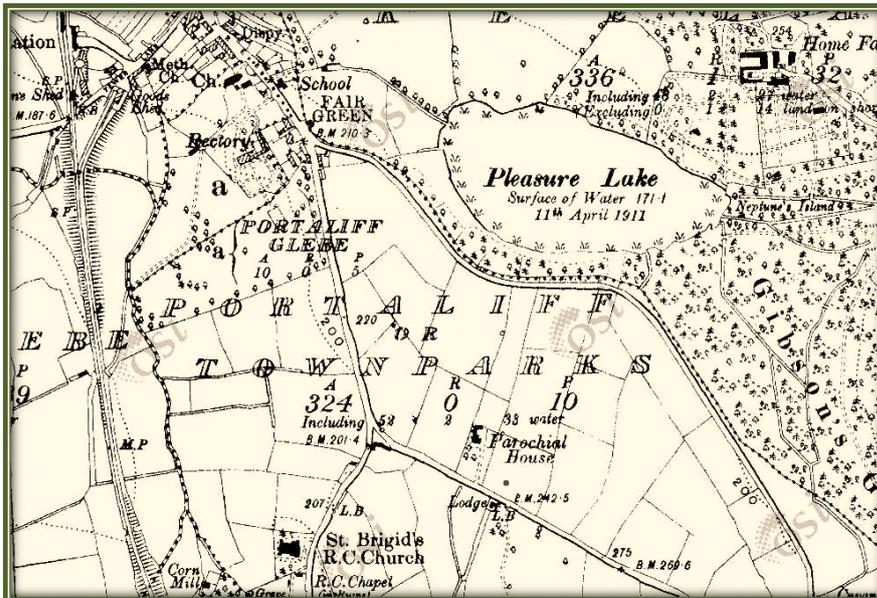


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## HABITATS DIRECTIVE SCREENING REPORT FOR A PROPOSED DEVELOPMENT AT PORTALIFFE, KILLESHANDRA, CO. CAVAN



Cavan County Council  
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21 Church View  
Cavan

July 2023

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# **1 INTRODUCTION**

## **1.1 BACKGROUND**

A comprehensive assessment of the potential significant effects of a proposed Section 179A Social Housing Development Application at a site at Portaliffe, Killeshandra, Co. Cavan on certain designated European sites was carried out in July 2023 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental.

The location of the proposed development is within the Zone of Influence of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely.

This report contains information required by the competent authority (in this instance Cavan County Council) to undertake an Appropriate Assessment determination. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European Sites, either individually or in combination with other plans or projects. In accordance with the Legislation and National Guidance, the competent authority should issue an AA Screening Determination, which should set out their decision regarding AA, including the main reasons and considerations on which the determination is based.

## **1.2 REGULATORY CONTEXT**

### **LEGISLATIVE CONTEXT**

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2027 and that status does not deteriorate in any waters.

### **Appropriate Assessment and the Habitats Directive**

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. *Natura 2000* sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting *Natura 2000* sites. Article 6(3) establishes the requirement for Appropriate Assessment:

“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.”

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) states:

“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 States 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.”

#### *The Appropriate Assessment Process*

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site’s conservation objectives.

The ‘Appropriate Assessment’ itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

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

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

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

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

## **2 METHODOLOGY**

### **2.1 APPROPRIATE ASSESSMENT**

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2018). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- European Commission (2021). 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 (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.

The EC Guidance states that “each stage determines whether a further stage in the process is required”. Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

**Stage 1: Screening** – 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 or not these impacts are likely to be significant;

**Stage 2: Appropriate Assessment** – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, 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 3: Assessment of Alternative Solutions** – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain** – An assessment of the 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.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects.

## **2.2 STATEMENT OF COMPETENCY**

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over 17 years. Noreen has over 19 years' experience as a professional ecologist in Ireland.

## **2.3 FIELD STUDIES**

A visit to the site of the proposed application at Killashandra was conducted on July 7<sup>th</sup> 2023, when field notes, species lists and photographs were taken. Habitats within the application site were classified in accordance to Level 3 of *A Guide to Habitats in Ireland* (Fossit, 2000). Particular attention was paid to invasive plant species within the application site.

## **2.4 DESK STUDIES & CONSULTATION**

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Bing maps & Google Street View – High quality aerials and street images;
- WGG Architects and Surveyors – Plans and Information Pertaining to the Development
- Cavan County Council – Information on planning history in the area for the assessment of cumulative impacts.

## 2.4 ASSESSMENT METHODOLOGY

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (ZoI) of the proposed development was defined. Based on the potential impacts and their ZoI, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for SPAs "to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA".

As defined in the Habitat's Directive, the favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing;
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.

### 3 SCREENING

#### 3.1 DEVELOPMENT DESCRIPTION

Cavan County Council have indicated their intention to undertake a residential development on a site at Portaliffe, Killashandra, Co. Cavan. The works will involve the construction of eight semi-detached one-storey and two-storey dwellings. Planning also pertains to all ancillary and additional site works.

Permission for these works will be sought under Section 179A Social Housing Development Application. An extract from the site plan is outlined in Figure 1.

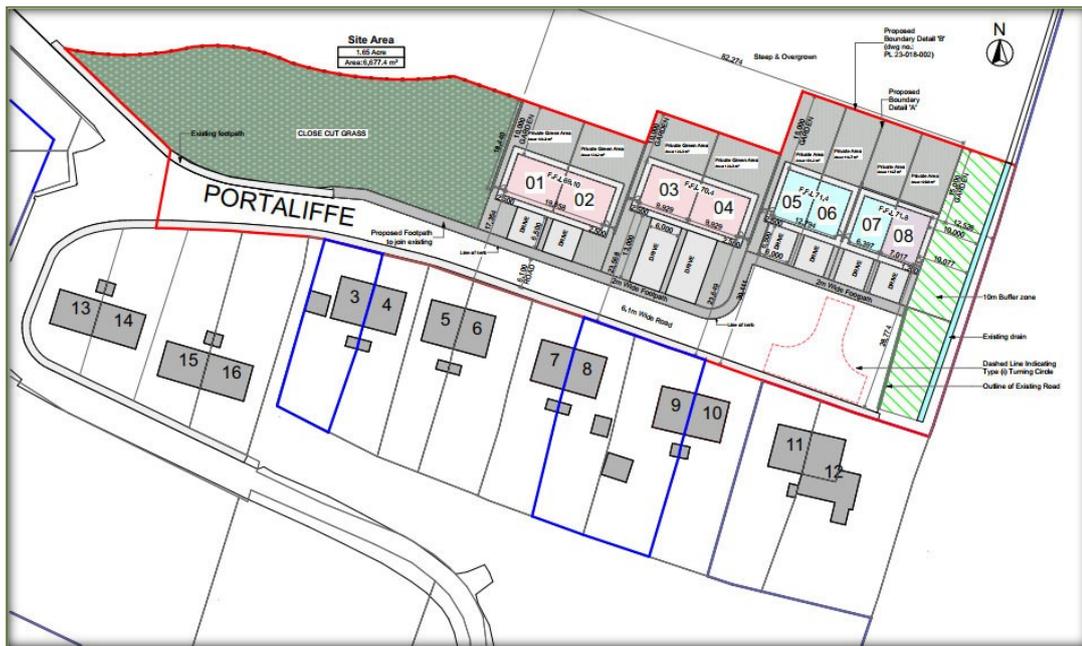


Figure 1 –Site Plan (as prepared by WGG Architects)

### Wastewater Treatment

It is proposed to collect the foul water from the proposed development using a suitably sized network and discharge it to the existing foul sewer to the west of the site. Foul water from the site will be treated in the Killeshandra Wastewater Treatment Plant. This plant is fully licensed by the EPA (License No: Do499-01).

### Surface water Treatment

Information on the management of surface water from the site has been provided in the accompanying report prepared by Alan Traynor Consulting Engineers. There is an existing surface water drainage system running in the access road to the south of the site. The existing surface water drainage system is not appropriately located or of sufficient capacity to service the proposed new residential development. It is therefore proposed to remove the existing system and replace it with new gullies, downpipes, and a new suitably sized network to collect all run-off from the access road, roofs and proposed private hardstand areas. The surface water from the site will be discharged into the existing storm sewer to the west of the site. The surface water will pass through a bypass petrol interceptor prior to being discharged into the storm sewer at the end of the road. It is proposed to make use of a new 90.93m<sup>3</sup> stormtech attenuation tank located in the green area in the west corner of the site when the discharge rate from the site exceeds the limit of the hydrobrake fitted on the discharge pipe, 5l/s.

### 3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The site in question is approximately 0.76ha and it is located on the south-eastern outskirts of Killashandra town, approximately 640m south-east of the town centre. The site is located in the townland of Portaliffe and in the existing residential estate known as Portaliffe Beg. The site will be accessed via the access road that services the existing estate. This access road can be accessed from the south off a local, third class road or from the north by the R199, Killashandra to Crossdoney Road.

The land-use close to the site is mixed. The urban/sub-urban lands of Killashandra lie to the north-west of the site. These areas are predominantly residential, commercial and amenity and the dominant habitats associated with these areas include buildings and artificial surface and amenity grasslands and gardens. In the rural areas beyond Killashandra, agriculture is the dominant land use and improved / semi-improved agricultural grasslands are the dominant habitats. Other habitats represented in these areas include coniferous woodlands, broadleaved woodland and scrub, wet grasslands, hedgerows, treelines, lakes and watercourses. Site location maps are shown in Figures 2 and 3.

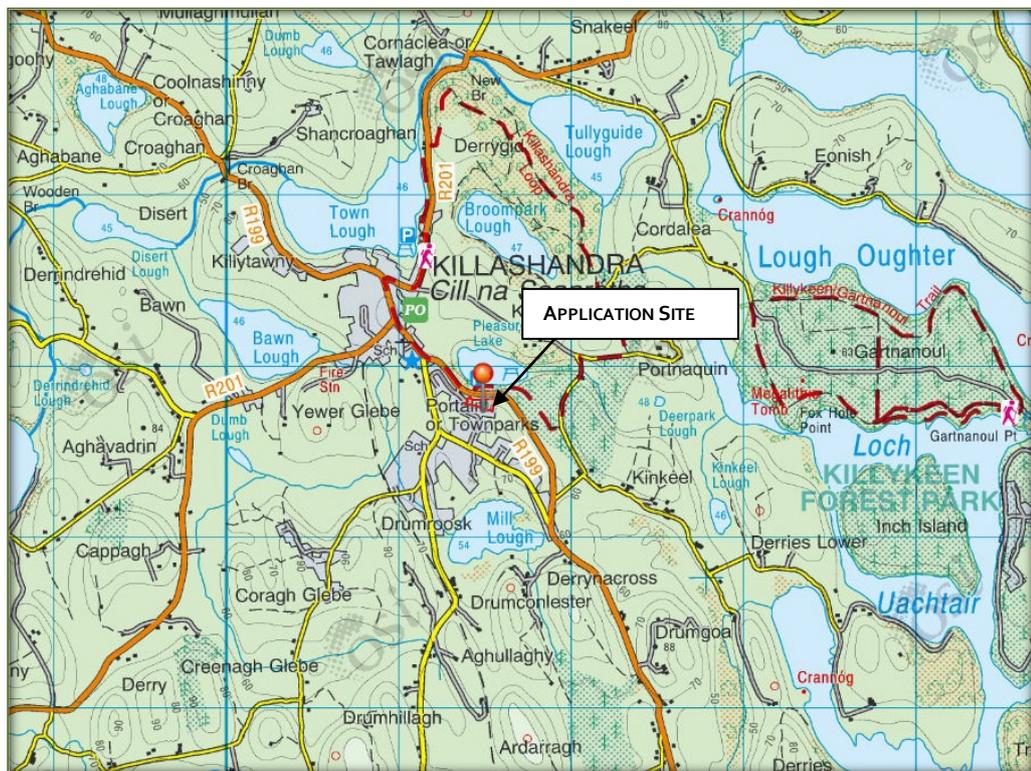


Figure 2 – Site Location Map (Site is Pinned)



Figure 3 – Site Location Map (Site Outlined in Red)

### HABITATS WITHIN THE SITE

The habitats within the application site were noted during a site visit on July 7<sup>th</sup> 2023. The site itself does not lie within or immediately adjacent to any area that has been designated for nature conservation purposes. The site is dominated by an area of Improved Amenity Grassland (Fossit Code GA2). The sward is kept short and the dominant grass species are meadow grass *Poa* sp. and rye grass *Lolium* sp. In areas along the northern verge of the site, the grass is un-mowed and a Dry Meadow and Grassy Verge habitat (GS2) has developed. There is a wider variety of herbaceous species in this habitat and species noted included meadow grass, cocksfoot grass *Dactylis glomerata*, ribwort plantain *Plantago lanceolata*, meadowsweet *Filipendula ulmaria*, vetches *Vicia* sp., herb Robert *Geranium robertianum*, willowherbs *Epilobium* sp, spear thistle *Cirsium vulgare* and brambles *Rubus fruticosus* agg. In the north-eastern corner of the site there is an area of scrub (WS1) dominated by willow *Salix* sp. Other species noted here included gorse *Ulex europeaeus* and birch *Betula* sp. This area of scrub merges to an area of more mature woodland that extends beyond the site to the north and towards the R199.

The eastern perimeter of the site is defined by a treeline (WL2) and the species noted in this treeline included ash *Fraxinus excelsior*, cherry *Prunus* sp., holly *Ilex aquifolium*, hawthorn *Crataegus monogyna*, willow and fushia.

During the site survey, no invasive species were noted.

An aerial photograph of the site is shown in Figure 4 and photos of the site are included in Figures 5.



Figure 4 - Aerial Photographs of the Site (Outlined in Red) © Google



Figure 5a – Amenity Grassland, Looking West

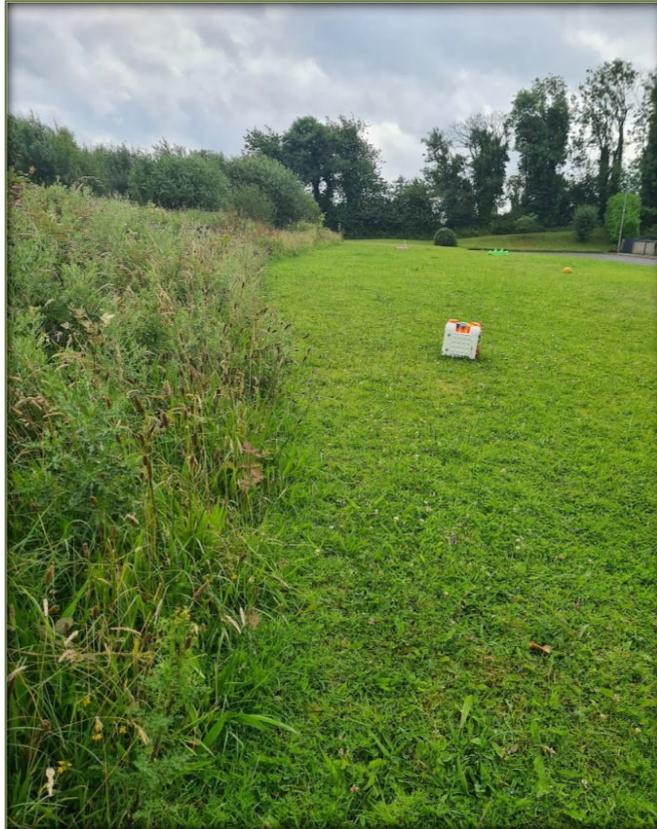


Figure 5b – Amenity Grassland, Grassy Verges and Scrub



Figure 5c – Grassy Verge / Scrub Habitat. Looking North.

**WATER FEATURES AND QUALITY**

The application site lies within the Erne Hydrometric Area and River Catchment and the Erne Sub Catchment (030) and Sub Basin (080). The site is 83m south of Pleasure Lough. There are also other lakes close to the site, including Mill Lough (498m south), Bawn Lough (810m west) and Town Lough (894m north-west). There is drainage ditch present along the eastern boundary of the site. There was no running water in this ditch on the day of the survey, despite heavy rain in the previous day.

The EPA have defined the ecological status of Pleasure Lough as moderate, whilst Mill Lough and Bawn Lough are also noted to be of moderate status. Town Lough has been classed as poor status. Generally, the watercourses within the Killeshandra area range from poor to moderate status. Under the requirements of the EU Water Framework Directive, this is unsatisfactory and all water bodies must achieve good ecological status within the current cycle (3<sup>rd</sup>) of the Water Framework Directive.

The site is located within the Cavan Groundwater Body and the overall status of this waterbody is noted to be good. This waterbody is considered to be Not at Risk. Groundwater vulnerability at the site is low – medium.

### 3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their site synopses, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

For significant effects to arise, there must be a potential impact facilitated by having a *source*, i.e., the proposed development and activities arising out of its construction or operation, a *receptor*, i.e., the European site and its qualifying interests and a subsequent *pathway* or *connectivity* between the source and receptor, e.g., a water course. The likelihood for significant effects on the European site will largely depend on the characteristics of the source (e.g., nature and scale of the construction works), the characteristics of the existing pathway and the characteristics of the receptor, e.g., the sensitivities of the Qualifying Interests (habitats or species) to changes in water quality.

There are two Natura 2000 designated sites within 15km of the application site. These designated areas and their closest points to the application site are summarised in Table 1 and maps showing their locations relative to the application site are shown in Figures 5 and 6. A full description of the sites can be read on the website of the National Parks and Wildlife Service ([www.npws.ie](http://www.npws.ie)).

Site Name & Code	Distance	Qualifying Interests	Potential Significant Effects
Lough Oughter and Associated Loughs SAC 000007	78m north @ the Pleasure Lough	<ul style="list-style-type: none"> <li>Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</li> <li>Bog woodland</li> <li>Otter <i>Lutra lutra</i></li> </ul>	<i>Having regards to the proximity of the site to this SAC, potential significant effects on this SAC and its Qualifying Interests will be considered further.</i>
Lough Oughter Complex SPA 004049	766m north @ Broompark Lough	<ul style="list-style-type: none"> <li>Great Crested Grebe (<i>Podiceps cristatus</i>)</li> <li>Whooper Swan (<i>Cygnus cygnus</i>)</li> <li>Wigeon (<i>Anas penelope</i>)</li> <li>Wetlands &amp; Waterbirds</li> </ul>	<i>Having regards to the proximity of the site to this SPA, potential significant effects on this SPA and its Qualifying Interests will be considered further.</i>

Table 1 – Natura 2000 Sites Within 15km of the Application Site

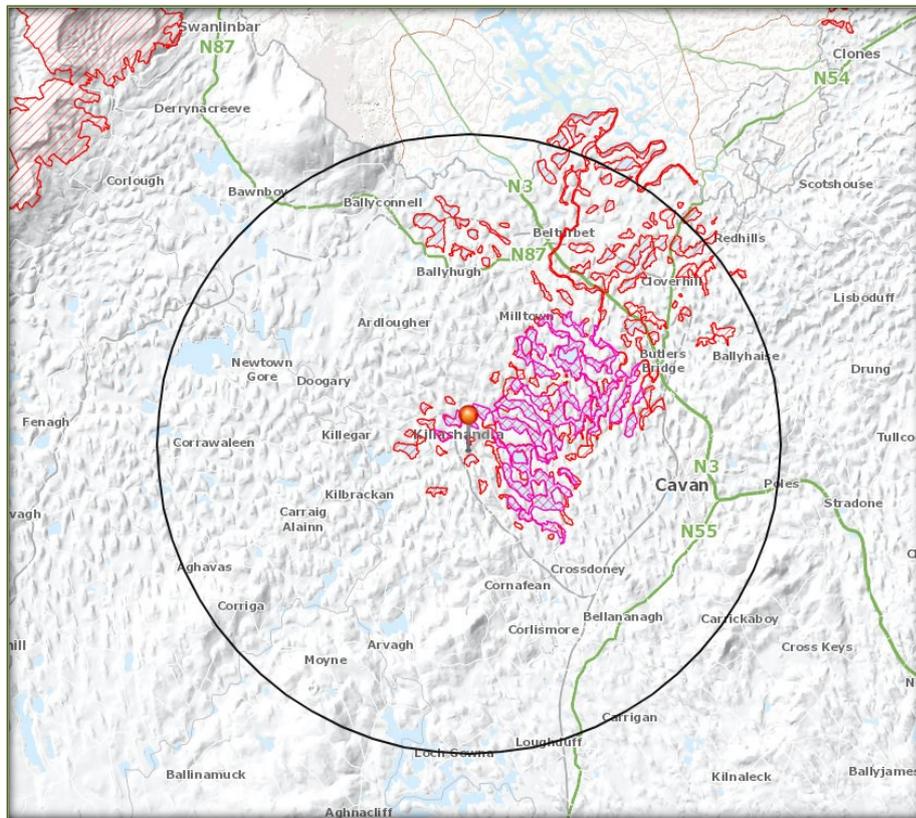


Figure 5 – The Application Site (Red Dot) in relation to the Natura 2000 Sites within 15km (SACs – Brown Infill, SPAs – Black Hatching)



Figure 6 – The Application Site (Outlined in Red) in relation to the Lough Oughter and Associated Loughs SAC (Red Hatching) and SPA (Pink Hatching)

## **LOUGH OUGHTER AND ASSOCIATED LOUGHS (SAC SITE CODE 000007)**

### Site Summary

Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Cavan between Upper Lough Erne, Killeshandra and Cavan town. The site is a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the Erne River. The area lies on Silurian and Ordovician strata with Carboniferous limestone immediately surrounding.

This site is a candidate Special Area of Conservation for natural eutrophic lakes and bog woodland, two habitats listed on Annex I of the E.U. Habitats Directive and for the otter, a species listed on Annex II of the same Directive. The site also contains areas of dry woodland, marsh, reedbed and wet pasture.

The Lough Oughter area contains important examples of two habitats listed on Annex I of the E.U. Habitats Directive and supports a population of the Annex II species, otter. The site as a whole is the best inland example of a flooded drumlin landscape in Ireland and has many rich and varied biological communities. Nowhere else in the country does such an intimate mixture of land and water occur over a comparable area, and many of the species of wetland plants, some considered quite commonplace in Lough Oughter and its associated loughs, are infrequent elsewhere.

### Site Specific Conservation Objectives

Site Specific Conservation Objectives (SSCOs) for this site have recently been prepared (NPWS, 2021)<sup>1</sup>. These SSCOs are outlined in Tables 2 – 4.

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<sup>1</sup> NPWS (2021) *Conservation Objectives: Lough Oughter and Associated Loughs SAC 000007. Version 1. National Parks and Wildlife Service, Department of Housing, Local Government and Heritage*

## Natural Eutrophic Lakes with Magnopotamion and Hydrocharition-type Vegetation

### 3150

The SSCO for this habitat is to *restore* its favourable conservation condition which is generally defined by the following list of attributes and targets:

Attribute	Measure	Target
Habitat area	Hectares	Area stable or increasing, subject to natural processes
Habitat distribution	Occurrence	Restore, subject to natural processes
Vegetation composition: Typical species	Occurrence	Typical species present, in good condition, and demonstrating typical abundances and distribution
Vegetation composition: characteristic zonation	Occurrence	All characteristic zones should be present, correctly distributed and in good condition
Vegetation distribution: maximum depth	Metres	Maintain maximum depth of vegetation, subject to natural processes
Hydrological regime: water level fluctuations	Metres	Maintain appropriate natural hydrological regime necessary to support the habitat
Lake substratum quality	Various	Maintain appropriate substratum type, extent and chemistry to support the vegetation
Transparency	Metres	Maintain/restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency
Nutrients	µg/l P; mg/l N	Restore the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species
Phytoplankton biomass	µg/l Chlorophyll a	Restore appropriate water quality to support the habitat, including good chlorophyll a status
Phytoplankton composition	EPA phytoplankton composition metric	Restore appropriate water quality to support the habitat, including good phytoplankton composition status
Attached algal biomass	Algal cover	Maintain/Restore trace/ absent attached algal biomass (<5% cover)
Water quality: macrophyte status	EPA macrophyte metric (The Free Index)	Restore good macrophyte status
Acidification status	pH units; mg/l	Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes
Water colour	mg/l PtCo	Maintain/Restore appropriate water colour to support the habitat
Dissolved organic carbon (DOC)	mg/l PtCo	Maintain/Restore appropriate organic carbon levels to support the habitat
Turbidity	Nephelometric turbidity units/ mg/l SS/ other appropriate units	Maintain/Restore appropriate turbidity to support the habitat
Fringing habitat: area and condition	Hectares	Maintain?restore the area and condition of fringing habitats necessary to support the natural structure and functioning of the lake habitat

Table 2 – Natural Eutrophic Lakes with Magnopotamion and Hydrocharition-type Vegetation 3150

### Potential Significant Effects

The closest location of this QI to the application site in the SAC is at Pleasure Lough, which is 78m north of the application. The ditch at the eastern boundary of the application site is dry and is not considered to provide hydrological connectivity to this lake habitat in the SAC. There is limited capacity in this drain to mobilise pollutants from the construction site north to the SAC. There will be no habitat loss or fragmentation of this habitat, and there will be no deteriorations in water quality locally which could lead to significant effects upon this habitat. The attributes, measures and targets that have been set for the restoration of this habitat to favourable conservation status in this SAC will not be impacted upon.

### Bog Woodland g1Do

The SSCO for this habitat is to *maintain* its favourable conservation condition which is defined by the following list of attributes and targets:

Attribute	Measure	Target
Habitat area	Hectares	Area stable or increasing, subject to natural processes
Habitat distribution	Occurrence	No decline, subject to natural processes
Woodland size	Ha	Area stable or increasing. Where topographically possible, "large" woods at least 25ha in size and "woods at least 3ha in size
Woodland structure: canopy cover and height	Percentage cover; metres	Total canopy cover at least 30%; downy birch ( <i>Betula pubescens</i> ) comprises at least 50% of canopy cover; median canopy height at least 4m
Woodland structure: community diversity and extent	Ha	Maintain diversity and extent of community types
Woodland structure: tree size classes	Occurrence	Downy birch ( <i>Betula pubescens</i> ) present in each tree class size
Woodland structure: regeneration	Occurrence	At least one downy birch ( <i>Betula pubescens</i> ) sapling of at least 1m tall present within each monitoring stop
Woodland structure: senescent and dead wood	Occurrence	Senescent or dead wood present
Woodland structure: indicators of local distinctiveness	Occurrence; population size	No decline in distribution and in the case of red listed and other rare or localised species, population size
Woodland structure: indicators of overgrazing	Occurrence	All four indicators of overgrazing absent
Woodland structure: dwarf shrub cover	Percentage cover at a representative number of monitoring stops	Native dwarf shrub layer cover less than 50%; ling ( <i>Calluna vulgaris</i> ) cover less than 40%
Woodland structure: bryophyte cover	Percentage cover at a representative number of monitoring stops	Bryophyte cover at least 50%; bog moss ( <i>Sphagnum</i> spp) cover at least 25%,

Vegetation composition: positive indicator species	Number in a representative number of monitoring stops	Downey birch ( <i>Betula pubescens</i> ), bog moss ( <i>Sphagnum</i> spp) and at least five other positive indicator species present
Vegetation composition: negative indicator species	Percentage cover at a representative number of monitoring stops	Both native and non-native invasive species absent or under control. Total cover should be less than 10%

Table 3 – SSCOs for Bog Woodland

### Potential Significant Effects

This habitat does not occur within or close to the application site. There will be no impacts or significant effects arising on this QI from the proposed works.

### **Otter (1355)**

The SSCO for this species is to *maintain* its favourable conservation condition which is defined by the following list of attributes and targets:

Attribute	Measure	Target
Distribution	% positive survey sites	No Significant Decline
Extent of Terrestrial Habitats	Hectares	No significant decline. Area mapped and calculated as 364.4ha along river banks/ lake shoreline/around ponds
Extent of Freshwater (River) Habitat	Km	No significant decline. Length mapped and calculated as 71.3km
Extent of Freshwater (Laker) Habitat	Hectares	No significant decline. Area mapped and calculated as 1,730.6ha.
Couching Sites and Holts	Number	No significant decline
Fish Biomass Available	Kg	No significant decline
Barriers to connectivity	Number	No significant increase

Table 4 – SSCOs for Otter

### Potential Impacts

The otter occurs throughout the Erne system. The presence of this species is positively correlated with good water quality and deterioration of same will lead to impacts upon this species. Otters have two basic requirements – aquatic prey and safe refuges where they can rest. In freshwater areas, the diet of the otter consists of a variety of fish from sticklebacks to salmon and eels, whilst crayfish and frog availability can also be important. Impacts that reduce the quality of, or cause disturbance to, their terrestrial or aquatic habitats are likely to affect otters. The main threats to otters in Ireland are thought to be: (1) habitat destruction, including river drainage and the clearance of bank-side vegetation; (2) pollution, particularly organic pollution resulting in fish kills; (3) disturbance of habitat due to recreational activities, and (4) accidental deaths (NPWS, 2009).

The proposed development will take place within a site that is devoid of the riparian habitats that are used by otters, which is generally defined as 10m beyond the lake or river shore. The application site is not within 10m of any lake or river shore and therefore significant effects upon this species arising from the proposed application are not likely. There will also

be no deterioration in water quality in the lakes which could also indirectly affect this species.

### THE LOUGH OUGHTER SPA 004049

#### Site Synopsis

Lough Oughter is of importance for a range of wintering waterfowl. Of particular note is an internationally important population of *Cygnus cygnus* that is based in the area and which use the lakes as a roost. A population of *Anser albifrons flavirostris* of regional importance also roost on the lakes. The site supports nationally important wintering populations of four species: *Podiceps cristatus*, *Cygnus olor*, *Anas Penelope* and *Bucephala clangula*, plus a range of other wintering species such as *Anas crecca* and *Aythya fuligula*. Lough Oughter is at the centre of the breeding range of *Podiceps cristatus* in Ireland and the site supports in excess of 10% of the estimated national breeding total. A small colony of *Sterna hirundo* occurs within the site.

#### Site Specific Conservation Objectives

Site specific conservation objectives for this site have not yet been prepared and objectives for this site remain generic. Overall, the SSCOs for SPAs are largely similar. Therefore, the attributes and targets that should define the favourable conservation condition of the QIs for this site were taken from the most common attributes and targets used for the conservation objectives of SPA bird species in general. These are outlined in Table 5 below.

Parameter	Attribute	Measure	Target
Population	Population trend	Percentage change as per population trend assessment using waterbird count data collected through the Irish Wetland Bird Survey and other surveys	Long term population trend stable or increasing
Range	Distribution	Range, timing and intensity of use of areas used by waterbirds, as determined by regular low tide and other waterbird surveys.	No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation

Table 5 – Conservation Objectives for SPAs

For wetlands, the conservation objectives are:

Parameter	Attribute	Measure	Target
Area	Habitat Area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 765 hectares, other than that occurring from natural patterns of variation

**Table 6 – Conservation Objectives for SPAs (Wetlands)**

Potential Impacts

The proposed construction and operation of the residential development at Portaliffe will have no significant effects upon the bird species of the Lough Oughter Complex SPA. The habitat of the bird QIs / SCIs of the SPA is generally confined to the open water habitats of the lakes, the closest of which is Broompark Lough which is 766m north of the site. The proposed development will not result in the loss or fragmentation of any habitat used by the birds, and there is sufficient distance between the main area of construction works and the lake habitats to ensure that effects upon the birds arising due to noise or visual disturbance will not arise. There will be no significant effects upon the bird species of the SPA arising out of deteriorations in water quality.

### 3.4 IMPACT ASSESSMENT

A summary of the potential significant effects of the proposed application on the Lough Oughter and Associated Loughs SAC and the Lough Complex SPA are described below.

**Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:**

The construction and operation of the proposed residential development in Portaliffe, Killeshandra will not lead to any significant effects upon the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA. There are no individual elements of the proposed project that are likely to give rise to negative impacts on Lough Oughter SAC / SPA either during the construction or operation of the proposed development. There will be no direct, indirect or cumulative impacts upon the Natura 2000 sites identified. There will be no impacts upon the qualifying interests of these sites.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:**

**Size and scale:** Having regards to the small size, scale of the development in relation to the overall size of the Natura 2000 sites identified, then the likelihood of any direct, indirect or cumulative impacts upon the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA is low.

**Land-take:** There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site. There will be no loss of any undesignated priority habitats.

**Distance from Natura 2000 site or key features of the site:** The closest Natura 2000 Sites to the application site are the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA. At their closest points to the site, these are 78m north and 766m north of the application site respectively. In this instance, having regards to the lack of hydrological connectivity, along with the small size and scale and nature of the development, this distance is sufficient to ensure that significant effects upon these sites do not arise.

**Resource requirements (water abstraction etc.):** No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

**Emissions:** During construction, there will be no emissions from the works that could give rise to significant effects upon the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA. During operation, clean surface/roof water from the site will be directed into the public storm water network following attenuation.

**Excavation requirements:** Excavated material from the construction will be used on site. Any remaining will be disposed of in a responsible manner in a licensed facility away from any designated

sites.

**Transportation requirements:** There will be no additional transportation requirements resulting from the application and associated works that will have any impact upon the Natura 2000 sites identified.

**In-Combination / Cumulative Impacts:** An examination of the planning portal on the website of Cavan County Council was undertaken for information pertaining to other recent or pending planning applications in the general Killashandra area. In the preceding three years, many other developments have been granted planning permission in this area and where necessary, these applications were screened for AA or else full AA was carried out and an NIS submitted. In the future, any application that has the potential to impact upon the SAC/SPA will be subjected to Appropriate Assessment as required under Article 6(3) of the Habitats Directive. The proposed development will not lead to any cumulative effects upon the SAC/SPA when it is considered on its own or in combination with other plans or projects.

**Duration of construction, operation, decommissioning etc:** Once construction begins, it should be complete within one year.

#### Describe any likely changes to the nearby Natura 2000 sites arising as a result of:

**Reduction of habitat area:** The construction works lie outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area. There will be no interference with the boundaries of any designated site. There will be no direct, indirect or cumulative impacts upon the qualifying interests of the Lough Oughter and Associated Loughs SAC, i.e., natural eutrophic lakes or bog woodland.

**Disturbance to key species:** There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. There will be no loss of any territory likely to be used by the otter, which is a qualifying interest of the SAC. There will be no disturbance to the bird species which are Special Conservation Interests of Lough Oughter Complex SPA.

**Habitat or species fragmentation:** There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and the Lough Oughter and Associated Loughs SAC or SPA will be impacted upon.

**Reduction in species density:** There will be no reduction in species density in any designated site.

**Changes in key indicators of conservation value (water quality etc.):** There will be no negative impacts upon surface or ground water quality within the Lough Oughter and Associated Loughs SAC or SPA.

**Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:**

**Interference with the key relationships that define the structure or function of the site:** It is not considered likely that there will be any significant impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

**Provide indicators of significance as a result of the identification of effects set out above in terms of:**

**Loss -** Estimated percentage of lost area of habitat: None

**Fragmentation:** None

**Disruption & disturbance:** None

**Change to key elements of the site (e.g. water quality etc.):** Unlikely to be significant

### 3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
<b>Name of project</b>	Construction of a New Residential Development at Portaliffe, Killeshandra, Co. Cavan.
<b>Name and location of Natura 2000 site</b>	The closest Natura 2000 Sites to the application site are the Lough Oughter and Associated Loughs SAC and the Lough Oughter Complex SPA. At their closest points to the site, these are 78m north and 766m north of the application site respectively. In this instance, having regards to the small size, scale and nature of the development, this distance is sufficient to ensure that significant effects upon these sites do not arise.
<b>Description of project</b>	A Small Scale Residential Development (Section 179A Social Housing Development Application)
<b>Is the project directly connected with or necessary to the management of the site?</b>	No
<b>Are there other projects or plans that together with project being assessed could affect the site?</b>	No
The Assessment of Significance of Effects	
<b>Describe how the project is likely to affect the Natura 2000 site</b>	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
<b>Explain why these effects are not considered significant</b>	Not applicable as there is no potential for significant negative impacts
<b>Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.</b>	No impacts likely
Data Collected to Carry out the Assessment	
<b>Who carried out the assessment</b>	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
<b>Sources of data</b>	NPWS, EPA, National Biodiversity Data Centre, Cavan County Council
<b>Level of assessment completed</b>	Stage1 Appropriate Assessment Screening
<b>Where can the full results of the assessment be accessed and viewed</b>	Full results included

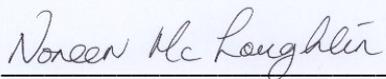
## 4 APPROPRIATE ASSESSMENT CONCLUSION

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 within 15km of the application site.

At this stage of the AA process, it is for the competent authority, i.e., Cavan County Council, to carry out the screening for AA and to reach one of the following determinations:

- a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;
- b) AA of the proposed development is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites. Therefore, this proposed project does not need to proceed to Stage II of the Appropriate Assessment Process, i.e., a Natura Impact Statement (NIS).



Noreen McLoughlin, MSc, MCIEEM.  
Ecologist.

(PI Insurance details available on request)

## **Appendix I: ECOLOGICAL RECOMMENDATIONS**

Whilst the proposed development will have no impacts upon the integrity of any area that has been designated as a Natura 2000 site, it is usually best practice to undertake certain mitigation measures during the construction and operation of any development. These measures will help to protect the local biodiversity of the surrounding area and ensure the protection of local wildlife and water quality. Therefore, it is recommended that the following measures are implemented: *It should be noted that these recommended measures are not designed for the protection of any Natura 2000 site and that they are fully outside of the Appropriate Assessment process.*

- Any removal of mature trees or vegetation should be done outside of the bird nesting season, i.e., between September and the end of February.