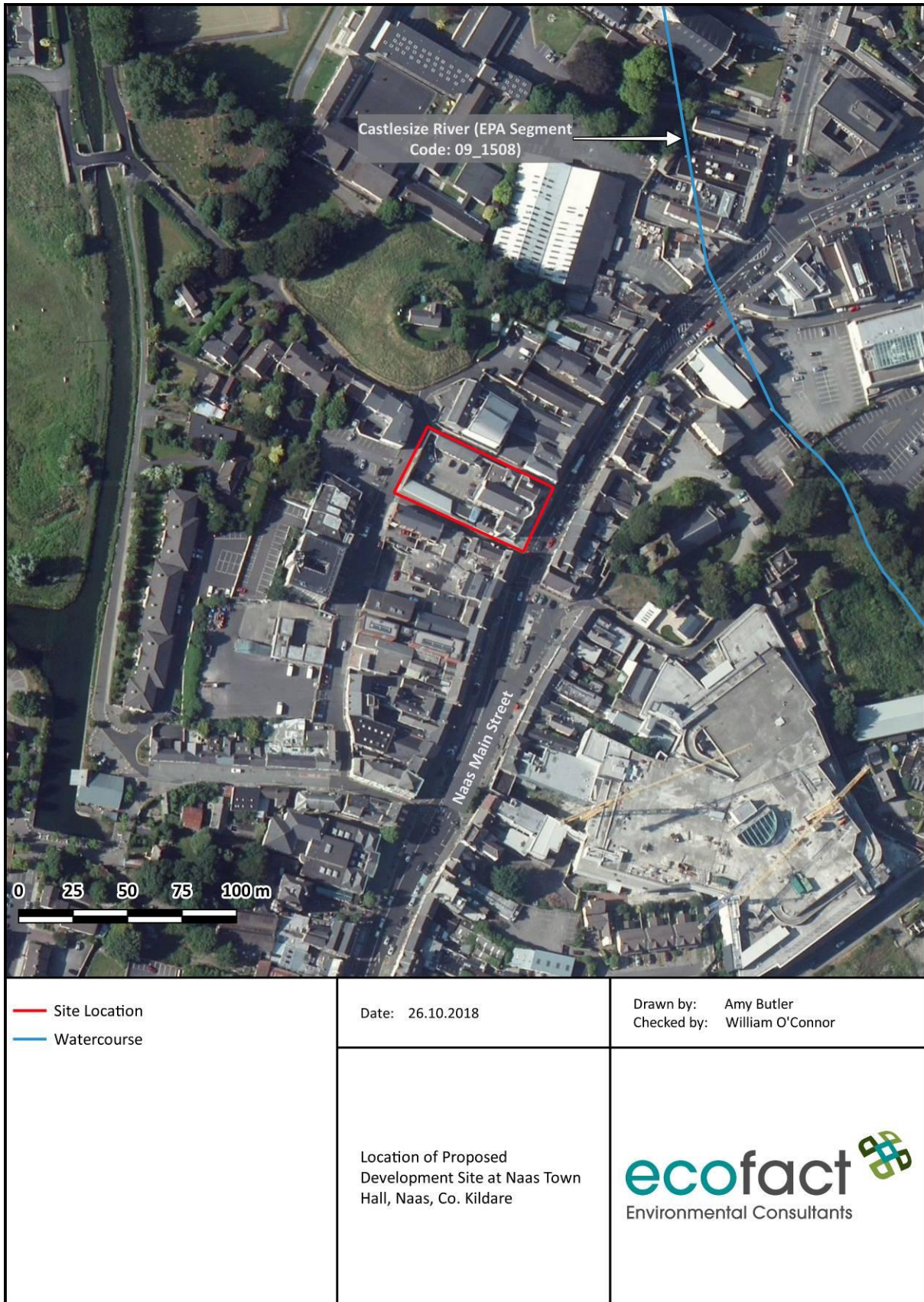


Figure 2 Location of Proposed Development Site at Naas Town Hall, Naas, Co. Kildare.



5. ASSESSMENT OF EFFECTS

The potential direct, indirect and cumulative impacts on Natura 2000 sites identified in section 4 resulting from the proposed works in Naas, Co. Kildare are discussed below.

5.1 Assessment of potential direct impacts affecting Natura 2000 sites

The proposed works are not located in any Natura 2000 site; therefore there is no pathway for direct impacts to arise.

5.2 Assessment of potential indirect impacts affecting Natura 2000 sites

Indirect (or secondary) impacts are defined as effects that are “caused by and result from the activity although they are later in time or further removed in distance, but still reasonably foreseeable” (Bowers-Marriott, 1997).

There are no pathways identified for impacts arising from the proposed development that could affect any Natura 2000 site during the construction phase of the project, as detailed in table 1 above.

The only potential pathway for an indirect impact relates to the treatment of wastewater from the operational phase of the development. It is presumed the proposed Naas Library will be connected to the Upper Liffey Valley Regional Sewerage Scheme (EPA License No. D0002-01), which consists of a combined sewer network and a single waste water treatment plant (WwTP) which is located three miles west of Naas Town (Osberstown WwTP), according to the EPA’s Inspectors Report for the agglomeration dated December 2010 (EPA, 2010). The 2017 Annual Environmental Report for the scheme notes that the design capacity of the plant is 130,000 population equivalent (p.e.), and the current loading to the plant is 90,856 p.e (EPA, 2017). This plant also provides tertiary treatment and the effluent was compliant with the emission limit values in 2017. The Osberstown WwTP discharges into the River Liffey approximately 7rkm (river kilometres) upstream of Naas town. It is considered that the proposed Naas library development will not add significantly to the loading to the plant, which is operating well below capacity. Therefore the potential for indirect impacts affecting water quality in the River Liffey are assessed as imperceptible. It is also noted there are no SACs located downstream, and the only SPA downstream is located some ca. 52.6rkm downstream of the development; a significant distance, via the 2nd Order Castlesize stream in Naas which flows through a culvert in the town.

5.3 Assessment of potential cumulative impacts affecting the Natura 2000 site

Cumulative impacts or effects are changes in the environment that result from numerous human-induced, small-scale alterations. Cumulative impacts can be thought of as occurring through two main pathways: first, through persistent additions or losses of the same materials or resource, and second, through the compounding effects as a result of the coming together of two or more effects (Bowers-Marriott, 1997).

Similar to indirect impacts discussed above in section 5.2, there is no potential for construction phase cumulative impacts affecting any Natura 2000 site due to a lack of pathways for effects. Again, the only potential pathway for an impact would occur during the operational phase of the development. The treatment of wastewater from the proposed development can also be a pathway for a potential cumulative impact. However, as detailed above for indirect impacts, the proposed Naas library



development will not add significantly to the loading of the plant which is currently operating well below capacity. For similar reasons noted above for indirect impacts, the potential cumulative impact on water quality during the operational phase is assessed as imperceptible.

6. SCREENING STATEMENT WITH CONCLUSIONS

According to the guidance published by the DoEHLG (2010), Screening for Appropriate Assessment can either identify that an Appropriate Assessment is not required, where a project / proposal is directly related to the management of the site; or that there is no potential for significant effects affecting the Natura 2000 network; or that significant effects are certain, likely or uncertain (i.e., the project must either proceed to Stage 2 (AA) or be rejected).

The proposed development is not located within any Natura 2000 site. There are no SACs downstream of the proposed development. The closest SAC is located ca. 8.3km west of the site, and is designated for the presence of bog habitats. This SAC is located upstream of the proposed development, and as the development will not affect the water table there are no pathways for effects. The only downstream SPA is located some ca. 52.6rkm downstream, via the 2nd order Castlesize stream in Naas which flows through a culvert in the town. There are no pathways identified for impacts arising from the proposed development that could affect any Natura 2000 site during the construction phase of the project. The only pathway for a potential impact identified during the operational phase of the development relates to the treatment of wastewater via the Upper Liffey Valley Sewerage scheme and the Osberstown WwTP. The proposed development will not add significantly to the loading of this plant, which is operating well below capacity. Therefore the potential for operational phase impacts affecting water quality in the River Liffey, either indirect or cumulative, are assessed as imperceptible.

From examination of the information available, it is therefore considered that the proposed development in Naas, Co. Kildare will not give rise to any direct, indirect or cumulative impacts which would have the potential to affect the conservation interests of any Natura 2000 site. For this reason, the current Screening for Appropriate Assessment has determined that a Natura Impact Statement (AA) is not required for the proposed development.



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PLATES



Plate 1 Front entrance of Naas Town Hall.



Plate 2 Rear of the main section of Naas Town Hall. This part of the building will be extended into the courtyard to the west of the site.



Plate 3 The northern outbuilding will be demolished during the construction of the proposed development. The proposal includes a market area complete with awnings for this section of the site.

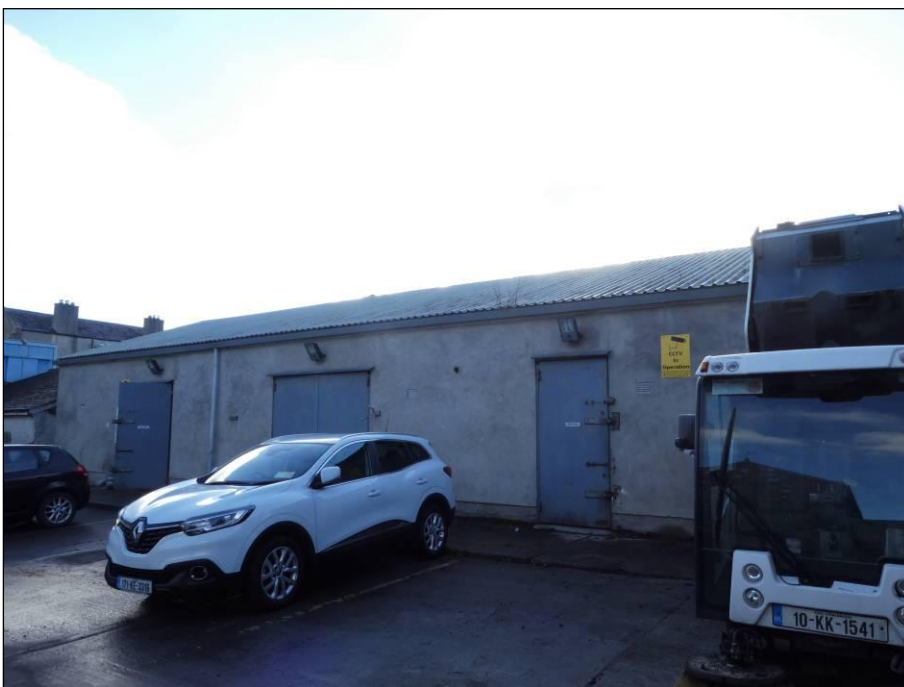


Plate 4 The southern outbuilding will also be demolished.