

Appropriate Assessment Screening

On behalf of

North & East Housing Association


Proposed development at Garristown. Co. Dublin

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1.0 Introduction

Cunnane Stratton Reynolds have been instructed to carry out a screening for Appropriate Assessment for the proposed development at Garristown, Co. Dublin.

This report comprises information in support of screening for Appropriate Assessment in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora; the Planning and Development Act (as amended); and the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) for the proposed works.

This Screening Report is to determine if it can be excluded, on the basis of objective information, that the project, individually or in combination with other plans or projects, will have a significant effect on a European Site. This Screening Report has been prepared to provide information to the competent authority to assist them in their determination as to whether a Stage 2 Appropriate Assessment is required for the project.

This Screening Assessment has been carried out by Elaine Edmonds, Executive Planner of Cunnane Stratton Reynolds.

Elaine is a qualified Environmental Planner with a BA (Hons) Degree in Environmental Science with 6 years post qualification experience. She has experience of providing inputs to both EIARs and EIAR and AA screening from her roles as both an Environmental Scientist and Planner.

Figure 1 Site Location Map



2.0 Legislative Context for Appropriate Assessment

Since its adoption in 1992, the Council Directive 92/43/EEC (of 21st May 1992), on the conservation of natural habitats and of wild fauna and flora (better known as the Habitats Directive), aims to promote the maintenance of biodiversity, taking account of economic, social, cultural and regional requirements.

Article 3 of the Directive defines Natura 2000 sites as a “*coherent European ecological network of special areas of conservation*”. It notes that “*this network, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species habitats concerned to be maintained or, where appropriate restored at a favourable conservation status in their natural range*”.

The Natura 2000 network shall include the special protection areas classified by the Member States pursuant to Directive 79/409/EEC. In Ireland, these sites are designated as European sites and include Special Protection Areas (SPAs), established under the EU Birds Directive (79/409/EEC, as codified by 2009/147/EC) for birds and Special Areas of Conservation (SACs), established under the Habitats Directive 92/43/EEC for habitats and species.

Article 6 of the Habitats Directive establishes the requirement for Appropriate Assessment.

Article 6 (3) states that:

“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 sites 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, of appropriate, after having obtained the opinion of the general public”.

Article 6 (4) states that:

“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”.

The Habitats Regulations require competent authorities, to carry out a Screening for Appropriate Assessment of plans and projects that, alone or in combination with other plans or projects, would be likely to have significant effects on European Sites in view of best scientific knowledge and the Site’s conservation objectives. This requirement is transposed into Irish Law by Part 5 of the Habitats Regulations and Part XAB of the Planning and Development Act, 2000 (as amended).

Fingal County Council, in its role as the Competent Authority in this case, are obliged to examine the likely significant effects, individually or in combination with other Plans and Projects, of the proposal on European Sites in light of their specific qualifying interests and conservation objectives. If screening determines that there is likely to be significant effects on a European Site, then a Stage II AA must be carried out for the proposal, including the compilation of a Natura Impact Statement (NIS) to inform the decision making.

3.0 Methodology

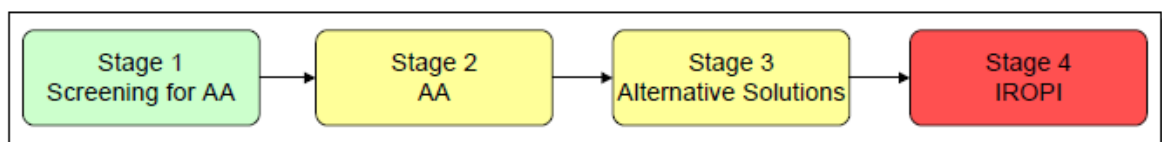
3.1 Stages of Appropriate Assessment

This Screening Report has been undertaken with reference to respective National and European guidance documents: *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities* (DEHLG 2010) and *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites – Methodological Guidance of the Provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC* and recent European and Irish case law.

The Department of the Environment, Heritage and Local Government guidelines *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* outline the European Commission's methodological guidance (EC, 2002) for AA. They promote a four-stage process to complete the AA, and outline the issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

The four stages are summarised diagrammatically below, and an outline of the steps and procedures involved in completing each stage follows. Stages 1-2 deal with the main requirements for assessment under Article 6(3). Stage 3 may be part of Article 6(3) or may be a necessary precursor to Stage 4. Stage 4 is the main derogation step of Article 6(4).

Figure 2 Four Stages of Appropriate Assessment Screening



Stage 1: Screening

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Articles 6(3). The aim of screening is to assess firstly if the plan or project is directly connected to or necessary to the management of European Site(s) or in view of best scientific knowledge, if the plan or project, individually or in combination with other plans or projects, is likely to have a significant effect on a European site in view of their conservation objectives.

This is done by examining the proposed plan or project and the conservation objectives of any European Sites that might potentially be affected. If screening determines that there is likely to be significant effects or there is uncertainty regarding the significance of effects then it will be recommended that a project is brought forward to full AA.

Stage 2: Appropriate Assessment

The aim of stage 2 of the AA process is to identify any adverse impacts that the plan or project might have on the integrity of relevant European Sites. As part of the assessment, a key consideration is 'in combination' effects with other plans or projects. Where adverse impacts are identified, mitigation measures can be proposed that would avoid, reduce or remedy any such negative impacts and the plan or project should then be amended accordingly, thereby avoiding the need to progress to Stage 3.

Stage 3: Assessment of Alternative Solutions

If it is not possible during the stage 2 to reduce impacts to acceptable, non-significant levels by avoidance and/or mitigation, stage 3 of the process must be undertaken which is to objectively assess whether alternative solutions exist by which the objectives of the plan or project can be achieved. This means alternative solutions that do not have negative impacts on the integrity of a European Site.

It should also be noted that EU guidance on this stage of the process states that, 'other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria' (EC, 2002). In other words, if alternative solutions exist that do not have negative impacts on European Sites; they should be adopted regardless of economic considerations.

Stage 4: Imperative Reasons of Overriding Public Interest (IROPI)/Derogation

This stage of the AA process is undertaken when it has been determined that negative impacts on the integrity of a European Site will result from a plan or project, but that no alternatives exist. At this stage of the AA process, it is the characteristics of the plan or project itself that will determine whether or not the competent authority can allow it to progress. This is the determination of 'overriding public interest'.

It is important to note that in the case of European Sites that include in their qualifying features 'priority' habitats or species, as defined in Annex I and II of the Directive, the demonstration of 'overriding public interest' is not sufficient and it must be demonstrated that the plan or project is necessary for 'human health or safety considerations'. Where plans or projects meet these criteria, they can be allowed, provided adequate compensatory measures are proposed. Stage 4 of the process defines and describes these compensation measures.

Stage 1 of the process is screening which addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the Directive i.e:

- i. Whether a plan or project is directly connected to or necessary for the management of the site, and
- ii. Whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 AA. Screening should be undertaken without the inclusion of

mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project.

Screening is an iterative process that involves consideration of the plan or project and its likely effects, and of the Natura 2000 sites and their ecological sensitivities, and the likely interaction between these. Screening involves the following:

1. Description of the plan or project, and local site or plan area characteristics;
2. Identification of relevant Natura 2000 sites, and compilation of information on their qualifying interests and conservation objectives;
3. Assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field study or primary research as necessary;
4. Screening statement with conclusions.

This report includes the information that is necessary to enable the competent authority to screen the proposal for the requirement to prepare an AA. This report sets out the following required information:

- Description of the proposed works;
- Characteristics of the proximal European Sites; and
- Assessment of potential for significant effects of the proposed works on the relevant European Sites.

3.2 Guidance

The methodology followed in relation to this assessment has had regard to the following guidance and legislation:

- European Union Habitats Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora 92/43/EEC;
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities (DOEHLG 2009, rev 2010);
- Department of Environment Heritage and Local Government Circular NPWS 1/10 and PSSP 2/10 on Appropriate Assessment under Article 6 of the Habitats Directive Guidance for Planning Authorities (DEHLG, 2010b);
- Communication from the Commission on the Precautionary Principle (EC, 2000), Office for Official Publications of the European Communities, Luxembourg (EC, 2000a);
- Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2018);
- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2002);
- 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 (EC, 2007);
- Nature and biodiversity cases: Ruling of the European Court of Justice (EC, 2006);

- Interpretation Manual of European Union Habitats. Version EUR 28. European Commission 2013;
- The Planning and Development Acts (as amended), and
- Article 6 of the Habitats Directive: Rulings of the European Court of Justice (EC, 2014);
- The European Union (Environmental Impact Assessment and Habitats) Regulations 2011; and
- The European Communities (Birds and Natural Habitats) Regulations, S.I. No. 477 of 2011 (as amended).

3.3 Sources of Data and Information for Screening Report

This screening assessment had regard to the following sources of data and information:

- Information on the project – location, nature and design
- Department of Housing, Planning, and Local Government – online land use mapping www.myplan.ie/en/index.html;
- Department of Housing, Planning, and Local Government- EIA Portal <https://www.housing.gov.ie/planning/environmental-assessment/environmentalimpact-assessment-eia/eia-portal>
- Environmental Protection Agency (EPA) – Water Quality www.epa.ie, <http://gis.epa.ie/Envision>;
- Geological Survey of Ireland – Geology, soils and Hydrogeology www.gsi.ie;
- Water Framework Directive website – www.catchments.ie;
- Inland Fisheries Ireland website and www.wfdfish.ie;
- National Parks and Wildlife Service – online European site network information, including site conservation objectives www.npws.ie;
- National Parks and Wildlife Service – Information on the status of EU protected habitats in Ireland (NPWS 2019);
- National Biodiversity Data Centre – www.biodiversityireland.ie; and
- Ordnance Survey of Ireland – Mapping and Aerial photography www.osi.ie.
- Carlow County Development Plan 2015-2021
- Joint Spatial Plan for the Greater Carlow Graiguecullen Urban Area 2012-2018

3.4 Screening Sequence

The sequence of events when completing the AA Screening process is set out below:

- Identifying the potential impacts of the proposed development on the receiving environment
- Definition of the zone of influence for the proposed works;
- Identification of European Sites that are located within the zone of influence; and
- Assessing whether the potential impacts associated with the proposed development will undermine the conservation objectives of any European site(s), either alone or in combination with other plans of projects

If the screening conclusions are that there is no likelihood of significant effects occurring on any European sites as a result of the proposed plan or project, either

alone or in combination with other plans and projects, then there is no requirement to undertake an Appropriate Assessment.

In establishing which European sites are potentially at risk from the proposed development without mitigation measures, a source-pathway-receptor approach was applied. In order for an impact to occur, there must be a risk enabled by having a source (e.g. construction), a receptor (e.g. a European site), and a pathway between the source and the receptor (e.g. a watercourse for mobilisation of pollution). For an impact to occur, all three elements must exist; the absence or removal of one of the elements means there is no possibility for the impact to occur. The existence of a source-pathway-receptor relationship does not imply a definitive likely significant impact, this will rely on the characteristics of the source, pathway and receptor.

3.5 Screening Determination

In accordance with Regulation 42(7) of the Birds and Natural Habitats Regulations 2011 (S.I. No. 477/2011) as amended:

The public authority shall determine that an Appropriate Assessment of a plan or project is not required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it can be excluded on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site.

Further, under Regulation 42(8)(a):

Where, in relation to a plan or project for which an application for consent has been received, a public authority makes a determination that an Appropriate Assessment is required, the public authority shall give notice of the determination, including reasons for the determination of the public authority, to the following-

- i. the applicant,*
- ii. if appropriate, any person who made submissions or observations in relation to the application to the public authority, or*
- iii. if appropriate, any party to an appeal or referral.*

(b) Where a public authority has determined that an Appropriate Assessment is required in respect of a proposed development it may direct in the notice issued under subparagraph (a) that a Natura Impact Statement is required.

4.0 Project Description

The proposed development will involve the development of a site at Garristown, Co. Dublin. The proposed development includes the following:

The project consists of six dwellings, three 2-bed homes and three 1-bed homes, 4 car parking spaces, a set-down area, and associated landscaping and site works.

The development site is located within the village envelope on a vacant site. The site is not located within or directly adjacent to any Natura 2000 site (SAC or SPA). Current land use in the vicinity is predominantly agricultural and residential in

nature. There are no water courses in the immediate vicinity. Indirect hydrological connection between the subject site and any European site through the site connection to the wastewater treatment plant is a connection that may be excluded due to the site's distance from the plant, the development utilising available capacity in the established plant and the degree of dilution which would occur from any accidental discharge.

Figure 3 Street View of the Site



4.1 Existing Environment

4.1.1. Description of the European Sites

This stage of the screening for AA outlines the proposed projects zone of influence (Zol) and describes the European sites within this Zol. Current guidance (DEHLG, 2010) on the Zol to be considered during the Screening for AA states the following:

“A distance of 15km is currently recommended in the case of plans, and derives from UK guidance (Scott Wilson et al., 2006). For projects, the distance could be much less than 15km, and in some cases less than 100m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in-combination effects”.

A 15km buffer zone has been chosen as a precautionary measure, to ensure that all potentially affected European sites are included in the screening process, which is in line with *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DoEHLG, 2009, rev. 2010).

While there may be scientifically appropriate reasons for extending this further afield depending on the source, pathway and receptors of potential impacts, with

regard to the current proposal, the 15km distance is considered acceptable to screen all likely significant effects that might impact upon the European sites.

The integrity of a European site (referred to in *Article 6.3* of the EU Habitats Directive) is determined based on the conservation status of the QIs or SCIs of the SAC or SPA. The QIs/SCIs for each site have been obtained through a review of the COs available from the NPWS website www.npws.ie.

The European sites located within 15km of proposed works are listed below:

Figure 7 European Sites within 15km of the Proposed Site

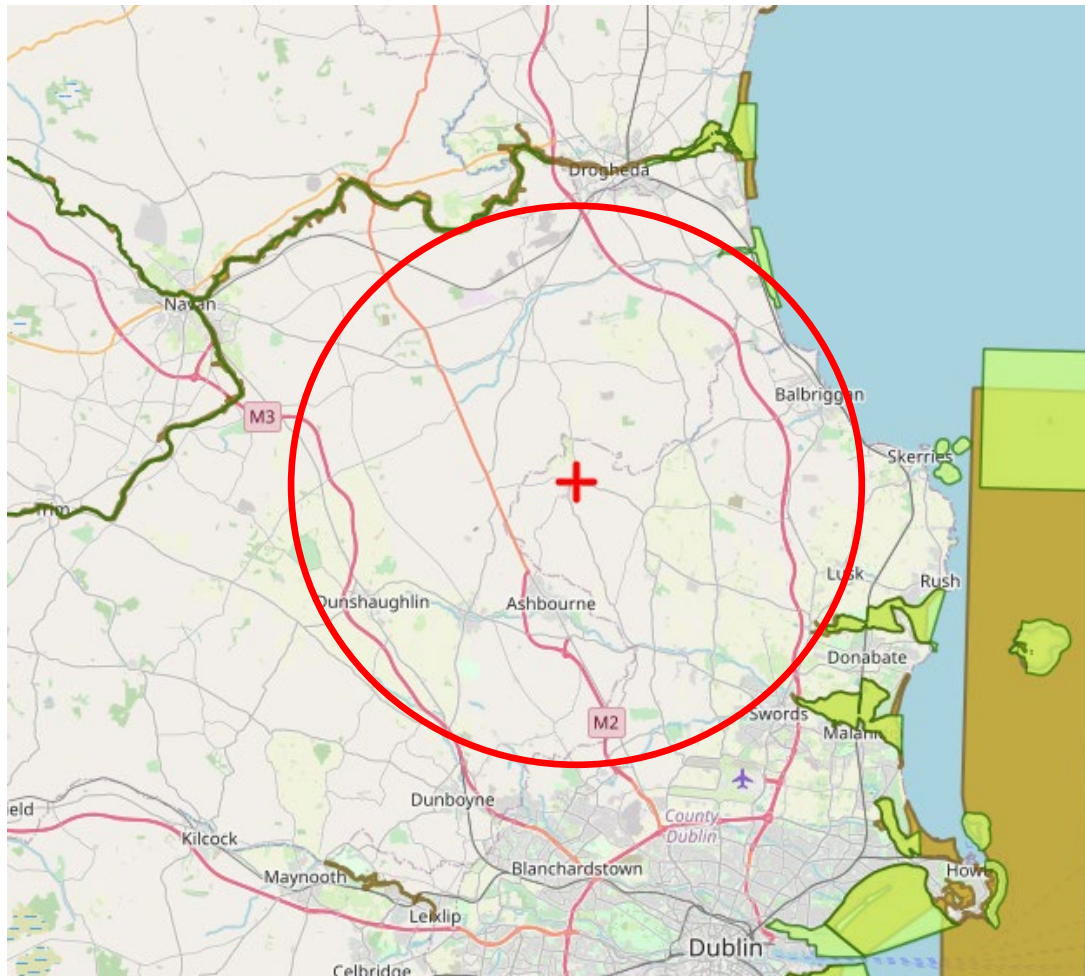


Table 1 European Sites within 15km of the Proposed Development

Site Type	Site Code	Site Name	Distance to (km)	Qualifying Interests (* denotes a priority habitat)	Conservation Objectives	Do any potential source-pathway-receptor links exist between the proposed development and the designated site and any likely significant effects
SAC	00229	River Boyne and River Blackwater SAC	14.4km	Habitats 7230 Alkaline fens 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae)* Species 1106 Salmon (<i>Salmo salar</i>) 1355 Otter (<i>Lutra lutra</i>) 1099 River Lamprey (<i>Lampetra fluviatilis</i>)	http://www.npws.ie/sites/default/files/protection-sites/conservation_objectives/CO002299.pdf	No
SAC	000208	Rogerstown Estuary SAC	14.4km	Habitats 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) 1410 Mediterranean salt meadows	http://www.npws.ie/sites/default/files/protection-sites/conservation_objectives/CO000208.pdf	No

				(Juncetalia maritimi) 2120 Shifting dunes along the shoreline with Ammophila arenaria (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes)*		
SPA	00415 8	River Nanny Estuary and Shore SPA	13.9km	Birds A143 Knot (<i>Calidris canutus</i>) A144 Sanderling (<i>Calidris alba</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) A130 Oystercatcher (<i>Haematopus ostralegus</i>) A184 Herring Gull (<i>Larus argentatus</i>) A137 Ringed Plover (<i>Charadrius hiaticula</i>) Habitats Wetlands	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004158.pdf	No
SPA	00423 2	River Boyne and River Blackwater SPA	14.4km	Birds A229 Kingfisher (<i>Alcedo atthis</i>)	http://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004232.pdf	No

4.4.2 Conservation Objectives of European Sites

The integrity of a European site (referred to in Article 6.3 of the EU Habitats Directive) is determined based on the conservation status of the qualifying interests of the SAC or SPA. The overarching aim of the Natura 2000 network is to achieve Favourable Conservation Status of conservation worthy habitats listed in Annex I and the habitats of species listed in Annex II of the Habitats Directive and/or of regularly occurring migratory bird species as well as those species defined in Annex I of the Birds Directive.

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 longterm 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.

The qualifying features for each site have been obtained through a review of the Conservation Objectives available from the NPWS: <http://www.npws.ie/protected-sites>. Site specific Conservation Objectives are available for the sites listed in Table 1. These were accessed in May and June 2020. The conservation objectives can be summarised as follows:

- To maintain or restore the favourable conservation condition of habitats and/or species listed on Annex I / II of the E.U. Habitats Directive for which the SAC has been selected.

5.0 Assessment of Significance of Effects

The proposed works are not situated within, or immediately adjacent to any European Site and therefore no direct impacts will occur through land take or fragmentation of habitats. There is no robust surface water or habitat connectivity between the proposed works and the identified European Sites. There are no watercourses or active drainage ditches present at the site or in its immediate environs. As such, no significant adverse effects on the water quality of European Sites would be expected to arise from the proposed development during the construction phase or operational phase.

The proposed development site is greenfield, however its surrounding environs are dominated by existing buildings and areas of hardstanding with significant disturbance. It does not contain any suitable habitat to support the qualifying interest or special conservation interest species of any nearby European sites.

Surface and Foul waters from the proposed development will be discharged to an Irish Water WWTP for treatment, via the existing combined foul and surface water drainage network, prior to discharge into the Irish Sea. The proposed development will observe SUDS principles and therefore no intensification in surface water discharge will arise from the proposal. Foul water discharge will be to the existing sewer network and onward to an existing WWTP with capacity for the development. Therefore no additional sources of pollution are to arise from the proposed development to impact European Sites within the ZOI.

Connectivity between the site and the proposed works has been reviewed. Connectivity is identified via the potential source-pathway-receptor model which identifies the potential impact pathways such as land, air, hydrological, hydrogeological pathways etc. which may support direct or indirect connectivity of the proposed works to European sites and/or their qualifying features.

Source – pathway – receptor dynamics were assessed and it was determined that there is no robust hydrological or habitat connectivity.

The proposed development construction will be undertaken in accordance with standard best practice methods (that is, standard good practice construction methods that would be employed regardless of potential risk to a European Site, for example, bunding of fuels, use of drip trays and spill kits and best practice concrete management). Any surface water run-off generated during the construction phase will readily be contained within the footprint of the proposed site.

Therefore, taking into account the following factors:

- 1) The lack of surface water or habitat connectivity; and
- 2) The distance between the proposed site and any European Site

No significant effects on European Sites are anticipated as a result of the proposed development at Garristown, Co. Dublin.

All possible sources of effects from the proposed development and other effects likely to arise from other proposed plans or projects have been identified. No other pathways have been identified by which any of the plans or projects could have a significant cumulative effect on European Sites. Therefore, no significant adverse cumulative or in combination effects are anticipated to European Sites.

The likely changes that could arise from the proposed development have been examined in the context of a number of factors that could have a significant effect on the relevant European Sites.

Table 3 summarises the potential direct, indirect and secondary impacts of the proposed development on European Sites within a 15km radius.

Table 3 Likely changes to European Sites

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

No elements of the proposed development are likely to cause significant effects to the relevant European Sites.

6.0 Conclusion

This screening for AA identifies and assesses potential impacts which may occur as a result of the proposed works to the European site network within a 15km zone of influence. The screening identified four European Sites within 15km of the proposed development, with all sites falling in excess of 13km from the proposed development. The development has been assessed in relation to the location, scale and type of development, and potential sources of impact arising and potential connectivity to any European sites.

The potential impacts of the proposed development have been assessed and no potential direct or indirect impacts upon the Qualifying Interests of any European sites have been identified. It is therefore concluded that the proposed development either alone or in-combination with other plans and/or projects, does not have the potential to significantly affect any European site, in light of their conservation objectives. Therefore, a Stage 2 Appropriate Assessment is deemed not to be required.

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