

August 2015

Natura Impact Statement

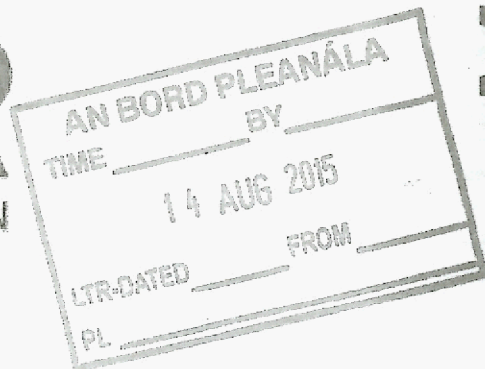
Proposed Clubhouse Development Wexford, Co. Wexford



On behalf of

Faythe Harriers Hurling & Camogie Club

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Natura Impact Statement

Proposed Clubhouse Development

Faythe Harriers Park, Wexford, Co. Wexford

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1.0 Introduction

1.1 Background and purpose of this report

Faythe Harriers Hurling and Camogie Club (Faythe Harriers) are in the process of applying for planning permission (Planning ref 20141003) for a two-storey clubhouse, consisting of dressing rooms, gym, assembly / training area, ancillary car park and associated works within their grounds at Park, Wexford, Co Wexford, (Irish national Grid reference T034 230) See Figure 1, 2 & 3.

Planning was granted by Wexford County Council for the project on the 11th of February 2015. Following a third party appeal, the application was subsequently referred to An Bord Pleanála (ABP).

ABP examined the appeal / information provided including a Stage 1 Appropriate Assessment and are of the opinion (letter dated the 28th of May 2015, Ref PL26.244574) that certain additional information is necessary for the purpose of enabling a determination of the appeal to be made. Specifically a Natura Impact Statement (NIS) / Stage 2 Appropriate Assessment was requested to address certain gaps in information relating to potential impacts on Natura 2000 sites as a result of the proposed development.

This NIS report has been prepared in response to the ABP letter dated the 28th of May 2015 and will seek to determine the likelihood of significant impacts on sites with European conservation designations (i.e. Natura 2000 sites) arising from the proposed development of a two-storey clubhouse and associated works.

Planning History at the site.

Wexford County Council granted planning permission (Planning ref W2014009) for the development of the two-storey clubhouse on the 4th of April 2014. Following a third party appeal against the grant of permission, ABP made a decision to refuse permission for the development (ABP letter dated the 2nd September 2014, Ref PL26.243325). The decision by ABP was made in light of the documentation provided as they concluded that in the absence of a comprehensive stage 1 Appropriate Assessment Screening report, planning permission should not be granted. In deciding not to accept the inspector's recommendations to grant permission, ABP noted the concerns raised by the inspector with regard to potential impacts on the nearby European sites.

Planning History on Adjoining site

← Planning permission was granted (Planning Ref W2008022) at the adjoining site in 2008 for the erection of an all weather pitch 72m x 36m with 10m high mesh fence, and a hurling wall, 12.7m x 10m x 30m and all associated site work.

Further permission was also granted in 2008 (Planning Ref W2008090) for the erection of 6 floodlighting columns at 18 meters high, with two flat glass lighting units per column, and associated site works. These works have all been completed.

1.2 Regulatory Context

This NIS was prepared in accordance with Article 33 of the Planning and Development Regulations 2001.

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna better known as "The Habitats Directive" provides the framework for legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species of community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC) (better known as "The Birds Directive").

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 (now termed Natura Impact Statement):

"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and 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"

The Habitats Directive promotes a hierarchy of avoidance, mitigation and compensatory measures. First, the project should aim to avoid any negative impacts on European sites by identifying possible impacts early in the planning stage, and designing the project in order to avoid such impacts. Second, mitigation measures should be applied, if necessary, during the Appropriate Assessment (AA) process to the point, where no adverse impacts on the site(s) remain. If the project is still likely to result in adverse effects, and no further practicable mitigation is possible, it is rejected. If no alternative solutions are identified and the project is required for imperative reasons of overriding public interest (IROPI test) under Article 6 (4) of the Habitats Directive, then compensation measures are required for any remaining adverse effect.

1.3 Stages of the Appropriate Assessment

This Appropriate Assessment has been undertaken in accordance with the European Commission Methodological Guidance on the provision of Article 6(3) and 6(4) of the 'Habitats' Directive 92/43/EEC (EC 2001) and the European Commission Guidance 'Managing Natura 2000 Sites'. The Guidance for Planning Authorities issued by the Department of Environment, Heritage and Local Government in December 2009 and revised in February 2010 was also adhered to.

There are four distinct stages to undertaking an AA as outlined in current EU and DOEHLG guidance:

Stage 1: Screening

This process identifies the potential impacts of a plan or project on a Natura site, either alone or in combination with other plans and projects, and considers whether these impacts are likely to be significant. If potential significant impacts

are identified the plan or project cannot be screened out and must proceed to stage 2.

Stage 2: Natura Impact Statement

Where potential significant impacts are identified, an assessment of the potential mitigation of those impacts is required; this stage considers the appropriateness of those mitigation measures in the context of maintaining the integrity of the Natura 2000 sites. If potential significant impacts cannot be eliminated with appropriate mitigation measures, the assessment must proceed to stage 3.

Stage 3: Assessment of Alternatives Solutions

This process examines alternative ways to achieve the objectives of the plan or project that avoid adverse impacts on the integrity of the Natura 2000 site if mitigation measures are deemed insufficient.

Stage 4: Imperative reasons of overriding public interest (IROPI)

Assessment where no alternative solution exists for plan or project and where adverse impacts remain. This includes an assessment of compensatory measure where in the case of projects or plans which can be considered to be necessary for IROPI.

This report documents stages 1 & 2 of the AA process.

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2.0 Methodology

In complying with the obligations under Article 6(3) and following the European Commission's Guidelines, the approach to the AA process and preparation of the NIS for this proposal is set out below:

- I. Description of the proposed works;
- II. Identification of Natura 2000 sites potentially affected and compilation of information on their qualifying interests and conservation objectives;
- III. Identification and description of potentially significant impacts likely to result from the proposed works;
- IV. Exclusion of sites and impacts at Stage 1 Screening where it can be objectively concluded that there will be no significant effects;
- V. Stage 2 assessment of the significance of likely potentially significant impacts identified during Stage 1 and development of mitigation measures to the point where no adverse effects remain; and,
- VI. Concluding NIS Statement.

2.1 Desk Based Studies

A desk-based review of information sources was completed, which included the following sources of information:

- The National Parks and Wildlife Service (NPWS) website www.npws.ie was consulted with regard to the most up to date detail on conservation objectives for the Natura 2000 sites relevant to this assessment.
- The National Biodiversity Data Centre website www.nbdc.ie was consulted with regard to species distributions.
- A Stage 1 Screening report prepared by Ted Walsh & Associates Ltd. (2014) for the proposed development of the Clubhouse was reviewed.

As part of the stage 1 Screening exercise conducted by Ted Walsh & Associates Ltd, consultation with regard to the proposed project was undertaken with the Development Applications Unit (DAU), no comments were received. As part of the screening exercise a field survey was also undertaken on the 14th November 2014.

2.2 Field Based Studies

The appeal from ABP (Letter dated the 28th May 2015) highlighted potential concerns raised by a third party in relation to potential contamination of the subsoil at the site. As part of the development it is proposed to re-profile part of the site which will involve both cut and fill earthworks, see Figure 4 and further details in Section 3.

In order to address the concerns raised in the ABP letter, MOR was commissioned by Faythe Harriers to undertake preliminary site investigation. The objective of the

preliminary site investigation was to determine the presence of contaminants within the soil at the site. This was achieved by:

- Reviewing of historical land use maps for the area;
- Site visit by qualified Malone O'Regan Senior Consultant;
- Visual inspection of the site;
- Excavation of trial pits (including visual and olfactory observations) under the supervision of a senior consultant; and,
- The collection and analysis of representative soil samples obtained from the trial pits (See Appendix C for full details of the methodologies used for the preliminary site assessment).

The desk-based studies for the site did not identify any historical land use on the site or within the surrounding area that would contribute to contamination of the soil at the site. The findings were validated by the site investigations as no contamination was identified within the soil. Full details of the site investigations results are presented in Appendix C.

Therefore potential impacts arising from contaminated soil are screened out.

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changes at the Site of which MOR is not aware and has not had the opportunity to evaluate. This report is intended for use in its entirety; no excerpt may be taken to be representative of this assessment. All work carried out in preparing this report has utilised and is based on MOR professional knowledge and understanding of the current relevant Irish and European Community standards, codes and legislation.

2.0 Methodology

2.1 Site Characterisation

A site walkover was completed by a MOR environmental consultant on the 1st July 2015.

The area of the site that is to be investigated as part of this assessment comprises of an area of mounded ground. It is understood that topsoil removed when the adjoining all weather pitch was being constructed in 2008 was placed on the site. The area is covered in patchy vegetation, mainly low level scrub.

Prior to the intrusive Site works an online search for current underground utility services was completed. No utility services were within the vicinity of the trial pit locations.

2.2 Soil Sampling

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The locations of the six (6No) trial pits are shown in Figure 1. The trial pit locations are within the area proposed to be excavate to 0.7mBGL. The excavated soil will be used for landscaping purposes as part of the overall site development (Figure 1). The trial pits were excavated to a final depth of 1.0mBGL under the supervision of a MOR environmental consultant.

Representative soil samples were taken from each trial pit according to BS5930-1999 'Code of Practice for Site Investigations' and in accordance with MOR quality procedures. Any visual or olfactory evidence of contamination was recorded. Photographic records of the trial pits were taken (Appendix A).

The site layout and locations of soil samples are presented in Figure 1 below.

Figure 1. Trial pit locations (TP) on site.

