

# Report for the purposes of Appropriate Assessment Screening

as required under Article 6(3) of the Habitats Directive  
(Council Directive 92/43/EEC)

Virginia Traffic Calming and Pavement Scheme,  
Virginia, County Cavan

Prepared by: Moore Group – Environmental Services

23 March 2020



On behalf of  
Cavan County Council

<b>Project Proponent</b>	Cavan County Council
<b>Project</b>	Virginia Traffic Calming and Pavement Scheme, Virginia, County Cavan
<b>Title</b>	Report for the purposes of Appropriate Assessment Screening Virginia Traffic Calming and Pavement Scheme, Virginia, County Cavan

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<b>Moore Archaeological and Environmental Services Limited</b>			

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### Appendix A – Finding of No Significant Effects Report

## Abbreviations

AA	Appropriate Assessment
EEC	European Economic Community
EPA	Environmental Protection Agency
EU	European Union
GIS	Geographical Information System
NHA	Natural Heritage Area
NIS	Natura Impact Statement
NPWS	National Parks and Wildlife Service
OSI	Ordnance Survey Ireland
pNHA	proposed Natural Heritage Area
SAC	Special Area of Conservation
SPA	Special Protection Area

# 1. Introduction

## 1.1. General Introduction

This Appropriate Assessment screening report has been prepared to support a Part VIII application for the proposed Project. This report contains information required for the competent authority to undertake screening for Appropriate Assessment (AA) on the potential for the Virginia Traffic Calming and Pavement Scheme at Main Street, Cavan Road and Ballyjamesduff Road in the town of Virginia, County Cavan (hereafter referred to as the proposed Project) to significantly affect European sites.

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (referred to as the Habitats Directive):

- I). whether a plan or project is directly connected to or necessary for the management of the site, and
- II). 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 (also referred to as a “European Site”) in view of its conservation objectives.

Also, having regard to the provisions of the Planning and Development Act 2000 (section 177U and 177V). The purpose of a screening exercise under section 177U of the PDA 2000 is to determine whether it is necessary to carry out an “appropriate assessment” of the implications for a European site of the proposed project. The trigger for the requirement for an “appropriate assessment” is that the project, either individually or in combination with other plans or projects, is “likely to have a significant effect” on the European site.

If the effects are deemed to be significant, potentially significant, or uncertain, or the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation. If potential impacts clearly can be avoided through the modification or redesign of the plan or project, then the screening process is repeated on the altered plan or project.

When screening the project, there are two possible outcomes:

- the project poses no risk of a significant effect and as such requires no further assessment; and
- the project has potential to have a significant effect (or this is uncertain) and AA of the project is necessary.

This desktop report has been prepared by Moore Group - Environmental Services for Cavan County Council and assesses the potential for the proposed Project to impact on sites of European-scale ecological importance in accordance with Articles 6(3) and 6(4) of the Habitats Directive. The report was compiled by Ger O’Donohoe

(B.Sc. Applied Aquatic Sciences (GMIT, 1993) & M.Sc. Environmental Sciences (TCD, 1999)) who has 25 years' experience in environmental impact assessment and has completed numerous Appropriate Assessment Screening Reports and Natura Impact Statements on terrestrial and aquatic habitats.

## 1.2. Legislative Background - The Habitats and Birds Directives

It is necessary that the proposed Project has regard to Article 6 of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (referred to as the Habitats Directive). This is transposed into Irish Law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations).

The Habitats Directive (Council Directive 79/409/EEC as amended by Council Directive 2009/147/EC) is the main legislative instrument for the protection and conservation of biodiversity in the European Union (EU). Under the Directive, Member States are obliged to designate Special Areas of Conservation (SACs) which contain habitats or species considered important for protection and conservation in a EU context.

The Birds Directive (Council Directive 79/409/EEC and Council Directive 2009/147/EC on the Conservation of Wild Birds), is concerned with the long-term protection and management of all wild bird species and their habitats in the EU. Among other things, the Directive requires that Special Protection Areas (SPAs) be established to protect migratory species and species which are rare, vulnerable, in danger of extinction, or otherwise require special attention.

SACs designated under the Habitats Directive and SPAs, designated under the Birds Directive, form a pan-European network of protected sites known as Natura 2000. The Habitats Directive sets out a unified system for the protection and management of SACs and SPAs. These sites are also referred to as European sites.

Articles 6(3) and 6(4) of the Habitats Directive set out the requirement for an assessment of proposed plans and projects likely to affect Natura 2000 sites.

Article 6(3) addresses the requirement to screen all plans and projects and to carry out a further assessment if required (Appropriate Assessment (AA)). Article 6(4) establishes requirements in cases of imperative reasons of overriding public interest:

**Article 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 subjected to an appropriate assessment of its implications for the site in view of the site’s conservation objectives. In 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):** *“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, Member States shall take all compensatory measures necessary to ensure that the overall coherence of the 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 the beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest.”*

## 2. Methodology

The Commission’s methodological guidance (EC, 2002) promotes a four-stage process to complete the AA and outlines the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

Stages 1 and 2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

**Stage 1 Screening:** This stage examines the likely effects of a project either alone or in combination with other projects upon a Natura 2000 site and considers whether it can be objectively concluded that there are not likely to be significant effects on a Natura 2000 site. Mitigation measures (i.e., measures intended to avoid or reduce the harmful effects of the project on the site concerned) cannot be taken into account at this stage.

**Stage 2 Appropriate Assessment:** In this stage, there is a consideration of the impact of the project with a view to ascertain whether there will be any adverse effect 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 predicted impacts, an assessment of the potential mitigation of those impacts is considered.

**Stage 3 Assessment of Alternative Solutions:** This stage examines alternative ways of implementing the project that, where possible, avoid any adverse impacts on the integrity of the Natura 2000 site.

**Stage 4 Assessment where no alternative solutions exist and where adverse impacts remain:** Where imperative reasons of overriding public interest (IROPI) exist, an assessment to consider whether compensatory measures will or will not effectively offset the damage to the sites will be necessary.

To ensure that the proposed Project complies fully with the requirements of Article 6 of the Habitats Directive and all relevant Irish transposing legislation, Moore Group compiled this report to inform the screening for AA

of the proposed Project to be undertaken by the competent authority to determine if the next stage (Stage 2) of the AA process is required.

## 2.1. Guidance

This report has been compiled in accordance with guidance contained in the following documents:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 rev.).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10.
- 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 Environment Directorate-General, 2001); hereafter referred to as the EC Article Guidance Document.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC Environment Directorate-General, 2000); hereafter referred to as MN2000.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (EC, 2018).

## 2.2. Data Sources

Sources of information that were used to collect data on the Natura 2000 network of sites, and the environment within which they are located, are listed below:

- The following mapping and Geographical Information Systems (GIS) data sources, as required:
  - National Parks & Wildlife (NPWS) protected site boundary data;
  - Ordnance Survey of Ireland (OSI) mapping and aerial photography;
  - OSI/Environmental Protection Agency (EPA) rivers and streams, and catchments;
  - Open Street Maps;
  - Digital Elevation Model over Europe (EU-DEM);
  - Google Earth and Bing aerial photography 1995-2019;
- Online data available on Natura 2000 sites as held by the National Parks and Wildlife Service (NPWS) from [www.npws.ie](http://www.npws.ie) including:
  - Natura 2000 - Standard Data Form;
  - Conservation Objectives;
  - Site Synopses;
- National Biodiversity Data Centre records;
  - Online database of rare, threatened and protected species;
  - Publicly accessible biodiversity datasets.
- Status of EU Protected Habitats in Ireland. (National Parks & Wildlife Service, 2019); and

- Relevant Development Plans in neighbouring areas;
  - Cavan County Development Plan 2014-2020

### 3. Description of the proposed Project

This report presents a screening assessment for a proposed Project consisting of traffic calming and pavement works along Main Street, Cavan Road and Ballyjamesduff Road in the town of Virginia, County Cavan. The proposed works are to include alterations to road and intersection layouts, taking into account pedestrians, cyclists, and vulnerable road users. The works are to include resurfacing and new drainage. There is no connectivity between the existing road drainage network and the Blackwater River, which is located just to the east of the proposed Project. There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Figure 1 shows the proposed Project location and Figure 2 shows a detailed view of the proposed Project boundary on recent aerial photography. Figure 3 provides a plan of the proposed Project boundary.

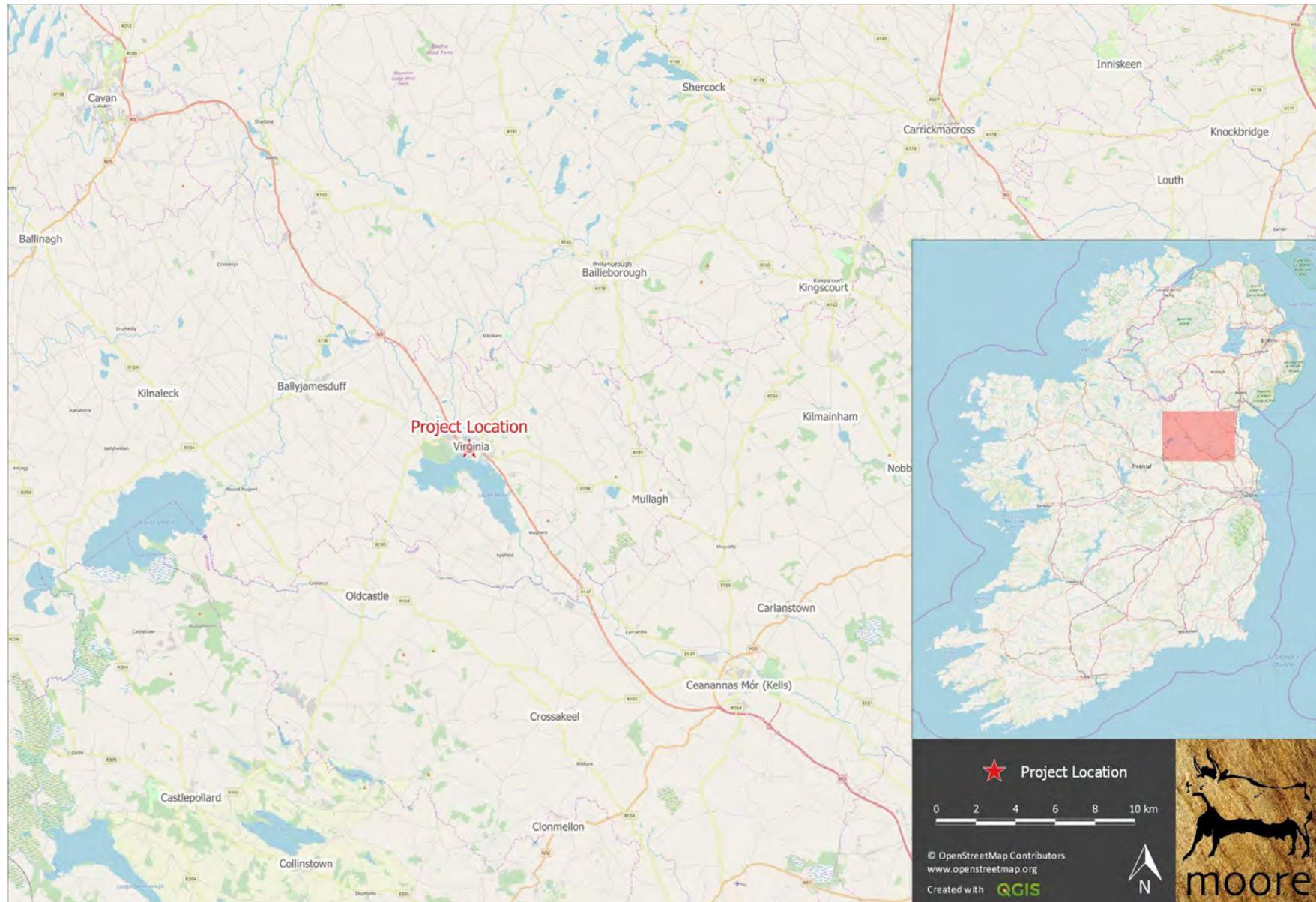


Figure 1. Showing the proposed Project location at Virginia, County Cavan.

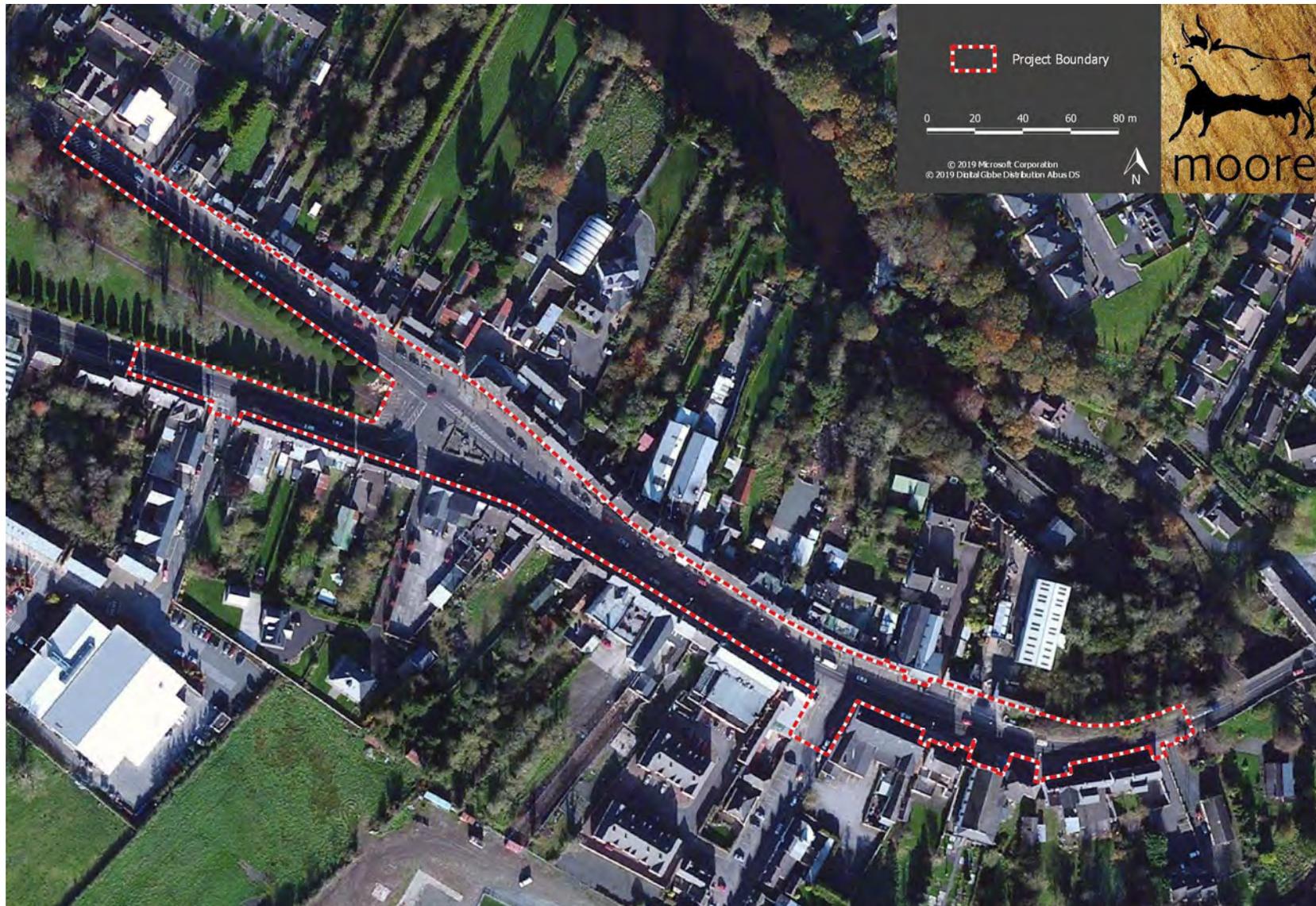


Figure 2. Showing the proposed Project boundary on recent aerial photography.



Figure 3. Plan of the proposed Project Boundary.

## 4. Identification of Natura 2000 Sites

### 4.1. Description of Natura Sites Potentially Affected

Department of Environment, Heritage and Local Government (2009) Guidance on Appropriate Assessment recommends an assessment of European sites within a zone of impact of 15 km. This distance is a guidance only and the zone of impact has been identified taking consideration of the nature and location of the proposed Project to ensure all European sites with connectivity to it are considered in terms of a catchment-based assessment.

The zone of impact may be determined by connectivity to the proposed Project in terms of:

- Nature, scale, timing and duration of works and possible impacts, nature and size of excavations, storage of materials, flat/sloping sites;
- Distance and nature of pathways (dilution and dispersion; intervening 'buffer' lands, roads etc.); and
- Sensitivity and location of ecological features.

The guidance provides that, at the screening stage, it is necessary to identify the relevant Natura 2000 sites and compile information on their qualifying interests and conservation objectives. In preparation for this, the potential for source pathway receptor connectivity is firstly identified and detailed information is then provided on sites with connectivity. European sites that are located within 15 km of the Project are listed in Table 1 and presented in Figures 4, 5, and 6 below. Spatial boundary data on the Natura 2000 network was extracted from the NPWS website ([www.npws.ie](http://www.npws.ie)) on the 8<sup>th</sup> of October 2019 and updated on the 23<sup>rd</sup> March 2020.

*Table 1 European Sites located within 15km or the potential zone of impact<sup>1</sup> of the Project.*

Site Code	Site name	Distance (km) <sup>2</sup>
000006	Killyconny Bog (Cloghbally) SAC	8.17
001957	Boyne Coast and Estuary SAC	52.39
002299	River Boyne and River Blackwater SAC	4.77
004065	Lough Sheelin SPA	12.90
004080	Boyne Estuary SPA	51.32
004232	River Boyne and River Blackwater SPA	4.76

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee

<sup>1</sup> All European sites potentially connected irrespective of the nature or scale of the proposed Project.

<sup>2</sup> Distances indicated are the closest geographical distance between the proposed Project and the European site boundary, as made available by the NPWS. Connectivity along hydrological pathways may be significantly greater.

Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne and River Blackwater SAC and SPA (Site Codes 002299 and 004232).

The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

There is no potential for meaningful connectivity to any other European Sites.

Adverse effects on the River Boyne and River Blackwater European sites are unlikely given:

- The nature of the proposed works, which consist of upgrade works to existing road layouts, surfaces and drainage;
- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites can be excluded at a preliminary screening stage.

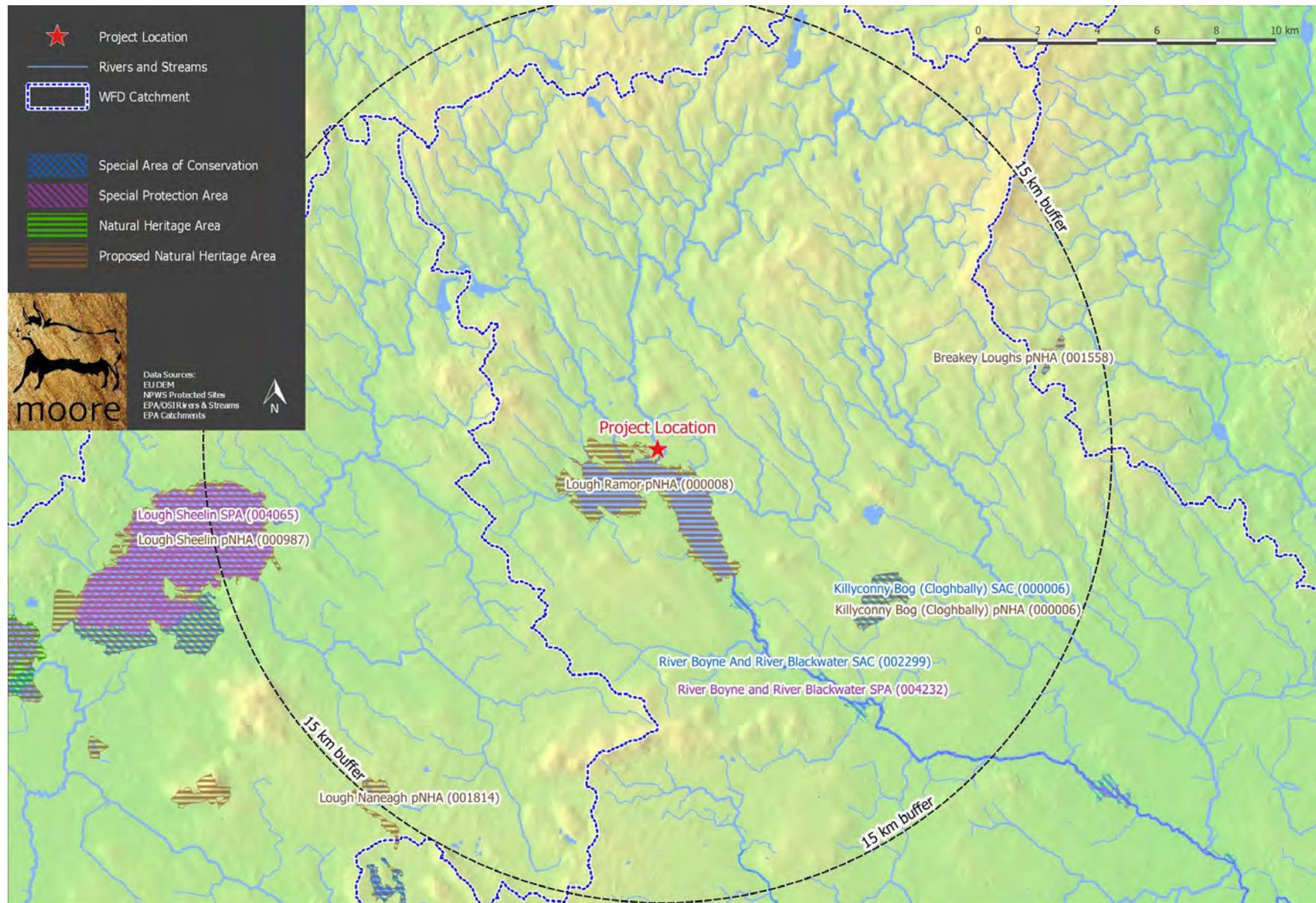


Figure 4. Showing European sites and NHAs/pNHAs within 15 km of the proposed Project.

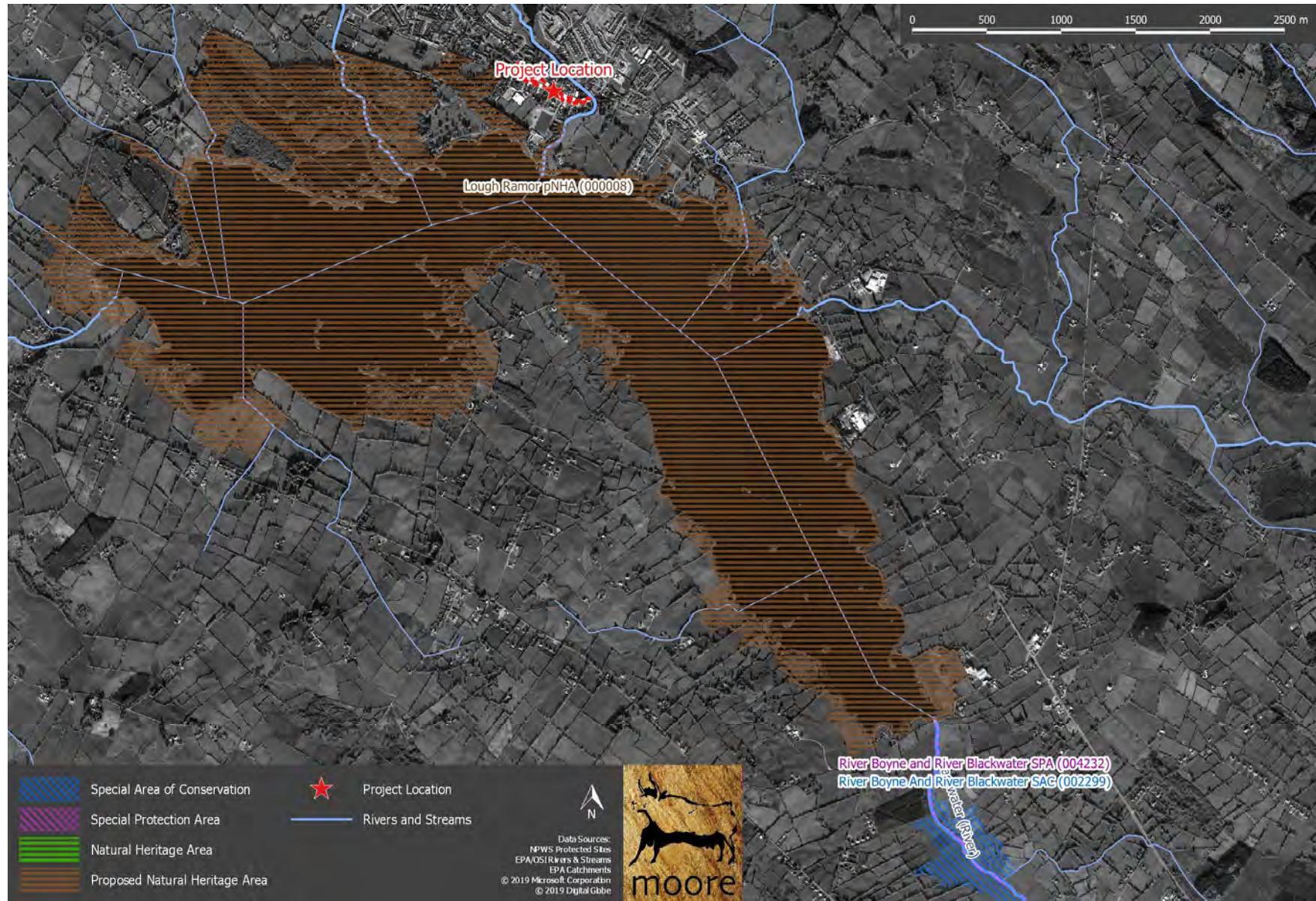


Figure 5. Detailed view of European sites and NHAs/pNHAs in the vicinity of the proposed Project

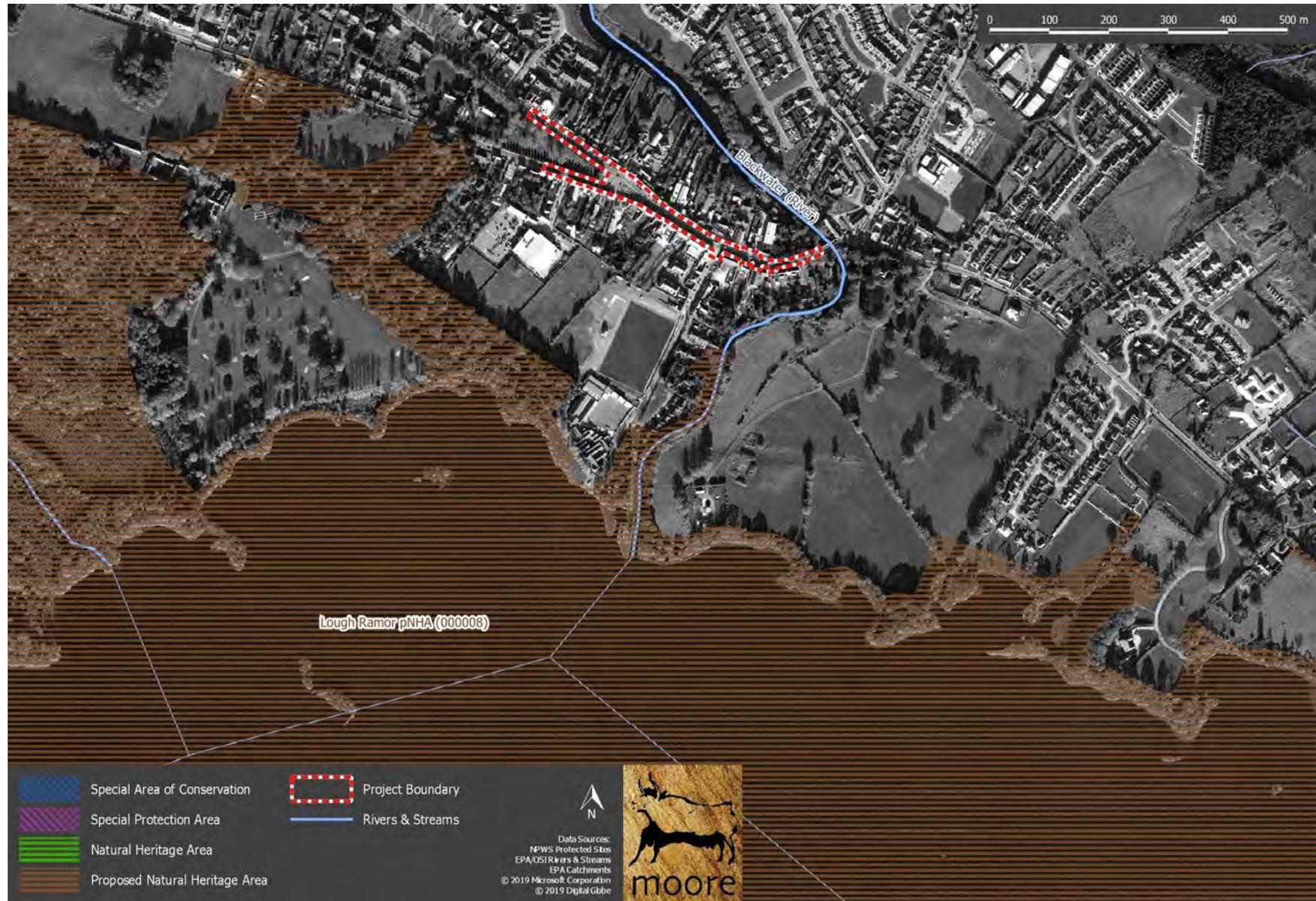


Figure 6. Detailed view of Virginia Town with Lough Ramor to the south and its associated pNHA.

## 4.2. Ecological Network Supporting Natura 2000 Sites

An analysis of the proposed Natural Heritage Areas (pNHA) and designated Natural Heritage Areas (NHA) in terms of their role in supporting the species using Natura 2000 sites was undertaken. It was assumed that these supporting roles mainly related to mobile fauna such as mammals and birds which may use pNHAs and NHAs as “stepping stones” between Natura 2000 sites.

Article 10 of the Habitats Directive and the Habitats Regulations 2011 place a high degree of importance on such non-Natura 2000 areas as features that connect the Natura 2000 network. Features such as ponds, woodlands and important hedgerows were taken into account during the rest of the AA process.

Lough Ramor is designated as a proposed Natural Heritage Area. There are no predicted effects on Lough Ramor given:

- The nature of the proposed works, which consist of upgrade works to existing road layouts, surfaces and drainage;
- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

There are several proposed Natural Heritage Area designated downstream along the Blackwater and Boyne Rivers, however, for the purposes of this AA screening report these areas are dealt with under their higher conservation status designations as European Sites.

## 5. Identification of Potential Impacts & Assessment of Significance

The proposed Project is not directly connected with or necessary for the management of the sites considered in the assessment and therefore potential impacts must be identified and considered.

### 5.1. Potential Impacts

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river

kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne And River Blackwater SAC and SPA (Site Codes 002299 and 004232). The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

There is no potential for meaningful connectivity to any other European Sites.

Adverse effects on the River Boyne and Rive Blackwater European sites are unlikely given:

- The nature of the proposed works, which consist of upgrade works to existing road layouts, surfaces and drainage;
- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites have been excluded at a preliminary screening stage.

## 5.2. Assessment of Potential In-Combination Effects

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.

As part of the Screening for an Appropriate Assessment, in addition to the proposed Project, other relevant plans and projects in the area must also be considered at this stage. This step aims to identify at this early stage any possible significant in-combination effects of the proposed development with other such plans and projects on European sites.

A review of mapping made available through the planning section of the Cavan County Council website indicates that, within the last three years, there have been six developments granted planning permission in the vicinity of the proposed Project, details in Table 2.

Table 2. Planning applications granted permission in the vicinity of the proposed Project.

Planning Ref.	Description of development	Comments
17523	to change use from that of public house (formerly Ramor Lodge) at ground floor level to retail unit with some internal alterations to layout and elevational changes. The proposed development sites has existing connections to the Public sewers for wastewater and surface water	There are no predicted in-combinations effects given the nature and scale of the proposed works and the distance to any European sites.
18368	to construct a storey and a half style extension to the rear of existing protected structure (CV39021), alter/upgrade existing building along with all associated site works	The site is located within the River Boyne and River Blackwater SAC Buffer Zone Having regard to the location and nature of the development, i.e. an extension to an existing property. and to the distance of same from this site (approximately 5km), the connection to public services. it is considered that appropriate assessment is not required for this development
17100	for the proposed retention development as differs from the approved and constructed scheme (Cavan Co. Co. Reg. Ref. 16/156) comprises; minor elevational changes (restricted to cladding and high level glazing) to the rear and side elevations, together with the inclusion of a fenced plant compound area to the southwest of the constructed building	There be no requirement for Appropriate Assessment in this case as the proposal would not impact on any Natura 2000 sites. Having regard to the nature of the proposed development it is considered that screening is not required.
18346	to demolish existing derelict dwelling and erect fully serviced single storey bungalow with attic accommodation, access off existing entrance with existing connection to foul sewer and surface water sewer and all ancillary works	The site is located within the SAC Buffer Zone of the River Boyne & River Blackwater Natura 2000 site. Having regard to the location and nature of the development, and to the distance of same from the site (approximately 5km to River Boyne & Blackwater SAC), it is considered that appropriate assessment is not required for this development.
1818	for development consisting of the change of use of residential part of building to retail, remove structurally unstable outbuildings and construct new 2m high side boundary wall, alter widths of existing vehicular entrances and form new connections to public drainage systems	The site is located within the SAC River Boyne & Blackwater Natura 2000 site and is located approximately 5km from this SAC. Having regard to the location and nature of the proposed development and the connection of the site to existing piped services it is not considered that the proposed development either individually or in combination with other plans and projects would be such as to have an adverse impact on the conservation objectives of any Natura 2000 site.
16492	development as listed below at building formerly "Healy's Bar", Main Street, Virginia, Co. Cavan on behalf of Virginia Auctioneering and Financial Services Ltd. All of the works are within the curtilage of the following protected structure: CV39023. (1) To change the use of the ground floor of the premises from previous use as a public house to commercial use (2) To retain and complete alterations carried out to the original shop front and front elevation (3) Carry out all associated site works. The proposed development sites has existing connections to the Public sewers for wastewater and surface water	There are no predicted in-combinations effects given the nature and scale of the proposed works and the distance to any European sites.

There are no predicted in-combination effects given that the reasons discussed in the comments column of Table 2, above, and given that the proposed Project is unlikely to have any adverse effects on the River Boyne and River Blackwater European sites.

The Cavan County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the Project area will be assessed on a case by case basis initially by Cavan County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

## 6. Conclusion

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne And River Blackwater SAC and SPA (Site Codes 002299 and 004232). The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

There is no potential for meaningful connectivity to any other European Sites.

Adverse effects on the River Boyne and Rive Blackwater European sites are unlikely given:

- The nature of the proposed works, which consist of upgrade works to existing road layouts, surfaces and drainage;
- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

1. The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.

A finding of no significant effects report is presented in Appendix A in accordance with the EU Commission's methodological guidance (European Commission, 2002).

## 7. References

Department of the Environment, Heritage and Local Government (2010) Guidance on Appropriate Assessment of Plans and Projects in Ireland (as amended February 2010).

European Commission (2000) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

European Commission Environment DG (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, Brussels.

European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive '92/43/EEC: Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interests, compensatory measures, overall coherence and opinion of the Commission. European Commission, Brussels.

European Commission (2018) Managing Natura 2000 sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

NPWS (2019) The Status of EU Protected Habitats and Species in Ireland. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.

NPWS (2020) National Parks and Wildlife Service Metadata available online at <https://www.npws.ie/maps-and-data>

# Appendix A

## FINDING OF NO SIGNIFICANT EFFECTS REPORT

### Finding no significant effects report matrix

#### Name of project or plan

Virginia Traffic Calming and Pavement Scheme, Virginia, County Cavan

#### Name and location of the Natura 2000 site(s)

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne and River Blackwater SAC and SPA (Site Codes 002299 and 004232). The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

There is no potential for meaningful connectivity to any other European Sites.

#### Description of the project or plan

This report presents a screening assessment for a proposed Project consisting of traffic calming and pavement works along Main Street, Cavan Road and Ballyjamesduff Road in the town of Virginia, County Cavan. The proposed works are to include alterations to road and intersection layouts, taking into account pedestrians, cyclists, and vulnerable road users. The works are to include resurfacing and new drainage. There is no connectivity between the existing road drainage network and the Blackwater River, which is located just to the east of the proposed Project. There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

#### Is the project or plan directly connected with or necessary to the management of the site(s)

No

#### Are there other projects or plans that together with the projects or plan being assessed could affect the site

A review of mapping made available through the planning section of the Cavan County Council website indicates that, within the last three years, there have been six developments granted planning permission in the vicinity of the proposed Project, details in the Table below.

Planning Ref.	Description of development	Comments
17523	to change use from that of public house (formerly Ramor Lodge) at ground floor level to retail unit with some internal alterations to layout and elevational changes. The proposed development sites has existing connections to the Public sewers for wastewater and surface water	There are no predicted in-combinations effects given the nature and scale of the proposed works and the distance to any European sites.
18368	to construct a storey and a half style extension to the rear of existing protected structure (CV39021), alter/upgrade existing building along with all associated site works	The site is located within the River Boyne and River Blackwater SAC Buffer Zone Having regard to the location and nature of the development, i.e. an extension to an existing property. and to the distance of same from this site (approximately 5km), the connection to public services. it is considered that appropriate assessment is not required for this development

Planning Ref.	Description of development	Comments
17100	for the proposed retention development as differs from the approved and constructed scheme (Cavan Co. Co. Reg. Ref. 16/156) comprises; minor elevational changes (restricted to cladding and high level glazing) to the rear and side elevations, together with the inclusion of a fenced plant compound area to the southwest of the constructed building	There be no requirement for Appropriate Assessment in this case as the proposal would not impact on any Natura 2000 sites. Having regard to the nature of the proposed development it is considered that screening is not required.
18346	to demolish existing derelict dwelling and erect fully serviced single storey bungalow with attic accommodation, access off existing entrance with existing connection to foul sewer and surface water sewer and all ancillary works	The site is located within the SAC Buffer Zone of the River Boyne & River Blackwater Natura 2000 site. Having regard to the location and nature of the development, and to the distance of same from the site (approximately 5km to River Boyne & Blackwater SAC), it is considered that appropriate assessment is not required for this development.
1818	for development consisting of the change of use of residential part of building to retail, remove structurally unstable outbuildings and construct new 2m high side boundary wall, alter widths of existing vehicular entrances and form new connections to public drainage systems	The site is located within the SAC River Boyne & Blackwater Natura 2000 site and is located approximately 5km from this SAC. Having regard to the location and nature of the proposed development and the connection of the site to existing piped services it is not considered that the proposed development either individually or in combination with other plans and projects would be such as to have an adverse impact on the conservation objectives of any Natura 2000 site.
16492	development as listed below at building formerly "Healy's Bar", Main Street, Virginia, Co. Cavan on behalf of Virginia Auctioneering and Financial Services Ltd. All of the works are within the curtilage of the following protected structure: CV39023. (1) To change the use of the ground floor of the premises from previous use as a public house to commercial use (2) To retain and complete alterations carried out to the original shop front and front elevation (3) Carry out all associated site works. The proposed development sites has existing connections to the Public sewers for wastewater and surface water	There are no predicted in-combinations effects given the nature and scale of the proposed works and the distance to any European sites.

There are no predicted in-combination effects given that the reasons discussed in the comments column of the Table above, and given that the proposed Project is unlikely to have any adverse effects on the River Boyne and River Blackwater European sites.

The Cavan County Development Plan in complying with the requirements of the Habitats Directive requires that all Projects and Plans that could affect the Natura 2000 sites in the same zone of impact of the Project site would be initially screened for Appropriate Assessment and if requiring Stage 2 AA, that appropriate employable mitigation measures would be put in place to avoid, reduce or ameliorate negative impacts. In this way any, in-combination impacts with Plans or Projects for the development area and surrounding townlands in which the development site is located, would be avoided.

Any new applications for the Project area will be initially assessed on a case by case basis by Cavan County Council which will determine the requirement for AA Screening as per the requirements of Article 6(3) of the Habitats Directive.

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## *THE ASSESSMENT OF SIGNIFICANCE OF EFFECTS*

### **Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.**

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne And River Blackwater SAC and SPA (Site Codes 002299 and 004232). The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

There is no potential for meaningful connectivity to any other European Sites.

Adverse effects on the River Boyne and Rive Blackwater European sites are unlikely given:

- The nature of the proposed works, which consist of upgrade works to existing road layouts, surfaces and drainage;
- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites have been excluded at a preliminary screening stage.

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### **Explain why these effects are not considered significant.**

See above

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### **List of agencies consulted: provide contact name and telephone or e-mail address**

The requirement for Appropriate Assessment Screening was determined by Cavan County Council.

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### **Response to consultation**

N/A.

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## *DATA COLLECTED TO CARRY OUT THE ASSESSMENT*

### **Who carried out the assessment**

Moore Group Environmental Services.

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### **Sources of data**

NPWS database of designated sites at [www.npws.ie](http://www.npws.ie)

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

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### **Level of assessment completed**

Desktop Assessment.

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### **Where can the full results of the assessment be accessed and viewed**

Cavan County Council Planning Section.

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## *OVERALL CONCLUSIONS*

The proposed Project is to take place along Main Street, Cavan Road and Ballyjamesduff Road within the urban environment of the town of Virginia, County Cavan. The eastern extent of the proposed Project stops just to the east of Lee Bridge, before the bridge crosses the Blackwater River. Approximately 660 m downstream of Lee

Bridge the Blackwater River enters Lough Ramor. There are no European sites associated with this section of the Blackwater River or with Lough Ramor. At the south eastern extent of Lough Ramor, approximately 5.3 river kilometres from the proposed Project, the waters of the Lough flow under Nine Eyes Bridge, entering the Blackwater River once again, and the River Boyne And River Blackwater SAC and SPA (Site Codes 002299 and 004232). The only other European sites located downstream of the proposed Project are associated with the mouth of the Blackwater River, these are the Boyne Coast and Estuary SAC (Site Code 001957) and Boyne Estuary SPA (Site Code 004080) which are located over 50 km from the proposed Project.

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- There is no connectivity between the existing road drainage network and the Blackwater River; and
- There will be no discharge from any new drainage associated with the proposed Project to the Blackwater River.

Having considered the above, significant effects on any European sites as a result of the proposed Project can be ruled out and potential significant effects on European sites have been excluded at a preliminary screening stage.

It has been objectively concluded by Moore Group Environmental Services that:

1. The proposed Project is not directly connected with, or necessary to the conservation management of the European sites considered in this assessment.
2. The proposed Project is unlikely to indirectly significantly affect the Qualifying interests or Conservation Objectives of the European sites considered in this assessment.
3. The proposed Project, alone or in combination with other projects, is not likely to have significant effects on the European sites considered in this assessment in view of their conservation objectives.
4. It is possible to conclude that there would be no significant effects, no potentially significant effects and no uncertain effects if the proposed Project were to proceed.

It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on a European site.

It is the view of Moore Group Environmental Services that it is not necessary to undertake any further stage of the Appropriate Assessment process.