

STATEMENT OF SCREENING FOR APPROPRIATE ASSESSMENT

AT THE INTERSECTION OF TOWN HALL STREET AND FARNHAM STREET, CAVAN

In Line with the Requirements of Article 6(3) of the EU Habitats Directive



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1.0 INTRODUCTION

An Appropriate Assessment is an assessment of the potential effects of the proposed development, on its own, or in combination with other plans or projects, on one or more NATURA 2000 sites (Special Areas of Conservation (SAC) or Special Protection Areas (SPA)). The following Appropriate Assessment (Screening Stage) has been prepared by Traynor Environmental Ltd. at the request of Cavan County Council for the upgrading and improvement works at the intersection of Town Hall Street and Farnham Street, Cavan Town.

This AA Screening stage examines the likely significant effects of a plan or project, either on its own, or in combination with other plans and projects, upon a Natura 2000 sites and considers whether, on the basis of objective scientific evidence, it can be concluded, in view of best scientific knowledge and the conservation objectives of the relevant European sites, that there are not likely to be significant effects on any European site.

2.0 BACKGROUND TO THE APPROPRIATE ASSESSMENT

The Habitats Directive 92/43/EEC (together with the Birds Directive (2009/1477/EC)) forms the cornerstone of Europe's nature conservation policy. The Directive protects over 1000 animals and plant species and over 200 "habitat types" which are of European importance. In the Directive, Articles 3 to 9 provide the legislative means to protect habitats and species of European Community interest through the establishment and conservation of an EU-wide network of conservation sites (NATURA, 2000). These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Birds Directive). Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect NATURA 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [NATURA 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to 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 implication for the site and subject to the provisions of paragraph 4, the component 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."

As outlined in "Managing Natura 2000 sites. The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC" (European Commission, 21 November 2018) "The purpose of the appropriate assessment is to assess the implications of the plan or project in respect of the site's conservation objectives, either individually or in combination with other plans or projects. The conclusions should enable the competent authorities to ascertain whether the plan or project will adversely affect the integrity of the site concerned. The focus of the appropriate assessment is therefore specifically on the species and/or the habitats for which the Natura 2000 site is designated." As outlined in the EC guidance document on Article 6(4) (January 2007):

“Appropriate assessments of the implications of the plan or project for the site concerned must precede its approval and take into account the cumulative effects which result from the combination of that plan or project with other plans or projects in view of the site's conservation objectives. This implies that all aspects of the plan or project which can, either individually or in combination with other plans or projects, affect those objectives must be identified in the light of the best scientific knowledge in the field. Assessment procedures of plans or projects likely to affect NATURA 2000 sites should guarantee full consideration of all elements contributing to the site integrity and to the overall coherence of the network, both in the definition of the baseline conditions and in the stages leading to identification of potential impacts, mitigation measures and residual impacts. These determine what has to be compensated, both in quality and quantity. Regardless of whether the provisions of Article 6(3) are delivered following existing environmental impact assessment procedures or other specific methods, it must be ensured that: Article 6(3) assessment results allow full traceability of the decisions eventually made, including the selection of alternatives and any imperative reasons of overriding public interest.

- *The assessment should include all elements contributing to the site's integrity and to the overall coherence of the network as defined in the site's conservation objectives and Standard Data Form and be based on best available scientific knowledge in the field. The information required should be updated and could include the following issues:*
 - *Structure and function, and the respective role of the site's ecological assets;*
 - *Area, representativity and conservation status of the priority and nonpriority habitats in the site;*
 - *Population size, degree of isolation, ecotype, genetic pool, age class structure, and conservation status of species under Annex II of the Habitats Directive or Annex I of the Birds Directive present in the site;*
 - *Role of the site within the biographical region and in the coherence of the NATURA 2000 network; and,*
 - *Any other ecological assets and functions identified in the site.*

It should include a comprehensive identification of all the potential impacts of the plan or project likely to be significant on the site, taking into account cumulative impacts and other impacts likely to arise as a result of the combined action of the plan or project under assessment and other plans or projects.

- *The assessment under Article 6(3) applies the best available techniques and methods, to estimate the extent of the effects of the plan or project on the biological integrity of the site(s) likely to be damaged.*
- *The assessment provides for the incorporation of the most effective mitigation measures into the plan or project concerned, in order to avoid, reduce or even cancel the negative impacts on the site.*
- *The characterisation of the biological integrity and the impact assessment should be based on the best possible indicators specific to the NATURA 2000 assets which must also be useful to monitor the plan or project implementation.”*

3.0 STAGES OF THE APPROPRIATE ASSESSMENT

This Appropriate Assessment screening was undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC, 2001), Part XAB of the Planning and Development Act 2000, as amended, in addition to the December 2009 publication from the Department of Environment, Heritage and Local Government; 'Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities' and the European Communities (Birds and Natural Habitats) Regulations 2011.

In order to comply with the above Guidelines and legislation, the Appropriate Assessment process must be structured as follows:

1) Screening stage:

- Description of plan or project, and local site or plan area characteristics.
- Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives
- Assessment of likely effects – direct, indirect, and cumulative- undertaken on the basis of available information as a desk study or field survey or primary research as necessary and,
- Screening Statement with Conclusions.

2) Appropriate Assessment (Natura Impact Statement):

- Description of the NATURA 2000 sites that will be considered further;
- Identification and description of potential adverse impacts on the conservation objectives of these sites likely to occur from the project or plan; and,
- Mitigation Measures that will be implemented to avoid, reduce, or remedy any such potential adverse impacts.
- Assessment as to whether, following the implementation of the proposed mitigation measures, it can be concluded, beyond all reasonable scientific doubt, that there will be no adverse impact on the integrity of the relevant European Site in light of its conservation "objectives"
- Conclusions.

3) Alternative Solutions

If mitigation is possible that enables a risk to be avoided fully, then, subject to other necessary approvals, the project or plan may proceed. If mitigation measures are insufficient or are not actually practicable and achievable to avoid the risk entirely, then, in the light of a negative assessment, the plan or project may not proceed. A wider search for alternative solutions may need to be considered – Stage 3.

4) Imperative Reasons of Overriding Public Interest (IROPI)/Derogation.

(Stage 4 is the main derogation process of Article 6(4) which examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project that will have adverse effects on the integrity of a NATURA 2000 site to proceed in cases where it has been established that no less damaging alternative solution exists. The extra protection measures for Annex I priority habitats come into effect when making the IROPI case.

4.0 SCREENING STAGE ASSESSMENT

A) MANAGEMENT OF THE SITE

The plan or project is not directly connected with, or necessary to the management of NATURA 2000 sites.

B) DESCRIPTION OF THE PROPOSED PROJECT

Cavan County Council intend to undertake upgrade and improvement works at the intersection of Town Hall Street and Farnham Street, Cavan Town.

The proposal is for the following:

1. Upgrade the existing pedestrian and vehicular surface of the public realm.
2. Form a new Integrated pedestrian crossing point directly adjacent to the existing Town Hall.
3. Careful demolition of the existing public toilet block to facilitate additional area in the existing carpark adjacent to the Town Hall.
4. Upgrade the surface and layout of the existing carpark to allow for the area to be closed off and become an outdoor performance space – 18 Car parking spaces provided when facilitating car parking.
5. Repositioning of existing railings on site to form integrated elements of Public Realm design
6. Increase in the overall area of paved areas to promote pedestrian access and use.
7. Inclusion of new urban furniture and fittings
8. Inclusion of new wayfinding signage and lighting
9. Inclusion of new public mural addressing the public realm.

Figure 1. Site Location

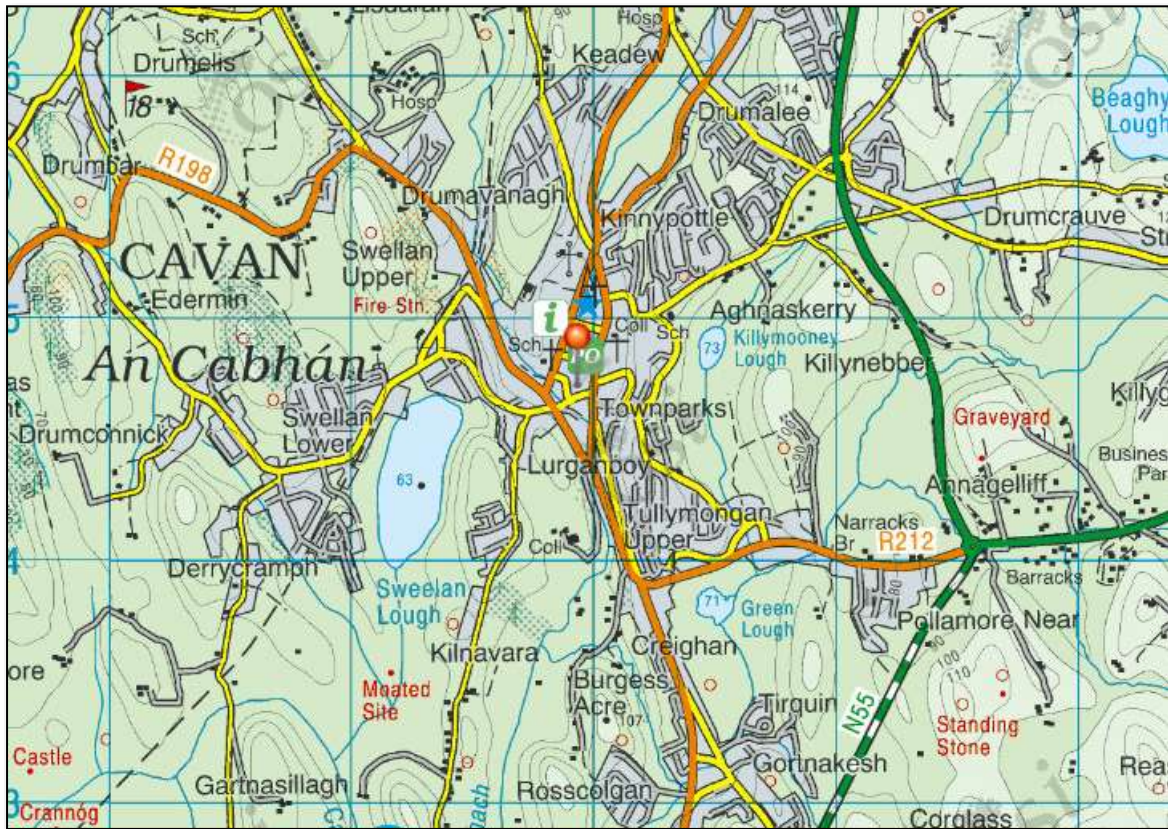


Figure 2. – Site Layout



C) IDENTIFICATION OF NATURA 2000 SITES

The proposed works are not within a NATURA 2000 site. The NATURA 2000 sites within 15km are seen in Figures 3 & 4 and Table 1. Following the precautionary principle screening of all Natura 2000 within 15km is carried out in Table 2.

Table 1. NATURA 2000 sites within 15km of the proposed development.

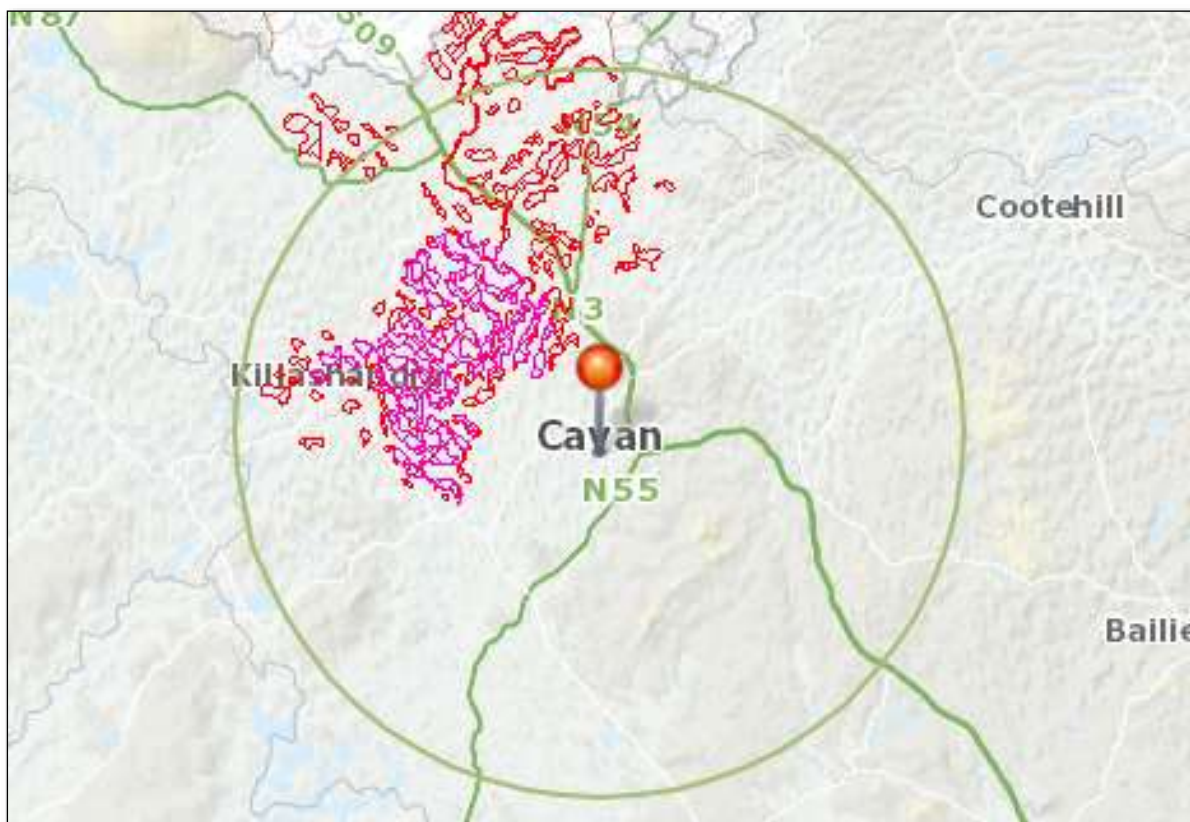
Site Code	Site	Distance
IE000007	Lough Oughter and Associated Loughs SAC	3.4km
IE004049	Lough Oughter Complex	3.4km

Table 2. Screening of NATURA 2000 sites within 15km of the proposed works

Special Areas of Conservation			
Natura 2000 Code	Name	Screened In/Out	Details/Reason
IE000007	Lough Oughter and Associated Loughs SAC	Out	<p>Conservation Objectives To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.</p> <p>Qualifying Interests Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation (3150) Bog woodland (91D0) Otter (1355)</p> <p>Potential Impact There is no direct pathway from the proposed works to the SAC. Based on objective scientific evidence there is no likelihood of significant effects on the Natura 2000 site. The proposed works will not impact on the conservation interests of the site.</p>
IE004049	Lough Oughter Complex	Out	<p>Conservation Objectives: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.</p> <p>Qualifying Interests Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Wetland and Waterbirds [A999]</p>

			<p>Potential Impact The proposed works site is a minimum of 3.4km from this SPA. There is no direct pathway from the site to the SPA.</p> <p>The proposed development will not impact on the conservation interests of the site.</p> <p>No significant effects are likely</p>
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Figure 3. The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km (SACs – Red Hatching, SPAs – Pink Hatching)

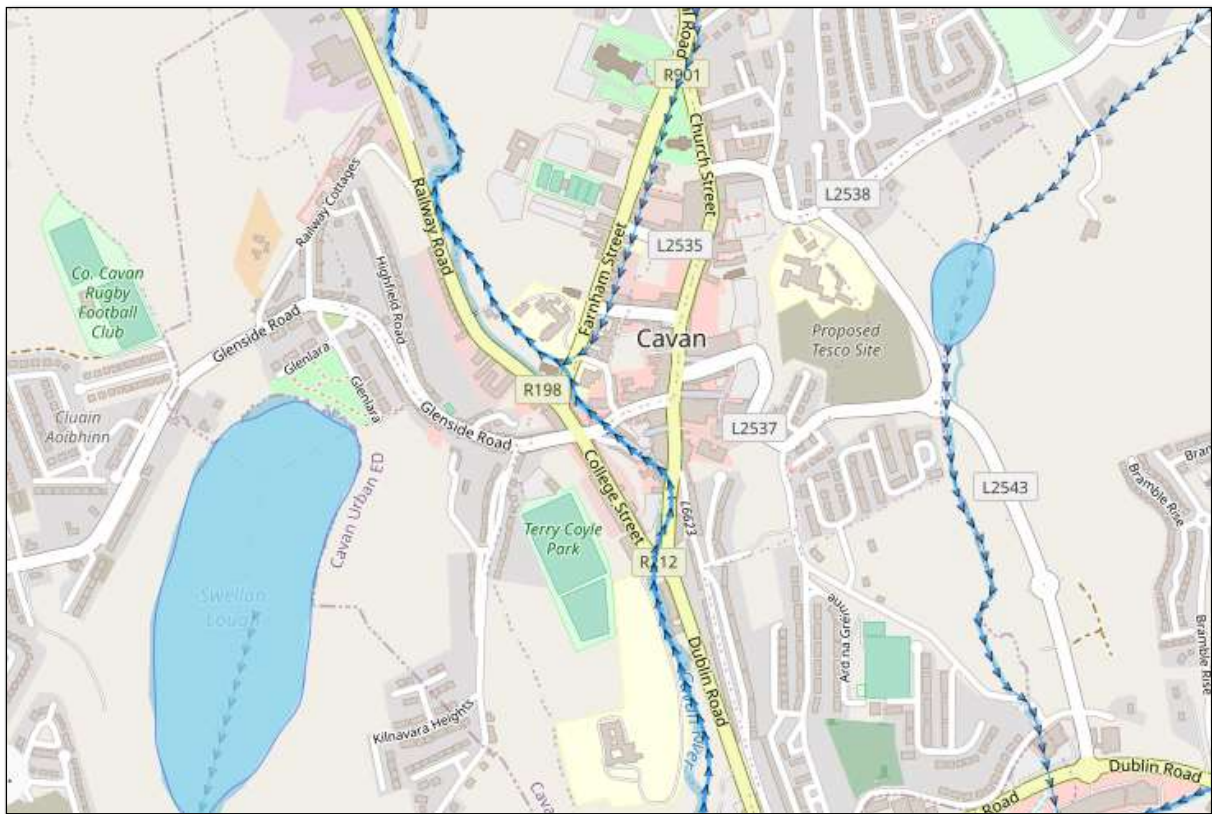


The application site is located within the Erne Hydrometric Area (36) and Catchment (36) and the Cavan Sub-Catchment (010) and Sub-Basin (010). There is one stream indicated on the EPA water maps, within the proposed regeneration area of the destination towns project. The Kinnypottle stream flows in a southerly direction before merging with the Cavan River at E: 241798 N: 304748.

The closest watercourse to the sites is the Cavan River, which is >35m southwest of the site boundary. The river rises in lands to the south of the town. It flows north, past the southern end of Farnham street. The Cavan River flows north until it meets the Annalee River, west of Butlersbridge.

The EPA have classed the ecological status of the Cavan River downstream of Cavan as poor. Under the requirements of the Water Framework Directive, this is unsatisfactory and all water bodies are obliged to meet good status within a specified time frame.

Figure 4 – Local Watercourses and flow Directions (GIS EPA Maps)



D) EVALUATION OF SPECIES AND HABITATS ON SITE**Evaluation of Habitats**

There is existing paved area immediate surrounding the proposed works area.

Plant Species

Records of rare and threatened species from the NPWS were examined. No rare or plant species of conservation value were noted during the field assessment with the exception of the existing rose garden planting.

Terrestrial Mammals

No active setts or large burrows were evident on site and there are no records.

Amphibians and Reptiles

The common frog (*Rana temporaria*) was not observed on site.

Summary of ecological importance

No flora or fauna of conservation importance were noted on site with the exception of the existing rose garden planting. No records of threatened or legally protected plant species are known to occur within the site. No signs of badger activity including foraging were noted on site.

E) ASSESSMENT OF SOURCE PATHWAY RECEPTOR LINKAGES

There are no emissions associated with the proposed development with the exception of clean surface water arising from rainfall. The proposed works will not impact on the water quality within the SPA & SAC's listed in Table 1 "Natura 2000 Sites within 15km of the proposed development" and therefore will not have an impact on the current Water Body Status (as defined within the Water Framework Directive) on the SPA and SAC's.

F) POTENTIAL CONSTRUCTION AND OPERATIONAL IMPACTS ON NATURA SITES

An accidental pollution event during construction has the potential to affect groundwater quality locally. Whilst this is a possibility, this would be very localised and is considered not likely to result in the degradation of existing groundwater conditions. Furthermore, there are no groundwater dependent habitats or species associated with the European sites in Lough Oughter.

Therefore, construction works are considered not to affect groundwater levels or flows in any European sites.

G) IN COMBINATION EFFECTS

Given the nature of the proposal, no in-combination effects are foreseen.

5.0 CONCLUSIONS

Having taken into consideration the distance between the site to designated conservation sites. The proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in-combination effects are foreseen.

This report presents a Stage 1 Appropriate Assessment Screening for the site, outlining the information required for the competent authority to screen for appropriate assessment and to determine whether or not the works at the site, either alone or in combination with other plans and projects, in view of best scientific knowledge, is likely to have a significant effect on any European or Natura 2000 sites.

5.1 FINDING OF NO SIGNIFICANT EFFECTS REPORT

Details of project	Appropriate Assessment Screening		
Name and Location of the NATURA 2000 sites within 15km.	Site Code	Site	Distance
	IE000007	Lough Oughter and Associated Loughs SAC	3.4km
	IE004049	Lough Oughter Complex	3.4km
Description of the Project	<p>Cavan County Council propose to undertake upgrade and improvement works at the intersection of Town Hall Street and Farnham Street, Cavan Town.</p> <p>The proposal is for the following:</p> <ol style="list-style-type: none"> 1. Upgrade the existing pedestrian and vehicular surface of the public realm. 2. Form a new Integrated pedestrian crossing point directly adjacent to the existing Town Hall. 3. Careful demolition of the existing public toilet block to facilitate additional area in the existing carpark adjacent to the Town Hall. 4. Upgrade the surface and layout of the existing carpark to allow for the area to be closed off and become an outdoor performance space – 18 Car parking spaces provided when facilitating car parking. 5. Repositioning of existing railings on site to form integrated elements of Public Realm design 6. Increase in the overall area of paved areas to promote pedestrian access and use. 7. Inclusion of new urban furniture and fittings 8. Inclusion of new wayfinding signage and lighting 9. Inclusion of new public mural addressing the public realm 		
Is the Project directly connected with the management of the NATURA 2000 site?		No	
Details of any other projects or plans that together with this project could affect the NATURA 2000 site		The planning application is for the upgrade and improvement works	
The assessment of significant effects			
Describe how the project is likely to affect the NATURA 2000 site.		Not Affected	
Response to consultation		N/A	
Data collected to carry out the assessment.		Site Visit and Supporting NPWS data.	
Who carried out the assessment	Nevin Traynor BSc Env Science & Technology of Traynor Environmental Ltd.		

Sources of data	NPWS website, standard data form, conservation objectives data, field surveys of the site and references outlined in the AA Screening Report.
Explain why the effects are not considered significant	Having taken into consideration the lack of direct hydrological pathway or biodiversity corridor link to conservation sites it is concluded that the proposed works will not give rise to any significant effects to designated sites.
Level of assessment completed	Stage 1 Screening
Overall conclusions	
<p>In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites. This report has analysed the potential impacts and effects of the proposed development works on the Special Conservation Interests of these designated sites. It has evaluated the significance of these potential impacts and effects in view of these sites' conservation objectives.</p> <p>In view of best scientific knowledge and on the basis of objective information, it can be concluded that proposed development, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites. The integrity of these sites will be maintained and the habitats and species associated with these sites will not be adversely affected. It is of the opinion of this author that this retention application does not need to proceed to Stage II of the Appropriate Assessment process.</p>	