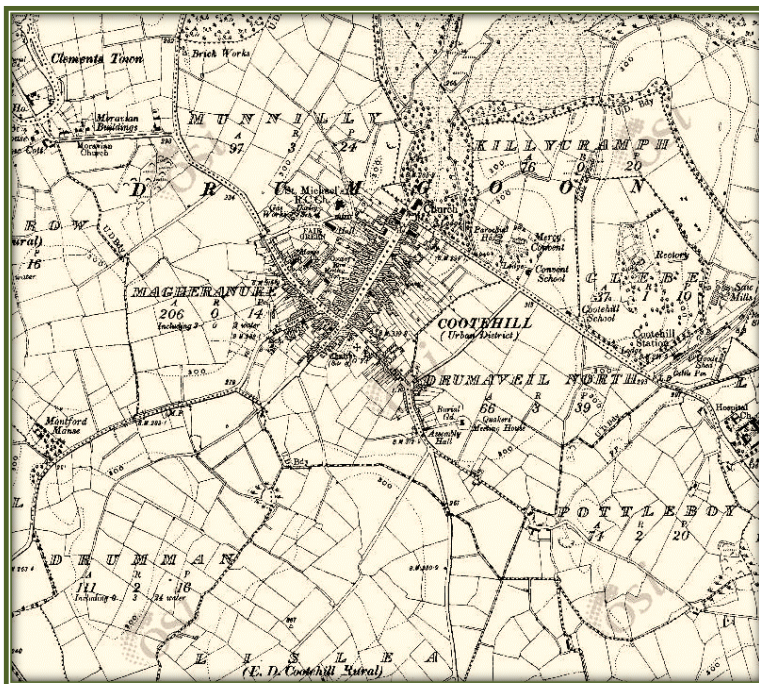


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## STATEMENT OF SCREENING FOR APPROPRIATE ASSESSMENT FOR THE DROMORE GREENWAY, COOTEHILL, CO. CAVAN

IN LINE WITH THE REQUIREMENTS OF ARTICLE 6(3) OF THE  
EU HABITATS DIRECTIVE



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November 2021

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION</b> .....	<b>3</b>
1.1	Background.....	3
1.2	Regulatory Context .....	3
<b>2</b>	<b>METHODOLOGY</b> .....	<b>8</b>
2.1	Appropriate Assessment .....	8
2.2	Statement of Competency .....	10
2.3	Desk Studies & Consultation .....	10
2.4	Assessment Methodology .....	10
<b>3</b>	<b>SCREENING</b> .....	<b>12</b>
3.1	Development Description.....	12
3.2	Site Location and Surrounding Environment .....	15
3.3	Natura 2000 Sites Identified .....	18
3.4	Impact Assessment .....	28
<b>4</b>	<b>APPROPRIATE ASSESSMENT CONCLUSION</b> .....	<b>32</b>

# **1 INTRODUCTION**

## **1.1 BACKGROUND**

Article 6 of the EU Habitat's Directive (Council Directive 92/43/EEC) requires that all plans and projects be screened for potential impacts upon Special Areas of Conservation (SACs) or Special Protection Areas (SPAs). The aim of this screening process is to establish whether or not a full Appropriate Assessment of the proposed plan or project is necessary.

A comprehensive assessment of the potential effects of the proposed development of an amenity cycling trail in Cootehill on certain designated Natura 2000 sites was carried out in November 2021 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. This assessment allowed areas of potential ecological value and potential ecological constraints associated with this proposed development to be identified and it also enabled any potential ecological impacts associated with the proposed development to be assessed.

The location of the proposed development is within 15km of sites designated under European Law. As such and in accordance with Article 6(3) of the EU Habitat's Directive (Council Directive 92/43/EEC) regarding Appropriate Assessment, this screening exercise for Appropriate Assessment was carried out in order to identify whether any significant impacts on designated sites are likely. This exercise will also determine the appropriateness of the proposed project, in the context of the conservation status of the designated sites.

This report contains information required by the competent authority (in this instance the Cavan County Council) to undertake a screening for Appropriate Assessment. It is the responsibility of the competent authority to make a decision as to whether or not the proposed development is likely to have significant effects on European Sites, either individually or in combination with other plans or projects. In accordance with the Legislation and National Guidance, the competent authority should issue an AA Screening Determination, which should set out their decision regarding AA, including the main reasons and considerations on which the determination is based.

## **1.2 REGULATORY CONTEXT**

### **RELEVANT LEGISLATION**

The Birds Directive (Council Directive 2009/147/EC) recognises that certain species of birds should be subject to special conservation measures concerning their habitats. The Directive requires that Member States take measures to classify the most suitable areas as Special Protection Areas (SPAs) for the conservation of bird species listed in Annex 1 of the

Directive. SPAs are selected for bird species (listed in Annex I of the Birds Directive), that are regularly occurring populations of migratory bird species and the SPA areas are of international importance for these migratory birds.

The EU Habitats Directive (92/43/EEC) requires that Member States designate and ensure that particular protection is given to sites (Special Areas of Conservation) which are made up of or support particular habitats and species listed in annexes to this Directive.

Articles 6(3) and 6(4) of this Directive also call for the undertaking of an Appropriate Assessment for plans and projects not directly connected with or necessary to the management of, but which are likely to have a significant effect on any European designated sites (i.e. SACs and SPAs).

The Water Framework Directive (WFD) (2000/60/EC), which came into force in December 2000, establishes a framework for community action in the field of water policy. The WFD was transposed into Irish law by the European Communities (Water Policy) Regulations 2003 (S.I. 722 of 2003). The WFD rationalises and updates existing legislation and provides for water management on the basis of River Basin Districts (RBDs). RBDs are essentially administrative areas for coordinated water management and are comprised of multiple river basins (or catchments), with cross-border basins (i.e. those covering the territory of more than one Member State) assigned to an international RBD. The aim of the WFD is to ensure that waters achieve at least good status by 2021 and that status does not deteriorate in any waters.

### **Appropriate Assessment and the Habitats Directive**

Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the ‘Habitats Directive’ - provides legal protection for habitats and species of European importance. Article 2 of the Directive requires the maintenance or restoration of habitats and species of European Community interest, at a favourable conservation status. Articles 3 - 9 provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as *Natura 2000*. *Natura 2000* sites are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC).

Articles 6(3) and 6(4) of the Habitats Directive sets out the decision-making tests for plans or projects affecting *Natura 2000* sites. Article 6(3) establishes the requirement for Appropriate Assessment:

"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."

Article 6(4) deals with the steps that should be taken when it is determined, as a result of appropriate assessment, that a plan/project will adversely affect a European site. Issues dealing with alternative solutions, imperative reasons of overriding public interest and compensatory measures need to be addressed in this case.

Article 6(4) 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 a social or economic nature, the Member States shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.

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."

#### *The Appropriate Assessment Process*

The aim of Appropriate Assessment is to assess the implications of a proposal in respect of a designated site's conservation objectives.

The 'Appropriate Assessment' itself is an assessment which must be carried out by the competent authority which confirms whether the plan or project in combination with other plans and projects will have an adverse impact on the integrity of a European site.

Screening for Appropriate Assessment shall be carried out by the competent authority as set out in Section 177U(1) and (2) of the Planning and Development Act 2000 (as amended) as follows:

'(1) A screening for appropriate assessment of a draft Land use plan or application for consent for proposed development shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed development, individually or in combination with another plan or project is likely to have a significant effect on the European site.

(2) A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed development is given.'

The competent authority shall determine that an Appropriate Assessment is not required if it can be excluded, that the proposed development, individually or in combination with other plans or project will have a significant effect on a European site.

Where the competent authority cannot exclude the potential for a significant effect on a European site, an Appropriate Assessment shall be deemed required.

Where an Appropriate Assessment is required, the conclusions of the Appropriate Assessment Report (Natura Impact Statement (NIS)) should enable the competent authority to ascertain whether the plan or proposed development would adversely affect the integrity of the European site. If adverse impacts on the integrity of a European site cannot be avoided, then mitigation measures should be applied during the appropriate assessment process to the point where no adverse impacts on the site remain. Under the terms of the Habitats Directive consent can only be granted for a project if, as a result of the appropriate assessment either (a) it is concluded that the integrity of any European sites will not be adversely affected, or (b) after mitigation, where adverse impacts cannot be excluded, there is shown to be an absence of alternative solutions, and there exists imperative reasons of overriding public interest for the project should go ahead.

Section 177(V) of the Planning and Development Act 2000 (as amended) outlines that the competent authority shall carry out the Appropriate Assessment, taking into account the

Natura Impact Statement (amongst any other additional or supplemental information). A determination shall then be made by the competent authority in line with the requirements of Article 6(3) of the Habitats Directive as to whether the plan or proposed development would adversely affect the integrity of a European site, prior to consent being given.

## **2 METHODOLOGY**

### **2.1 APPROPRIATE ASSESSMENT**

This Statement of Screening for Appropriate Assessment (Stage 1) has been prepared with reference to the following:

- European Commission (2000). Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.
- 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.
- European Commission (2006). Nature and Biodiversity Cases: Ruling of the European Court of Justice.
- European Commission (2007). Clarification of the Concepts of: Alternative Solution, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission.
- Department of Environment, Heritage and Local Government (2009). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities.

The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is 'the precautionary principle' which requires that the conservation objectives of Natura 2000 should prevail where there is uncertainty.

When considering the precautionary principle, the emphasis for assessment should be on objectively demonstrating with supporting evidence that:

- There will be no significant effects on a Natura 2000 site;
- There will be no adverse effects on the integrity of a Natura 2000 site;
- There is an absence of alternatives to the project or plan that is likely to have an adverse effect to the integrity of a Natura 2000 site; and
- There are compensation measures that maintain or enhance the overall coherence of Natura 2000.

This translates into a four stage process to assess the impacts, on a designated site or species, of a policy or proposal.



The EC Guidance states that “each stage determines whether a further stage in the process is required”. Consequently, the Council may not need to proceed through all four stages in undertaking the Appropriate Assessment.

The four-stage process is:

**Stage 1: Screening** – The process which identifies the likely impacts upon a Natura 2000 site of a project or plan, either alone or in combination with other projects or plans, and considers whether or not these impacts are likely to be significant;

**Stage 2: Appropriate Assessment** – The consideration of the impact on the integrity of the Natura 2000 site of the project or plan, either alone or in combination with other projects or plans, with respect to the site’s structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts;

**Stage 3: Assessment of Alternative Solutions** – The process which examines alternative ways of achieving objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site;

**Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain** – An assessment of the 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.

In complying with the obligations set out in Articles 6(3) and following the guidelines described above, this screening statement has been structured as a stage by stage approach as follows:

- Description of the proposed project;
- Identification of the Natura 2000 sites close to the proposed development;
- Identification and description of any individual and cumulative impacts on the Natura 2000 sites likely to result from the project;
- Assessment of the significance of the impacts identified above on site integrity. Exclusion of sites where it can be objectively concluded that there will be no significant effects;
- Description of proven mitigation measures.

## **2.2 STATEMENT OF COMPETENCY**

This AA Screening report was carried out by Noreen McLoughlin, BA, MSc, MCIEEM. Noreen has an honours degree in Zoology and an MSc in Freshwater Ecology from Trinity College, Dublin and she has been a full member of the Chartered Institute of Ecology and Environmental Management for over fifteen years. Noreen has over 17 years' experience as a professional ecologist in Ireland.

## **2.3 DESK STUDIES & CONSULTATION**

Information on the site and the area of the proposed development was studied prior to the completion of this statement. The following data sources were accessed in order to complete a thorough examination of potential impacts:

- National Parks and Wildlife Service - Aerial photographs and maps of designated sites, information on habitats and species within these sites and information on protected plant or animal species, conservation objectives, site synopses and standard data forms for relevant designated sites.
- Environmental Protection Agency (EPA)- Information pertaining to water quality, geology and licensed facilities within the area;
- Myplan.ie – Mapped based information;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Bing maps & Google Street View – High quality aerials and street images;
- Cavan County Council – Plans and Information on the Route for the ORIS application, information on planning history in the area for the assessment of cumulative impacts.

## **2.4 ASSESSMENT METHODOLOGY**

The proposed development was assessed to identify its potential ecological impacts and from this, the Zone of Influence (Zoi) of the proposed development was defined. Based on the potential impacts and their Zoi, the Natura 2000 sites potentially at risk from direct, indirect or in-combination impacts were identified. The assessment considered all potential impact sources and pathways connecting the proposed development to Natura 2000 sites, in view of the conservation objectives supporting the favourable conservation condition of the site's Qualifying Interests (QIs) or Special Conservation Interests (SCIs).

The conservation objectives relating to each Natura 2000 site and its QIs/SCIs are cited generally for SACs as "to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or Annex II species for which the SAC has been selected", and for

SPAs “to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA”.

As defined in the Habitat’s Directive, 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 specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;

The favourable conservation status of a species is achieved when:

- The population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future;
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Where site-specific conservation objectives (SSCOs) have been prepared for a European site, these include a series of specific attributes and targets against which effects on conservation condition, or integrity, can be measured. Where potential significant effects are identified, then these SSCO should be considered in detail.

### 3 SCREENING

#### 3.1 DEVELOPMENT DESCRIPTION

Cootehill Area Development Ltd have indicated their intention to shortly apply to Cavan County Council for planning permission for a proposed pedestrian / cycle route in Cootehill, Co. Cavan. The route will extend from Errigal along the R188 Cootehill-Cavan Road as far as Magheranure, at the R188 Cootehill-Monaghan Road. The route extends through Cootehill Industrial Park for a distance of 0.50 Km and diverts onto existing agricultural lanes and new walking / cycling track for approximately 1.2 Km. The total distance of the proposed route is 2.5km. The works will include the construction of new gravelled surface routes, signage, street lighting, line marking, fencing and timber barriers at junctions to public roadways. An overview of the scheme is provided in Figures 1.

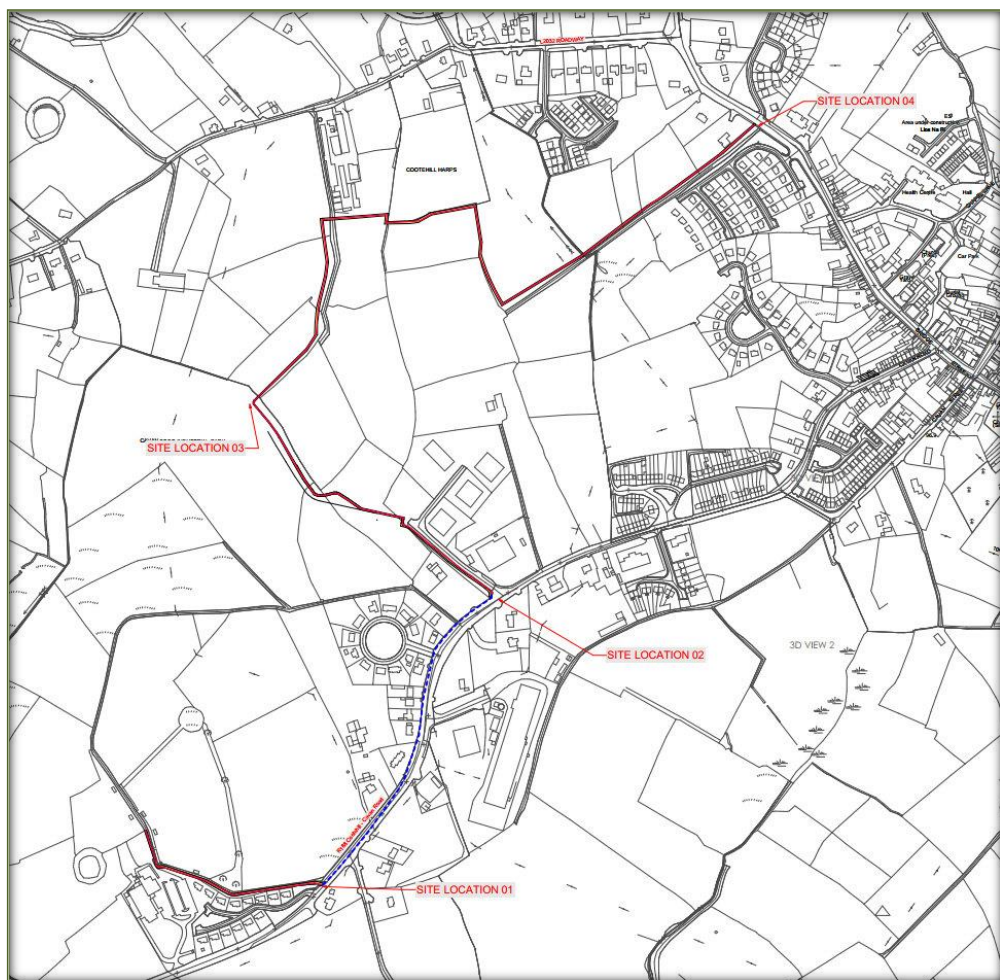


Figure 1a – Proposed Route (Prepared by Michael Fitzpatrick Architects Ltd)



Figure 1b – Proposed Route (Prepared by Michael Fitzpatrick Architects Ltd)

### PROJECT OVERVIEW

The proposed new greenway trail is located in areas to the west of Cootehill town. It starts at Errigal where the route will initially follow an existing agricultural lane. This laneway will be upgraded with compacted layers of 500mm quarry dust. The route will then approach the R188 Cootehill-Cavan Road which will include a staggered gateway with appropriate signage to warn pedestrians and cyclist of the public roadway. The public roadway that connects the existing laneway to Cootehill Industrial Estate along the R188 shall be upgraded to facilitate cycle / pedestrian lanes subject to detail design and land acquisition.

The greenway will meander through existing lanes bordered by hedgerows and native mature trees which can be further enhanced through implementation of the concepts contained within the National Pollinator Plan. Users of the greenway will pass the through rural countryside and proximity to the Errigal and Cabragh ringforts will allow some links between the "fairy fort theme" and the "Fairy forest" for the youngest generation.

There will be no trees or hedgerows removed along the route. The majority of the off-road route will be existing agricultural lanes. There will be no public lighting along the off-road routes and this will only be provided at junctions to the public footpaths. Existing lighting will be used and that will negate any impacts upon wildlife.

The works involved at each section are illustrated in Figure 2 and described below.



**Figure 2 – Route and Sections of Proposed Works**

- Red lines indicate existing agricultural laneways to be upgraded to facilitate proposed cycle / pedestrian route. Approximate Distance = 1.28Km.
- Blue dashed line indicates existing public roadway R188 Cootehill – Cavan Road that connects the Errigal to Cootehill Industrial Park. This route shall be upgraded to facilitate cycle / pedestrian lanes subject to detail design and land acquisition. Approximate Distance = 0.5Km.
- Yellow line indicates new cycle lane and pedestrian crossing along existing roads / pathways. Approximate Distance = 0.31 Km.
- Orange line indicates new cycle / pedestrian routes to be formed along existing hedgerow boundaries and Cootehill harps fenced boundary. Approximate Distance = 0.40 Km.

### 3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The proposed new trail is located in areas to the east of Cootehill town. It starts at Bridge St where the route will initially follow in a south-westerly direction along a small existing laneway. At the end of this laneway, the proposed route will continue in a westerly/south-westerly direction through fields and along existing hedgerows, whereupon it turns south at Cornacarrow to join the access road that serves the Cornacarrow Industrial Estate. The route then emerges onto the Cavan Road and it follows the road to the west, towards the Annalee Grove estate, where it ends at the Errigal County House.

The proposed route of the Cootehill Greenway has been outlined in Figures 3-4 and an aerial photograph of the route is shown in Figure 5.

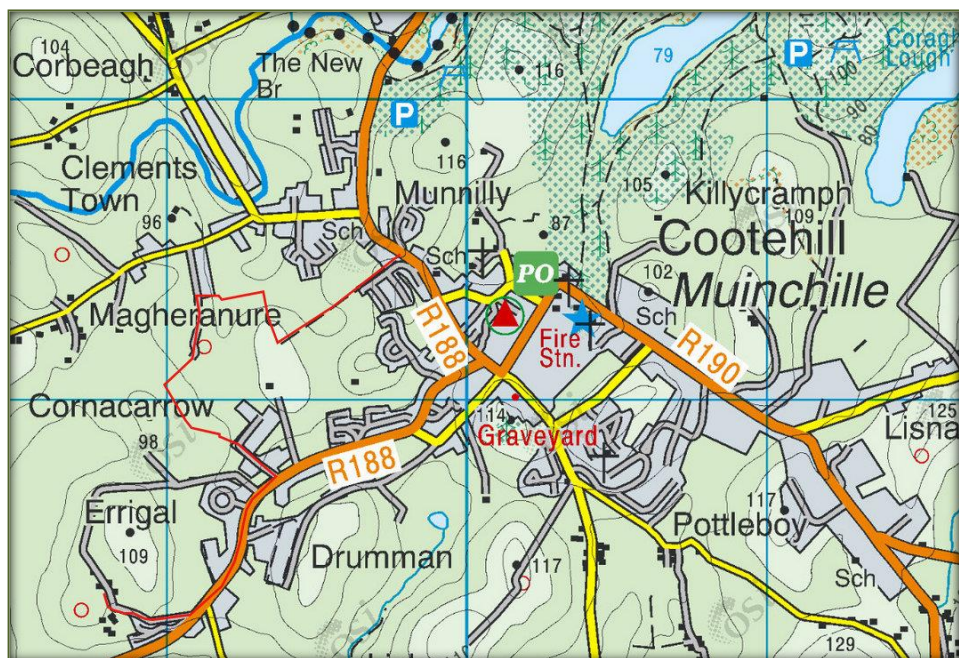


Figure 1 – Site Location Map. The Proposed Route is Outlined in Red.



Figure 2 – Site Location Map showing the Proposed Route



Figure 4 – Aerial Photo of the Proposed Route



**LAND-USE AND HABITATS ALONG THE ROUTE**

The dominant land-use in the areas surrounding the proposed route is mixed and includes the urban / sub-urban areas of Cootehill along with agricultural land. The dominant habitats associated with the urban areas of Cootehill include buildings and artificial surfaces and amenity grasslands and gardens. Outside of these areas the main habitats in the lands surrounding the route include improved agricultural grasslands, wet and semi-improved grasslands, treelines, hedgerows and water features.

The initial section of the route from Bridge St follows an existing small agricultural lane, which will need to be upgraded with quarry dust. The route then crosses over a field of improved grassland, along existing hedgerow field boundaries. Hedgerows will not be removed to allow for any works. Once the route reaches the Cornacarrow Industrial Estate access road, it follows along existing roads and trackways.

**WATER FEATURES AND QUALITY**

All works will take place within the Erne Hydrometric Area (36) and Catchment (36), the Annalee (020) and Dromore Sub-Catchments (020) and the Annalee (050) and Dromore (070) Sub-Basins. There are a number of land drains along and close to the proposed route. These all lead to the Dromore River, which flows north of Cootehill town.

The Dromore River rises near the townland of Dromore, Co. Monaghan. It flows through the town of Ballybay and through a number of lakes, including White Lake, Clossagh Lough and Dromore Lough before it flows past north of Cootehill. From Cootehill, it flows generally in a south-westerly direction until its confluence with the Annalee River near Tullyvin, approximately 7km downstream of Abbotts'. The Annalee River is a tributary of the River Erne.

The EPA has classified the ecological status of the Dromore River upstream of Cootehill as being of poor ecological status. In 2019, it received a Q value of 3 at New Bridge in Cootehill. This was also the result obtained in 2013 and 2017. Dromore Lough has been classed as moderate ecological status, which is an improved ecological status since the last monitoring period. Downstream of Cootehill, the ecological status of the Dromore River improves to good status, whilst the Annalee River near Tullyvin has been classed as good ecological status. Under the requirements of the Water Framework Directive, all waterbodies must achieve good status within a specified time period.

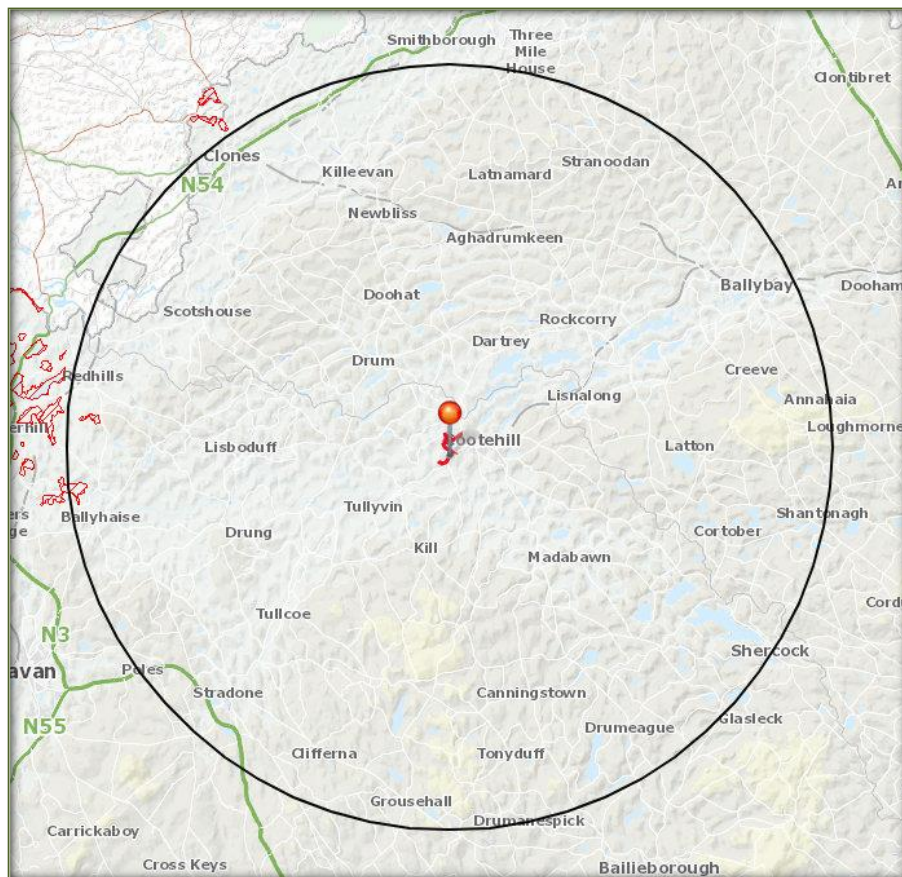
### 3.3 NATURA 2000 SITES IDENTIFIED

In accordance with the guidelines issued by the Department of the Environment and Local Government, a list of Natura 2000 sites within 15km of the proposed development have been identified and described according to their and described according to their site synopsis, qualifying interests and conservation objectives. In addition, any other sites further than this, but potentially within its zone of interest were also considered. The zone of impact may be determined by an assessment of the connectivity between the application site and the designated areas by virtue of hydrological connectivity, atmospheric emissions, flight paths, ecological corridors etc.

There is one Natura 2000 designated sites within 15km of the application site, plus one additional site with hydrological connectivity to the area of proposed works. These designated areas and their closest points to the proposed development site are summarised in Table 1 and a map showing their locations relative to the application site is shown in Figures 5 and 6. A full description of these sites can be read on the website of the National Parks and Wildlife Service (npws.ie).

Site Name & Code	Distance	Qualifying Interests	Potential Effects
Lough Oughter and Associated Loughs SAC 000007	13.9km west / 22km downstream	<ul style="list-style-type: none"> <li>• Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i>-type vegetation</li> <li>• Bog woodland</li> <li>• Otter <i>Lutra lutra</i></li> </ul>	<i>Having regard to the significant downstream distance of 22km, significant effects upon the listed QIs are not likely to occur. However, they will be considered further.</i>
Lough Oughter Complex SPA 004049	19.8km west / 30km downstream	<ul style="list-style-type: none"> <li>• Great Crested Grebe (<i>Podiceps cristatus</i>)</li> <li>• Whooper Swan (<i>Cygnus cygnus</i>)</li> <li>• Wigeon (<i>Anas penelope</i>)</li> <li>• Wetlands &amp; Waterbirds</li> </ul>	<i>Having regard to the significant downstream distance of 30km, significant effects upon the listed QIs are not likely to occur. However, they will be considered further.</i>

**Table 1 – Natura 2000 Sites Within the Zone of Influence of the Works**



**Figure 5 – The Proposed Works (Outlined in Blue/Red) in relation to the Natura 2000 Sites (SACs – Red Hatching; SPAs – Pink Hatching). Hydrological Connectivity is Shown.**

## **LOUGH OUGHTER AND ASSOCIATED LOUGHS (SAC SITE CODE 000007)**

### Site Synopsis

Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Cavan between Upper Lough Erne, Killeshandra and Cavan town. The site is a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the Erne River. The area lies on Silurian and Ordovician strata with Carboniferous limestone immediately surrounding.

This site is a candidate Special Area of Conservation for natural eutrophic lakes and bog woodland, two habitats listed on Annex I of the E.U. Habitats Directive and for the otter, a species listed on Annex II of the same Directive. The site also contains areas of dry woodland, marsh, reedbed and wet pasture.

Drainage within the area is inefficient and the water levels prone to natural fluctuation as a result. The regularly flooded areas still accommodate a variety of specialist plant species such as Amphibious Bistort (*Polygonum amphibium*) and Marsh Foxtail (*Alopecurus*

*geniculatus*), as well as rarer species such as Needle Spike-Rush (*Eleocharis acicularis*) and Lesser Marshwort (*Apium inundatum*).

The lakes and basins are shallow, and the water well mixed and nutrient rich (eutrophic). The aquatic flora is varied with several pondweed species such as Bluntleaved Pondweed (*Potamogeton obtusifolius*), Shining Pondweed (*Potamogeton lucens*), Broad-leaved Pondweed (*Potamogeton natans*), Reddish Pondweed (*Potamogeton alpinus*) and Various-leaved Pondweed (*Potamogeton gramineus*). Typical in the zone of aquatic plants are Yellow Water-lily (*Nuphar lutea*), Canadian Pondweed (*Elodea canadensis*), Mare's Tail (*Hippuris vulgaris*), Water Milfoil (*Myriophyllum spicatum*), Brooklime (*Veronica beccabunga*), Water Dropwort (*Oenanthe spp.*) and Starwort (*Callitriche sp.*). The aquatic community includes species of limited distribution in Ireland such as the Duckweed species *Lemna gibba* and *Spirodela polyrhiza*.

Around much of the shoreline there are well developed swamp and marsh communities, typically with a zone of Bulrush (*Schoenoplectus lacustris*) in front of a zone of Common Reed (*Phragmites australis*) which is in turn backed by a more species rich zone of sedges, grasses and herbs, particularly Bottle Sedge (*Carex rostrata*), Common Sedge (*Carex nigra*), Creeping Bent (*Agrostis stolonifera*), Meadowsweet (*Filipendula ulmaria*), Marsh Helleborine (*Epipactis palustris*), Water Plantain (*Alisma plantago-aquatica*), Rough Horsetail (*Equisetum hyemale*), Water Horsetail (*Equisetum fluviatile*) and Wild Angelica (*Angelica sylvestris*). Less widespread species also occur on the wet lake margins; species such as Water Dock (*Rumex hydrolapathum*), Greater Water-parsnip (*Sium latifolium*), Cowbane (*Cicuta virosa*), Tufted Sedge (*Carex elata*), Water Soldier (*Stratiotes aloides*), Arrowhead (*Sagittaria sagittifolia*), Flowering Rush (*Butomus umbellatus*) and Greater Spearwort (*Ranunculus lingua*) may be locally prominent.

There are many variations on this typical zonation of sheltered shores with species such as Reedmace (*Typha spp.*), Branched Bur-Reed (*Sparganium erectum*) and Reed Canary-grass (*Phalaris arundinacea*) gaining local prominence. More exposed shores lack the extensive swamp zones, here smaller species such as Common Spike Rush (*Eleocharis palustris*) can be found.

Level, wet pastures tend to be dominated by Creeping Bent (*Agrostis stolonifera*) and Rush species (*Juncus sp.*) with a scattering of marshland and wet grassland plants such as Marsh Marigold (*Caltha palustris*), Water Forget-me-not (*Myosotis scorpiodes*) and Yellow Iris (*Iris*

*pseudacorus*). Soft Rush (*Juncus effusus*) is most abundant with frequent Hard Rush (*Juncus inflexus*) and Sharp-Flowered Rush (*Juncus acutiflorus*) and less widespread Conglomerate Rush (*Juncus conglomeratus*) also occurring.

Where a general lack of grazing pressure or a particular slope has allowed it, deciduous woodland has re-established itself behind the reedbeds. Two species of Willow (*Salix caprea* and *Salix cinerea*) are common constituents along with Alder (*Alnus glutinosa*), Downy Birch (*Betula pubescens*), Hazel (*Corylus avellana*) and Hawthorn (*Crataegus monogyna*). Along submerged margins Alder and Willow are most commonly found with a flooded understorey typically containing Reed Canarygrass, Meadow Sweet, Yellow Flag and in places Tufted Sedge (*Carex elata*) and Greater Tussock Sedge (*Carex paniculata*). Downy Birch occurs along lake edges and also forms stands of wet woodland on cutover bog with varying degrees of wet and dry peat. Purple Moor-grass (*Molinia caerulea*), Marsh Cinquefoil (*Potentilla palustris*) and Bog Moss (*Sphagnum* sp.) occur in areas with pools and dry areas. Where there is dry peat, Bracken (*Pteridium aquilinum*), Bramble (*Rubus fruticosus* agg.) and Gorse (*Ulex* sp.) occur under the Birch canopy. Birch dominated wood is also found in association with Ling Heather (*Calluna vulgaris*) bog.

In areas of wet bog with good *Sphagnum* cover, bog woodland has developed. Downy Birch characterises this habitat; other typical species include Purple Moor-grass (*Molinia caerulea*) and Bottle Sedge (*Carex rostrata*).

Dry broad-leaved woodland is characterised by Ash (*Fraxinus excelsior*), Hazel, Holly (*Ilex aquifolium*) and Oak (*Quercus* spp.), while shrubs include Blackthorn (*Prunus spinosa*), Spindle (*Euonymus europaeus*) and Guelder Rose (*Viburnum opulus*). The Red Data Book species Bird Cherry (*Prunus padus*) has also been recorded from the site. The clayey soils have a characteristic flora, including Wood Avens (*Geum urbanum*), Wood Sorrel (*Oxalis acetosella*), Primrose (*Primula vulgaris*), Herb Robert (*Geranium robertianum*) and Wood Sedge (*Carex sylvatica*).

The site supports a substantial population of water birds including internationally important numbers of Whooper Swan (average peak 231) and nationally important numbers of Tufted Duck (average peak 247) and Cormorant (average peak 130) as well as important numbers of species such as Greenland White-fronted Goose, Great Crested Grebe, Wigeon, Teal and Pochard. Lapwing, Snipe and Golden Plover also utilise the wet grassland areas. Wildfowl Sanctuaries exist at Inchin Lough, Derrygid Lough, Farnham Lough, Derrybrick Lough,

Derrinishbeg Lough and Annagh Lough. Part of the site is designated an SPA under the EU Birds Directive.

Otter, a species listed on Annex II of the E.U. Habitats Directive occurs at the site. Irish Hare has also been recorded. Both of these species are listed in the Irish Red Data Book and are legally protected under the Wildlife Act 1976.

The main threats to the quality of the site are water polluting activities such as run-off from fertiliser and slurry application and sewage discharge which have raised the nutrient status of some lakes to hypertrophic. Housing and boating developments are on the increase, adjacent to and within the site respectively. There is also significant fishing and shooting pressure on and around the lakes. Increased afforestation has resulted in some loss of wetland habitat and also loss of feeding ground for wintering birds such as Greenland White-fronted Geese.

The Lough Oughter area contains important examples of two habitats listed on Annex I of the E.U. Habitats Directive and supports a population of the Annex II species, otter. The site as a whole is the best inland example of a flooded drumlin landscape in Ireland and has many rich and varied biological communities. Nowhere else in the country does such an intimate mixture of land and water occur over a comparable area, and many of the species of wetland plants, some considered quite commonplace in Lough Oughter and its associated loughs, are infrequent elsewhere.

#### Site Specific Conservation Objectives

Site specific conservation objectives for this site have not yet been prepared. Therefore, the SSCOs of sites with similar QIs were referred to in order to gain an understanding of and make an assessment of the attributes and targets that are needed to restore or maintain the favourable conservation condition of each Qualifying Interest of this SAC. These SSCOs are outlined in Tables 2 – 4.

## Natural Eutrophic Lakes with Magnopotamion and Hydrocharition-type Vegetation

3150<sup>1</sup>

The SSCO for this habitat is to *maintain* or *restore* its favourable conservation condition which is generally defined by the following list of attributes and targets:

Attribute	Measure	Target
Habitat area	Hectares	Area stable or increasing, subject to natural processes
Habitat distribution	Occurrence	No decline, subject to natural processes
Typical species	Occurrence	Typical species present, in good condition, and demonstrating typical abundances and distribution
Vegetation composition: characteristic zonation	Occurrence	All characteristic zones should be present, correctly distributed and in good condition
Vegetation distribution: maximum depth	Metres	Restore maximum depth of vegetation, subject to natural processes
Hydrological regime: water level fluctuations	Metres	Maintain appropriate natural hydrological regime necessary to support the habitat
Lake substratum quality	Various	Maintain appropriate substratum type, extent and chemistry to support the vegetation
Water quality: transparency	Metres	Maintain/restore appropriate Secchi transparency. There should be no decline in Secchi depth/transparency
Water quality: nutrients	µg/l P; mg/l N	Restore the concentration of nutrients in the water column to sufficiently low levels to support the habitat and its typical species
Water quality: phytoplankton biomass	µg/l Chlorophyll a	Maintain appropriate water quality to support the habitat, including good chlorophyll a status
Water quality: phytoplankton composition	EPA phytoplankton composition metric	Maintain appropriate water quality to support the habitat, including good phytoplankton composition status
Water quality: attached algal biomass	Algal cover and EPA phytobenthos metric	Maintain trace/ absent attached algal biomass (<5% cover) and good phytobenthos status
Water quality: macrophyte status	EPA macrophyte metric (The Free Index)	Restore good macrophyte status
Acidification status	pH units; mg/l	Maintain appropriate water and sediment pH, alkalinity and cation concentrations to support the habitat, subject to natural processes
Water colour	mg/l PtCo	Restore appropriate water colour to support the habitat
Dissolved organic carbon (DOC)	mg/l PtCo	Maintain appropriate organic carbon levels to support the habitat

<sup>1</sup> SSCOS – Lough Forbes SAC 001818 SSCOs (NPWS, 2016)

Turbidity	Nephelometric turbidity units/ mg/l SS/ other appropriate units	Maintain appropriate turbidity to support the habitat
Fringing habitat: area	Hectares	Maintain the area and condition of fringing habitats necessary to support the natural structure and functioning of the lake habitat

Table 2 – Natural Eutrophic Lakes with Magnopotamion and Hydrocharition-type Vegetation 3150

### Potential Significant Effects

Within the SAC, this habitat occurs in the lakes of the main Lough Oughter complex. These lakes are over 30km downstream of Cootehill. This downstream distance is sufficient to ensure that there will be no significant effects upon this habitat. There will be no impacts upon the attributes or targets required to restore or maintain the favourable conservation condition of this habitat within the SAC. Mitigation measures are not required to specifically address potential impacts upon this QI.

### **Bog Woodland 91Do<sup>2</sup>**

The SSCO for this habitat is to *maintain* or *restore* its favourable conservation condition which is defined by the following list of attributes and targets:

Attribute	Measure	Target
Habitat area	Hectares	Area stable or increasing, subject to natural processes
Habitat distribution	Occurrence	No decline, subject to natural processes
Vegetation composition: positive indicator species	Number in a representative number of monitoring stops	Birch ( <i>Betula pubescens</i> ), bog moss (Sphagnum) species and at least five other indicator species present
Vegetation composition: negative indicator species	Percentage cover at a representative number of monitoring stops	Both native and non-native invasive species absent or under control. Total cover should be less than 10%
Woodland structure: cover and height of birch	Percentage cover and metres at a representative number of monitoring stops	A minimum 30% cover of birch ( <i>Betula pubescens</i> ) with a median canopy height of 4m
Woodland structure: dwarf shrub cover	Percentage cover at a representative number of monitoring stops	Dwarf shrub cover not more than 50%
Woodland structure: ling cover	Percentage cover at a representative number of	Ling ( <i>Calluna vulgaris</i> ) cover not more than 40%

<sup>2</sup> SSCOS – Lough Corrib SAC 000297 NPWS (2017)



	monitoring stops	
Woodland structure: bryophyte cover	Percentage cover at a representative number of monitoring stops	Bryophyte cover at least 50%, with bog moss ( <i>Sphagnum</i> spp.) cover at least 25%
Woodland structure: tree size classes	Occurrence	Each size class present
Woodland structure: senescent and dead wood	Occurrence	Senescent or dead wood present

Table 3 – SSCOs for Bog Woodland

### Potential Significant Effects

This habitat does not occur within the Zone of Influence of the application site. The attributes and targets required for the restoration or maintenance of the favourable conservation condition of this habitat within the SAC will not be affected. These attributes and targets do not relate to the maintenance of water quality standards. There will be no impacts or significant effects arising on this QI from the proposed works.

### **Otter (1355)<sup>3</sup>**

The SSCO for this species is to *maintain* or *restore* its favourable conservation condition which is defined by the following list of attributes and targets:

Attribute	Measure	Target
Distribution	% positive survey sites	No Significant Decline
Extent of Terrestrial Habitats	Hectares	No significant decline.
Extent of Marine Habitats	Hectares	No significant decline
Extent of Freshwater (River) Habitat	Km	No significant decline
Extent of Freshwater (Laker) Habitat	Hectares	No significant decline
Couching Sites and Holts	Number	No significant decline
Fish Biomass Available	Kg	No significant decline
Barriers to connectivity	Number	No significant increase

Table 5 – SSCOs for Otter

### Potential Impacts

Records for this species exist along the Annalee River, including from Cootehill near the bridge. The presence of this species is positively correlated with good water quality and deterioration of same will lead to impacts upon this species. Otters have two basic requirements – aquatic prey and safe refuges where they can rest. In freshwater areas, the diet of the otter consists of a variety of fish from sticklebacks to salmon and eels, whilst crayfish and frog availability can also be important. Impacts that reduce the quality of, or cause disturbance to, their terrestrial or aquatic habitats are likely to affect otters. The main

<sup>3</sup> SSCOS – Blackwater River Cork/Waterford SSCOs 002170 (NPWS, 2012)

threats to otters in Ireland are thought to be: (1) habitat destruction, including river drainage and the clearance of bank-side vegetation; (2) pollution, particularly organic pollution resulting in fish kills; (3) disturbance of habitat due to recreational activities, and (4) accidental deaths (NPWS, 2009).

The proposed site is over 21km upstream of the SAC and the works will not give rise to any significant effects upon this species within the SAC. Outside of the SAC, there will be no loss of riparian habitat that is used by the otter.

## THE LOUGH OUGHTER SPA 004049

### Site Synopsis

Lough Oughter is of importance for a range of wintering waterfowl. Of particular note is an internationally important population of *Cygnus cygnus* that is based in the area and which use the lakes as a roost. A population of *Anser albifrons flavirostris* of regional importance also roost on the lakes. The site supports nationally important wintering populations of four species: *Podiceps cristatus*, *Cygnus olor*, *Anas penelope* and *Bucephala clangula*, plus a range of other wintering species such as *Anas crecca* and *Aythya fuligula*. Lough Oughter is at the centre of the breeding range of *Podiceps cristatus* in Ireland and the site supports in excess of 10% of the estimated national breeding total. A small colony of *Sterna hirundo* occurs within the site.

### Site Specific Conservation Objectives

Site specific conservation objectives for this site have not yet been prepared and objectives for this site remain generic. Overall, the SSCOs for SPAs are largely similar. Therefore, the attributes and targets that should define the favourable conservation condition of the QIs for this site were taken from the most common attributes and targets used for the conservation objectives of SPA bird species in general. These are outlined in Table 5 below.

Parameter	Attribute	Measure	Target
Population	Population trend	Percentage change as per population trend assessment using waterbird count data collected through the Irish Wetland Bird Survey and other surveys	Long term population trend stable or increasing
Range	Distribution	Range, timing and intensity of use of areas used by waterbirds, as determined by regular low tide and other waterbird surveys.	No significant decrease in the range, timing or intensity of use of areas by the QI, other than that occurring from natural patterns of variation

Table 5 – Conservation Objectives for SPAs

For wetlands, the conservation objectives are:

Parameter	Attribute	Measure	Target
Area	Habitat Area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 765 hectares, other than that occurring from natural patterns of variation

**Table 6 – Conservation Objectives for SPAs (Wetlands)**

Potential Impacts

The proposed development in Cootehill will not result in the loss of any habitats used by the QI bird species of the Lough Oughter Complex SPA. There will be no deteriorations in water quality within the SPA that could lead to significant effects upon these bird species.

### 3.4 IMPACT ASSESSMENT

The potential impacts of the proposed development on the Natura 2000 sites within the Zone of Influence of the works are described below.

**Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on nearby Natura 2000 site:**

The proposed development of the Greenway in Dromore will not have any significant effects upon any of the designated sites identified, i.e., the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA. There are no individual elements of the application that will give rise to any significant effects upon the designated sites identified or the QI habitats or species for which they have been designated. There will be no direct, indirect or cumulative impacts upon the Natura 2000 sites identified.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the nearby Natura 2000 sites by virtue of:**

**Size and scale:** Given the small size and scale of the application and works in relation to the overall size of the designated sites, the likelihood of any direct, indirect or cumulative impacts on these designated sites is low.

**Land-take:** There will be no land-take from any designated site. There will be no interference with the boundaries of any designated site.

**Distance from Natura 2000 site or key features of the site:** There are two Natura 2000 sites within the Zone of Influence of the application site. The closest of these is the Lough Oughter and Associated Loughs SAC, which is 13.9km west of the site and 22km downstream of it. The Lough Oughter Complex SPA is 30km downstream. In this instance, this distance is sufficient to ensure that no significant effects upon the SAC / SPA will arise.

**Resource requirements (water abstraction etc.):** No resources will be taken from any Natura 2000 site and there are no resource requirements that will impact upon any designated site.

**Emissions:** There will be no emissions arising from the construction or operation of the proposed development that could give rise to significant effects upon the Lough Oughter and Associated Loughs SAC or the Lough Oughter Complex SPA.

**Excavation requirements:** All excavated material from the site will be disposed of in a responsible manner in a licensed facility away from any designated sites.

**Transportation requirements:** There will be no additional transportation requirements resulting from the proposed development and associated works that will have any impact upon the Natura 2000 sites identified.

**In-Combination / Cumulative Impacts:** An examination of the planning portal on the website of

Cavan County Council was undertaken for information pertaining to other recent or pending planning applications in Cootehill town. Where necessary, these applications were screened for AA or else AA was carried out. In the future, any application that has the potential to impact upon any SAC or SPA will be subjected to Appropriate Assessment as required under Articles 6(3) of the Habitats Directive. This current development will have no cumulative impacts upon the SACs / SPAs identified when considered in combination with any other development that has been screened for no impacts themselves (Stage 1) or where potential impacts have been mitigated against (Stage 2 AA / NIS).

**Duration of construction, operation, decommissioning etc:** Works will be completed within months.

**Describe any likely changes to the nearby Natura 2000 sites arising as a result of:**

**Reduction of habitat area:** The application site lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area within the SAC / SPA. There will be no interference with the boundaries of any designated site. There will be no direct, indirect or cumulative impacts upon the qualifying features of the Lough Oughter and Associated Loughs SAC, i.e., natural eutrophic lakes or bog woodland.

**Disturbance to key species:** The proposed development will not lead to the direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. There will be no direct or indirect impacts upon the otter, which is a qualifying interest of the Lough Oughter and Associated Loughs SAC. There will be no impacts upon the qualifying interests of the Lough Oughter Complex SPA, i.e., the great crested grebe, the whooper swan or the widgeon. There will be no reduction in water quality in any local watercourses that may affect these protected species.

**Habitat or species fragmentation:** The works will not lead to any habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and any SAC or SPA will be damaged or destroyed.

**Reduction in species density:** The works will not lead to any reduction in species density within any SAC and SPA.

**Changes in key indicators of conservation value (water quality etc.):** The works will not lead to any negative impacts upon surface or ground water quality within any SAC or SPA. There will be no negative impacts upon the water quality in any designated site.

**Describe any likely impacts on the nearby Natura 2000 sites as a whole in terms of:**

**Interference with the key relationships that define the structure or function of the site:** It is not considered likely that there will be any impacts on the key relationships that define the structure or function of the Natura 2000 sites identified.

Provide indicators of significance as a result of the identification of effects set out above in terms of:

**Loss** - Estimated percentage of lost area of habitat: None

**Fragmentation**: None

**Disruption & disturbance**: None

**Change to key elements of the site** (e.g. water quality etc.): None

### 3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
<b>Name of project</b>	Creation of the Dromore Greenway, Cootehill
<b>Name and location of Natura 2000 site</b>	There are two Natura 2000 sites within the Zone of Influence of the application site. The closest of these is the Lough Oughter and Associated Loughs SAC, which is 13.9km west of the site and 22km downstream of it. The Lough Oughter Complex SPA is 30km downstream.
<b>Description of project</b>	A proposed pedestrian / cycle route to the west of Cootehill town.
<b>Is the project directly connected with or necessary to the management of the site?</b>	No
<b>Are there other projects or plans that together with project being assessed could affect the site?</b>	No
The Assessment of Significance of Effects	
<b>Describe how the project is likely to affect the Natura 2000 site</b>	Having regard to the location, nature and scale of the proposed development, it is considered that there is no potential for significant effects either from the proposed development on its own or in combination with other plans and projects.
<b>Explain why these effects are not considered significant</b>	Not applicable as there is no potential for negative impacts
<b>Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.</b>	No impacts likely
Data Collected to Carry out the Assessment	
<b>Who carried out the assessment</b>	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
<b>Sources of data</b>	NPWS, EPA, National Biodiversity Data Centre, Cavan County Council
<b>Level of assessment completed</b>	Stage1 Appropriate Assessment Screening
<b>Where can the full results of the assessment be accessed and viewed</b>	Full results included

## 4 APPROPRIATE ASSESSMENT CONCLUSION

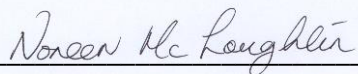
In accordance with Article 6(3) of the Habitats Directive, the relevant case law, established best practice and the precautionary principle, this AA Screening Report has examined the details of the project in relation to the relevant Natura 2000 sites within 15km of the application site. This report has analysed the potential impacts and effects of the proposed project on the Special Conservation Interests of these designated sites. It has evaluated the significance of these potential impacts and effects in view of these sites' conservation objectives.

At this stage of the AA process, it is for the competent authority, i.e., Cavan County Council, to carry out the screening for AA and to reach one of the following determinations:

a) AA of the proposed development is required if it cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites;

b) AA of the proposed development is not required if it can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.

It is of the opinion of the author that an AA of the proposed development is not required as it can be excluded, on the basis of objective information provided in this report, that the proposed development, individually or in combination with other plans or projects, will not have a significant effect on any European sites.



Noreen McLoughlin, MSc, MCIIEEM.  
Ecologist.

(PI Insurance details available on request)