Proposed Abbeylands Urban Regeneration Project:

Screening for Appropriate Assessment

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ENVIRONMENTAL CONSULTANTS

Report for Cooney Architects

September 2022

Existing parkland at the former Abbey Graveyard (September 2022).

Note

Works, plans, methodologies, materials, and infrastructural requirements are based on the client's brief, draft plans, and drawings provided to Flynn Furney Environmental Consultants as of September 2022.

Statement of Authority

This Natura Impact Statement has been carried out by suitably qualified and experienced professionals of Flynn Furney Environmental Consultants. These were Deborah McCormick BSc, PhD and Billy Flynn BSc, MSc, MCIEEM, CEnv.

Contents

1 Introduction

Flynn Furney has been commissioned by Cooney Architects to carry out a Stage 1 Appropriate Assessment (AA) Screening Report for the proposed Abbeylands Project. This is an urban regeneration project located within the centre of Cavan Town. The project will see the demolition of a number of buildings or parts thereof and the refurbishment of others. The construction of a new building is also proposed. The project will also include a public realm development within the 'Abbey Quarter' of Cavan Town.

This screening exercise aims to determine whether the proposed construction and operation of the proposed redevelopment project may have the potential to impact the conservation objectives and overall integrity of any Natura 2000 sites significantly or indeterminately. This assessment is based upon desk research and fieldwork carried out by suitably qualified ecologists.

This report has been completed to provide information regarding the ecological status of the proposed site of works. This report has also been completed to provide the information necessary to allow the competent authority to conduct an Article 6[3] Appropriate Assessment (AA) Screening of the proposed development. The legislation and methodology for this are detailed in the following sections.

1.1 Relevant Legislation and Overall Screening Methodology

The methodology for this screening statement is set out in a document prepared for the Environment DG of the European Commission entitled 'Assessment of plans and projects significantly affecting Natura2000 sites: Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC' (European Commission, 2019). This report and any contributory fieldwork were carried out in accordance with guidelines given by the Department of Environment, Heritage and Local Government (2009, amended 2010).

The process is given in Articles 6(3) and 6(4) of the Habitats Directive and is commonly referred to as 'Appropriate Assessments' (which in fact refers to Stage 2 in the sequence under the Habitats Directive Article 6 assessment). Article 6 of the Habitats Directive sets out provisions which govern the conservation and management of Natura 2000 sites. Article 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:

"Any plan or project not directly connected with or necessary to the management of the (Natura2000) 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 implication for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

Article 6(4) of the same directive states:
"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of the Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted. Where the site concerned hosts a priority natural habitat type and/or a priority species the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

It is the responsibility of the proponent of the plan or project to provide the relevant information (ecological surveys, research, analysis etc.) for submission to the 'competent national authority'. Having satisfied itself that the information is complete and objective, the competent authority will use this information to screen the project, i.e. to determine if an AA is required and to carry out the AA, if one is deemed necessary. The competent authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned. The appropriate assessment process has four stages. Each stage determines whether a further stage in the process is required. If, for example, the conclusions at the end of Stage One are that there will be no significant impacts on the Natura 2000 site, there is no requirement to proceed further. The four stages are:

1. Screening to determine if an appropriate assessment is required.
2. Appropriate assessment
3. Consideration of alternative solutions
4. Imperative Reasons of Overriding Public Interest/Derogation

Stage 1: Screening

This is to determine if an appropriate assessment is required. Screening is the technique applied to determine whether a particular plan would be likely to have significant effects on a Natura 2000 site and would thus warrant an Appropriate Assessment. The key indicator that will determine if an Appropriate Assessment is required is the determination of whether the development is likely to have significant environmental effects on a Natura 2000 site or not.

Stage 2. Appropriate Assessment

This step is required if the screening report indicates that the development is likely to have a significant impact on a Natura 2000 site. Stage 2 assesses the impact of a plan or project on the integrity of the Natura 2000 site, either alone or in combination with other plans or projects, with respect to the site's structure, function and conservation objectives. Where there are adverse impacts, an assessment of the potential mitigation of these impacts is also required.

Stage 3. Assessment of Alternative Solutions

If it is concluded that, subsequent to the implementation of measures, a plan or project will have an adverse impact on the integrity of a Natura 2000 site, it must be objectively concluded that no alternative solutions exist before the plan or project can proceed.

Stage 4. Imperative Reasons of Overriding Public Interest/Derogation

Where no alternative solutions exist and where adverse impacts remain but imperative reasons of overriding public interest (IROPI) exist for the implementation of a plan or project, an assessment of compensatory measures that will effectively offset the damage to the Natura 2000 site will be necessary.

1.2 Case Law

The European Court of Justice has made a number of relevant rulings in relation to when an Appropriate Assessment is required and its purpose: "*Any plan or project not directly connected with or necessary to the management of the site is to be subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects*" and that the plan or project may only be authorised "*where no reasonable scientific doubt remains as to the absence of such effects*".

A list of relevant rulings is provided below:

Table 1: Case law relevant to the AA Screening for the Proposed Development

Case	Ruling
People Over Wind and Sweetman v Coillte Teoranta (C-323/17)	The ruling of the CJEU in this case requires that any conclusion of 'no Likely Significant Effect' on a European site must be made prior to any consideration of measures to avoid or reduce harm to the European site. The determination of Likely Significant Effects should not, in the opinion of the CJEU, constitute an attempt at detailed technical analyses. This should be conducted as part of the AA.
Waddenzee (C-127/02)	The ruling in this case clarified that AA must be conducted using best scientific knowledge, and that there must be no reasonable scientific doubt in the conclusions drawn. The Waddenzee ruling also provided clarity on the definition of 'significant effect', which would be any effect from a plan or project which is likely to undermine the conservation objectives of any European site.
Holohan and Others v An Bord Pleanála (C-461/17)	The conclusions of the Court in this case was that consideration must be given during AA to: effects on qualifying habitats and/or species of a SAC or SPA, even when occurring outside of the boundary of a European site, if these are relevant to the site meeting its conservation objectives; and, effects on non-qualifying habitats and/or species on which the qualifying habitats and/or species depend and which could result in adverse effects on the integrity of the European site.
T.C Briels and Others v Minister van Infrastructuur en Milieu (C-521/12)	The ruling of the CJEU in this case determined that compensatory measures cannot be used to support a conclusion of no adverse effect on site integrity.

1.3 Guidance Documents

This report has been prepared with regard to the following guidance documents on Appropriate Assessment, where relevant:

- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (Department of Environment, Heritage and Local Government, 2010 revision);
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPWS 1/10 & PSSP 2/10;
- 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 (European Commission Environment Directorate-General, 2001 and updates April 2015 and September 2021). The guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and (4) of the Habitats Directive;
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC (EC Environment Directorate-General, 2018); and
- Communication from the Commission on the precautionary principle. European Commission (2000). · OPR (2021) Appropriate Assessment Screening for Development Management. Practice Note PN01. Office of the Planning Regulator. March 2021.

1.4 Statement of Authority

Flynn Furney Environmental Consultants have 20 plus years of experience in ecological surveying and management. We have detailed knowledge on the principles and implementation of both Irish and European environmental legislation. We have worked closely with statutory bodies including the National Parks and Wildlife Service and Waterways Ireland on habitat management and protection projects. Other expertise includes Ecological Impact Assessment, Habitat and Floral Surveys, Bird Surveying, Bat Surveying, Fish and Waterways surveys.

1.5 The Proposed Site of Project

The proposed project site is located within the town of Cavan, Co. Cavan. It is a backlands site that is substantially located within lands that were once the location of a Franciscan Abbey. The site comprises a mixture of publicly and privately-owned lands and buildings over a site of approximately 0.7 hectares. The centre of the site is at approximately 641884 804783 (ITM). The site is almost entirely built lands. An

exception to this is the site of the former Abbey Graveyard. This comprises some 2,134m^2 with a boundary perimeter of c.190m. This site is effectively an enclosed parkland area with pedestrian access via a gate on Abbey Street. It is bound by a high stone wall as well as adjacent buildings that are now in County Council ownership. The built fraction of the site is a mixture of former commercial buildings and their curtilage. The buildings are very varied in character comprising former residential houses, light industrial, storage, food-processing, financial and retail facilities. These buildings are also highly variable in size and scale from large warehouse-type to very small retail (a former cobbler's premises). The buildings also vary in terms of age, building materials and current condition. It is believed that the majority of the buildings are of late 19th century or 20th century construction. The most modern of these are former food preparation facilities which are in a very good state of repair. However, there are also former storage areas which are in advanced state of disrepair with collapsed roof areas and unstable floors. The curtilage of these premises comprises yards, access lanes and outdoor storage areas.

The site is bound to the north by commercial and other buildings on Town Hall Street, to the east by commercial buildings that have their frontage on Main Street, to the south the site is bound by commercial premises and some residences on Bridge Street. To the west, the site is partially bound by residential premises on Abbey Street and the remainder is a former commercial premises that also fronts onto Abbey Street. While pedestrian access is allowed via alleyways, no vehicular access currently exists within the site under survey. There are no watercourses or waterbodies within the site.

1.6 Project Objectives and Description of Works

The project under assessment has been devised in order to regenerate the Abbeylands quarter in Cavan Town. It is proposed to develop and implement a scheme of works to create a public and civic space in the town core with the Abbeylands historic site forming an urban park centrepiece. The numerous under-utilised properties surrounding the Abbeylands urban park would in turn be developed as new streets (mostly pedestrianised) with appropriate town centre uses including the former McIntyre's site, Donohoe's site and a portion of the Credit Union site as part of the first phase of this project

In particular, the works will involve:

- The demolition of some of the existing structures
- The stabilising of some features to be retained
- The redevelopment of an existing structure for cultural and community use

Other works associated with the proposed regeneration project will involve:

- Redevelopment of the Abbeylands graveyard as a public space
- The creation of new pedestrian routes through the quarter
- Landscaping and associated site works

1.7 Screening Methodologies

This screening report was informed by a desk study of all relevant environmental information and also included a review of the ecological field survey data recorded during survey In May 2022. The screening then incorporated the following steps (broadly based on EC [2000]) to:

- Determine if the proposed works are directly connected with or necessary to the management of the site;
- Describe the proposed works;
- Describe the baseline environment;
- List 'Relevant' European sites which are those sites potentially connected to the proposed works by source-pathway-receptor linkages; and
- Conclude if linkages to 'Relevant' sites have the potential to give rise to Likely Significant Effects (LSE).

1.8 The Source-Pathway-Receptor Model

The standard 'source-pathway-receptor' conceptual model is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no likelihood for the effect to occur. An example of this model is provided below:

- Source (s); – e.g. Piling;
- Pathway (s); e.g. Vibration; and
- Receptor (s); e.g. Underground otter resting site at risk of collapse

The model evaluates the receptors as the qualifying interests (QIs) for which individual European sites are designated, with reference to the latest conservation objectives from the National Parks and Wildlife Service (NPWS) website, or substitute detailed objectives from other European sites where only generic objectives are available.

European sites are at risk of significant effects as a result of the proposed works where a source-pathway-receptor link exists between any elements of the proposed works and the European site. In order for an impact to occur there must be a risk enabled by having a 'source' (e.g. proposed works), a 'receptor' (e.g. a SAC/SPA or their QI habitats/species), and a pathway between the source and the receptor (e.g. a watercourse which connects the impact source at a site of proposed works to a SAC/SPA). The risk of the impact does not automatically mean it will occur, nor that it will be significant. However, identification of the risk does mean that there is a possibility of ecological or environmental impact occurring, with the level and significance of the impact depending upon the nature and exposure to the risk, and the characteristics of the receptor.

1.9 The Precautionary Principle

The Precautionary Principle has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: “When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis". Reasoned application of the ‘Precautionary Principle’ is fundamental to the Screening Stage (and AA). The precautionary principle is referenced in Article 191 of the Treaty on the Functioning of the European Union (TFEU). It relates to an approach to risk management whereby if there is the possibility that a given policy or action might cause harm to the public or the environment and if there is still no scientific consensus on the issue, the policy or action in question should not be pursued.

The precautionary principle prevails where ‘reasonable scientific doubt’ cannot be ruled out. Known threats to QIs of relevant sites are analysed to avoid overlooking subtle or far-field effect pathways. The duration of potential effects is a key consideration, in particular because the European Court of Justice has recently ruled—albeit in specific reference to priority habitats—those effects to site integrity must be “lasting.”

1.10 Zones of Influence and Potential Impacts or Effects

The proposed works have the potential to result in a number of direct and indirect effects. These are set out in Table 2, which identifies the "zones of influence" for each effect (i.e. the area over which effects may occur).

Table 2: Potential impacts, effects and their zone of influence

Potential Impact and Effect	Description	Zone of Influence
Land-take resulting in habitat loss or degradation.	The permanent loss of the habitat present in the footprint of the development and access routes.	Lands within the proposed footprint of works and access routes.
Changes in water quality and quantity/distribution resulting in habitat loss or degradation.	Reduction in the quality of retained habitat or loss of habitat from surrounding areas as a result of surface water pollution.	Changes in surface water quality, as a result of works, associated with the proposed development within water courses, water bodies and or wetlands adjacent to or hydrologically connected to the proposed development site.
Noise & vibration resulting in disturbance to species during construction and operation of the Roadway	Direct impact on feature species reducing their ability to forage or breed.	Generally assessed within 500m of the proposed works (e.g. for wintering birds), but can be significantly lower (e.g. 150 m for Otter underground sites, or further.

1.11 Ecological Survey and Habitats

Ecological field surveys of the proposed development site were carried out on the 9th and 13th September 2022. A previous site survey was carried out in March 2019. Habitat survey and mapping followed the Heritage Council's Best Practice Guidance (Smith et al. 2011). Habitats were classified according to the Heritage Council's Scheme (Fossitt, 2000). A map indicating the location and extent of the site as well as surrounding landscape is given in Figure 1.

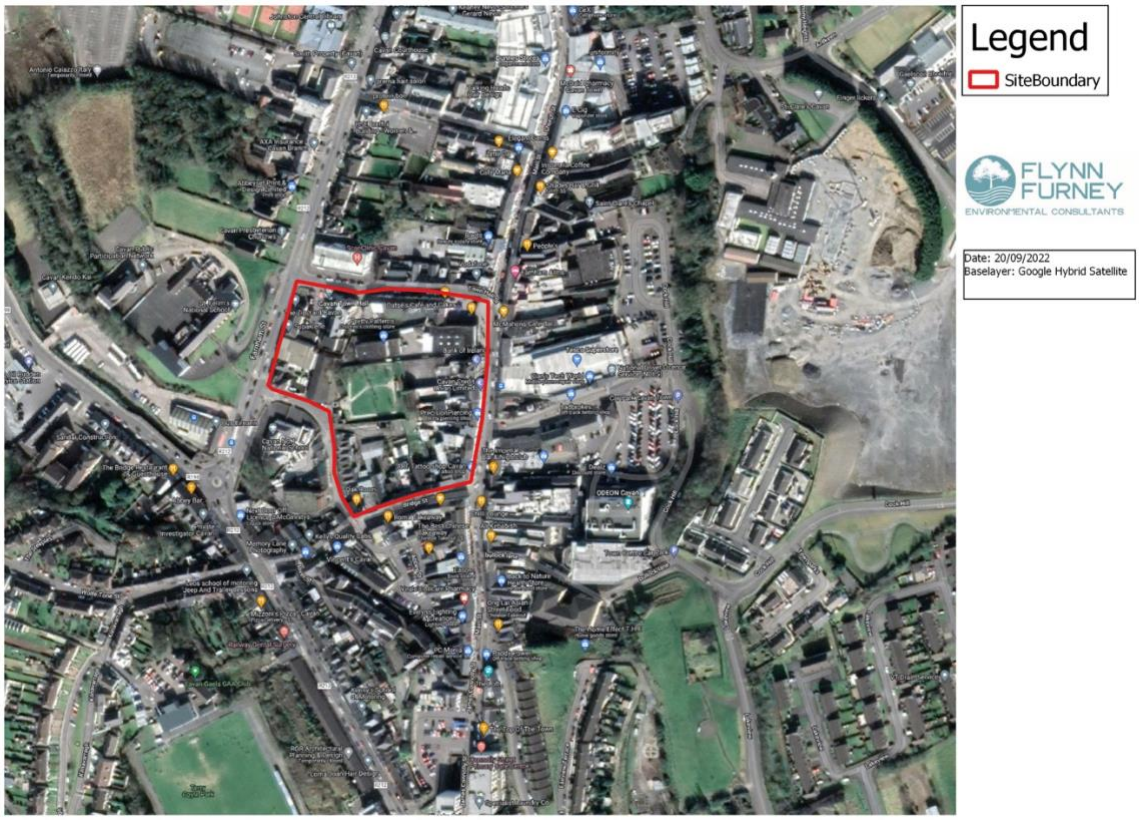

Fig. 1. Site boundary shown by red line.

1.11.1 Buildings and Artificial Surfaces (BL3)

By far the greater majority of the site would conform to this habitat description, the site being almost entirely built lands. This habitat type is typically species-poor as only a few plant species will be adapted to this highly modified habitat. Some species that occur here are Ivy-leaved Toad-flax (*Cymbalaria muralis*), Dandelion (*Taraxacum officinale* agg.) and Willow-herbs (*Epilobium* spp). Plants such as these occur where substrate has developed (e.g. in guttering or corners) but are rarely widespread. Ivy (*Hedera helix*) however, was seen to be locally abundant and widespread over much of the survey area.

1.11.2 Amenity Grassland (GA2)

Such well-maintained grassed areas typically comprise only a few grass and low herb species such as Creeping Buttercup (*Ranunculus repens*) and Daisy (*Bellis perennis*). The amenity grassland at the former Abbey Graveyard also has some mature and semi-mature trees.

1.11.3 Recolonising Bare Ground (ED3)

Portions of the site where the hard ground has been disturbed are frequently colonised by wild plant species. Recorded in such areas were Ragwort (*Senecio jacobaea*), Feverfew (*Tanacetum parthenium*), Dandelion, Coltsfoot (*Tussilago farfara*), Smooth Sow-thistle (*Sonchus oleraceus*) and Willow-herbs. Some tree seedlings of Willow (*Salix* spp) and Sycamore (*Acer psudoplatanus*) also occur occasionally here.

Recolonising bare ground at archaeological trenches within the Abbey backlands.

1.11.4 Stone walls and Stonework (BL1)

Given the age of some of the stonework that occurs within the site (e.g. the former boundary wall at the Abbey Graveyard) there are numerous crevices in which plants may develop. Noted on some of the older

buildings were Ivy-leaved Toad-flax, Herb Robert (), Stonecrop (), Ivy was locally abundant on some buildings.

1.11.5 Significance of Habitats

The greater majority of the habitats occurring within the area under survey are of low sensitivity, most of the area having been modified from its natural state by either development or agricultural activities. There is no Annex I habitat occurring within the area proposed for works. The most widely occurring habitat type is Buildings and Artificial Surfaces (BL3). This is also widely occurring within the area under survey and wider area. None of the habitats for which the nearest SAC (Lough Oughter and Associated Loughs [Site Code 000007]) has been selected are present (Natural Eutrophic Lakes and Bog Woodland). No suitable habitat for the Special Conservation Interest species for which the nearest SPA (Lough Oughter SPA [Site Code 004049]) has been selected is present. No non-native invasive species as classified by legislation or by the National Biodiversity Data Centre were found within the area under survey.

No rare, threatened or protected species of plants as per the Red Data List (Wyse Jackson et al., 2016) were found. No species listed in the Flora Protection Order (2015) were found to be growing within the site. No such species were recorded within the area of works. There are no records for protected species within this area on the NBDC or the National Parks and Wildlife Service databases.

1.11.6 Fauna

No evidence of any protected terrestrial mammal species was found within the survey area. Evidence of bat activity was recorded during surveys carried out in September 2022. This is the subject of separate reporting. No bat species are qualifying interests of the nearest or relevant Natura 2000 sites.

None of the species for which the nearest SAC (Lough Oughter and Associated Loughs [Site Code 000007]) has been selected are present (Natural Eutrophic Lakes and Bog Woodland). None of the Special Conservation Interest species for which the nearest SPA (Lough Oughter SPA [Site Code 004049]) has been selected is present. No non-native invasive species as classified by legislation or by the National Biodiversity Data Centre were found within the area under survey.

1.12 Stakeholders and Consultation

Table 3: Summary of Consultations

Stakeholder	Nature of Consultation	Outcome
Cavan County Council	Consultation undertaken as part of project design. Site visits undertaken. Necessity for an Appropriate Assessment Screening Report agreed.	This report generated and submitted to Cavan County Council.
National Parks and Wildlife Service	Pre-consultation not possible due to lack of NPWS staff in county and unavailability of staff in region.	This report to be supplied to NPWS if requested.
Inland Fisheries Ireland	Email and telephone consultation with Environmental Officer.	This report to be supplied to IFI if requested.
Cooney Architects	Consultation undertaken as part of project design. Scope of Appropriate Assessment Screening Report agreed.	This report generated and submitted to client and Cavan County Council.

2 Designated Sites Ecological Assessment

2.1 Desktop Study

A desktop study was carried out as part of the screening process. This included a review of available literature on the site and its immediate environs. Sources of information included the National Parks and Wildlife Service and National Biodiversity Data Centre databases on protected sites and species.

2.2 Designated Sites

Sites designated for the conservation of nature in Ireland include:

- Special Areas of Conservation (SAC)
- Special Protection Areas (SPA)
- Natural Heritage Areas (NHA); and
- proposed Natural Heritage Areas (pNHA).

SPAs and SACs form the Natura 2000 network of sites. It is these sites that are of relevance to the screening process for Appropriate Assessment.

SPAs and SACs are prime wildlife conservation areas in the country, considered to be important on a European as well as Irish level. SPAs and SACs are designated under EU Habitats Directive, transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended.

All Natura 2000 designated sites within 15km of the proposed development site or otherwise relevant (e.g. with source-pathway-receptor linkages identified) were considered during the desktop study stage of this screening assessment in order to assess the potential for significant effects upon their Qualifying Interests / Special Conservation Interests and Conservation Objectives. This stage of the process is used to determine whether any of the designated sites may be 'screened out'. That is, that they can be regarded as not being relevant to the process, having no potential to be significantly affected or impacted upon.

2.3 Natura Designated Sites Relevant to the Proposed Works

Designated sites as described above were considered during the screening process for their potential to have significant effects upon their qualifying interests, special qualifying interests or conservation objectives. The site synopses and conservation objectives of the sites were also examined during this stage of the survey. These sites are given in summary in the table below. Table 2 also gives distances from the site of works and the outcome of this initial screening.

Table 4: Distances from the proposed development site to the nearest designated sites

Site Code	Site Name	Designation	Distance from designated site	Likelihood of impact
000007	Lough Oughter And Associated Loughs	SAC	3.3km	Possible
004049	Lough Oughter Complex	SPA	3.5km	Possible

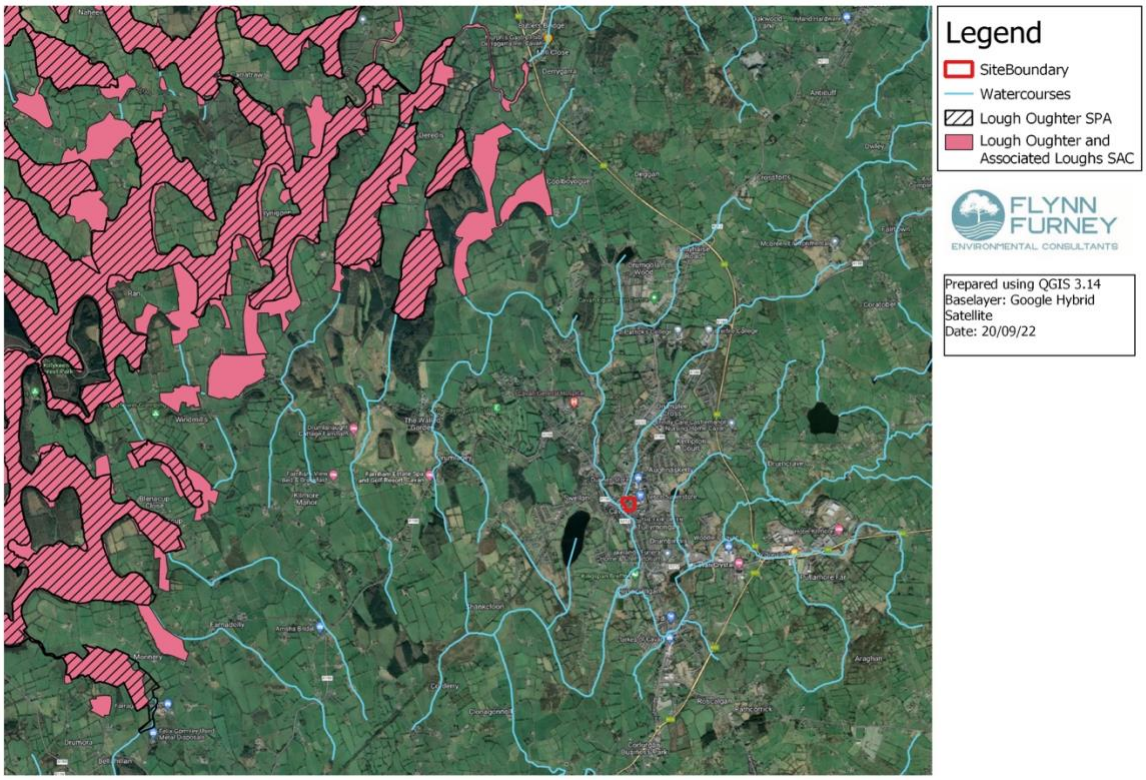

Figure 1: Natura Designated Sites

Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA are the Natura 2000 sites closest to the proposed works at Abbeylands. Potential connectivity was identified between Lough Oughter

and Associated Loughs SAC and Lough Oughter Complex SPA and the proposed site of works. This is via the Cavan River (see Fig. 2). There is thus a potential pathway for impacts.

It is considered extremely unlikely that the proposed development could impact upon these designated sites. However, to ensure all possible impacts are screened for and to ensure that the precautionary principle is adhered to, these sites are considered further in this screening exercise. A detailed specific assessment of possible effects to these Natura 2000 sites from the proposed development is provided in Section 3 of this report.

No risk to the conservation objectives of any other Natura 2000 designated sites is considered likely due to one or more of the following:

- Lack of connectivity between the works areas and any designated area
- Distance between the designated area and the works area and/or;
- No likely significant change to chemical or physiological condition of any designated site as a result of the proposed development

These other sites are therefore not considered further in this screening exercise.

The qualifying interests of Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA are given in the following table.

Site Name and code	Qualifying/Special Conservation Interest & Conservation Objectives	Designation	Approx. Distance from the Site
Lough Oughter and Associated Loughs SAC 000007	**Qualifying Interests** • 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation • 91D0 Bog woodland • 1355 Otter *Lutra lutra* **Conservation Objectives** (Version 1, 26/11/21[1]) - To maintain the favourable conservation condition of Otter in Lough Oughter and Associated Loughs. - To maintain the favourable conservation condition of Bog Woodland in Lough Oughter and Associated Loughs. - To restore the favourable conservation condition of natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation in Lough Oughter and Associated Loughs. •	SAC	3.3km
Lough Oughter Complex SPA 004049	**Special Conservation Interests** • A005 Great Crested Grebe *Podiceps cristates* wintering • A038 Whooper Swan *Cygnus cygnus* • A050 Wigeon *Anas penelope* A999 Wetlands & Waterbirds **Conservation Objectives** (Version 1, 26/01/22[2]): - 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 Oughter Complex SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	SPA	3.5km

[1] NPWS (2021) Conservation Objectives: Lough Oughter and Associated Loughs SAC 000007. Version 1. National Parks and Wildlife Service, DOHLGH

[2] NPWS (2022) Conservation Objectives for Lough Oughter Complex SPA [004049]. Generic Vn 9.0 DOHLGH

The above initial screening has identified one SAC (Lough Oughter and Associated Loughs) and one SPA (Lough Oughter Complex), as requiring further consideration in this assessment. The potential for impacts on the conservation interests of these sites arising from the proposed works is assessed in the following tables:

Assessment of Potential for Impacts on qualifying interests of Lough Oughter and Associated Loughs SAC			
Qualifying Interest/Conservation Objective	Relevant to Proposed Works	Potential for Impacts	Rationale
[3150] Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation	No	Nil	The proposed project does not have potential for direct impacts on this habitat as it does not occur within area proposed for development. Indirect impacts to water quality are not predicted as no in-stream works are proposed works within Cavan River or any other watercourse. No works are proposed with potential to impact on water quality of this habitat type.
[91D0] Bog woodland	No	Nil	Proposed project does not have potential to impact on this habitat type. There will be no habitat taken or affected.
[1355] Otter *Lutra lutra*	No	Nil	No evidence of activity of this species within the area proposed for works. No in-stream works in the Cavan River or any other watercourse are proposed. No works are proposed with potential to impact on the habitat of this species.

Given the nature of the qualifying interests and the location of the proposed development, no impact source-pathway-receptor chain could be identified. There will be no direct impacts on the Lough Oughter and

Associated Loughs SAC and there will be no habitat loss or fragmentation as a result of the proposed development. No direct impacts on Otter – the only qualifying interest species – are predicted as works area contains no suitable habitat for this species. Potential direct impacts are therefore not considered. Having considered direct impacts and ruling them out, indirect impacts are then considered.

The potential for indirect impact is considered whereby the project would result in a significant detrimental change in water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface and ground water. As there are no in-stream works proposed on any watercourse, no bankside or banktop works required, impacts to water quality from development phase of the project may therefore be ruled out. The operational phase of the project will see waste water being removed from the site via existing waste water treatment network. Surface water will discharge to existing storm drainage system. No changes to the hydrological conditions of the site may be expected as arising from the operation of the project. With no likely source of impact, no complete impact source-pathway-receptor chain could be identified.

Assessment for the qualifying interests of Lough Oughter Complex SPA are now considered.

Assessment of Potential for Impacts on qualifying interests of the Lough Oughter Complex SPA.			
Qualifying Interest/Conservation Objective	**Relevant to Proposed Works**	**Potential for Impacts**	**Rationale**
Great Crested Grebe (*Podiceps cristatus*) [A005]	**No**	**No**	Direct impacts are not possible, given: the absence of habitat for this species, the nature of works and the significant remove of the designated site. Indirect impacts to water quality are not predicted as proposed works will not take place within any in-stream or bankside areas. No likely source of impact is therefore identified.
Whooper Swan (Cygnus cygnus) [A038]	**No**	**No**	Direct impacts are not possible, given: the absence of habitat for this species, the nature of works and the significant remove of the designated site. Indirect impacts to

			water quality are not predicted as proposed works will not take place within any in-stream or bankside areas. No likely source of impact is therefore identified.
Wigeon (Anas penelope) [A050]	**No**	**No**	Direct impacts are not possible, given: the absence of habitat for this species, the nature of works and the significant remove of the designated site. Indirect impacts to water quality are not predicted as proposed works will not take place within any in-stream or bankside areas. No likely source of impact is therefore identified.
Wetland and Waterbirds [A999]	**No**	**No**	Direct impacts are not possible, given: the absence of habitat for these species, the nature of works and the significant remove of the designated site. Indirect impacts to water quality are not predicted as proposed works will not take place within any in-stream or bankside areas. No likely source of impact is therefore identified.

Given the nature of the qualifying interests and the location of the proposed development, there will be no direct impacts on the Lough Oughter Complex SPA and there will be no habitat loss or fragmentation as a result of the proposed development. Potential direct impacts are therefore not considered. No impact source-pathway-receptor chain could be identified for any direct impacts. Having considered direct impacts and ruling them out, indirect impacts are then considered.

The potential for indirect impact is considered whereby the project would result in a significant detrimental change in water quality either alone or in combination with other projects or plans as a result of indirect pollution of surface and ground water. As there are no in-stream works proposed on the Cavan River or any watercourse, no bankside or banktop works required, impacts to water quality from the development phase may therefore be ruled out. The operational phase of the project will see waste water being removed from the site via the existing waste water treatment network. Surface water will discharge to the existing storm drainage system. No changes to the hydrological conditions of the site may be expected as arising

from the operation of the project. With no likely source of impact, no complete impact source-pathway-receptor chain could be identified.

3 Article 6(3) Screening Assessment

This section of the report focuses solely on the potential for the proposed works to impact Lough Oughter Complex SPA and Lough Oughter and Associated Loughs SAC and their conservation objectives as detailed in section 2.2. The potential for effects to these Natura 2000 sites is considered further below.

3.1 Article 6(3) Assessment Criteria

Description of the individual elements of the project likely to give rise to impacts on the Natura 2000 site.

None of the individual elements of the proposed development as planned are likely to give rise to significant impacts on the Natura 2000 sites, given the lack of connectivity between these sites and the proposed development, the limited scale of the works, the nature of the sites' conservation objectives and the distance between the proposed development and the designated site.

Description of any Likely Direct, Indirect or Secondary Impacts of the Project on the Natura 2000 Site.

Any likely direct, indirect or secondary impacts of the proposed development, both alone and in combination with other plans or projects, on any Natura 2000 sites by virtue of the following criteria: size and scale, land take, distance from the Natura 2000 site or key feature thereof, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operational and decommissioning phases of the works are detailed in the table below.

Table 5: Assessment of Likely Impacts

ASSESSMENT OF LIKELY IMPACTS	
Size and scale	The proposed works will be carried out within a total area comprising some 0.56 hectares. However, the entirety of this area is built lands, having previously been developed. No additional land-take will be required in order to complete this project. No land-take from any designated site will take place. As such, there will be no impact on any Natura 2000 sites owing to size or scale of the proposed works.
Land-take	No work will take place within the boundary of any Natura 2000 site. As such land-take is nil.
Distance from the Natura 2000 site or key features of the site;	The nearest Natura 2000 sites to the proposed development are Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA which are c.3.3 and 3.5km from the proposed work site respectively.
Resource requirements (water abstraction etc.);	No materials for construction will be sourced from within any Natura 2000 site. No water will be abstracted from any designated site.

Emissions (disposal to land, water or air);	There will be no additional emissions to land, air or water beyond those typical of an urban public realm project. No emissions are likely to have any likely significant effects upon the conservation objectives of the SAC or SPA.
Excavation requirements;	No excavation or extraction requirement exists within the boundary of any designated site or in areas with hydrological connectivity to any designated site.
Transportation requirements;	Site has existing access via two regional roads (R189 and R212) and a local road. No other means of access will be required during any phase of the project that would impact upon Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA.
Duration of construction, operation, decommissioning, etc.;	Following consultation with the local authority, it is projected that the main works will be of c.24 months duration in addition to a set-up period of c.2-3 months.
Timing of works	Not known at time of writing. However, given the scale, location and nature of the proposed development, no impacts on species or habitats are predicted as a result of the proposed timing of works.
Cumulative or In-combination Impacts with other Projects and Plans	A desktop planning application search, using publicly available data from Cavan County Council's ePlan database and MyPlan.ie's National Planning Application database was undertaken. No relevant planning applications for the adjacent townlands were found within the last 5 years. Planning applications were generally for minor works (e.g. File No. 19376) on commercial premises. However, there were also an extension to a school (File No. 20360), works on the Cathedral (File No. 2270) as well as small-scale residential amendments (e.g. File Nos. 21622). No projects that could have cumulative or in combination impacts with the proposed works at Cavan (e.g. works on or near Cavan River) were found.

3.2 Description of any Likely Changes to the Natura 2000 Sites

Any likely changes to the Natura 2000 site are described in the table below with reference to the following criteria: reduction of habitat area, disturbance to key species, habitat or species fragmentation, reduction in species density, changes in key indicators of conservation value and climate change.

Table 6: Likely changes to the Nature 2000 site

Likely Changes to the Natura 2000 Site	
Reduction of habitat area	Works will not change the overall size of any Natura 2000 site.
Disturbance to key species	Works do not have the potential to lead to the disturbance of any protected species for which either designated site has received its designation.
Habitat or species fragmentation	Works do not have the potential to lead to habitat or species fragmentation within the Natura 2000 sites.
Reduction in species density	Works do not have the potential to lead to a reduction in species density in either site.
Changes in key indicators of conservation value (water quality etc.);	Works will not lead to changes in any key indicators of conservation value (water quality etc.) which Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA must maintain to uphold good conversation status.
Climate change	No negative effects to any sites as a result of or in combination with climate change are predicted as a consequence of the proposed works.

3.2.1 Likelihood of Interference with the key relationships that define the structure and function of the Natura 2000 Site as a whole:

It is considered that there will be no impacts of any scale, significance or duration arising from these works or from the operation of this site, upon the key relationships that define the structure and function of the Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA or any other Natura 2000 site.

3.2.2 Indicators of Significance as a Result of the Identification of Effects

Indicators of significance as a result of the identification of effects as set out below in terms of loss, fragmentation, disruption, disturbance and changes to the key elements of site.

Table 7: Indicators of significance

Indicators of Significance	
Loss	None predicted
Fragmentation	No habitat fragmentation to any Natura 2000 site is predicted.
Disruption	No significant risk of disruption to Lough Oughter And Associated Loughs SAC, Lough Oughter Complex SPA or any other Natura 2000 site is predicted

Disturbance	Works do not have the potential to cause disturbance to Lough Oughter And Associated Loughs SAC, Lough Oughter Complex SPA or any other Natura 2000 site. This is primarily due to the remove of the Natura sites from the proposed site of works.
Change to key elements of the site (e.g. water quality etc.)	No long-term changes to any key elements of Lough Oughter And Associated Loughs SAC, Lough Oughter Complex SPA SAC or any other Natura 2000 site is predicted. This is primarily due to the lack of connectivity between the proposed site of works and these Natura 2000 sites.

Description of any Likely Significant Impacts or Indeterminate Impacts of the Project on the Natura 2000 Site

Based on a consideration of the likely impacts arising from the proposed development as described above and a review of their significance in terms of the conservation interests and objectives of Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA, no likely significant or indeterminate impacts or effects have been identified to Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA as a result of the proposed development.

3.3 Findings of Article 6(3) Screening Assessment

Name of project or plan: Proposed Abbeylands Urban Regeneration Project, Cavan

Name and location of Natura 2000 Site: Nearest Natura 2000 sites of relevance are Lough Oughter and Associated Loughs SAC [Site Code 000007] and Lough Oughter SPA [Site Code 004049]. These are located 3.3km and 3.5km from the proposed development site respectively.

Description of project or plan: It is proposed to develop and implement a scheme of works to create a public and civic space in the town core of Cavan with the Abbeylands historic site forming an urban park centrepiece. The numerous under-utilised properties surrounding the Abbeylands urban park will be developed as new streets (mostly pedestrianised) with appropriate town centre uses. These include:

- A cultural and community centre
- Remote work spaces
- Accommodation for small locally-based enterprises

Is the project or plan directly connected with or necessary to the management of the site?: The project is not directly connected with or necessary to the management of any Natura 2000 site.

Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)? On the basis that the proposed project will have no impacts on any Natura 2000 sites and no other project or plan that could have significant effects has been identified, no cumulative or in-combination impacts are predicted.

3.3.1 Assessment of Significance of Effects

Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site:

The proposed project will not significantly affect any Natura 2000 sites. Works and operation of the completed quarter will not impact the site's conservation objectives for Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA for the reasons outlined below:

Explain why these effects are not considered significant.

There will be no direct significant impacts upon the Natura 2000 sites as:

- The size and scale of the works are small.
- No Natura 2000 sites occur within close proximity, adjacent to or with hydrological connectivity to the proposed development.
- No operational impacts of the completed works may reasonably be expected as the site will function as urban space, public realm and office/remote work spaces.

Indirect impacts upon the Natura 2000 Site:

No indirect impact to Lough Oughter And Associated Loughs SAC and Lough Oughter Complex SPA are predicted for the reasons outlined below:

Explain why these effects are not considered significant.

- No significant changes in the chemical or physical composition of the SAC or SPA are likely as a result of the development or operation of the proposed development.
- No significant impacts to habitats or species upon which any of the qualifying interests of the SAC or SPA rely upon will be impacted upon as a result of the proposed development**.**

Cumulative or in-combination impacts

As no direct or indirect impacts have been identified, no cumulative or in-combination impacts are therefore possible.

Consultation with Agencies

- As detailed previously in report

3.4 Data collected to carry out the assessment.

The following sources of data were employed:

- Environmental Protection Agency mapping database
- National Biodiversity Data Centre databases
- Historical OSI Maps
- NPWS protected species database and online mapping
- Cavan County Council Planning Database (ePlan)

Level of assessment completed.

- Desk Study
- Site visit & Surveys in March 2019 and September 2022
- JNCC Phase 1 Habitat Assessment
- Fossitt Level III Habitat Recording

Overall Conclusions

In view of the best and objective scientific knowledge and in view of the conservation objectives of the European sites reviewed in the screening exercise, the proposed development as described here, individually/in combination with other plans and projects (either directly or indirectly) is not likely to have any significant effects on any of the European sites. Therefore, it is recommended to Cavan County Council that Appropriate Assessment is not required.

4 References and Guidance Documents

DoEHLG. (2009). Appropriate Assessment of Plans and Project in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage & Local Government.

DoEHLG. (2010). Appropriate Assessment of Plans and Projects in Ireland. Guidance for Planning Authorities. Revision: February 2010. Department of the Environment, Heritage and Local Government.

EC. (2001). 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.

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EC. (2007a). 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. Office for Official Publications of the European Communities, Luxembourg. European Commission.

European Commission. (2001). Assessment of plans and projects significantly affecting Natura 2000 sites.

Fossitt, J.A. (2000) *A Guide to Habitats in Ireland*. The Heritage Council, Kilkenny.

JNCC. (2007). *Handbook for Phase 1 Habitat Survey*. Joint Nature Conservation Committee, Peterborough, UK.

Smith, G.F., O'Donoghue, P., O'Hora, K. and Delaney, E. (2011). Best practice guidance for habitat survey and mapping. *The Heritage Council: Ireland*.

Parnell, J. & Curtis, T. (2012). *Webb's An Irish Flora.* Cork University Press, Cork.

Appendix A

Fig. 1. General extent of scheme indicated within the red line.

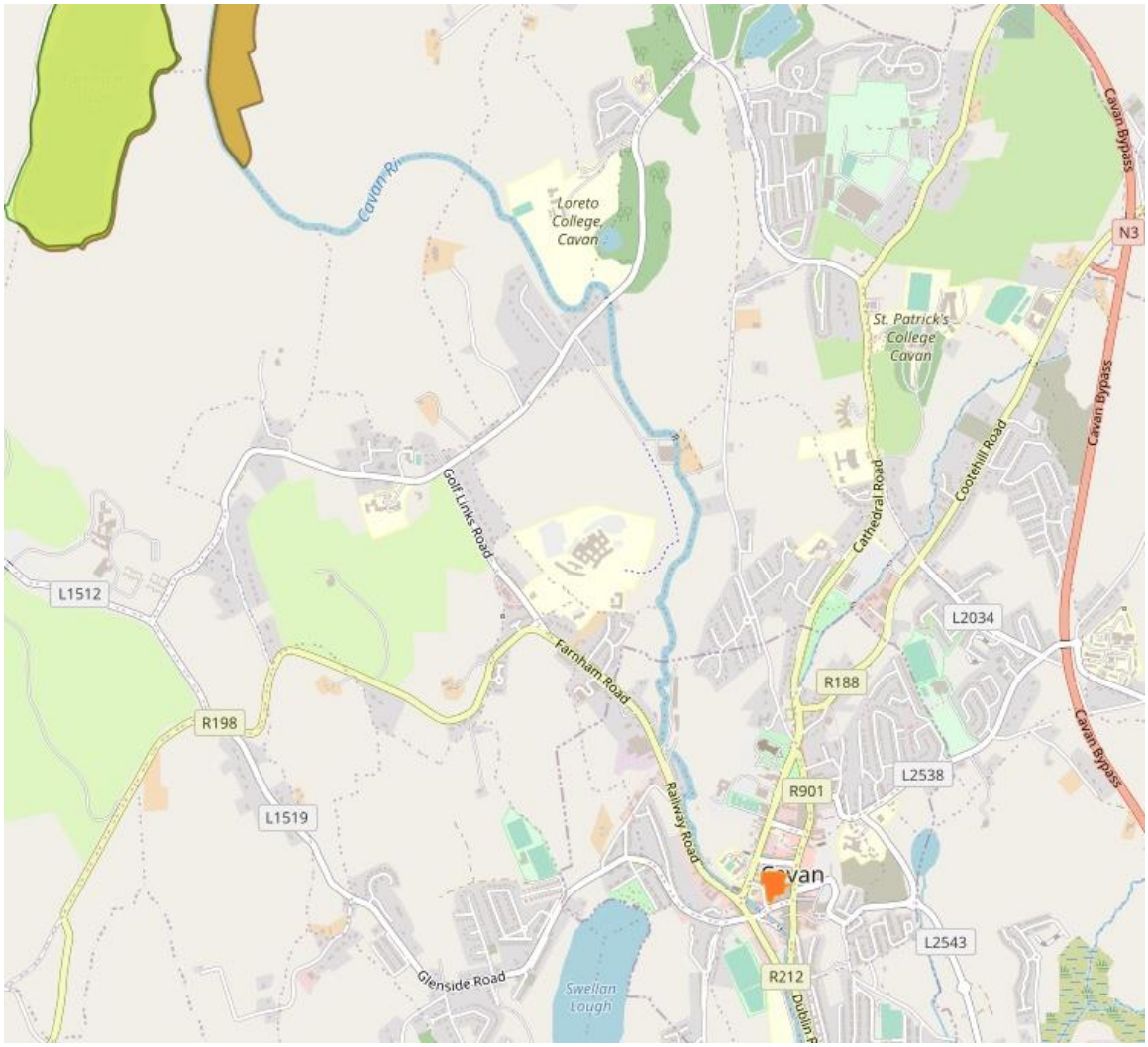

Fig. 2. Location of site in relation to nearest Natura 2000 sites. Lough Oughter And Associated Loughs SAC is indicated in brown shading and Lough Oughter Complex SPA indicated by green shading. Orange polygon indicates proposed site of works.