

## **APPROPRIATE ASSESSMENT SCREENING**

**Proposed Bungalow,  
Ballypierce,  
Kildavin,  
Co. Carlow**

**Version 1.0**

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# 1 INTRODUCTION

## 1.1 BACKGROUND

Lisa Dowling MCIEEM was commissioned by Carlow County Council to prepare a Stage 1 Appropriate Assessment Screening Report for a Part VIII development, a new bungalow at Ballypierce, Kildavin, Co. Carlow.

An Appropriate Assessment Screening Report is required due to the proposed site being located c.1km west of the Slaney River Valley Special Area of Conservation (SAC). The Slaney River Valley SAC (Site code: 000781) is part of the Natura 2000 network of sites. The EU Habitats Directive requires that any proposed development which potentially may impact either directly or indirectly on a Natura 2000 site be subjected to Stage 1 Screening.

Lisa Dowling has over fifteen years environmental consultancy experience, specialising in the areas of Ecological Impact Assessment and Geographic Information Systems. She obtained an honours degree in Applied Ecology in 1995 from University College Cork; a masters degree in Environmental Resource Management in 1997 from University College Dublin; and a Certificate in Biological Recording and Species Identification from University of Birmingham in 2005. She is a full member of the professional body, the Chartered Institute of Ecology and Environmental Management (CIEEM) since 2006 and is nominated vice-county recorder of the Botanical Society of Britain and Ireland (BSBI) for County Carlow.

## 1.2 LEGISLATIVE CONTEXT

The Habitats Directive (*Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora*) provides legal protection for habitats and species of European importance. The main aim of this Directive is “*to contribute towards ensuring biodiversity through the conservation of natural habitats and of wild fauna and flora in the European territory of the Member States to which the Treaty applies*”. In order to meet the aims of the Directive, actions must be designed “*to maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*” (Habitats Directive).

Under the Habitats Directive, Special Areas of Conservation (SAC) or candidate Special Areas of Conservation (cSAC) have been selected as important examples of habitat types listed in Annex I, and the habitats of certain species listed in Annex II of the Habitats Directive. SACs (including cSACs) together with Special Protection Areas (SPAs) (including proposed SPAs) make up a network of European sites called the Natura 2000 network. SPAs are designated under the *Council Directive on the Conservation of Wild Birds (79/409/EEC)*, otherwise known as the “Birds Directive”.

Appropriate Assessment is required under the Habitats Directive for any plan or project likely to have a significant effect on a Natura 2000 site. Article 6, paragraphs 3 and 4 of the Directive state:

*“6(3) - Any plan or project not directly connected with or necessary to the management of the site (Natura 2000 site) but likely to have 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.*

*6(4)- If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, 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 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.”*

### **1.3 STAGES OF APPROPRIATE ASSESSMENT**

This Stage 1 Appropriate Assessment Screening Report has been prepared in accordance with:

- *“Assessment of Plans and Projects Significantly affecting Natura 2000 sites – Methodological Guidance on the Provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC” (EC, 2001).*
- *“Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities” (DEHLG, 2010).*
- Rulings of the Justice of the European Union (CJEU) cases relating to Appropriate Assessment, particularly C-323/17 *“People Over Wind, Peter Sweetman v Coillte Teoranta”*, C-258/11 *“Peter Sweetman and Others v An Bord Pleanála”* and C-521/12 *“T.C. Briels and Others v Minister van Infrastructuur en Milieu”*.

Articles 6(3) and 6(4) of the Habitats Directive lay down a step by step procedure to be followed with respect to proposed plans or projects that may impact on Natura 2000 sites. This procedure comprises four principal stages which are presented in Appendix 1. For the purposes of this document we are only concerned with the first stage, Stage 1 Screening. Screening is undertaken to determine the necessity for a more detailed Stage 2 Appropriate Assessment where potential impacts are deemed to be of significance. This Stage 1 Screening Report will comprise the following four steps:

- Description of the project and local site characteristics;
- Identification of Natura 2000 sites potentially affected, and compilation of information on their qualifying interests and conservation objectives;
- Assessment of likely effects – direct, indirect and cumulative; and
- Screening statement with conclusions.

## 2 DESCRIPTION OF THE PROJECT

### 2.1 PROPOSED WORKS

The proposed part VIII development will be undertaken within a rural site of 0.23ha. The development will include the following:

- Construction of a three-bedroomed single-storey dwelling;
- New on-site wastewater treatment system (Sequencing Batch Reactor Corcoran Precast or similar approved) and pressurised soil polishing filter;
- New site entrance and tarmacadamed driveway;
- New private well (400ft deep bore) and pump house;
- 3 No. soakpits;
- Retention of northern hedgerow. 30m of native hedgerow will be removed along the western site boundary to provide adequate site lines;
- New double-row beech hedgerow along western site boundary; and
- All associated site works.

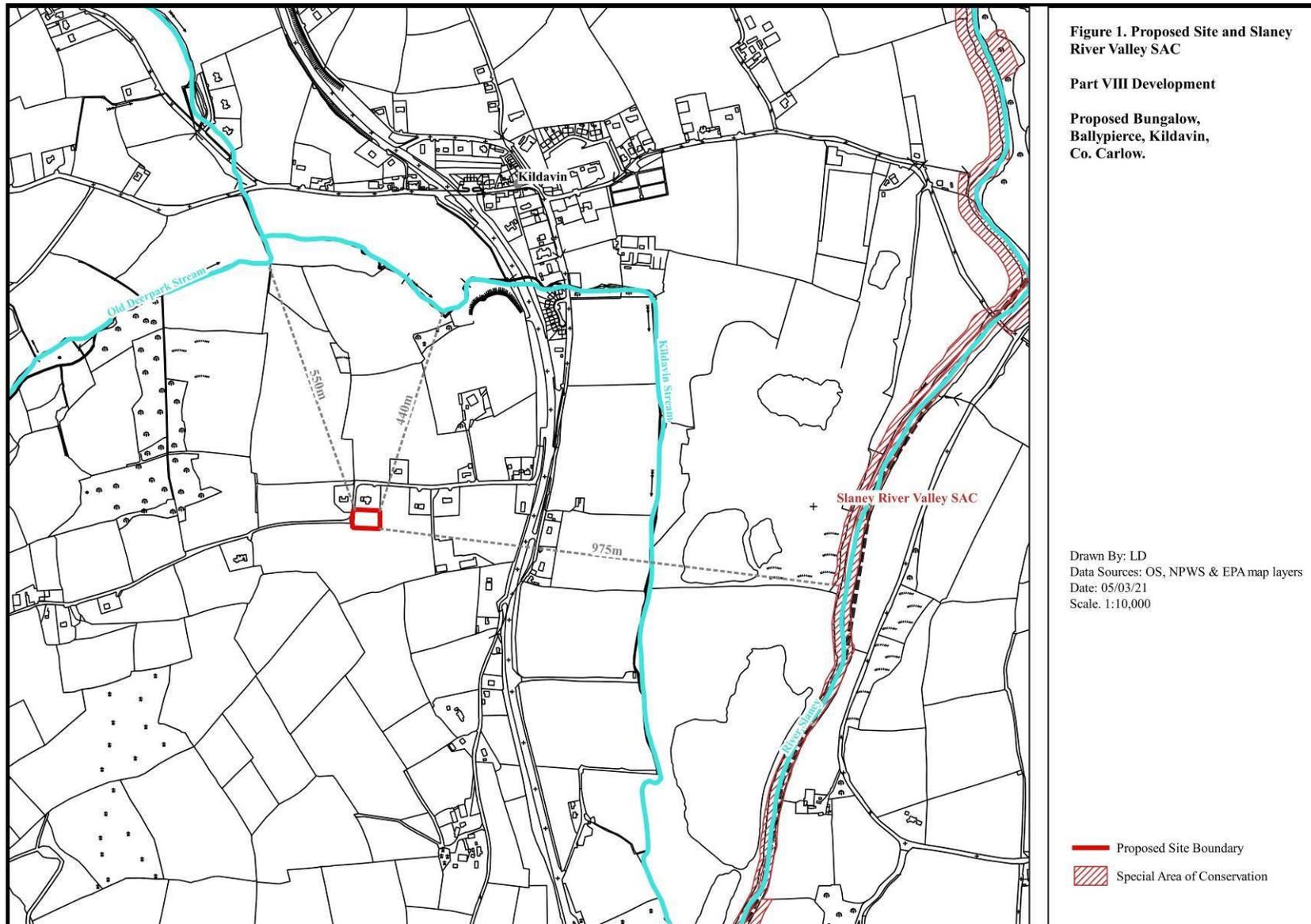
See Proposed Site Layout Plan in Appendix 2 for further details.

### 2.2 LOCAL SITE CHARACTERISTICS

The proposed site is c. 800m south-west of Kildavin village within the townland of Ballypierce. The site is part of an agricultural field with a gentle to moderate slope towards the north and northeast. The site is freely draining and underlain by brown podzols (Clonegall Series: course loamy drift with siliceous stones) (EPA, 2014).

A site visit was undertaken on 5<sup>th</sup> March 2021. Habitats within the site were classified in accordance with the Heritage Council's "A Guide to Habitats in Ireland" (Fossitt, 2000) and "Best Practice Guidance for Habitat Survey and Mapping" (Smith *et al.*, 2011). The proposed site wholly comprised a short sward of 'Improved Agricultural Grassland' (GA1) which had abundant perennial rye-grass *Lolium perenne* and white clover *Trifolium repens*. A 'Hedgerow' (WL1) of c. 2m in height comprising Leylandii *Cupressus leylandii* formed the northern boundary of the site. A maintained native 'Hedgerow' of c. 1.5m in height and 30m in length formed the western site boundary. This hedgerow comprised shrub species with abundant gorse *Ulex europaeus* and blackthorn *Pinus spinosa*, and a small amount of holly *Ilex aquifolium* and bramble *Rubus fruticosus* agg. A mature ash tree *Fraxinus excelsior* occurs at the south-western corner of the proposed site (See Photoplates in Appendix 3).

No watercourses or drains occur within the proposed site, along its boundaries or in its immediate vicinity. Old Deerpark watercourse, a 1<sup>st</sup> order stream flows within 550m of the proposed site to the northwest. This watercourse merges with Kildavin Stream which flows within 440m distance at its closest location. Kildavin Stream continues in a mainly easterly direction for c.900m and then southerly for a further 1.4km before its confluence with the Slaney River (6<sup>th</sup> Order).



EPA water quality monitoring data for Kildavin Stream at the bridge over N80 (Station Code: RS12K040700) indicated 'good' status (Q-value of 4) during the last monitoring period in 2019. The nearest downstream monitoring location along the River Slaney is located at Bunclody c. c.3.5km downstream of its confluence with Kildavin Stream. Monitoring data available for the same year also indicated 'good' status (Q-value of 4) (EPA, 2021).

### **3 NATURA 2000 SITES**

This section identifies any Natura 2000 site within the likely zone of impact of the plan or project. A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson *et al.*, 2006). Each Natura 2000 site within 15km or downstream of the proposed site are briefly summarised below. Where there is no potential pathway for impacts from the development, such Natura sites may be objectively excluded from the Screening process. Natura sites with a potential pathway with the development are considered in subsequent sections.

#### **3.1 IDENTIFICATION OF NATURA SITES**

##### **Slaney River Valley SAC (000781)**

This site comprises the freshwater stretches of the Slaney River as far as the Wicklow Mountains, and includes a number of tributaries, the estuary at Ferrycarrig and Wexford Harbour. This SAC is located 975m straight-line distance east of the project where it includes the Slaney River main channel. This Natura site and its conservation objectives will be considered further in subsequent sections.

##### **Blackstairs Mountains SAC (000770)**

The Blackstairs Mountains SAC are located along the border of Counties Wexford and Carlow, forming a mountain chain that runs in a north-east/south-west direction for c. 22km, including 6 peaks over 520m elevation. This SAC is selected for wet heath and dry heath habitats. It is located c.5km south west of the project. There is no pathway for potential impacts on the qualifying interests of this Natura site, and therefore, it may be excluded from the Screening process at this stage.

##### **Overview**

One Natura 2000 site was identified as within the potential zone of influence of the project, namely the Slaney River Valley SAC. All other Natura 2000 sites can be excluded from the screening process due to the localised nature of the project, absence of an impact pathway and the distance between the project and other Natura 2000 sites.

#### **3.2 SLANEY RIVER VALLEY SAC**

The Slaney River Valley SAC is a large site which comprises the freshwater and estuarine stretches of the River Slaney from the Wicklow Mountains to Wexford Harbour. It includes several large tributaries including the Bann, Boro, Glasha, Clody, Derry, Derreen, Douglas and Carrigower Rivers. The site supports populations of several animal species listed in Annex II of the Habitats Directive, and several habitats listed in Annex I of this Directive, including the priority habitat, wet alluvial woodlands. Significant numbers of wintering wildfowl, including

some species listed in Annex I of the Birds Directive, are found along the estuarine stretch of the river. The occurrence of several Red Data Book plant and animal species adds further importance to the Slaney River Valley site (NPWS, 2015).

Waste water outflows, runoff from intensive agricultural enterprises, a meat factory at Clohamon, a landfill site adjacent to the river, and further industrial development upstream in Enniscorthy and in other towns could all have potential adverse impacts on the water quality unless they are carefully managed. The spread of exotic species is reducing the quality of the woodlands (NPWS, 2015).

### **3.2.1 Qualifying Interests**

The Slaney River Valley SAC is selected for 5 No. habitat types (one of which is a priority habitat) listed in Annex I of the Habitats Directive, and 8 No. animal species listed in Annex II of the same Directive. These qualifying interests are presented in Table 3.1.

### **3.2.2 Conservation Objectives**

A site-specific conservation objective aims to define favourable conservation condition for a particular habitat or species at that Natura site.

Favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- 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.

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, and
- 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 (NPWS, 2011).

The National Parks and Wildlife Service (NPWS) site-specific objectives for the Slaney River Valley SAC detail specific parameters by which each qualifying species and habitat may be measured and stipulate specific targets to be achieved in order to 'restore the favourable conservation condition' of the species or habitat within the Natura 2000 site. See [www.npws.ie](http://www.npws.ie) for further details.

**Table 3.1 Qualifying Interests of Slaney River Valley SAC**

Code	Qualifying Interests	Code	Qualifying Interests
1029	Freshwater pearl mussel ( <i>Margaritifera margaritifera</i> )	1140	Mudflats and sandflats not covered by seawater at low tide
1095	Sea lamprey ( <i>Petromyzon marinus</i> )	1355	Otter ( <i>Lutra lutra</i> )
1096	Brook lamprey ( <i>Lampetra planeri</i> )	1365	Harbour Seal ( <i>Phoca vitulina</i> )
1099	River lamprey ( <i>Lampetra fluviatilis</i> )	3260	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation
1103	Twaite shad ( <i>Alosa fallax</i> )	91A0	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in British Isles
1106	Atlantic Salmon ( <i>Salmo salar</i> ) (only in fresh water)	91E0*	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )
1130	Estuaries		

\* indicates a priority habitat under the Habitats Directive

## 4 IMPACT ASSESSMENT

### 4.1 SCREENING MATRIX

<i>Assessment Criteria</i>	
<b>Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.</b>	
The proposed site is 975m straight-line distance from the Slaney River Valley SAC with no hydrological connection. No direct or indirect impacts are anticipated on the Natura 2000 site.	
<b>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:</b>	
<b>Land-take, size and scale;</b>	The proposed development is not located within or adjacent to any Natura site, and will therefore not result in any reduction in area of the Natura 2000 network. The development is of minor scale in terms of site footprint and construction works required.
<b>Distance from the Natura 2000 site or key features of the site;</b>	The proposed development is 975m distance from the Slaney River Valley SAC. The development will not directly impact on the Natura site.

<p><b>Resource requirements (water abstraction etc.);</b></p>	<p>The installation of a new borehole for private water abstraction will have a small negative impact on the water table within the zone of contribution of the well. However, in consideration of the quantity of water abstracted from a private supply, this proposed well will not have a major impact on recharge to local watercourses and consequently to that of the SAC 975m direct distance.</p>
<p><b>Emissions (disposal to land, water or air);</b></p>	<p>The nearest watercourse to the proposed site is located 440m northwest of the site. No drains or watercourses are in the vicinity of the proposed site to provide an impact pathway for emissions during the construction stage.</p> <p>A site suitability assessment undertaken at the site recommended a packaged wastewater treatment system (Corcoran Precast SBR or similar) and polishing filter be installed and would be suitable to treat all wastewater requirements from the proposed dwelling (Peter Bolger Consulting, 2020). This wastewater treatment system fulfils the standards specified in the EPA Code of Practice, “Wastewater Treatment and Disposal Systems Serving Single Houses” (EPA, 2009), and will be installed and maintained with respect to this Practice. With correct installation, annual inspections, pumping and maintenance of the treatment system, no reduction in the quality of local groundwater or surface waters is expected from this aspect of the proposal Peter Bolger Consulting (2020).</p> <p>No adverse indirect effects arising from emissions from the development are expected on the nearby Natura site either during construction or operational phases.</p>
<p><b>Excavation and Transportation requirements;</b></p>	<p>The development will require excavation works for the proposed dwelling, wastewater treatment system and levelling of soils. No indirect effects on the Slaney River Valley SAC will occur due to excavation as there is no watercourse or drain within the proposed site or in its vicinity. No hydrological pathway exists between the project and the Slaney River Valley SAC. There are no concerns in relation to transportation requirements associated with the proposed development and the Natura 2000 site in question.</p>
<p><b>Duration of construction, operation, decommissioning, etc.;</b></p>	<p>Duration of construction will not affect level of impact in consideration that no potential indirect impacts are anticipated on the SAC downstream during the construction phase.</p>
<p><b>Other.</b></p>	<p>None</p>
<p><b>Describe any likely changes to the site arising as a result of:</b></p>	
<p><b>Reduction of habitat area;</b></p>	<p>The proposed development is 975m west of the Natura site, therefore, no reduction of habitat area within the SAC will occur.</p>

<b>Disturbance to key species;</b>	No adverse effects on key species pertaining to disturbance will occur as the proposed development is 975m west of the Natura site.
<b>Habitat or species fragmentation;</b>	No habitat or species fragmentation is predicted.
<b>Reduction in species density;</b>	No reduction in species density will occur within the SAC as a result of the proposed development.
<b>Changes in key indicators of conservation value (water quality etc.);</b>	No changes in key indicators of conservation value, including water quality, are predicted.
<b>Climate change.</b>	Not applicable.
<b>Describe any likely impacts on the Natura 2000 site as a whole in terms of:</b>	
<b>Interference with the key relationships that define the structure of the site;</b>	The proposed development will not interfere with the key relationships that define the structure of the Natura site.
<b>Interference with key relationships that define the function of the site.</b>	The proposed development will not interfere with the key relationships that define the function of the Natura site.
<b>Provide indicators of significance as a result of the identification of effects set out above in terms of:</b>	
<b>Loss;</b>	Not applicable.
<b>Fragmentation;</b>	Not applicable.
<b>Disruption;</b>	Not applicable.
<b>Disturbance;</b>	Not applicable.
<b>Change to key elements of the sites (e.g. water quality etc.).</b>	Not applicable.
<b>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</b>	
As discussed above, it can be objectively concluded that the proposed development will have no effects on the nearby Slaney River Valley SAC either alone or in combination with other projects.	

#### 4.2 FINDING OF NO SIGNIFICANT EFFECTS MATRIX

<b>Name of project or plan</b>	Proposed Bungalow, Ballypierce, Kildavin, Co. Carlow.
<b>Name and location of Natura 2000 site</b>	Slaney River Valley SAC is located 975m east of the proposed site where it includes the freshwater habitats of the River Slaney.
<b>Description of the project or plan</b>	The proposed project entails the construction of a 3 bedroomed single-storey dwelling, installation of a packaged wastewater treatment system and raised soil polishing filter, new private well, new site entrance and driveway, 3 No. soakpits, and all associated site works.
<b>Is the project or plan directly connected with or necessary to the management of the site (provide details)?</b>	No
<b>Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)?</b>	<p>In accordance with the EC guidance document on conducting Appropriate Assessment (EC, 2001), other projects or plans in the area must be considered in combination with the project to determine the potential for having any significant cumulative effects on the Natura 2000 sites within the zone of influence of the project. Carlow County Council planning website was consulted with respect to granted or proposed developments within 500m of the proposed development within the last five years which may have cumulative effects with the proposal. The following developments were granted permission or are pending permission within the search criteria:</p> <ul style="list-style-type: none"> <li>- 18/284 - for the construction of a new slatted cattle shed, farmyard manure storage area, run-off water and effluent collection tanks, concrete yards and all associated site works.</li> <li>- 19-414 - to construct an extension to the side of an existing dwelling, upgrade of on-site sewage facilities and all associated site works.</li> </ul> <p>As there is no hydrological connection between the project and the Slaney River Valley SAC, and no direct or indirect impacts are anticipated to arise from the proposal alone on the Natura 2000 network, in-combination effects arising from the project and any granted or pending projects on the nearby SAC are unlikely.</p> <p><i>The assessment of significance of effects</i></p>
<b>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites</b>	No negative direct or indirect effects either alone or cumulatively are anticipated from any aspect of the proposal on the Slaney River Valley SAC due to the absence of a hydrological pathway between the proposed site and the SAC.
<b>Explain why these effects are not considered significant.</b>	Not applicable

<b>List of agencies consulted: provide contact name and telephone or e-mail address.</b>	Not undertaken
<b>Response to consultation.</b>	Not applicable
<i>Data collected to carry out the assessment</i>	
<b>Who carried out this assessment?</b>	Lisa Dowling BSc (Hons.) MSc (Ag.) MCIEEM
<b>Sources of data</b>	<p>Ordnance survey historical mapping.</p> <p>Ordnance survey aerial photography.</p> <p>NPWS site synopsis, objectives, data forms.</p> <p>NPWS conservation designation mapping.</p> <p>EPA water quality data.</p> <p>National Biodiversity Data Centre database.</p> <p>Carlow County Council planning database.</p> <p>See Bibliography for data sources.</p>
<b>Level of assessment completed</b>	Desktop assessment and walkover survey of site.
<b>Where can the full results of the assessment be accessed and viewed?</b>	Full results of this assessment are contained within this AA Screening Report. This Report will be available at Carlow County Council offices as part of Part VIII planning.

## 5 SCREENING STATEMENT

In order to determine the potential impacts, if any, of a proposed bungalow at Ballypierce, Kildavin, Co. Carlow on the Slaney River Valley SAC, Appropriate Assessment Screening was undertaken. In view of best scientific knowledge, and in consideration of the conservation objectives of the Natura site, the proposed development will not, in the absence of any mitigation, result in any likely significant effects on the Slaney River Valley SAC (Natura 2000 site), either during construction or operational phases, either alone or in combination with other projects or plans. It is concluded that as no adverse impacts are foreseen on any Natura site, this project may be excluded from the Appropriate Assessment process. There is no necessity to undertake a Stage 2 Appropriate Assessment.

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## **APPENDICES**

## APPENDIX 1

### **PRINCIPAL STAGES OF THE APPROPRIATE ASSESSMENT PROCEDURE**

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**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.

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**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.

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**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.

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**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.

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From “*Assessment of Plans and Projects Significantly Affecting Natura 2000 sites – Methodological Guidance on the Provisions of Articles 6 (3) and (4) of the Habitats Directive 92/43/EEC*” (EC, 2001).

**APPENDIX 2**

**PROPOSED SITE LAYOUT PLAN**







### APPENDIX 3: PHOTOPLATES



Photoplate 1. From SW corner of proposed site in a northerly direction.



Photoplate 2. From SW corner of proposed site in NE direction.



Photoplate 3. From eastern boundary of proposed site in a western direction.