

**APPROPRIATE ASSESSMENT  
SCREENING REPORT  
FOR  
PROPOSED VARIATION No. 3  
OF THE  
MONAGHAN COUNTY DEVELOPMENT 2019-2025  
IN ACCORDANCE WITH THE REQUIREMENTS OF  
ARTICLE 6(3) OF THE EU HABITATS DIRECTIVE**



**November 2021**

## Table of Contents

|   |           |
|---|-----------|
| <b>Section 1 Introduction .....</b>                         | <b>3</b>  |
| 1.1 Background .....  | 3         |
| 1.2 Legislative Context .....                               | 3         |
| 1.3 Approach .....  | 3         |
| <br>  |           |
| <b>Section 2 Description of the Variation .....</b>         | <b>5</b>  |
| <br>  |           |
| <b>Section 3 Screening for Appropriate Assessment .....</b> | <b>6</b>  |
| 3.1 Introduction to screening .....                         | 6         |
| 3.2 Identification of relevant European Sites .....         | 6         |
| 3.3 Assessment Criteria .....                               | 8         |
| 3.4 Screening of Sites .....                                | 8         |
| 3.5 Other Plans and Programmes .....                        | 9         |
| <br>  |           |
| <b>Section 4 AA Screening Conclusion .....</b>              | <b>10</b> |
| <br>  |           |
| <b>Appendix I Background information on European sites</b>  |           |

## **Section 1 Introduction**

### **1.1 Background**

This Screening report has been prepared in support of the Appropriate Assessment (AA) for Proposed Variation No. 3 of the Monaghan County Development Plan 2019-2025 in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the "Habitats Directive").

This report is part of the ongoing AA process that is being undertaken alongside the preparation of the Proposed Variation. It will be considered, alongside other documentation prepared as part of this process, when Monaghan County Council finalises the AA at adoption of the Proposed Variation.

### **1.2 Legislative Context**

The Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest. These habitats and species are listed in the Habitats and Birds Directives (Council Directive 2009/147/EC on the conservation of wild birds) with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated to afford protection to the most vulnerable of them. These two designations are collectively known as European sites and Natura 2000.

AA is required by the Habitats Directive, as transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). AA is an assessment of the potential for adverse or negative effects of a plan or project, in combination with other plans or projects, on the conservation objectives of a European site. These sites consist of SACs and SPAs and provide for the protection and long-term survival of Europe's most valuable and threatened species and habitats.

*Under Article 6(3) of the EU Habitats Directive and Regulation 30 of SI no. 94/1997 "European Communities (Natural Habitats) Regulations" (1997) any plan or project which has the potential to significantly impact of the integrity of a Natura 2000 site (i.e. SAC or SPA) must be subject to an Appropriate Assessment. This requirement is also detailed under Section 177(U) of the Planning and Development Acts (2000-2010). In respect of the Monaghan County Development Plan 2019 - 2025, policy HLP17 states, "Any plan or project which is likely to impact on the conservation objectives of a Natura 2000 site shall be screened for Appropriate Assessment (AA) and where pertinent a Stage 2 Appropriate Assessment (Natura Impact Statement) shall be undertaken in order to make a determination. Natura 2000 sites outside the county and located within 15km of the proposed development site should also be screened for Appropriate Assessment. A Natura Impact Statement (NIS) shall incorporate a written statement which sets out mitigation measures to prevent the risk of invasive species onto a Natura 2000 site."*

### **1.3 Approach**

The AA is based on best scientific knowledge and has utilised ecological and hydrological expertise. In addition, a detailed online review of published scientific literature and 'grey' literature was conducted. This included a detailed review of the National Parks and Wildlife (NPWS) website including mapping and available reports for relevant sites and in particular sensitive qualifying interests/special conservation interests described and their conservation objectives.

The ecological desktop study completed for the AA of the Proposed Variation comprised the following elements:

- Identification of European Sites within 15km of the Proposed Variation boundary with identification of potential pathways links for specific sites (if relevant) greater than 15km from the Proposed Variation boundary;
- Review of the NPWS site synopsis and conservation objectives for European Sites with identification of potential pathways from the Proposed Variation area; and
- Examination of available information on protected species.

There are four main stages in the AA process as follows:

### **Stage One: Screening**

The process that identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans and considers whether these impacts are likely to be significant.

### **Stage Two: Appropriate Assessment**

The consideration of the impact on the integrity of the European 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.

If adequate mitigation is proposed to ensure no significant adverse impacts on European sites, then the process may end at this stage. However, if the likelihood of significant impacts remains, then the process must proceed to Stage Three.

### **Stage Three: Assessment of Alternative Solutions**

The process that examines alternative ways of achieving the objectives of the project or plan that avoids adverse impacts on the integrity of the European site.

### **Stage Four: Assessment where no alternative solutions exist and where adverse impacts remain**

An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. This approach aims to avoid any impacts on European Sites by identifying possible impacts early in the plan making process and avoiding such impacts. Second, the approach involves the application of mitigation measures, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If potential impacts on European sites remain, the approach requires the consideration of alternative solutions. If no alternative solutions are identified and the plan/project is required for imperative reasons of overriding public interest, then compensation measures are required for any remaining adverse effect(s).

The assessment of potential effects on European Sites is conducted following a standard sourcepathway-receptor<sup>1</sup> model, where, for an effect to be established all three elements of this mechanism must be in place. The absence or removal of one of the elements of the model is sufficient to conclude that a potential effect is not of any relevance or significance.

In the interest of this report, receptors are the ecological features that are known to be utilised by the qualifying interests or special conservation interests of a European Site. A source is any identifiable element of the Proposed Variation provision that is known to interact with ecological processes. The pathways are any connections or links between the source and the receptor. This report provides information on whether direct, indirect and cumulative adverse effects could arise from the Proposed Variation.

The AA Screening exercise has been prepared considering the aforementioned legislation and the following legislation and guidance:

- Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, 2009;
- "Commission Notice: Managing Natura 2000 sites - The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC", European Commission 2018;
- "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 DG, 2002; and
- "Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC", European Commission, 2000.

<sup>1</sup> Source(s) – e.g. pollutant run-off from proposed works; Pathway(s) – e.g. groundwater connecting to nearby qualifying wetland habitats; and Receptor(s) – qualifying aquatic habitats and species of European Sites.

## **Section 2          Description of the Proposed Variation**

The Monaghan County Development Plan 2019-2025 (MCDP) provides for sustainable development and proper planning within the administrative area of Monaghan County Council.

The proposed variation incorporates the Dublin Street North Regeneration Plan, the purpose of which is to provide guidance on the regeneration options for the future development of the Dublin Street North Regeneration Plan area. The proposed variation includes a new objective within the Settlement Plan for Monaghan Town of the Monaghan County Development Plan 2019-2025,

Objective MPO 15 to, *‘Ensure that all development proposals within the Dublin Street North Regeneration Plan area have regard to the regeneration strategy and development objectives of the Dublin Street North Regeneration Plan.’*

The proposed plan provides a strategic framework to promote development in a coordinated and sustainable manner in this town centre area that has considerable development potential.

## Section 3 Screening for Appropriate Assessment

### 3.1 Introduction to screening

This stage of the process identifies any potential significant effects to European Sites from a project or plan, either alone or in combination with other projects or plans.

An important element of the AA process is the identification of the “conservation objectives”, “Qualifying Interests” (QIs) and/ or “Special Conservation Interests” (SCIs) of European Sites requiring assessment. QIs are the habitat features and species listed in Annexes I and II of the Habitats Directive for which each European Site has been designated and afforded protection. SCIs are wetland habitats and bird species listed within Annexes I and II of the Birds Directive. It is also vital that the threats to the ecological / environmental conditions that are required to support QIs and SCIs are considered as part of the assessment.

The following NPWS Generic Conservation Objectives have been considered in the screening:

- For SACs, 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; and
- For SPAs, to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

Where available, Site-Specific Conservation Objectives (SSCOs) designed to define favourable conservation status for a particular habitat<sup>2</sup> or species<sup>3</sup> at that site have been considered.

### 3.2 Identification of relevant European Sites

This section of the screening process describes the European Sites which exist within the Zone of Influence of the site. The Department of the Environment (2009) Guidance on AA recommends a 15 km buffer zone to be considered. A review of all sites within a 15 km buffer zone allows for a determination to be made that in the absence of significant hydrological links the characteristics of a plan/project will not impose effects beyond the 15 km buffer. Details of the European sites that occur within 15km of the Proposed Variation will not impose effects beyond the 15 km buffer. Details of European sites that occur within 15 km of the Proposed Variation Area are listed in Table 3.1. European Site mapped in Figure 3.1 below.

Information on QIs, SCIs and site-specific vulnerabilities and sensitivities (see Appendix I) and background information (such as that within Ireland’s Article 17 Report to the European Commission, site synopses and Natura 2000 standard data forms) has been considered.

The assessment considers available conservation objectives. Since conservation objectives focus on maintaining the favourable conservation condition of the QIs/SCIs of each site, the screening process concentrated on assessing the potential effects of the Plan against the QIs/SCIs of each site. The conservation objectives for each site were consulted throughout the assessment process.

<sup>2</sup> Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are 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; and the conservation status of its typical species is favourable.

<sup>3</sup> The favourable conservation status of a species is achieved when: 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; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Table 3.1 European sites that occur within 15 km of the Proposed Variation Area

| Site Code | Site Name        | Distance (km) | Qualifying Features (Qualifying Interest and Special Conservation Interest) |
|-----------|------------------|---------------|---|
| 004167    | Slieve Beagh SPA | Within        | Hen harrier (Circus cyaneus) [A082]   |

Figure 3.1 European Site within 15 km of the Proposed Variation boundary

Source: NPWS

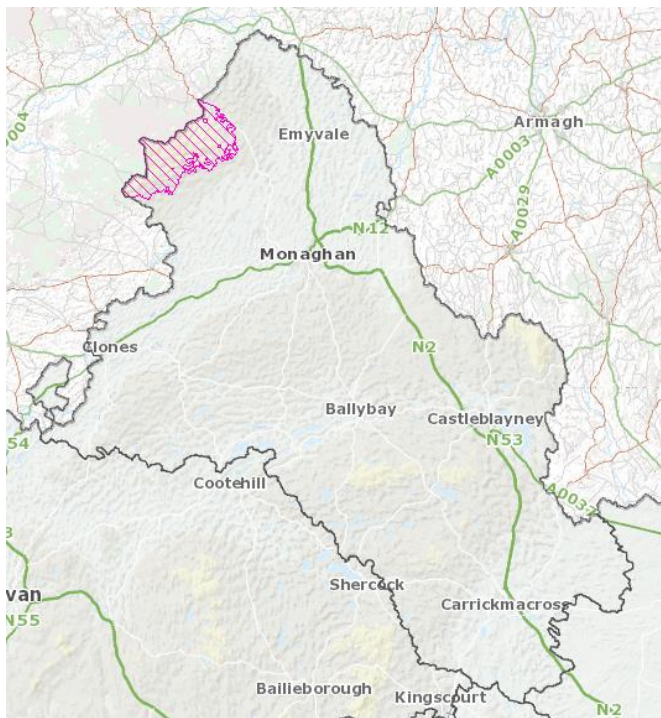


Table 3.2 European sites within the source-pathway-receptor model of the Proposed Variation Area

| Site Code | Site Name        | Distance (km)           | Qualifying Features (Qualifying Interest and Special Conservation Interest)   |
|-----------|------------------|-------------------------|---|
| UK9020091 | Slieve Beagh SPA | Source-pathway-receptor | Common tern<br>Great crested grebe<br>Whooper swan<br>Bewick's swan<br>Golden plover<br>Pochard<br>Tufted duck<br>Scaup<br>Golden eye<br>Little grebe<br>Cormorant<br>Greylag goose |

|  |  |  |  |
|--|--|--|--|
|  |  |  | Shelduck<br>Wigeon<br>Gardwall<br>Teal<br>Mallard<br>Shoveler<br>Coot<br>Lapwing<br>Waterfowl assemblage |
|--|--|--|--|

### 3.3 Assessment Criteria

#### 3.3.1 Is the Proposed Variation Necessary to the Management of European Sites?

The overarching objective of the Variation is not the nature conservation management of the sites, but to provide for guidance on the regeneration options for the future development of the Dublin Street North Regeneration Plan area. The proposed plan provides a strategic framework to promote development in a coordinated and sustainable manner in this town centre area that has considerable development potential.

#### 3.3.2 Elements of the Proposed Variation with Potential to Give Rise to Effects

The Proposed Variation introduces an additional development plan objective, MPO 15 to ‘Ensure that all development proposals within the Dublin Street North Regeneration Plan area have regard to the regeneration strategy and development objectives of the Dublin Street North Regeneration Plan.’ The provisions of the Monaghan County Development Plan have been subject to SEA and AA as relevant and appropriate, with mitigation measures integrated into it, and it is considered that the proposed variation does not introduce any sources for effects that were not already considered by the Monaghan County Development Plan and associated Natura Impact Statements.

### 3.4 Screening of Sites

It has been examined whether there is potential for effects on European Sites considering information provided above, including Appendix I. Sites are screened out based on one or a combination of the following criteria:

- Where it can be shown that there are significant pathways such as hydrological links Proposed Variation proposals and the site to be screened;
- Where the site is located at such a distance from that area to which the Proposed Variation relates that effects are not foreseen; and
- Where it is that known threats or vulnerabilities at a site cannot be linked to potential impacts that may arise from the Proposed Variation.

#### 3.4.1 Types of Potential Effects and Changes

The European Commission Environment DG document “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” outlines the types of effects that may affect European Sites.

These include effects from the following activities:

- Land take
- Resource Requirements (Drinking Water Abstraction Etc.)
- Emissions (Disposal to Land, Water or Air)
- Excavation Requirements
- Transportation Requirements
- Duration of Construction, Operation, Decommissioning



In addition, the guidance document outlines the following likely changes that may occur at a designated site, which may result in effects on the integrity and function of that site:

- Loss/reduction of habitat area;
- Habitat or species fragmentation;
- Disturbance to key species;
- Reduction in species density;
- Changes in key indicators of conservation value (water quality etc.); and
- Climate change.

Assessment of potential impacts on European Sites is conducted utilising a standard source-pathway model (see approach referred to under Section 1 and Section 3). The proposed variation is considered against the relevant European site. Tables 3.1 and 3.2 provides the QIs/SCIs of the European Sites identified.

**Table 3.3 Screening of the relevant European sites within 15km and of the source-pathway-receptor model of the Proposed Variation boundary**

| European Site    | Screening  |
|------------------|--|
| Slieve Beagh SPA | The Proposed Variation does not introduce any sources for effects therefore Stage 2 AA is not required.  |
| Lough Neagh SPA  | The Shambles River, which is a tributary of the River Blackwater and which in turn discharges into Lough Neagh SPA, is in proximity to the area. However, it is the opinion of the planning authority that due to the distance of separation between the project area and the Lough Neagh SPA, the project is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required. |

[https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004167.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004167.pdf)

<https://www.daera->

[ni.gov.uk/sites/default/files/publications/doe/Lough%20Neagh%20and%20Lough%20Beg%20SPA%20Citaton%20documents%20and%20map.pdf](https://www.daera-ni.gov.uk/sites/default/files/publications/doe/Lough%20Neagh%20and%20Lough%20Beg%20SPA%20Citaton%20documents%20and%20map.pdf)

### 3.5 Other Plans and Programmes

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European Sites. There are no provisions in the Proposed Variation that introduce any sources for effects. Therefore, there are no in combination effects identified.

## **Section 4 AA Screening Conclusion**

This report to inform the AA Screening of Proposed Variation No. 3 of the Monaghan County Development Plan 2019-2025 and demonstrates that the implementation of the Variation will not result in adverse effects to the ecological integrity of any European Sites.

Following the source-pathway-receptor model, the relevant attributes of European Sites were assessed. The Shambles River, which is a tributary of the River Blackwater and which in turn discharges into Lough Neagh SPA, is in proximity to the area. However, it is the opinion of the planning authority that due to the distance of separation between the project area and the Lough Neagh SPA, the project is not of a nature or scale to have any significant effects on the integrity of the Natura 2000 network and therefore a Stage 2 Appropriate Assessment is not required.

There are no other sources for effects to any European Site that would arise from the Proposed Variation.

The risks to the safeguarding and integrity of the qualifying interests, special conservation interests and conservation objectives of the European sites have been addressed through existing, already in force policies and objectives within the Monaghan County Development Plan (that was subject to Stage 2 AA) with which the Proposed Variation and all lower tier plans/projects must comply. In addition, any future projects, plans etc. that may arise will themselves be subject to AA/screening for AA when further details of design and location are known.

It is concluded that Proposed Variation No. 3 will not give rise to any effect on the ecological integrity of any European Sites, alone or in combination with any other plans, programmes, and projects etc.

## Appendix I Background information on European Sites

List of European Sites within 15 km of the Proposed Variation No. 3 site area; including the Qualifying features (Qualifying Interests or Special Conservation Interests) and Site Vulnerability/Sensitivity

| Site Code | Site Name        | Distance (km) | Qualifying Features (Qualifying Interests and Special Conservation Interests) | Site Specific Threats or Vulnerability  |
|-----------|------------------|---------------|---|---|
| 004167    | Slieve Beagh SPA | Within        | Hen harrier (Circus cyaneus) [A082]   | Paths/trails and peat extraction are the known pressures within the SPA. The species are sensitive to direct land use management activities and succession processes. |

List of all Special Conservation Interests of SPAs that have undergone Screening including Summaries of Current Threats and Sensitivity to Effects

| Special Conservation Interests      | Vulnerabilities of Special Conservation Interests   |
|-------------------------------------|---|
| Hen harrier (Circus cyaneus) [A082] | <ul style="list-style-type: none"> <li>- Bird species are particularly vulnerable to direct disturbance due to noise and/or vibration. These effects are localised, and disturbance effects are foreseen to be low at distances beyond 2km.</li> <li>- Direct habitat loss is a serious concern for bird species, as well as the reduction in habitat quality. Habitat degradation could occur through effects such as local enrichment due to agricultural practices or damage to habitat through activities such as trampling.</li> <li>- Prey species diversity and availability are a key element of species conservation. Community dynamics and ecosystem functionality are complex concepts and require site specific information. The site synopsis and conservation objectives for the SPAs identified within the ZOI were used to identify any specific prey sensitivities.</li> <li>- Availability of nesting/roosting habitat.</li> <li>- Vegetation composition, structure and functionality.</li> <li>- Roost availability and protection.</li> <li>- Prey availability and hunting/foraging habitat area.</li> </ul> |