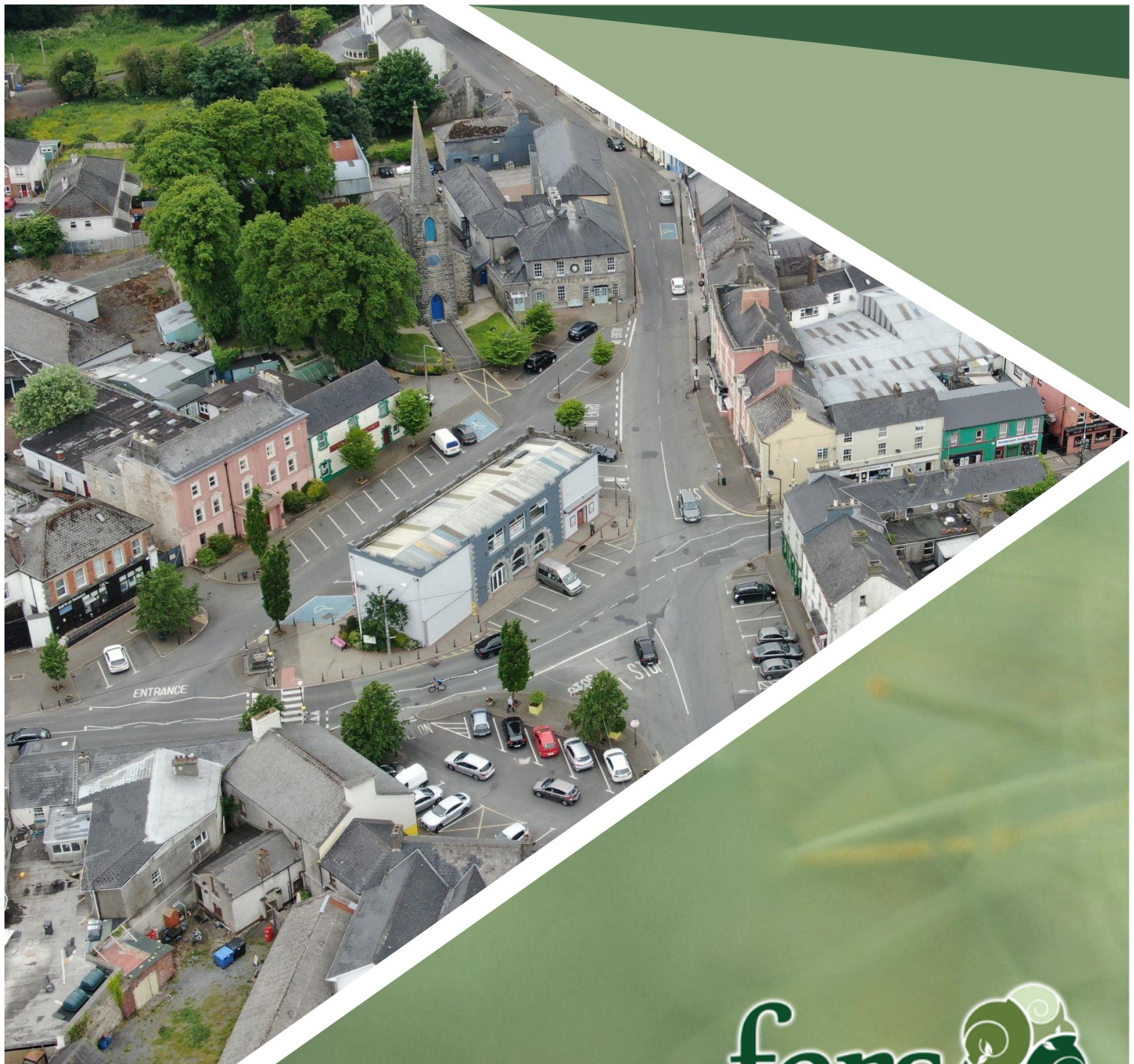


APPROPRIATE ASSESSMENT (HABITATS DIRECTIVE) SCREENING
REPORT OF THE PUBLIC REALM PLAN FOR OLDCASTLE, CO MEATH
JUNE 2021



Prepared
June 2021 by:



Forest, Environmental Research and Services Ltd. (www.fers.ie)

Sillogue

Kilberry

Navan

Co. Meath

046 9062021/087 7573121

pat.moran@fers.ie

OSI License No.: EN0064509

Table of Contents

1	Introduction	1
1.1	FERS Ltd. Company background	1
1.2	The aim of this report	1
1.3	An outline of the Appropriate Assessment process	4
1.4	Methodology for Appropriate Assessment.....	5
1.4.1	Stage (1) Appropriate Assessment (Habitats Directive) Screening.....	5
1.4.2	Stage (2) Preparation of Natura Impact Statement.....	6
1.4.3	Stage (3) Assessment of Alternative Solutions	6
1.4.4	Stage (4) Assessment where Adverse Impacts Remain	6
1.5	Consultations	8
1.5.1	NPWS.....	8
1.5.2	NBDC Database	8
1.5.3	Other relevant data-sources	8
2	Screening.....	9
2.1	Description of proposed development	10
2.2	Description of existing conditions on site	15
2.3	Description of scope	21
2.4	Identification of Natura 2000 sites potentially impacted upon by the development	23
2.5	Summary of Natura 2000 sites potentially impacted upon by the proposed development	27
2.6	Identification and evaluation of likely significant effects	29
2.6.1	Elements of Public Realm Plan with potential for significant negative impacts on Conservation Objectives of Qualifying Interests.....	29
2.6.2	Description of source-pathway-receptor linkages and identification of “Zone of Influence”	30
2.6.3	Sources of potential impacts	30
2.6.4	Presence of pathway and receptor	30
2.6.5	Natura 2000 site(s) with potential to be impacted upon and Zone of Influence	33
2.6.6	Sources of potential Direct, Indirect or Secondary Impacts	34
2.6.7	Potential cumulative/in-combination impacts in association with other plans	37
2.6.8	“Do nothing” scenario.....	39
2.6.9	Gauging of Impacts on Natura 2000 sites – Integrity of site checklist.....	40
2.7	Conclusions of screening.....	41
3	References and Bibliography	42

EXECUTIVE SUMMARY

The Oldcastle Public Realm Plan sets out the future approach to the streets and spaces of the town. The aim of the vision statement for Oldcastle is to:

“...Improve the public realm in Oldcastle through reorganising the heart of the town with the addition of new public spaces, pedestrian crossings and reorganised parking. Links to open amenity areas, heritage and tourism opportunities should be enhanced and celebrated...”.

Oldcastle is within 15 km of seven designated Special Areas of Conservation and two Special Protection Areas. As such, Appropriate Assessment screening of any plan/project is required. In order for Appropriate Assessment (AA) to comply with the criteria set out in the Habitats Directive and Part XAB of the Planning and Development Act 2000, an AA undertaken by the Competent Authority must include an examination, analysis, evaluation, findings, conclusions, and a final determination. In May of 2021, FERS Ltd was commissioned by Meath Co Council to undertake an Appropriate Assessment screening of the Oldcastle Public Realm Plan.

Screening having identified no significant potential negative impacts, Phase II Appropriate Assessment was deemed not to be required in this instance. Following an examination, analysis, and evaluation of the relevant information, and applying the precautionary principle, it is considered that there would be no adverse impact of the proposed Public Realm Plan on the Qualifying Interests, nor the attainment of specific conservation objectives, either alone or in-combination with other plans or projects on the Natura 2000 sites described herein.

1 Introduction

1.1 FERS Ltd. Company background

Forest, Environmental Research and Services have been conducting ecological surveys and research since the company's formation in 2005 by Dr Patrick Moran and Dr Kevin Black. Dr Moran, the principal ecologist with FERS, holds a 1st class honours degree in Environmental Biology (UCD), a Ph.D. in Ecology (UCD), a Diploma in EIA and SEA management (UCD) a Diploma in Environmental and Planning Law (King's Inn) and a M.Sc. in Geographical Information Systems and Remote Sensing (University of Ulster, Coleraine). Patrick has in excess of 20 years of experience in carrying out ecological surveys on both an academic and a professional basis. Dr Emma Reeves, senior ecologist with FERS holds a 1st class honours degree in Botany, and a Ph.D. in Botany. Emma has in excess of 10 years of experience in undertaking ecological surveys on an academic and professional basis. Ciarán Byrne, a senior ecologist with FERS holds a 1st class honours degree in Environmental Management (DIT) and a M.Sc. in Applied Science/Ecological Assessment (UCC). Ciarán has in excess of 5 years in undertaking ecological surveys on both an academic and a professional basis.

FERS client list includes National Parks and Wildlife Service, An Bord Pleanála, various County Councils, the Heritage Council, Teagasc, University College Dublin, the Environmental Protection Agency, Inland Waterways Association of Ireland, the Department of Agriculture, the Office of Public Works and Coillte in addition to numerous private individuals and companies. FERS Ltd. has prepared in excess of 300 Appropriate Assessment Screenings/Natura Impact Statements for a wide range of plans and projects.

1.2 The aim of this report

This report has been prepared in compliance with Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG 2009, February 2010) and the European Communities (Birds and Natural Habitats) Regulations 2011 (DoEHLG 2011) in support of the Appropriate Assessment of the draft Public Realm Plan for Oldcastle, Co Meath. This report provides the information required in order to establish whether or not the proposed plan is likely to have a significant ecological impact on any Natura 2000 sites, in the context of their conservation objectives and specifically on the habitats and species for which the sites have been designated.

This report has similarly been prepared with regard to relevant rulings by the Court of Justice of the European Union (CJEU), the High Court, and the Supreme Court including but not limited to:

- [2013] C-258/11 *Peter Sweetman and Others v An Bord Pleanála*. The CJEU ruled that Article 6 (3) of Council Directive 92/43 / EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that a project not directly linked to it is not immediately necessary for the management of a site to prejudice the integrity of that site if it is likely to prevent the preservation of the constituent characteristics of the site concerned in relation to the presence of a natural priority habitat whose purpose is to maintain gave the reason for registering that site in the list of sites of Community importance within the meaning of that directive. For this verification, the precautionary principle must be applied;
- [2018] C – 164/17 *Edel Grace and Peter Sweetman v An Bord Pleanála*. The CJEU ruled that Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, where it is intended to carry out a project on a site designated for the protection and conservation of certain species, of which the area suitable for providing for the needs of a protected species fluctuates over time, and the temporary or permanent effect of that project will be that some parts of the site will no longer be able to provide a suitable habitat for the species in question, the fact that the project includes measures to ensure that, after an appropriate assessment of the implications of the project has been carried out and throughout the lifetime of the project, the part of the site that is in fact likely to provide a suitable habitat will not be reduced and indeed may be enhanced may not be taken into account for the purpose of the assessment that must be carried out in accordance with Article 6(3) of the directive to ensure that the project in question will not adversely affect the integrity of the site concerned; that fact falls to be considered, if need be, under Article 6(4) of the directive;
- [2018] C-323/17 *People Over Wind and Sweetman v Coillte Teoranta* - The (CJEU) ruled that Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site;

- [2018] C-461/17 Holohan v An Bord Pleanála – The CJEU ruled that:
 1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.
 2. Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.
 3. Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the ‘appropriate assessment’ must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.
 4. Article 5(1) and (3) of, and Annex IV to, Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, must be interpreted as meaning that the developer is obliged to supply information that expressly addresses the significant effects of its project on all species identified in the statement that is supplied pursuant to those provisions.
 5. Article 5(3)(d) of Directive 2011/92 must be interpreted as meaning that the developer must supply information in relation to the environmental impact of both the chosen option and of all the main alternatives studied by the developer, together with the reasons for his choice, taking into account at least the environmental effects, even if such an alternative was rejected at an early stage.
- [2018] IESC 31 Connelly v An Bord Pleanála – Appropriate Assessment must contain complete, precise, and definitive findings;
- [2019] IEHC 84 Kelly v An Bord Pleanála - The Irish High Court concluded that SUDS form part of the development and are not mitigation measures which a competent authority cannot consider at the screening for AA stage.

Furthermore, there have been a number of recent Judicial Reviews that are pertinent as regards this report (e.g. [2020] No. 238 J.R.).

1.3 An outline of the Appropriate Assessment process

The “Habitats Directive” (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna) is the main legislative instrument for the protection and conservation of biodiversity within the European Union and lists certain habitats and species that must be protected within wildlife conservation areas, considered to be important at a European as well as at a national level. A “Special Conservation Area” or SAC is a designation under the Habitats Directive.

The “Birds Directive” (Council Directive 2009/147/EC on the Conservation of Wild Birds) provides for a network of sites in all member states to protect birds at their breeding, feeding, roosting, and wintering areas. This directive identifies species that are rare, in danger of extinction or vulnerable to changes in habitat and which need protection. A “Special Protection Area” or SPA, is a designation under The Birds Directive.

Special Areas of Conservation and Special Protection Areas form a pan-European network of protected sites known as Natura 2000 sites.

The Habitats Directive sets out the protocol for the protection and management of SACs. The Directive sets out key elements of the system of protection including the requirement for Appropriate Assessment of plans and projects. The requirements for an Appropriate Assessment are set out in the EU Habitats Directive. Articles 6(3) and 6(4) of the Directive respectively, state:

“...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...”

“...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 over-riding 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...”

1.4 Methodology for Appropriate Assessment

A number of guidance documents on the appropriate assessment process have been consulted during the preparation of this NIS. These are:

- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000);
- 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 (Nov. 2001 – published 2002);
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (2007);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG 2009, Revised February 2010);
- European Communities (Birds and Natural Habitats) Regulations 2011 (DoEHLG 2011); and
- Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Brussels, 21.11.2018 C (2018) 7621 final.

The assessment requirements of Article 6 are generally dealt with in a stage-by-stage approach. The stages as outlined in “Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities” are:

1.4.1 Stage (1) Appropriate Assessment (Habitats Directive) Screening

This initial process identifies the likely impacts of a proposed project or plan upon a Natura 2000 site, either alone, or in combination with other projects or plans and considers whether these impacts are likely to be significant. A recent judgement in the ECJ (C323/17) that has large implications for appropriate assessment screening in Ireland has found that:

“...Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site...”

1.4.2 Stage (2) Preparation of Natura Impact Statement

The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the sites structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

1.4.3 Stage (3) 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.

1.4.4 Stage (4) Assessment 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.

At each stage, there is a determination as to whether a further stage in the Appropriate Assessment process is required. If, for example, the conclusions of the Screening stage indicate that there will be no significant impacts on the Natura 2000 site, there is no requirement to proceed further. Appropriate Assessment stages 1 and 2 deal with the main requirements for assessment under Article 6.3. Stage 3 may be part of Article 6(3) or a necessary precursor for Stage 4. This report is comprised of the ecological impact assessment and testing required under the provisions of Article 6(3) by means of the first stage of Appropriate Assessment, the screening process (as set out in the EU Guidance documents).

EU guidance states:

“...This stage examines the likely effects of a project or plan, either alone or in combination with other projects or plans, upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant...”.

This report has been undertaken in accordance with the European Commission’s Guidance on Appropriate Assessment (European Commission, 2001) which comprises the following:

1. Description of the Plan.
2. Identification of Natura 2000 sites potentially affected by the Plan.
3. Identification and description of individual and cumulative impacts likely to result from the Plan.
4. Assessment of the significance of the impacts identified on the conservation objectives of the site(s).

5. Exclusion of sites where it can be objectively concluded that there will be no significant impacts on conservation objectives.

1.5 Consultations

1.5.1 NPWS

The primary body consulted with regard to matters involving Natura 2000 sites is the National Parks and Wildlife Service (NPWS). The role of the NPWS is:

- To secure the conservation of a representative range of ecosystems and maintain and enhance populations of flora and fauna in Ireland.
- To implement the EU Habitats and Birds Directives.
- To designate and advise on the protection of Natural Heritage Areas (NHA) having particular regard to the need to consult with interested parties.
- To make the necessary arrangements for the implementation of National and EU legislation and policies and for the ratification and implementation of the range of international Conventions and Agreements relating to the natural heritage.
- To manage, maintain and develop State-owned National Parks and Nature Reserves.

Information pertaining to Natura 2000 sites within the Republic of Ireland is typically held by NPWS and is publicly accessible through their on-line database at www.npws.ie. Consultations carried out involved querying the NPWS database for information pertaining to Natura 2000 sites within 15 km of the plan area.

1.5.2 NBDC Database

The National Biodiversity Database Centre database was queried for records of species of conservation concern present within the immediate vicinity of the plan area.

1.5.3 Other relevant data-sources

Other relevant data-sources were queried, as necessary.

2 Screening

Following the guidelines set out by NPWS (2009), Appropriate Assessment Screening (Phase I Appropriate Assessment) is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the EU Habitats Directive. According to the guidelines as laid by NPWS (2009), Appropriate Assessment Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- (1) Is the plan or project directly connected to or necessary for the management of the site?
- (2) Is the plan or project, alone or in combination with other such plans or projects likely to have significant negative effects on a Natura 2000 site(s) in view of the conservation objectives of that site(s)?

The proposed Public Realm Plan does not comply with the first screening test (i.e., the proposed development is not directly connected to, or necessary for the management of any Natura 2000 site). The screening exercise will therefore inform the Appropriate Assessment process in determining whether the proposed plan, alone or in combination with other plans and projects, has any potential to have significant effects on the Natura 2000 sites within the study area. If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then applying the Precautionary Principle and in accordance with Article 6(3) of the Habitats Directive, a Stage 2 Appropriate Assessment is required stage, i.e., *“The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the sites structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.”*

2.1 Description of proposed development

The Oldcastle Public Realm Plan sets out the future approach to the streets and spaces of the town.

The vision statement for Oldcastle is:

“...Improve the public realm in Oldcastle through reorganising the heart of the town with the addition of new public spaces, pedestrian crossings and reorganised parking. Links to open amenity areas, heritage and tourism opportunities should be enhanced and celebrated.” ...”

The key objectives identified for the future of the Oldcastle Public Realm are:

- 1) Improve footpaths and connections throughout the town;
- 2) Create more regular safe crossing points, especially in the main square;
- 3) Create a pedestrian space/square as a focus to the town centre;
- 4) Introduce traffic calming measures but do not create traffic jams;
- 5) Introduce timed restrictions for parking in the town centre;
- 6) Bring back into use derelict sites and buildings;
- 7) Improve links to north and setting of playground;
- 8) Enhance the setting and interpretation of the heritage, linked to tourism;
- 9) Rationalise the street furniture;
- 10) Set up a strategy to have underground wires;
- 11) Preserve and enhance trees and vegetation in appropriate positions in town centre; and
- 12) Improve street lighting throughout the town.

The extent of the Oldcastle Public Realm Plan is indicated in Figure 1, Figure 2, Figure 3, Figure 4 and Figure 5. The conceptual layout of the Public Realm Plan is illustrated in Figure 6.

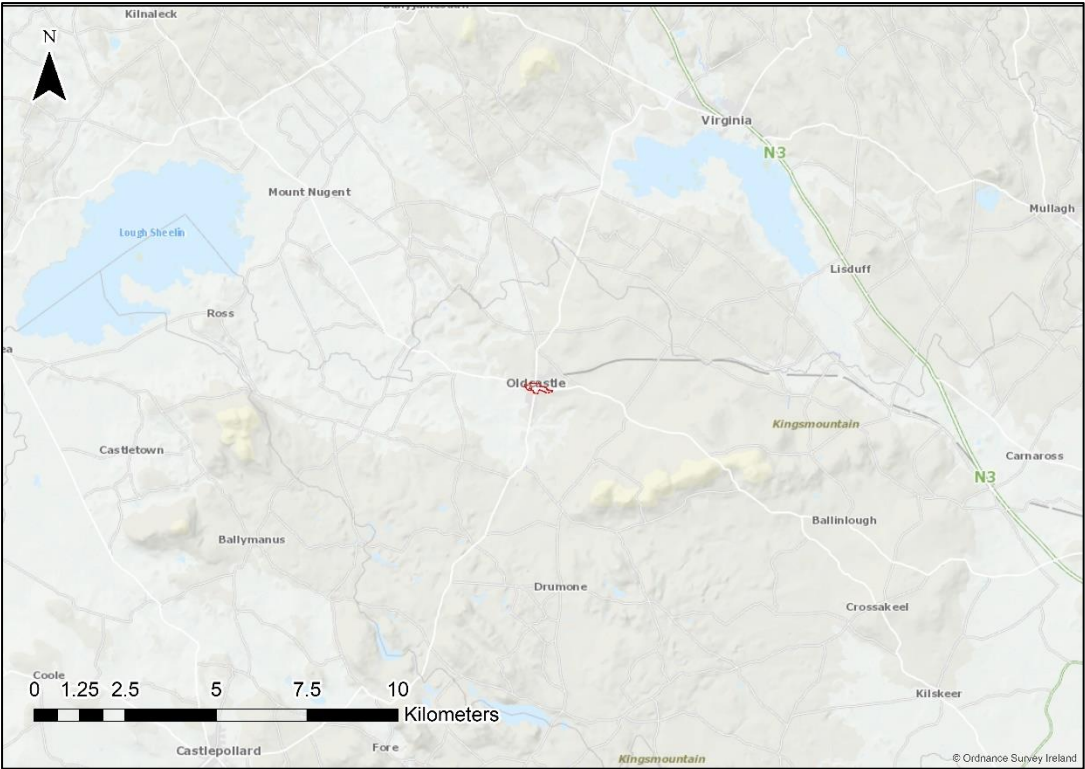


Figure 1: Extent of Oldcastle Public Realm Plan (1:100,000)

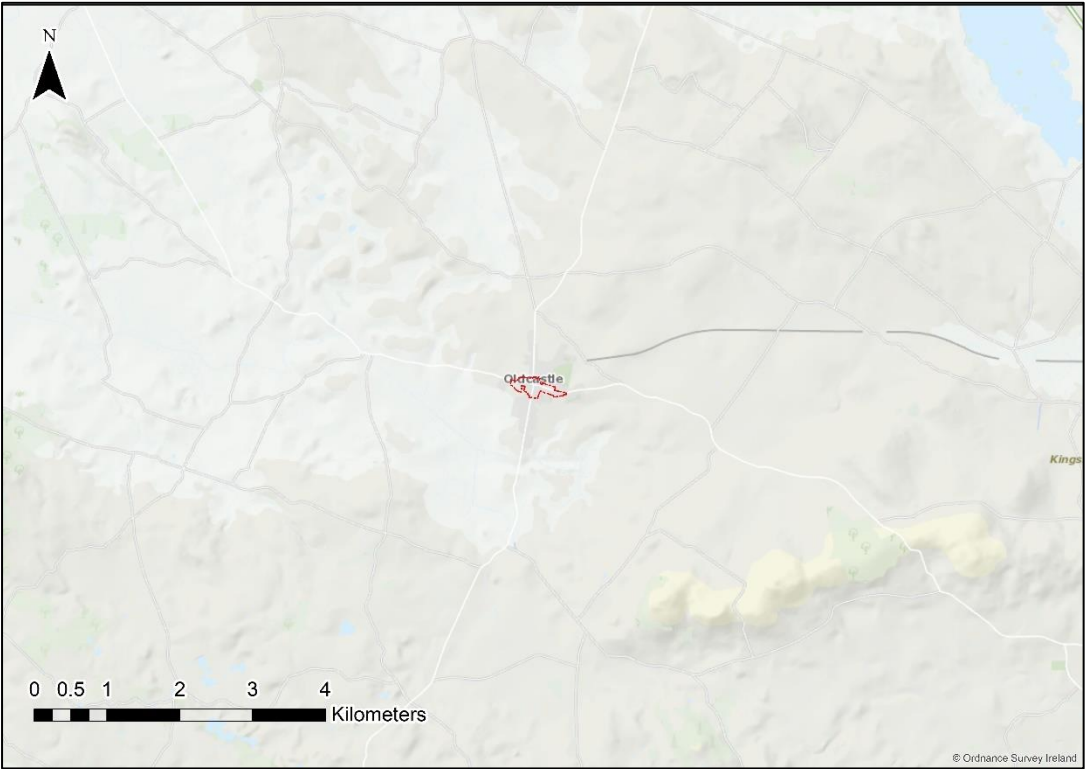


Figure 2: Extent of Oldcastle Public Realm Plan (1:50,000)

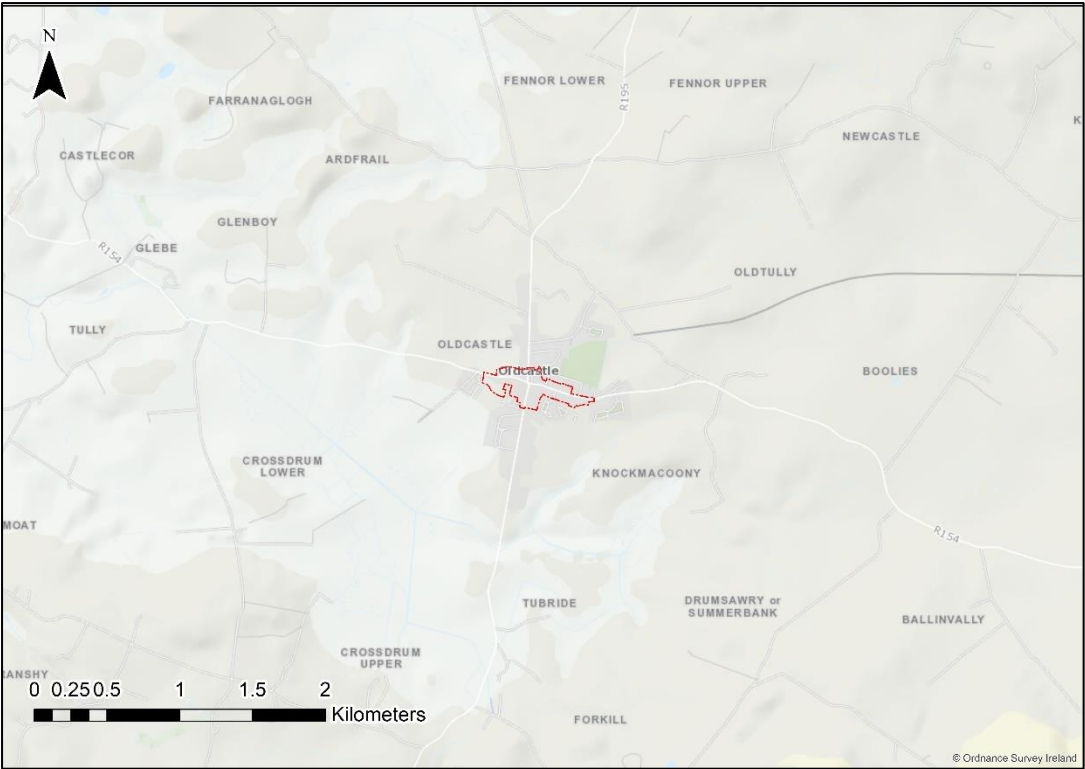


Figure 3: Extent of Oldcastle Public Realm Plan (1:25,000)

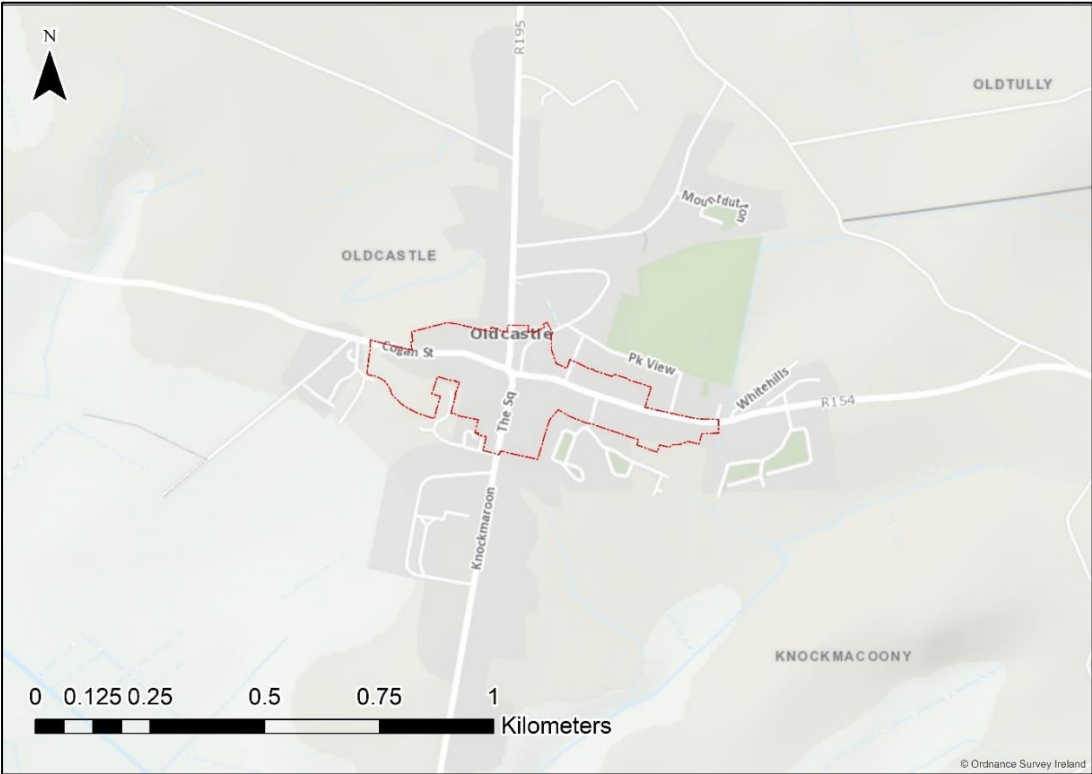


Figure 4: Extent of Oldcastle Public Realm Plan (1:8,000)



Figure 5: Extent of Oldcastle Public Realm Plan area overlain on satellite imagery (1:3,500)

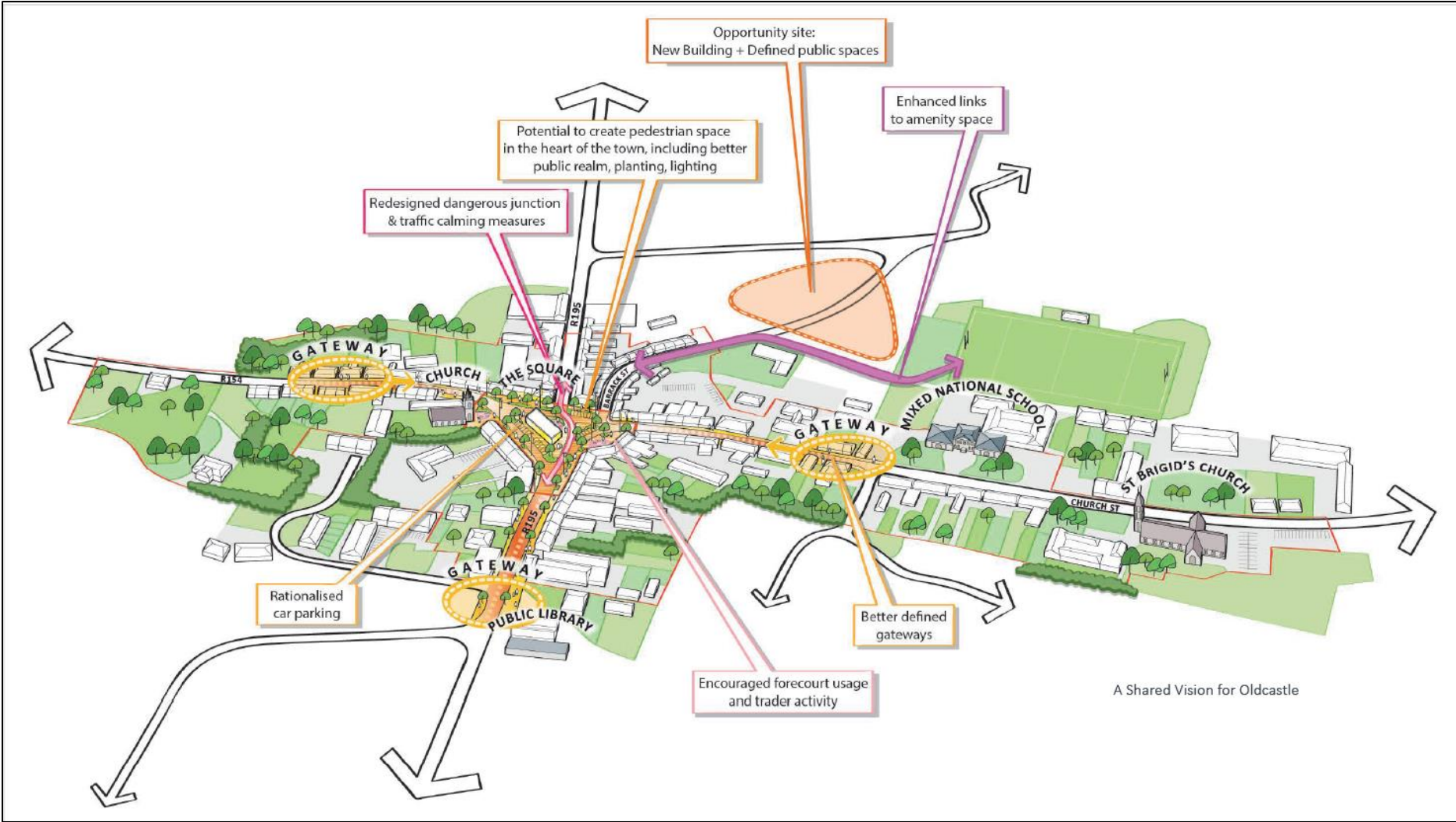


Figure 6: Conceptual Oldcastle Public Realm Plan Layout

2.2 Description of existing conditions on site

A site visit was carried out on June 13th, 2021, by Dr Patrick Moran. Aerial Images of Oldcastle and *environs* illustrating some of the key areas to which the Public Realm Plan are applicable are provided in Figure 7, Figure 8, Figure 9, Figure 10, Figure 11 and Figure 12.

The majority of the habitat occurring within the Oldcastle Public Realm Plan is comprised of Buildings and Artificial Surfaces, with little in the way of ecological corridors present. Given the habitats present, the occurrence of species of conservation concern is likely to be relatively limited. It is noted that as regards Bat Habitat Suitability, Oldcastle is situated in an area of intermediate suitability. Some of the buildings (in particular any derelict buildings) are likely to support populations of roosting bats and breeding birds. Photographs of the primary habitats occurring within the Oldcastle Public Realm Plan are presented in Figure 13, Figure 14, Figure 15, Figure 16 and Figure 17.



Figure 7: Aerial image of primary location of Oldcastle Public Realm Plan Area



Figure 8: Aerial image of Seafields, to which better access is proposed



Figure 9: Oldcastle town centre



Figure 10: Aerial view of amenities



Figure 11: Aerial view of St Brigid's Church and park



Figure 12: Aerial image of playground



Figure 13: South of town square



Figure 14: Town square view 1



Figure 15: Town square view 2



Figure 16: Town square 3



Figure 17: St Bride's Church on the square

2.3 Description of scope

The geographical scope of the assessment is to determine if the proposed works/development has the potential to have any significant negative impact on the Natura 2000 sites occurring within 15 km of the proposed development.

The NBDC database was accessed on 14/06/21 to query records occurring within the vicinity of the Public Realm Plan (2 km square, N58K see Figure 18). The species of conservation concern as recorded within this 2 km square are illustrated in Table 1. As indicated by the habitats present, the numbers of species of conservation concern present is rather limited – it is likely that several species of bat do occur but have not been recorded as of yet.

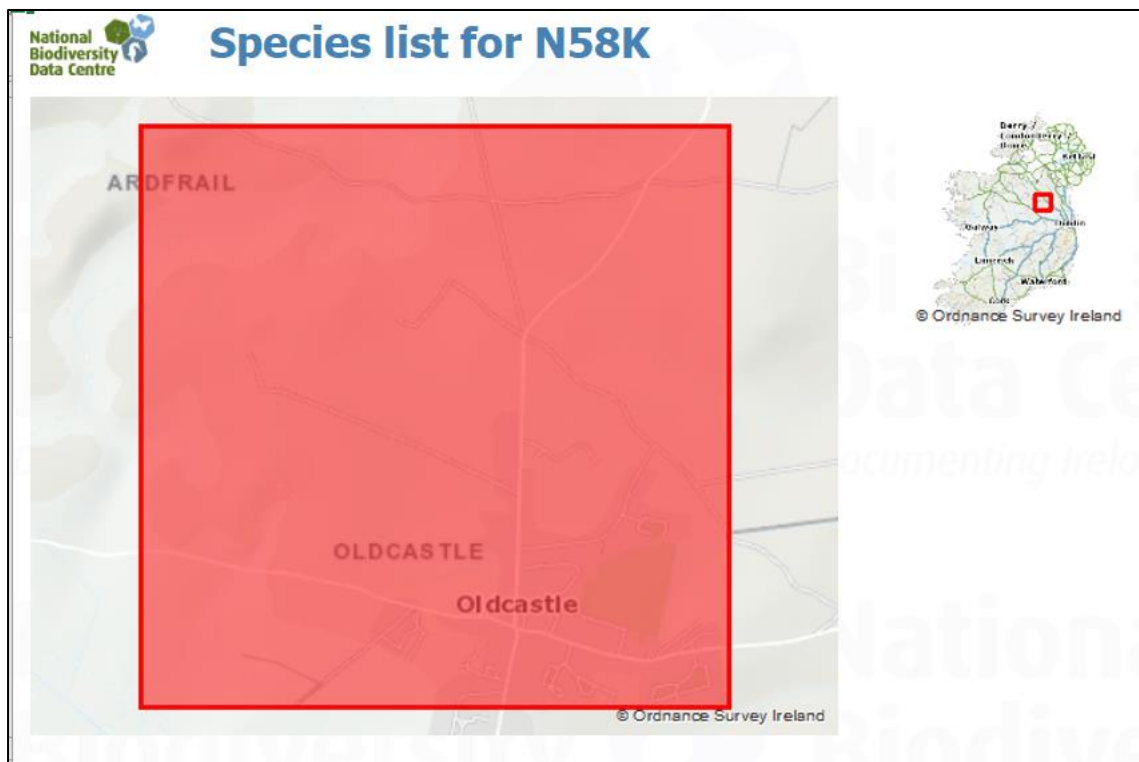


Figure 18: Location of polygon queried (National Biodiversity Data Centre)

Table 1: Species of conservation concern recorded in the vicinity of the proposed development site

Scientific Name	Common Name	Date of last record
<i>Tyto alba</i>	Barn Owl	31/12/2011
<i>Hirundo rustica</i>	Barn Swallow	31/07/1991
<i>Larus ridibundus</i>	Black-headed Gull	31/07/1991
<i>Sturnus vulgaris</i>	Common Starling	31/07/1991
<i>Apus apus</i>	Common Swift	31/07/1991

Scientific Name	Common Name	Date of last record
<i>Columba palumbus</i>	Common Wood Pigeon	31/07/1991
<i>Delichon urbicum</i>	House Martin	31/07/1991
<i>Passer domesticus</i>	House Sparrow	31/07/1991
<i>Muscicapa striata</i>	Spotted Flycatcher	31/12/2011
<i>Sciurus carolinensis</i>	Eastern Grey Squirrel	31/12/2007
<i>Martes martes</i>	Pine Marten	31/12/2007

2.4 Identification of Natura 2000 sites potentially impacted upon by the development

It is general practice, when screening a plan or project for compliance with the Habitats Directive, to identify all Natura 2000 sites within the functional area of the plan/project itself and within 15 km of the boundaries of the area the plan/project applies to (with an appropriate “Zone of Influence” identified from any Source-Pathway-Receptor linkages). This approach is currently recommended in the Department of the Environmental, Heritage and Local Government’s document Guidance for Planning Authorities and as a precautionary measure, to ensure that all potentially affected Natura 2000 sites are included in the screening process. The maintenance of habitats and species within individual Natura 2000 sites at favourable conservation condition contributes to the overall maintenance of favourable conservation status of those habitats and species at a national level. It is therefore necessary to identify any potential impacts of the proposed development on the conservation status of Natura 2000 sites. The National Parks and Wildlife Service deem that the favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, is stable or increasing.
- The ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future.
- The conservation status of its typical species is favourable.

The National Parks and Wildlife Service deem that the favourable conservation status of a species is achieved when:

- Population data on the species concerned indicate that it is maintaining itself.
- The natural range of the species is neither being reduced, or likely to be reduced in the foreseeable future.
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

There are six areas designated as a special area of conservation (SAC) and two areas designated as a Special Protection Area within 15 km of the proposed development site (see Table 2, Figure 19 and Figure 20).

Table 2: Natura 2000 sites within 15km of the proposed development

SITE CODE	DESIGNATION	SITE NAME
001810	SAC	WHITE LOUGH, BEN LOUGHS, AND DOO LOUGH
002120	SAC	LOUGH BANE AND LOUGH GLASS
002299	SAC	RIVER BOYNE AND RIVER BLACKWATER
002340	SAC	MONEYBEG AND CLAREISLAND BOGS
002121	SAC	LOUGH LENE
000006	SAC	KILLYCONNY BOG
004065	SPA	LOUGH SHEELIN
004232	SPA	RIVER BOYNE AND RIVER BLACKWATER

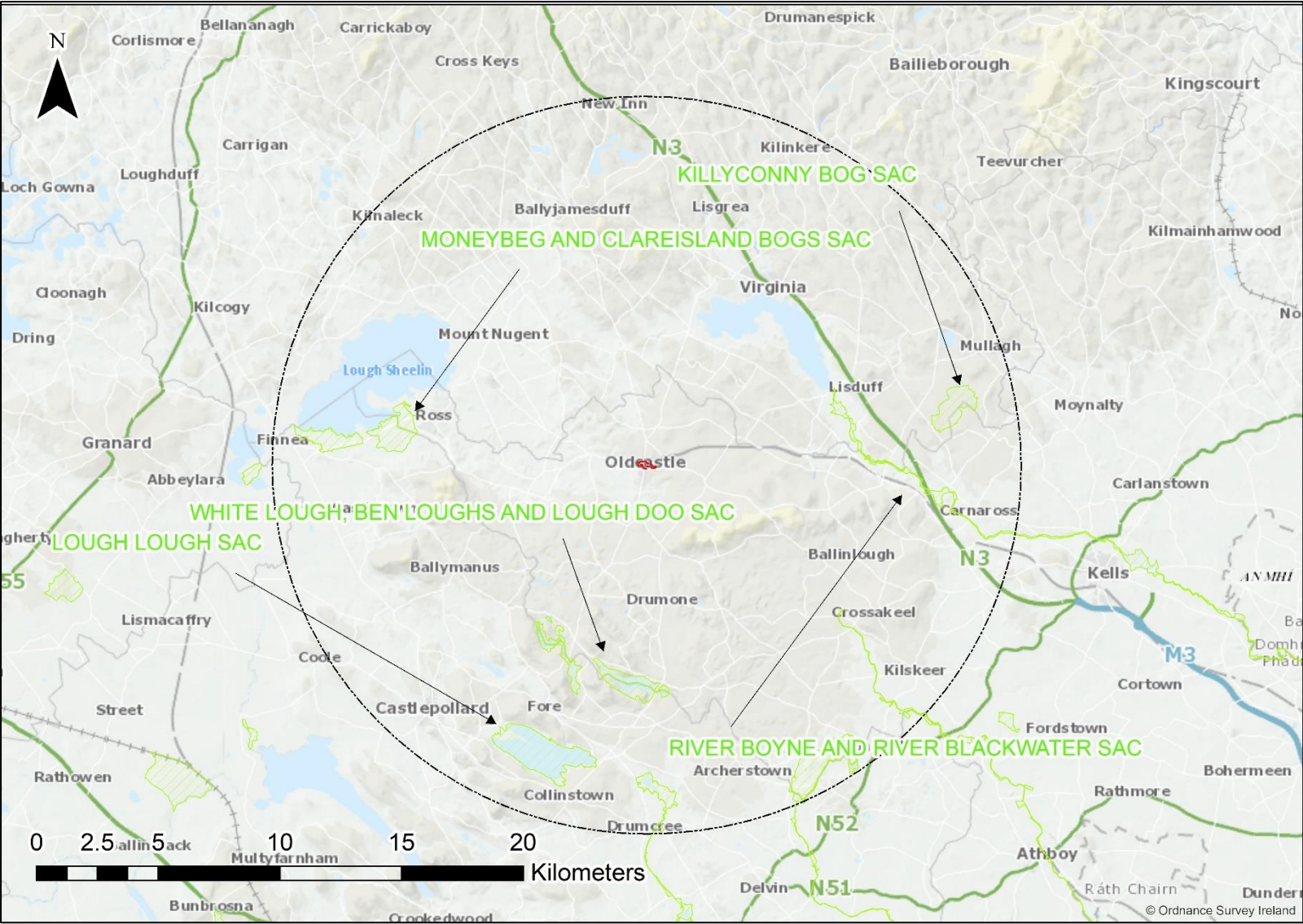


Figure 19: Location of SACs within 15 km of PRP (outlined in red)

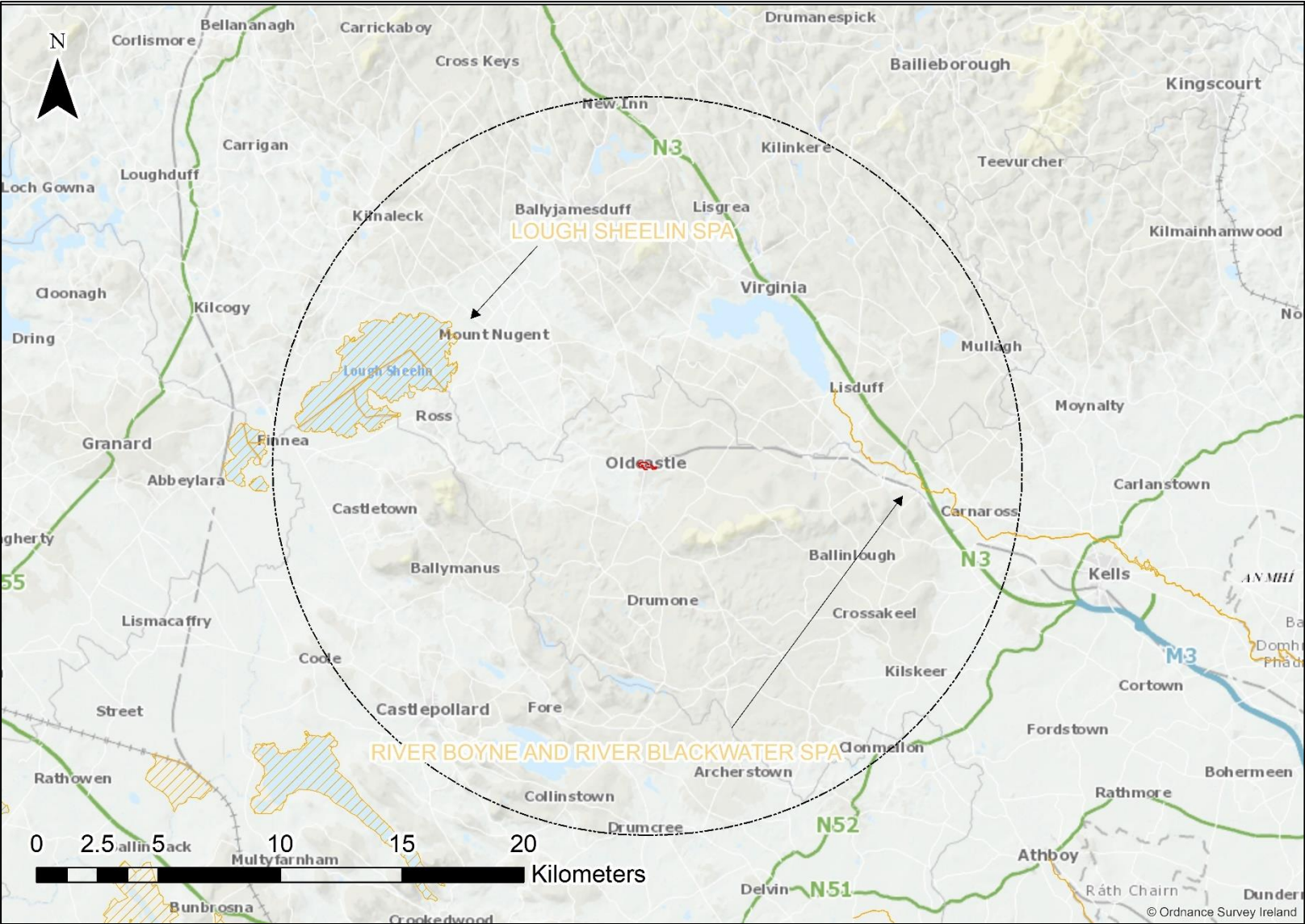


Figure 20: Location of SPAs within 15 km of PRP (outlined in red)

2.5 Summary of Natura 2000 sites potentially impacted upon by the proposed development

There are eight Natura 2000 sites within 15 km of the Public Realm Plan. The nearest Natura 2000 site is over 7km from the Oldcastle Public Realm Plan Area. Of the eight Natura 2000 sites, there are only two sites within the same catchment as the Oldcastle Public Realm Plan area – Lough Sheelin SPA and Moneybeg and Clareisland Bogs SAC. Given the location, scale and nature of the Public Realm Plan, direct impacts are likely to be within a narrow “Zone of Influence” of 0 - 2 km. A summary of the qualifying interests, availability of detailed conservation objectives, general conservation objectives and whether or not the Natura 2000 site is within 2km of the proposed development is presented in Table 3.

Table 3: Summary of Natura 2000 sites within 15000 km

SITE CODE	SITE NAME	QUALIFYING INTEREST(S)	DETAILED CONSERVATION OBJECTIVES DOCUMENT	CONSERVATION OBJECTIVES (GENERIC)	WITHIN 2 km OF THE PROPOSED PRP
001810	WHITE LOUGH, BEN LOUGH AND DOO LOUGH SAC	[3140], [1092]	NO	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	NO
002120	LOUGH BANE AND LOUGH GLASS SAC	[1092]	NO	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	NO
002299	RIVER BOYNE AND RIVER BLACKWATER SAC	[7230], [91E0]PRIORITY HABITAT, [1099], [1106], [1355]	NO	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	NO
002340	MONEYBEG AND CLAREISLAND BOGS SAC	[7110], [7120] AND [7150]	YES	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	NO
002121	LOUGH LENE SAC	[3140], [1092]	NO	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO
000006	KILLYCONNYBOG SAC	[7110], [7120]	YES	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO
004065	LOUGH SHEELIN SPA	[A005], [A059], [A061], [A067],	NO	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA and To maintain or restore the favourable conservation condition of the wetland habitat at Lough Sheelin SPA as a resource for the regularly occurring migratory waterbirds that utilise it.	NO
004232	RIVER BOYNE AND RIVER BLACKWATER SPA	[A229]	NO	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO

2.6 Identification and evaluation of likely significant effects

2.6.1 Elements of Public Realm Plan with potential for significant negative impacts on Conservation Objectives of Qualifying Interests

Several elements of the proposed Oldcastle Public Realm Plan may have the potential, in the presence of a Source-Pathway-Receptor linkage, impact negatively on the Natura 2000 network:

- 1) Improve footpaths and connections to all parts of the town – in the presence of a pathway and receptor, there is potential for negative impacts, for example on water quality;
- 2) Create more regular safe crossing point, especially in the main square – unlikely to have any negative impacts;
- 3) Create a pedestrian space / square as a focus to the town centre - in the presence of a pathway and receptor, there is potential for negative impacts, for example on water quality
- 4) Introduce traffic calming measures but do not create traffic jams – unlikely to have any negative impact;
- 5) Introduce timed restrictions for parking in town centre – unlikely to have any negative impacts;
- 6) Bring back in to use derelict sites and buildings - in the presence of a pathway and receptor, there is potential for negative impacts, for example on water quality;
- 7) Improve links to north and setting of play-ground – unlikely to have any negative impacts;
- 8) Enhance the setting and interpretation of the heritage, linked to tourism - unlikely to have any negative impacts;
- 9) Rationalise street furniture – unlikely to have any negative impacts;
- 10) Set up a strategy to have underground wires - in the presence of a pathway and receptor, there is potential for negative impacts, for example on water quality;
- 11) Preserve and enhance trees and vegetation in appropriate positions in the town centre – unlikely to have any negative impact; and
- 12) Improve street lighting throughout the town centre – unlikely to have any negative impact (on the Natura 2000 network – may have implications for bat usage of the habitats present).

2.6.2 Description of source-pathway-receptor linkages and identification of “Zone of Influence”

The basis for identifying potential impacts/significance thereof and defining the zone of influence is the “Source-Pathway-Receptor” (S-P-R) model. This model underpins all water-protection schemes in Ireland, as well as the EU Water Framework Directive on which both surface water and groundwater regulations are based. This model is applied to all possible impacts (i.e., not just water-based impacts). When examining S-P-R relationships in regard to impacts on Natura 2000 sites, the main questions to be considered are:

- 1) Source characterisation – Identification of potential source(s) of the impact(s);
- 2) Pathways analysis – Identification of means through which potential impacts could take place, for example is there a hydrogeological or hydrological link that can deliver a pollutant source to a nearby receptor; and
- 3) Receptor identification – identification of Natura 2000 sites/qualifying interests potentially affected.

The Public Realm Plan is of a relatively small scale and is not located proximate to any Natura 2000 site. The most likely source of any negative impacts will be associated with:

- Impacts on surface/ground water

Therefore, the key questions to be considered are:

- 1) Is there any source(s) of impact(s) on water quality associated with the proposed development?
- 2) Is there a pathway present between the source of impact and a Natura 2000 site; and
- 3) What are the Natura 2000 sites/qualifying interests potentially impacted upon?

2.6.3 Sources of potential impacts

Given the location, nature and scale of the proposed development, the primary sources of potential impacts are limited to:

- Impacts associated with contamination of surface and/or ground water during construction and/or operation.

2.6.4 Presence of pathway and receptor

The Public Realm Plan area for Oldcastle does not include any significant waterways and a review of historic mapping would indicate that there have not been any significant watercourses piped

underground. There is, therefore, no direct Source-Pathway-Receptor linkage present. The primary pathway for any contamination of water associated with construction activity and/or operation is through the wastewater treatment system/storm overflow associated with Oldcastle.

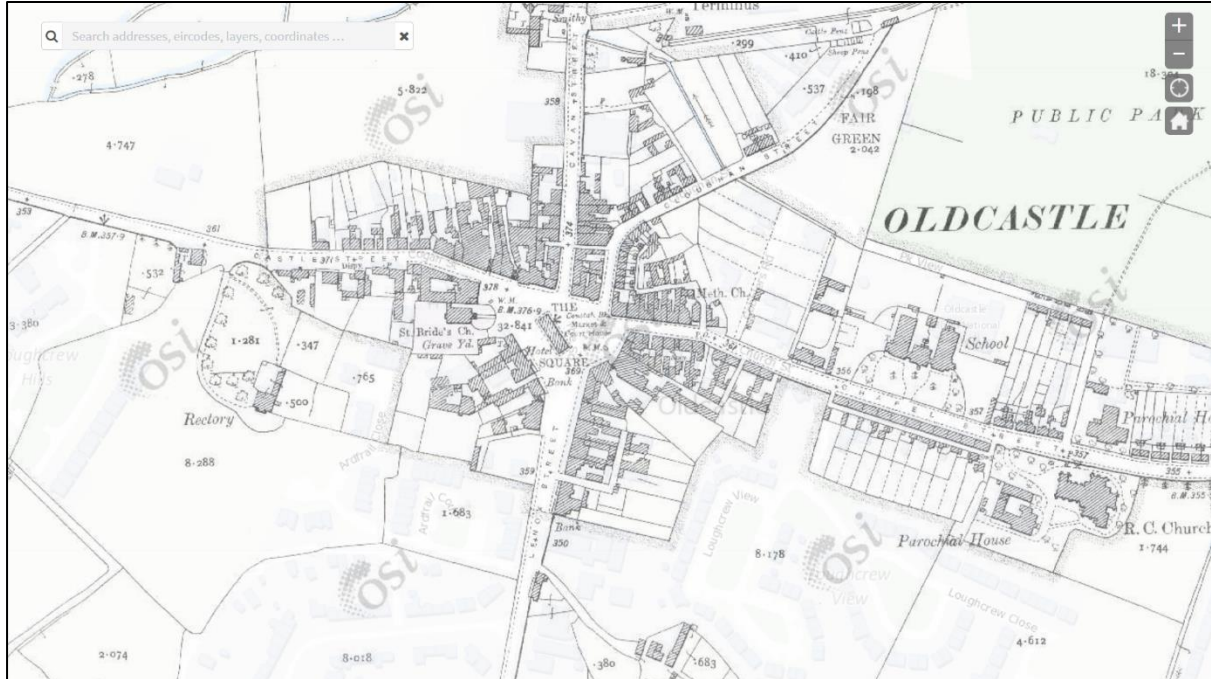


Figure 21: Historic 25" map of Oldcastle, indicating that there were no significant watercourses present that might have been piped underground

A review of the EPA online resource would indicate that the primary emissions point as concerns Oldcastle is the River Leinster (see Figure 22). The catchment in which Oldcastle is located is the Shannon (see Figure 23). There are two Natura 2000 sites located within the Shannon catchment that are within 15 km of the Oldcastle Public Realm Plan area – Lough Sheelin SPA and Moneybeg and Clareisland Bogs SAC.

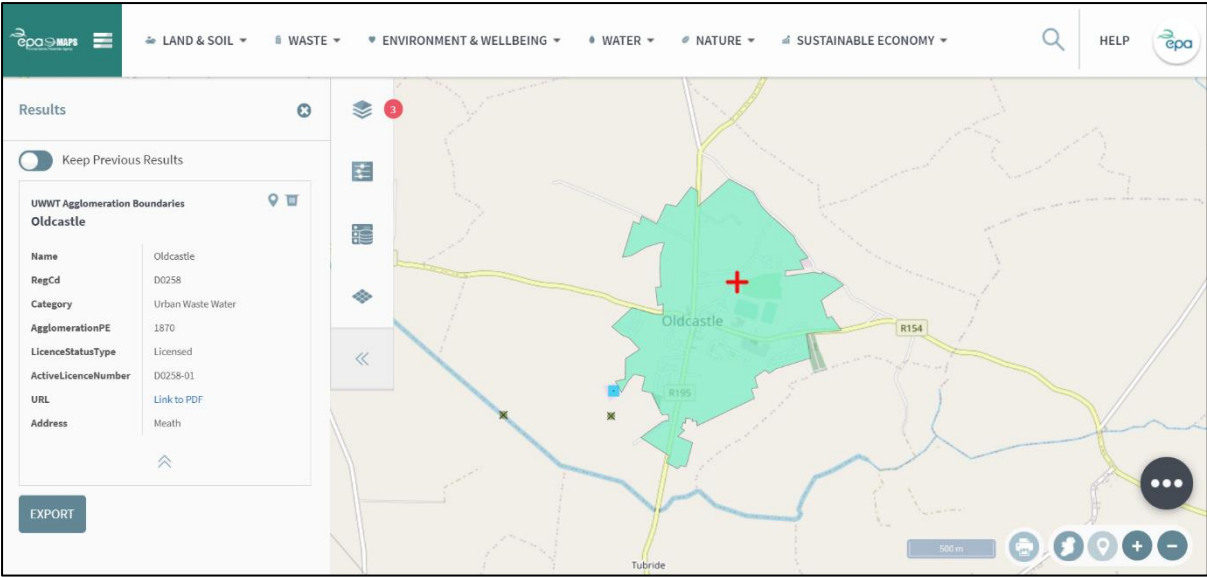


Figure 22: Excerpt from EPA mapping resource

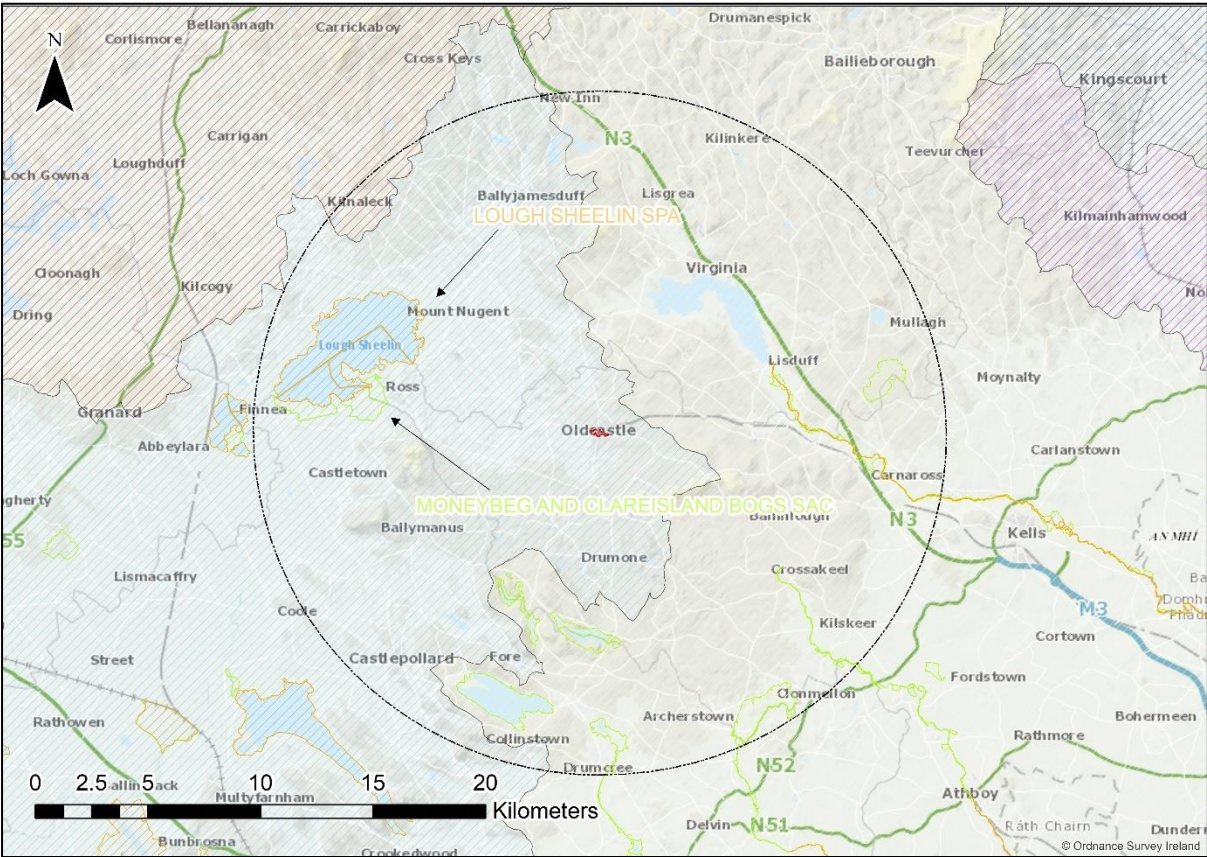


Figure 23: Map indicating catchment in which Oldcastle is located and Natura 2000 sites within 15 km

2.6.5 Natura 2000 site(s) with potential to be impacted upon and Zone of Influence

In accordance with the Precautionary Principle, there is a potential for impacts on the Conservation Objectives of the Qualifying Interests of those sites within the same catchment as the Oldcastle Public Realm Plan area that are within 15 km of the Public Realm Plan area.

The Zone of Influence is considered, therefore, to include the following Natura 2000 sites within 15 km of the application site:

- Moneybeg and Clareisland Bogs SAC; and
- Lough Sheelin SPA.

2.6.6 Sources of potential Direct, Indirect or Secondary Impacts

2.6.6.1 Direct Impacts

There is no habitat for which any relevant Natura 2000 sites are designated that will be lost through land-take, etc. associated with the Public Realm Plan. There are no direct impacts foreseen.

2.6.6.2 Indirect Impacts

The overall compliance of emissions limit values for discharge point TPEFF2300D0258SW001, which is associated with the Oldcastle Wastewater Treatment Plant (D0258-01), presented in the Annual Environmental Report (2019)¹ indicate that the plant is compliant. Realistically, given the nature, scale and location of the Oldcastle Public Realm Plan area in addition to the lack of any direct source-pathway-receptor linkage, and the compliance of the wastewater treatment plant with emissions limit values, there is no significant potential for indirect impacts associated with either the construction or operation phases of the Public Realm Plan through an impact on water quality.

2.6.6.3 Secondary and or Residual Impacts

In the absence of any direct or indirect impacts, there are no significant residual/secondary impacts foreseen.

A summary of the potential for primary impacts upon Natura 2000 sites within the zone of influence of the proposed development is summarized in Table 4 and Table 5. There are no potential significant impacts on the qualifying interests of identified Natura 2000 sites foreseen.

¹ https://www.water.ie/docs/aers/2019/D0258-01_2019_AER.pdf

Table 4: Summary of the potential for impacts upon Natura 2000 sites.

Site Name	Direct Impacts	Indirect/ Secondary Impacts	Resource requirements (water abstraction etc.)	Emissions (to land, water or air)	Excavation requirements	Duration of construction, operation and decommissioning
WHITE LOUGH, BEN LOUGH AND DOO LOUGH SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH BANE AND LOUGH GLASS SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
MONEYBEG AND CLAREISLAND BOGS SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH LENE SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
KILLYCONNYBOG SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH SHEELIN SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN

Table 5: Summary of the potential for changes to Natura 2000 sites.

Site Name	Reduction of habitat area	Disturbance to key species	Habitat/species fragmentation	Reduction in species density	Changes in Key Indicators of Conservation Value	Climate change
WHITE LOUGH, BEN LOUGH AND DOO LOUGH SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH BANE AND LOUGH GLASS SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
MONEYBEG AND CLAREISLAND BOGS SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH LENE SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
KILLYCONNYBOG SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
LOUGH SHEELIN SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN

2.6.7 Potential cumulative/in-combination impacts in association with other plans

Article 6(3) of the Habitats Directive requires an assessment of a plan/project to consider other plans/projects that might, in combination with the proposed plan/project, have the potential to adversely impact upon Natura 2000 sites. Any plan/project with the potential to impact on water quality/hydrology within the Malahide Estuary and any plan/project with the potential to have an impact through disturbance has the potential to have cumulative/in-combination impacts.

Table 6: Potential cumulative impacts.

Plan/Project	Purpose	Cumulative impact
EU Water framework Directive	Maintain and enhance water quality within the EU	None predicted
EU Freshwater Fish Directive	Protect freshwater bodies within the EU suitable for sustaining fish populations	None predicted
EU Groundwater Directive	Maintain and enhance the quality of groundwater within the EU	None predicted
EU Floods Directive	The Floods Directive applies to river basins and coastal areas at risk of flooding	None predicted
Nitrates Directive	Reducing water pollution within the EU	None predicted
Urban Waste-water treatment Directive	Protecting the environment from adverse impacts of waste-water discharge	None predicted
Sewage Sludge Directive	Regulate the use of sewage sludge	None predicted
The IPPC Directive	To achieve a high level of environmental protection	None predicted
National Development Plan	To promote more balanced spatial and economic development	None predicted
National Spatial Strategy	To achieve a better balance of social, economic and physical development across Ireland	None predicted
Eastern CRFAM	Long-term planning for reducing and managing flood risk	None predicted
Local Area Development Plans	Various	None predicted
Meath and Louth County Development Plans	Sustainable development of Counties Louth and Meath	None predicted
Quarrying activities, water abstraction, discharge, etc	Various	None predicted
Current and future planning permissions –	Various	None predicted
Part 8's	Various	None predicted
Land spreading of organic waste by farmers in the locality	Fertilising land, disposing of organic waste	None predicted

As regards any cumulative impacts, **all** future developments must be subject to the Appropriate Assessment process. The primary concern as regards the majority developments is the capacity for foul sewage effluent at the Wastewater Treatment Plant. The area of the Public Realm Plan is within the “Oldcastle Agglomeration”.

The Irish Water Annual Environmental Report (AER) for 2019 for the Oldcastle Agglomeration indicates that final effluents were compliant with Emission Limit Values. The Organic Capacity P.E. as constructed of the WWTP is 3,500 with an Organic Capacity P.E. remaining (2019) of 1,651. The Annual Environmental Report also indicates that “...*The discharge from the wastewater treatment plant does not have an observable negative impact on the Water Framework Directive status...*”.

A query of the EIA portal² would indicate that there are no projects in the vicinity of the Oldcastle PRP requiring EIA (see Figure 24).

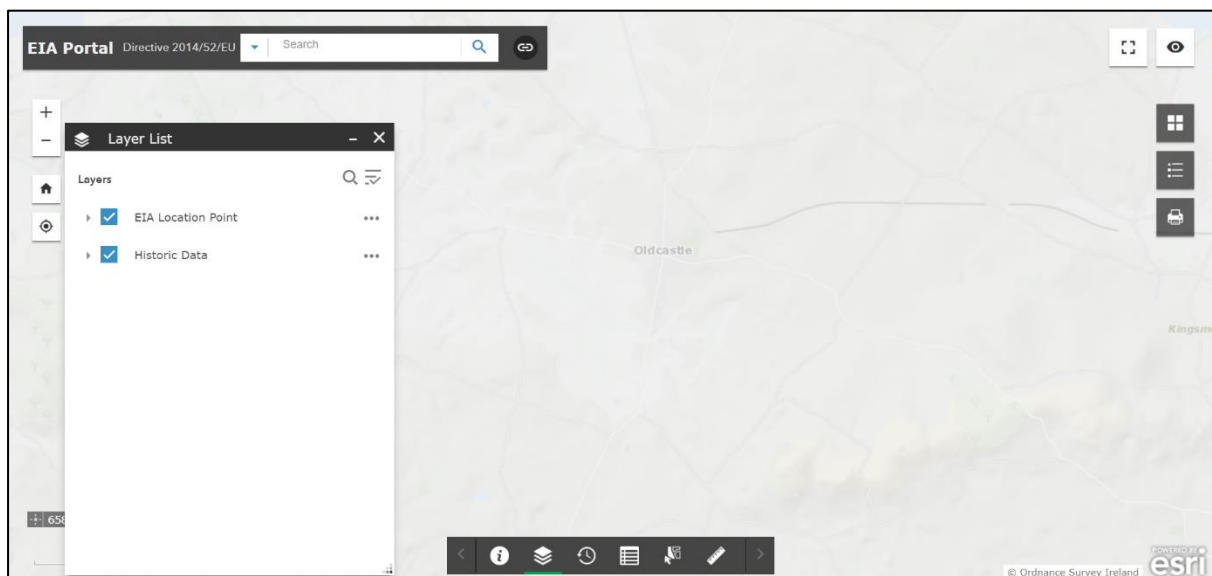


Figure 24: Excerpt of the area of the Oldcastle PRP from the EIA Portal online resource

A query of recent planning applications in the vicinity of the primary areas covered by the Oldcastle Public Realm Plan was undertaken (see Figure 25). Although there are a small number of planning applications in the vicinity of the Public Realm Plan area, given the nature of the Public Realm Plan, no cumulative impacts are foreseen.

² <https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>

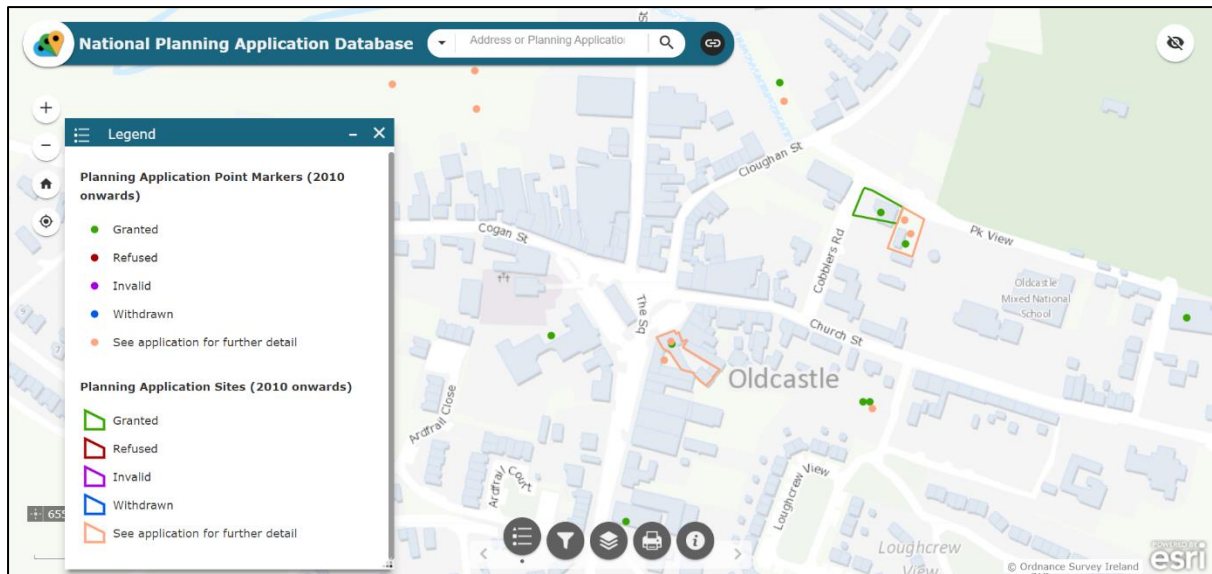


Figure 25: Excerpt from NPAD for Oldcastle in the vicinity of the Public Realm Plan

2.6.8 “Do nothing” scenario

No significant negative impacts associated with the Public Realm Plan for Oldcastle have been identified. Of note, the overall objective of the Public Realm Plan is to improve the Public Realm, including as regards environmental impacts.

2.6.9 Gauging of Impacts on Natura 2000 sites – Integrity of site checklist

The potential impacts of the proposed development on Natura 2000 sites are gauged using a checklist, which aids in determining the potential of development to have a significant impact on any Natura 2000 site. This checklist consists of a number of pertinent questions as set out in Table 7.

Table 7: Potential of the proposed Public Realm Plan to impact on Natura 2000 sites in the absence of suitable mitigation/preventative measures

Does the Plan have the potential to:	Yes/No
Cause delays in progress towards achieving the conservation objectives of the Natura 2000 site?	NO
Interrupt progress toward achieving the conservation objectives of the Natura 2000 site?	NO
Disrupt those factors helping to maintain the favourable conditions at the Natura 2000 site?	NO
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the Natura 2000 site?	NO
Cause changes to the vital defining aspects (e.g., nutrient balance) that determine how the Natura 2000 site functions as a habitat or ecosystem?	NO
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the Natura 2000 site?	NO
Interfere with predicted or expected natural changes to the Natura 2000 site (such as water dynamics or chemical composition)?	NO
Reduce the area of key habitats within the Natura 2000 site?	NO
Reduce the population of key species of the Natura 2000 site?	NO
Alter the balance between key species of the Natura 2000 site?	NO
Reduce the biodiversity of the Natura 2000 site?	NO
Result in disturbance that could affect population size or density or the balance between key species within the Natura 2000 site?	NO
Result in fragmentation?	NO
Result in the loss or reduction of key features of Natura 2000 sites?	NO

2.7 Conclusions of screening

According to the guidance published by the NPWS (DoEHLG, 2009), Screening for Appropriate Assessment can either identify that a Natura Impact Statement (NIS) is not required where:

- (1) A project/proposal is directly related to the management of the site; or
- (2) There is no potential for significant impacts affecting the Natura 2000 network

Where the screening process identifies that significant impacts are certain, likely or uncertain the project must either proceed to Stage II Appropriate Assessment or be rejected.

The potential impacts that will arise from the proposed Oldcastle Public Realm Plan have been examined in the context of a number of factors that could potentially impact upon the integrity of the Natura 2000 network. On the basis of the findings of this Screening for Appropriate Assessment, it is concluded that the proposed plan:

- (1) Is not directly connected with or necessary to the management of a Natura 2000 site and
- (2) Will not have any significant negative impacts on the Natura 2000 network.

Following an examination, analysis and evaluation of the relevant information and the potential for significant effects on the conservation objectives of Natura 2000 sites, and applying the Precautionary Principle, it is, in the opinion of the author of this report, possible to exclude (on the basis of objective information and in the absence of specific prescribed precautionary/mitigation measures) that the proposed Oldcastle Public Realm Plan individually or in combination with other plans or projects, will have any significant potential to have negative impacts on the Natura 2000 network.

Having identified no potential impacts of the proposed Oldcastle Public Realm Plan upon the Natura 2000 network, and in accordance with Article 6(3) of the Habitats Directive, a Stage 2 Appropriate Assessment is not required in this instance.

3 References and Bibliography

Environmental Protection Agency (1995) Advice notes on current practice in the preparation of Environmental Impact Statements. EPA, Wexford, Ireland.

Environmental Protection Agency (1997) Draft Guidelines to be contained in the information to be contained in Environmental Impact Statements. EPA, Wexford, Ireland.

European Commission (2000) Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive. Luxembourg: Office for Official Publications of the European Communities

Fossitt, J. (2001) A Guideline to Habitats in Ireland. The Heritage Council, Kilkenny, Ireland.

European Commission (2002) 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. Luxembourg: Office for Official Publications of the European Communities

European Commission (2007) European Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC; Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the Commission.

DEHLG (2009) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities. DEHLG

DEHLG (2011) European Communities (Birds and Natural Habitats) Regulations 2011. DEHLG.

Environmental Protection Agency. (2017) Draft Guidelines on the information to be contained in Environmental Impact Assessment Reports (EIAR). EPA, Wexford, Ireland.

Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC", Brussels, 21.11.2018 C (2018) 7621 final.

DCHG (2019). The Status of EU Protected Habitats and Species in Ireland 2013. DAHG.

www.meath.ie – official website of Meath County Council.

www.npws.ie – website of the National Parks and Wildlife Service, source of information for data regarding Natura 2000 sites and Article 17 Conservation Assessments.

www.europa.eu – official website of the European Union, source of information on EU Directives.