

Appendix D

Appropriate Assessment Screening Report

**N2 Monaghan Town to Emyvale, County Monaghan
Proposed Pavement and Minor Improvement Scheme**

**Coolkill East – Corracrin,
Part 8 Application, July 2011**

Appendix 5: Appropriate Assessment Screening Report

**Appropriate Assessment
Screening Report for
N2 Monaghan Town to
Emyvale, County Monaghan**

***Proposed Easement and
Minor Realignment Project***



1. Introduction and Legislative Context

This is an Appropriate Assessment Screening Report in respect of the N2 Monaghan Town to Emyvale, County Monaghan, Proposed Pavement and Minor Improvement Project, which is undertaken in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) and the Planning and Development (Amendment) Act 2010. The screening exercise of the proposed development was undertaken to determine if an appropriate assessment is required.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as “The Habitats Directive”, provides legal protection for habitats and species of European importance. Articles 6(3) and 6(4) of the EU Habitats Directive (Directive 92/43/EEC) set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (usually referred to as Special Areas of Conservation (SACs including candidate cSACs) and Special Protection Areas (SPAs including proposed Special Protection Areas pSPAs).

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.

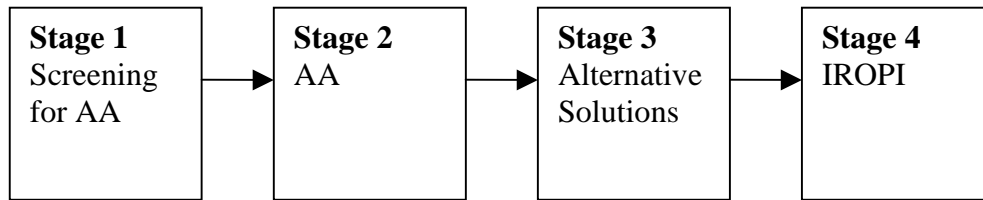
Article 6(4) goes on to discuss alternative solutions, the test of “imperative reasons of overriding public interest” (IROPI) and compensatory measures:

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 social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

Where the site concerned hosts a priority nature 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.

Where the competent authority is uncertain that there is a case for an appropriate assessment, the proposed development must be screened to determine whether or not the proposed development is likely to negatively affect the conservation objectives of any Natura 2000 site. This is done by examining the proposed development and the conservation objectives of any Natura 2000 site that might potentially be affected.

Appropriate Assessment comprises 4 stages:



Stage One: 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 these impacts are likely to be significant;

Stage Two: 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 Three: Assessment of alternative solutions — the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

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 Department of the Environment, Heritage and Local Government in association with the National Parks and Wildlife Service (NPWS) published Guidance for Planning Authorities in December 2009 entitled 'Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities'. This Screening Report has regard to this guidance.

2. Description of the project

The N2 Monaghan Town to Emyvale, County Monaghan, Proposed Pavement and Improvement Project is required to cater for existing N2 traffic until the opening of the proposed N2 Clontibret to the Northern Ireland Border road realignment. The works will improve the road, will extend its residual life, and will provide an alternate/diversion route in the event of the proposed N2 road realignment becoming temporarily closed. The existing road alignment has been examined and the need for an improvement scheme consisting of bend easement and minor realignment is required.

This proposed scheme will consist of approximately 8km of easement and realignment works extending for a distance of 5.8 km (approx) along the N2 North of Monaghan Town to South of the rural community of Corracrin and a further 2.2 km (approx.) from North of Corracrin to South of Emyvale. The proposed works involve realignment, improvement and overlay of the N2, road drainage and all ancillary works. The proposed road cross section is a single carriageway 7.0m wide, plus 2 No. hard verges giving an overall pavement width of 8.0m, in compliance with the cross section for a reduced single carriageway road. The roadside verges are to be 3.0m in width with the Western verge including a 2.0m hard surfaced area.

3. Natura 2000 sites

Natura 2000 sites are normally referred to as Special Areas of Conservation (SACs) or Special Protection Areas (SPAs).

The legal basis which surrounds the selection and designation of Special Areas of Conservation (SACs) is the EU Habitats Directive and this Directive was transposed into Irish law in the European Union (Natural Habitats) Regulations 1997. Special Areas of Conservation are designated by the Department of the Environment, Heritage and Local Government and are prime wildlife conservation areas in the county which are considered to be important on a European level as well as on an Irish level.

Special Protection Areas (SPAs) are designated by the Department of the Environment, Heritage and Local Government. The EU Birds Directive (79/409/EEC) requires the designation of SPAs for wild birds. These sites are areas of importance for wild birds and relate to their breeding, feeding, roosting and wintering areas.

The Document entitled The Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities published by the Department of the Environment, Heritage and Local Government specifies that the following categories of Natura 2000 sites should be included when undertaking the screening process.

1. Any Natura 2000 sites within or adjacent to the plan or project area:-
2. Any Natura 2000 sites within the likely zone of impact of the plan or project. In this regard a distance of 15km is currently recommended in the case of plans.
3. Natura 2000 sites that are more than 15km from the plan or project area depending on the likely impacts of the plan or project and the sensitivities of the ecological receptors bearing in mind the precautionary principle.

Natura 2000 Sites within County Monaghan

The Natura 2000 sites located within County Monaghan are as follows:

Site Name	Site Type	Site Code
Slieve Beagh	SPA	004167
Kilroosky Lough Cluster	cSAC (candidate)	001786

The above sites are discussed in further detail below.

Maps of the above Natura 2000 sites can be found on the National Parks and Wildlife Service website at www.npws.ie

Slieve Beagh Special Protection Area

Slieve Beagh Special Protection Area (004167) comprises much of the eastern and south-eastern sectors of the Slieve Beagh upland area that extends from County Monaghan into Northern Ireland.

Mountain blanket bog is well developed at the higher altitudes and especially at Eshbrack (peak of 365 m). The vegetation is largely dominated by Deergrass, Ling Heather, Cross-leaved Heath, Hare's-tail Cottongrass, Common Cottongrass, Crowberry and a range of mosses. In places, Cranberry is an abundant component of the vegetation. Elsewhere the bog is mostly cutover and there are also wet and dry heaths present. In total, bog and heath occupies 43% of the site. The mid-slopes are afforested (40% of site), with plantations of various ages (open canopy, closed canopy, clear-fell). The remainder of the site is rough or marginal grassland (16%). Some of the old field systems support species-rich wet grassland vegetation dominated by Soft Rush. Several small dystrophic lakes are present within the site.

This SPA is one of the strongholds for Hen Harrier in the country. The mix of forestry and open areas provides optimum habitat conditions for this rare bird which is listed on Annex 1 of the Birds Directive.

The site also supports breeding Merlin, a species that is also listed on Annex I of the E.U. Birds Directive. Red Grouse is found in unplanted areas of bog and heath – this is a species that has declined in Ireland and is now of conservation concern and is Red - listed. Peregrine, another E.U. Birds Directive Annex I species, nests in the Northern Ireland sector of Slieve Beagh and can be seen over the site at times.

Overall, the site provides excellent nesting and foraging habitat for breeding Hen Harrier and is one of the top sites in the country for the species. It may also be of national importance for breeding Merlin.

Kilroosky Lough Cluster Special Area of Conservation

Kilroosky Lough Cluster Special Area of Conservation (001786) straddles the border with Northern Ireland, and is located approximately 2km north-west of Clones, Co. Monaghan. The site consists of five separate areas which contain several calcium-rich, clean water (oligo-mesotrophic) lakes and their marginal fen vegetation.

The lough cluster includes Kilroosky, Burdautien, Summerhill and Dummy's Loughs, which are of interest for their classic marl lake water chemistry and extensive calcicole plant communities - marl lakes are relatively low in nutrients, high in calcium and have good water quality. These types of lakes are rare due to their sensitivity to pollution, and have been recognised by the European Union as being of international importance; they are listed on Annex I of the Habitats Directive. Such hard water lakes are characteristically rich in stoneworts. Stonewort species recorded from Kilroosky include *Chara hispida*, *C. pedunculata*, *Nitella flexilis* and the regionally rare *Chara rudis*.

Kilroosky Lough is a marl lake surrounded by fen and species-rich, freshwater marsh. Of particular note is the occurrence of a fringe of Great Fen-Sedge (*Cladium mariscus*). Plant species of regional or local importance recorded here include Cowbane (*Cicuta virosa*), Fen Bedstraw (*Galium uliginosum*), Fen Pondweed (*Potamogeton coloratus*), Fen-flowered Spike-rush (*Eleocharis quinqueflora*), Tufted-sedge (*Carex elata*) and Grass- of- parnassus (*Parnassia palustris*). Eight species of orchid, including Marsh Helleborine (*Epipactis palustris*), have also been recorded.

In a small area of Downy Birch (*Betula pubescens*) and Goat Willow (*Salix caprea*) wet woodland on the western shore, Round-leaved Wintergreen (*Pyrola rotundifolia*) has been recorded amongst the wetland ground flora. This is a rare species in Ireland and one that is listed in the Red Data Book.

Kilroosky Lough also contains a population of White-clawed Crayfish (*Austropotamobius pallipes*), a species that is indicative of clean unpolluted water and one which is becoming increasingly rare throughout its geographical range. It is now protected under the Wildlife Act (1976) and is listed on Annex II of the EU Habitats Directive.

Burdautien Lough, just to the north of Kilroosky, is a more enriched lake with a fringe of reedswamp and fen dominated by Common Reed (*Phragmites australis*), with sedges (*Carex diandra*, *C. paniculata*, *C. flacca* and *C. disticha*), Cowbane, Bog Cotton (*Eriophorum* spp.) and Quaking Grass (*Briza media*). The fen vegetation includes a fringe of Saw Sedge.

Dummy's Lough is another marl lake which lies just to the west of Kilroosky and is surrounded by marsh and wet woodland. The lake supports a thick band of Lesser Bulrush (*Typha angustifolia*), a regionally rare species, and is fringed by fen communities comprised of Great Fen-Sedge, Common Reed, Bottle Sedge (*Carex rostrata*), Bogbean (*Menyanthes trifoliata*), Marsh Cinquefoil (*Potentilla palustris*), and occasional small sedge-rich areas.

A section of Summerhill Lough is included within the site. A large sedge-dominated fen occurs on the north-eastern side of this lake and includes such species as Marsh Arrowgrass (*Triglochin palustris*) and an abundance of stoneworts (*Chara* spp.). A zone of Great Fen-Sedge also occurs at this lake. Behind the fen is a zone of wet grassland and scrub comprised of Alder (*Alnus glutinosa*) and Gorse (*Ulex europaeus*).

Ramages Lough, to the south-east of Kilroosky supports a good example of a freshwater swamp. Over half of this lake is colonised by Bulrush (*Typha latifolia*) and Common Reed, with frequent Bottle Sedge, Water Horsetail (*Equisetum fluviatile*) and scattered willows (*Salix* spp.).

Kilroosky Lough Cluster is of ecological interest for its diversity of habitats and species. It is of particular conservation significance for its hard water lakes, areas of alkaline fen and of *Cladium mariscus* fen, all habitats that are listed on Annex I of the E.U. Habitats Directive, the last-named with priority status. Furthermore, the site

supports a population of Whiteclawed Crayfish, a species that is listed on Annex II of this directive.

Natura 2000 sites outside County Monaghan

Screening requires a review of all Natura 2000 sites that could potentially be subject to the impacts that have been identified. In accordance with Department Environment, Heritage and Local Government (DEHLG) Guidelines relating to Appropriate Assessment of Plans and Projects in Ireland, any project within 15km of a Natura 2000 site must be screened for appropriate assessment. However, the scheme traverses a number of minor water courses that are part of the River Blackwater catchment which ultimately drains into Lough Neagh, a Special Protection Area (SPA). Therefore, it is also intended to screen the proposed scheme for possible impacts upon this Natura 2000 site.

Consequently, the following Natura 2000 sites have been considered in this screening exercise;

- Slieve Beagh, Special Protection Area (SPA).
- Kilroosky Lough Cluster, Special Area of Conservation (SAC).
- Lough Neagh, Special Protection Area (SPA).

4. Screening Matrix

The matrix overleaf assesses the potential impacts of the proposed development on the conservation features of all Natura 2000 sites within County Monaghan and those down stream of the proposed development. The matrix identifies the key features for which the SACs and SPAs are designated, the environmental factors on which those features depend, the potential impacts of the proposed variation on the designated sites, avoidance and mitigation measures required and subsequent actions required.

Qualifying Features	Conditions that support the qualifying features (Conservation Objectives) which might be potentially affected by the proposed development	Possible impacts of the proposed development	Possible 'in combination' impacts from other Plans and Projects	Is the proposed development likely to have significant impacts on the Natura 2000 Sites?	Avoidance and Mitigation measures required	Actions required
<p>Slieve Beagh SPA – 004167 and UK0016622</p> <p><i>(Slieve Beagh SPA extends from County Monaghan into Northern Ireland where it is a designated SAC)</i></p> <ul style="list-style-type: none"> • Hen Harrier habitat. • Supports Merlin breeding. • Red Grouse habitat. • Mountain Blanket Bog. 	<ul style="list-style-type: none"> • Mountain Blanket Bog. • Excellent nesting and foraging habitat for breeding. • Several dystrophic lakes within the site. 	<p>The proposed scheme is approximately 15kms from this SAC. It is therefore considered that the proposed development will have no negative impact on this SAC</p>	<p>It is considered that this proposed scheme will not diminish the protection of this Natura 2000 site as the works consist of minor realignment and easement of the existing N2.</p>	<p>No - It is considered that the proposed scheme will not affect this Natura 2000 Site. The lands that are the subject of the proposed scheme are limited in extent and are significantly removed (15kms) from this Natura 2000 site. Therefore it will not diminish the effect of existing policies ENV22, ENV23, ENV25, ENV26, ENV39 and ENV41 in the Monaghan County Development Plan 2007-2013 which provide protection for water quality and for Designated Sites including SACs & SPAs from development that would detrimentally impact upon their conservation status.</p>	<p>N/A</p>	<p>N/A</p>

Qualifying Features	Conditions that support the qualifying features (Conservation Objectives) which might be potentially affected by the proposed development	Possible impacts of the proposed development	Possible 'in combination' impacts from other Plans and Projects	Is the proposed development likely to have significant impacts on the Natura 2000 Sites?	Avoidance and Mitigation measures required	Actions required
<p>Kilroosky Lough Cluster SAC - 001786</p> <p><i>(Kilroosky Lough Cluster SAC extends from Clones County Monaghan into Northern Ireland where it becomes Magheraveely Marl Loughs SAC)</i></p> <ul style="list-style-type: none"> • Hard oligo-mesotrophic waters and chara species. • Alkaline fen vegetation. • Calcareous fens with cladium mariscus and Carcicion davalliance. • Populations of white clawed crayfish. 	<ul style="list-style-type: none"> • Classic Marl Lake water chemistry. • Extensive calcicole plant communities. • Good water quality. • Calcium rich habitats. • Sensitivity to pollution. • Fen habitats and species rich. • Maintained hydrological regime. • Not influenced by nutrient enrichment. • High lime content. • Inter drumlin marl lakes fed by lime rich water. 	<p>The proposed scheme is approximately 22kms away from this SAC. This SAC is in the River Finn catchment, while the proposed development is in the River Blackwater catchment area. It is therefore considered that the proposed development will have no negative impact on this SAC.</p>	<p>It is considered that the proposed scheme will not increase development, or diminish the protection of this Natura 2000 site as the works consist of minor realignment and easement of the existing N2.</p>	<p>No - It is considered that the proposed development will not affect this Natura 2000 Site. The lands that are the subject of the proposed variation are limited in extent, and are significantly removed from this Natura 2000 site. Therefore it will not diminish the effect of existing policies ENV22, ENV23, ENV25, ENV26, ENV39 and ENV41 in the Monaghan County Development Plan 2007-2013 which provide protection for water quality and for Designated Sites including SACs & SPAs from development that would detrimentally impact upon their conservation status.</p>	<p>N/A</p>	<p>N/A</p>
Qualifying Features	Conditions that	Possible impacts of	Possible 'in	Is the proposed	Avoidance and	Actions required

	support the qualifying features (Conservation Objectives) which might be potentially affected by the proposed development	the proposed development	combination' impacts from other Plans and Projects	development likely to have significant impacts on the Natura 2000 Sites?	Mitigation measures required	
<p>Lough Neagh and Lough Beg SPA – UK9020091</p> <p><i>(Designated SPA in UK)</i></p> <ul style="list-style-type: none"> • The Lough Neagh site contains lough beg, • Largest freshwater lake in UK, • Contains exposed shore line with sandy bays and reed beds, • 200 Ha of wet grasslands area, Lough Neagh Supports a large and diverse assemblage of waterbirds including ducks, swans, geese, grebs waders, gulls and terns. and great Crested Grebe podicus 	<ul style="list-style-type: none"> • Extensive wetland area. • Shallow lough, • Good water quality. • Sensitivity to pollution. • Wildlife habitats and species rich. • Maintained hydrological regime. 	<p>The proposed scheme is approximately 32kms upstream from this SPA. The proposed works in respect of the proposed development are relatively minor in nature and shall be carried out in accordance with Best Practice guidelines to ensure no delirious matter or pollutants enter any affected water courses. Consequently it is considered that the proposed development will have no negative impact on this SPA either during construction or in its operation.</p>	<p>It is considered that this proposed scheme will not increase development adjacent to, or, diminish the protection of this Natura 2000 site as the works consist of minor realignment and easement of the existing N2.</p>	<p>No - It is considered that the proposed development will not affect this Natura 2000 Site. The lands that are the subject of the proposed scheme are limited in extent and are significantly removed from this Natura 2000 site.</p>	<p>Limit any surface water run-off from the site by not working in adverse conditions or by the use of retention ponds on site. Ensure no pollutants enter any affected watercourse.</p>	<p>N/A</p>

5. Conclusion

Having undertaken this Screening Report, it considered that the proposed development will not have a significant affect on the conservation objectives or integrity of any Natura 2000 site located within the 15km radius of the proposed development or of any Natura 2000 site located down stream of the proposed works.

In accordance with the methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, it is considered that the proposed scheme does not require an appropriate assessment.