

Navan Development Plan 2009-2015, as varied  
Proposed Variation No. 3

Strategic Employment Land on the Trim Road

**Screening for Appropriate Assessment**

**June 2019**

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## 1.0 Introduction

### 1.1 Background

This report comprises information in support of screening for an Appropriate Assessment in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) of the proposed variation to the Navan Development Plan 2009-2015, as varied. This report has taken into consideration the European Commissions publication – *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*, Circular Letter SEA 1/08 & NPWS 1/08 from the Department of the Environment, Heritage and Local Government, the Planning and Development Acts 2000-2019 and *Appropriate Assessment of Plans and Project in Ireland – Guidance for Planning Authorities* (February 2010) from the Department of the Environment, Heritage and Local Government.

### 1.2 Legislative Context

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 3 to 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. These 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/ECC).

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

*Any plan or project not directly connected with or necessary to the management of the (Natura 2000) site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provision of paragraph 4, the competent national authorities shall agreed 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) states, ‘*If, in spite of a negative assessment of the implications for the (Natura 2000) 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, 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.*’

### 1.3 Screening of Appropriate Assessment

This Appropriate Assessment has been prepared in accordance with 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 6(4) of the Habitats Directive 92/43/EEC*, referred to as the ‘EC Article 6 Guidance Document (EC2000)’. The guidance within this document provides a non-mandatory methodology for carrying out assessments required under

Article 6(3) and 6(4) of the Habitats Directive, and are viewed as an interpretation of the EU Commission’s document ‘*Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*’, referred to as ‘MN2000’.

This Assessment has also taken into consideration the Department of the Environment, Heritage and Local Government publication *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (February 2010)*.

In complying with the obligations under Article 6(3) and following the EC2000 and MN2000 Guidelines, this AA has been structured as a stage by stage approach as follows:

Screening stage:

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| <ul style="list-style-type: none"><li>- Description of the plan;</li><li>- Identification of Natura 2000 sites potentially affected;</li><li>- Identification and description of individual and cumulative impacts likely to result;</li><li>- Assessment of the significance of the impacts identified above on site integrity;</li><li>- Exclusion of sites where it can be objectively concluded that there will be no significant effects;</li><li>- Screening conclusion.</li></ul> |
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The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the plan should aim to avoid any negative impacts on European sites by identifying possible impacts early in the plan-making, and writing the plan in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the AA process to the point where no adverse impacts on the site(s) remain. If the plan is still likely to result in adverse effects, and no further practicable mitigation is possible, then it is rejected. If no alternative solutions are identified and the plan is required for imperative reasons of overriding public interest (IROPI test) under Article 6(4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

## 2.0 Screening of Proposed Change in Zoning

### 2.1 Description of the Plan and Site Characteristics

The site which is the subject of this Variation comprises approximately 60 hectares of land to the south of Navan. The site adjoins the Trim road to the west, the former Navan – Dublin Rail Alignment to the east and the Borallion road to the south. To the north land is zoned for residential development (Phase II). Access to the subject lands will be provided via the local distributor road LDR 1(b)<sup>1</sup>; this road will be approx. 1.4 km of single carriageway distributor road, with signalised junctions, roundabout junctions, cycling and walking facilities and street lighting.

This land is currently zoned WL - ‘to protect strategic lands from inappropriate forms of development which would impede the orderly expansion of a strategic urban centre’.

There are a number of build structures within the site:

- Individual dwellings
- O’ Mahonys sports facility

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<sup>1</sup> This road was approved by the Part VIII procedure (reference P818015) in 2018 and links the Trim road to Navan South.

There is a Local Objective on the lands- MP 10 – This relates to the preparation of a Masterplan for the land.

## 2.2 Description of Proposed Variation

This variation is to allow for the change in zoning from ‘WL’ ‘to protect strategic lands from inappropriate forms of development which would impede the orderly expansion of a strategic urban centre’ to

‘E1/E2’ ‘to facilitate opportunities for high end technology/manufacturing and major campus style office based employment within high quality and accessible locations. To provide for the creation of enterprise and facilitate opportunities for employment through industrial, manufacturing, distribution, warehousing and other general employment/enterprise uses in a good quality physical environment’.

It is also intended to reflect the existing use of dwellings within the lands by the zoning of existing residences to **A1** ‘Existing Residential’ and an existing sports facility to **G1** ‘Community Facilities’.

## 2.3 Brief Description of the Natura 2000 Sites

This section of the screening process describes the Natura 2000 sites within a 15km radius of the Plan Area. A 15km buffer zone has been chosen as a precautionary measure, to ensure that all potentially affected Natura 2000 sites are included in the screening process, which is in line with *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* produced by the Department of the Environment, Heritage and Local Government.

The table below lists the Natura 2000 sites that are within 15km of the plan area. The qualifying features for each site area have been obtained through a review of the site synopses available from the NPWS website. Background information on vulnerability of habitats and species that was used for this report included the following:

- Ireland’s Article 17 Report to the European Commission ‘Status of EU Protected Habitats and Species in Ireland’ (NPWS, 2008)
- Site Synopses
- Natura 2000 Standard Data Forms.

<b>Site Code</b>	<b>Qualifying Features</b>	<b>Site Vulnerability</b>
<b>002299 – River Boyne and River Blackwater SAC</b>	River lamprey ( <i>Lampetra fluviatilis</i> ) (1099) Salmon ( <i>Salmo salar</i> ) (1106) Otter ( <i>Lutra lutra</i> ) (1355) Alkaline fens (7230) Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) (91E0)	Main threats to ecological interest to this site are further drainage schemes and water pollution. Water quality is impaired in parts of the system through agricultural run-off and inputs from domestic and industrial sources.
<b>004232 – River Boyne and River Blackwater SPA</b>	Kingfisher ( <i>Alcedo atthis</i> )(A229)	No reported vulnerabilities. Bankside works would threaten breeding sites of Kingfisher.

### **The River Boyne and Blackwater SAC (site code: 002299)**

This site comprises the freshwater element of the River Boyne as far as the Boyne Aqueduct, the Blackwater as far as Lough Ramor and the Boyne tributaries including the Deel, Stoneyford and Tremblestown Rivers. These riverine stretches drain a considerable area of Meath and Westmeath, and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part, with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. There are many large towns adjacent to but not within the site, including Slane, Navan, Kells, Trim, Athboy and Ballivor.

The rivers flow through a landscape dominated by intensive agriculture, mostly of improved grassland but also cereals. Much of the river channels were subject to arterial drainage schemes in the past. Natural flood plains now exist along only limited stretches of river, though often there is a fringe of reed swamp, freshwater marsh, wet grassland or deciduous wet woodland. Along some parts, notably between Drogheda and Slane, are stands of tall, mature mixed woodland. Substantial areas of improved grassland and arable land are included in site for water quality reasons.

### **The River Boyne and Blackwater SPA (site code: 004232)**

The River Boyne and River Blackwater SPA is a long, linear site that comprises stretches of the River Boyne and several of its tributaries; most of the site is in Co. Meath, but it extends also into Cos Cavan, Louth and Westmeath. It includes the following river sections: the River Boyne from the M1 motorway bridge, west of Drogheda, to the junction with the Royal Canal, west of Longwood, Co. Meath; the River Blackwater from its junction with the River Boyne in Navan to the junction with Lough Ramor in Co. Cavan; the Tremblestown River/Athboy River from the junction with the River Boyne at Kilnagross Bridge west of Trim to the bridge in Athboy, Co. Meath; the Stoneyford River from its junction with the River Boyne to Stonestown Bridge in Co. Westmeath; the River Deel from its junction with the River Boyne to Cummer Bridge, Co. Westmeath. The site includes the river channel and marginal vegetation.

Most of the site is underlain by Carboniferous limestone but Silurian quartzite also occurs in the vicinity of Kells and Carboniferous shales and sandstones close to Trim.

A survey in 2010 recorded 19 pairs of Kingfisher (based on 15 probable and 4 possible territories) in the River Boyne and River Blackwater SPA. A survey conducted in 2008 recorded 20-22 Kingfisher territories within the SPA. Other species which occur within the site include Mute Swan (90), Teal (166), Mallard (219) Cormorant (36), Grey Heron (44), Moorhen (84), Snipe (32) and Sand Martin (553) – all figures are peak counts recorded during the 2010 survey.

## **2.4 Conservation Objectives of the Natura 2000 Sites**

### **2.4.1 Conservation Objectives of the River Boyne and Blackwater SAC**

Objective: 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:

- Alkaline fens
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)
- River Lamprey (*Lampetra fluviatilis*)
- Salmon (*Salmo salar*)
- Otter (*Lutra lutra*)

## 2.4.2 Conservation Objectives of the River Boyne and Blackwater SPA

Objective: To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA: Kingfisher (*Alcedo atthis*)

## 2.5 Assessment Criteria

### 2.5.1 Direct, Indirect or Secondary Impacts

There is no Natura 2000 site located within the lands which are the subject of the proposed Variation No. 3. The River Boyne and Blackwater SAC/SPA is located approximately 550 metres from the lands at its closest. A small unnamed watercourse flows through the site. This watercourse was modelled under the CFRAM programme. As detailed in the Strategic Flood Risk Assessment, the predictive risk from the stream is low and flows are kept in bank. There is no historic flood events recorded for this watercourse. Any development of this land will have to ensure a sustainable surface water management design is in place in accordance with the policies and objectives set down in the Navan Development Plan 2009-2015. An Appropriate Assessment was carried out at the relevant stage of the process of making Variation No. 2 of the Navan Development Plan 2009 – 2015 which included the WL zoning of the subject lands. The Appropriate Assessment carried out ensured that the relevant policies and objectives of the Navan Development Plan 2009 – 2015, as varied will not result in the likelihood of any significant adverse impacts on the integrity of any of the identified Natura 2000 sites e.g. HER POL 14, HER POL 15, HER POL 16, HER POL 18, HER POL 21, INF POL 44, INF OBJ 53 and INF POL 61. These policies and objectives are still in place. Given the uses envisaged for under the current zoning (including Regional Hospital) which were examined under Variation 2 as compared to the uses permissible under the proposed zoning, it is considered that there are no likely direct, indirect or secondary impacts on any Natura 2000 sites as a result of the proposed Variation No. 3.

Table 2.5.1 lists the Natura 2000 sites within 15km of the Plan area. There are 2 in total. None of the Natura 2000 sites lie within the boundaries of the site lands, therefore no direct impacts will occur through landtake or fragmentation of habitats. Any potential for indirect/secondary impacts are satisfactorily mitigated for under the policies and objectives set down in the Navan Development Plan 2009-2015, as varied.

*Table 2.5.1 Potential Direct, Indirect or Secondary Impacts of the Variation on Natura 2000 sites*

Site Name	Direct Impacts	Indirect Impacts	Resource Requirements (Drinking Water Abstraction etc)	Emissions (Disposal of Land, Water or Air)	Excavation Requirements	Transportation Requirements	Duration of Construction and Operation
<b>River Boyne and Blackwater SAC</b>	At a sufficient distance from the Plan area to not be impacted directly	Policies and objectives set down in the Navan Development Plan 2009-2015, as varied will ensure no impact.	Not applicable. This would be assessed at development management stage.	Not applicable. This would be assessed at development management stage.	Not applicable. This would be assessed at development management stage.	Not applicable. This would be assessed at development management stage.	Not applicable. This would be assessed at development management stage.
<b>River Boyne and Blackwater SPA</b>	At a sufficient distance from the Plan area to not be impacted directly	Policies and objectives set down in the Navan Development Plan 2009-	Not applicable. This would be assessed at development management	Not applicable. This would be assessed at development management	Not applicable. This would be assessed at development management	Not applicable. This would be assessed at development management stage.	Not applicable. This would be assessed at development management

		2015, as varied will ensure no impact.	stage.	stage.	stage.		stage.
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### 2.5.2 Cumulative and In Combination Impacts

There is no potential for cumulative and in combination impacts on any Natura 2000 site, in particular having regard to the nature of the proposed variation for change of zoning only and the sites location removed from any Natura 2000 site.

### 2.5.3 Likely Changes to the Natura 2000 sites

The likely changes that will arise from the development have been examined in the context of a number of factors that could potentially affect the integrity of the Natura 2000 sites. Overall, it has been found that the change in zoning will not cause any changes to the integrity of the Natura 2000 sites.

**Table 2.5.2 Likely Changes to Natura Sites**

Site Name	Reduction of Habitat Area	Disturbance of Key Species	Habitat or Species Fragmentation	Reduction in Species Density	Changes in Key Indicators of Conservation Value (Water Quality etc)	Climate Change
River Boyne and Blackwater SAC	None	None	None	None	None	None
River Boyne and Blackwater SPA	None	None	None	None	None	None

## 3.0 AA Screening Conclusion

Following an examination and evaluation of the relevant information, including in particular, the nature of the proposed Draft Variation and its potential relationship with European sites, as well as considering other plans and projects, and applying the precautionary principle, it is considered that it is possible to rule out likely significant effect on European sites. The AA screening process has identified 2 European sites within the potential zone of influence of the proposed Variation as follows:

- The River Boyne and Blackwater SAC (site code: 002299)
- The River Boyne and Blackwater SPA (site code: 004232)

These European sites are not deemed to be at risk of likely significant effects from the proposed Draft Variation. This judgement has been reached for the reasons outlined in Section 2 above. This Variation relates to land that was previously zoned and underwent an Appropriate Assessment under Variation 2 of the Navan Development Plan 2009-2015. Any potential for indirect/secondary



impacts are satisfactorily mitigated for under the policies and objectives set down in the Navan Development Plan 2009-2015, as varied.

#### 4.0 AA Determination

Based on the above recommendation it is considered that Meath County Council can determine that there are no likely significant effects of the implementation of Variation No. 3 to the Navan Development Plan independently and in combination with other plans and projects on any European site.