



SCREENING STATEMENT FOR APPROPRIATE ASSESSMENT REPORT

FOR

DERRYCLURE ENERGY CENTRE

PREPARED IN ACCORDANCE WITH ARTICLE 6(3) AND (4)

**OF THE EUROPEAN COMMISSION HABITATS DIRECTIVE 92/43/EUROPEAN
COMMISSION**

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1. Introduction

The information in this report, has been prepared by Scott Cawley Ltd., on behalf of Glanpower Ltd. It provides information on and assesses the potential impacts of the Derryclure Energy Centre. The information in this report forms part of, and should be read in conjunction with, the Environmental Impact Statement that has been prepared for the proposed development.

All planning applications should have due regard to Schedule 27 and 33 of the Habitats Regulations (1997).

Schedule 27.

27. (1) A local authority when duly considering an application for planning permission, or the Board when duly considering an appeal on a application for planning permission, in respect of a proposed development that is not directly connected with, or necessary to the management of, a European site but likely to have a significant effect thereon either individually or in combination with other developments, shall ensure that an appropriate assessment of the implications for the site in view of the site's conservation objectives is undertaken.

(2) An environmental impact assessment in respect of a proposed development prepared in accordance with a requirement of or under the Local Government (Planning and Development) Regulations, 1994 (S.I. No. 86 of 1994), shall be an appropriate assessment for the purposes of paragraph (1).

(3) Notwithstanding section 26 of the Local Government (Planning and Development) Act, 1963 , and subject to paragraphs (4), (5) and (6) a local authority or the Board, as the case may be, shall, having regard to the conclusions of the assessment to which paragraph (1) relates, decide to grant permission for the proposed development only after having ascertained that it will not adversely affect the integrity of the European site concerned.

(4) In considering whether a development will adversely affect the integrity of the European site concerned, the local authority or the Board, as the case may be, shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the permission should be given.

(5) A local authority or the Board, as the case may be, may, notwithstanding a negative assessment and in the absence of alternative solutions, decide to grant planning permission for a proposed development where such development has to be carried out for imperative reasons of overriding public interest.

(6) (a) Subject to subparagraph (b), imperative reasons of overriding public interest shall include reasons of a social or economic nature:

(b) If the site concerned hosts a priority natural habitat type of or priority species the only considerations of overriding public interest shall be—

(i) those relating to human health or public safety, or

(ii) the beneficial consequences of primary importance for the environment, or

(iii) further to an opinion from the Commission to other imperative reasons of overriding public interest.

(7) Where a local authority or the Board desire to obtain the opinion of the Commission as to whether reasons are to be considered imperative reasons of overriding public interest, they shall refer the matter to the Minister for the

Environment and the Minister for the Environment shall communicate with the Commission on behalf of the local authority or the Board and by notice shall convey the Commission's opinion to the local authority or the Board, as the case may be.

(8) A decision shall not be made on the application or the appeal, as the case may be, by the local authority or the Board until the Commission's opinion has been communicated to them.

(9) For the purposes of the Board's objectives under subsection (2) of section 2 of the Local Government (Planning and Development) Act, 1992, to determine the appeal within a period of 4 months or such other period as may be prescribed under paragraph (b) of that subsection, there shall not be included the period beginning on the day the matter is referred by the Board to the Minister for the Environment under that paragraph and ending on the day of receipt by the Board of notice by the Minister for the Environment of an opinion by the Commission on the matter.

(10) Notwithstanding subsection (4) of section 26 of the Local Government (Planning and Development) Act, 1963, the appropriate period referred to in that subsection shall not, in a case in which a request is made to the Minister for the Environment under paragraph (7), include the period beginning on the day the matter is referred by the local authority to the Minister for the Environment under that paragraph and ending on the day of receipt by the local authority concerned of notice by the Minister for the Environment of an opinion by the Commission on the matter.

(11) Where immediately before the making of these Regulations a planning authority or the Board, as the case may be, have granted permission in respect of a development within a European site and such development is considered by the Minister to have a significant adverse effect on the ecological features of the site that Minister may request the local authority or the Board to review the permission in accordance with the provisions of this Regulation and the local authority or the Board shall affirm, modify or revoke such permission depending on the results of the review.

Schedule 33:

Where in accordance with Regulations 27 (5), 28 (5), 29 (4), 30 (5), 31 (5) or 32 (5) an operation or activity is agreed to, notwithstanding a negative assessment of the implications for a European site, the Minister shall ensure that the necessary compensatory measures are taken to ensure that the overall coherence of Natura 2000 is protected.

This report has been prepared in accordance with the following documents:

- EC Environment Directorate-General (DG) *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* referred to as the "EC Article 6 Guidance Document". 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.

- EC Environment Directorate-General (DG) *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC*, referred to as "MN2000".
- Department of Environment, Heritage and Local Government (2010 revision) *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities*.

The assessment itself is often referred to as an 'appropriate assessment' or AA.

The European Commission guidance document sets out a four stage process for carrying out the AA, the first of which, referred to as "Stage One: Screening", identifies the likely impacts on a Natura 2000 site, if any, which would arise from a proposed development, and further considers whether these impacts are likely to be significant.

If the conclusions at the end of the Stage One Screening are that there would be no significant impacts on the Natura 2000 site, there is no requirement to proceed to subsequent stages. However, even if the Stage One Screening makes a finding of no significant impacts, and therefore concludes that further stages of the Appropriate Assessment process are not required, a 'Findings of No Significant Effects' report is required in order to provide transparency of decision-making, and to ensure the application of the 'precautionary principle'¹. This is termed a *Statement for AA Screening* in the Irish Guidance.

It is the responsibility of the competent authority, in this instance Offaly County Council to make a decision as to whether or not the proposed development should be permitted, taking into consideration any potential impact upon any Natura 2000 within its scope of influence.

2. Screening Exercise

The Screening Exercise comprises four steps:

1. Determining whether the project or plan is directly connected with or necessary to the conservation management of any Natura 2000 sites;
2. Describing the specifications of the development and other cumulative developments that may affect any Natura 2000 sites;
3. Describing the characteristics of relevant Natura 2000 sites, identification of, and compilation of information on their qualifying interests and conservation objectives.
4. Identifying the potential effects on any Natura 2000 sites and assessment of likely effects – direct, indirect and cumulative – undertaken on the basis of available information as a desk study or field survey or primary research as necessary.
5. Assessing the significance of any likely effects on any Natura 2000 sites.

¹ One of the primary foundations of the precautionary principle, and globally accepted definitions, results from the work of the Rio Declaration. Principle #15 declaration notes:

"In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

The outcome of screening for this project was that it can be objectively concluded that there are not likely to be significant effects on any Natura 2000 sites. Therefore no further assessment is required. Table 2.1 (Screening report matrix) provides a summary of the information gathered for Steps 1 to 3 and the assessment of significance for Step 4.

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Table 2.1: Finding of No Significant Effects report matrix	
Information about project	
Brief description of the project	ADD PROJECT DESCRIPTION
Brief description of the Natura 2000 sites with 15km of the site	<p>There are several Natura 2000 sites within 15km of the proposed development location. These include the following:</p> <ul style="list-style-type: none"> • Charleville Wood cSAC 000571 3.5km northwest of the site. Ancient woodland site with a varied age structure. Contains Old Oak woodland and the rare snail species, <i>Vertigo moulinsiana</i>. The wetland areas have good bird populations and rare insect and <i>Myxomycete</i> species. • River Barrow and River Nore cSAC 002162 5.6km southeast of the site The site is a SAC selected for alluvial wet woodlands and petrifying springs, priority habitats and also for old oak woodlands, floating river vegetation, estuary, tidal mudflats, <i>Salicornia</i> mudflats, Atlantic salt meadows, Mediterranean salt meadows, dry heath and eutrophic tall herbs, all habitats listed on Annex I of the E.U. Habitats Directive. The site is also selected for the following species listed on Annex II of the same directive - Sea Lamprey, River Lamprey, Brook Lamprey, Freshwater Pearl Mussel, Nore Freshwater Pearl Mussel, Crayfish, Twaite Shad, Atlantic Salmon, Otter, Desmoulin's Whorl Snail <i>Vertigo moulinsiana</i> and the Killarney Fern • Slieve Bloom Mountains SPA 004160 9.4km southwest of the site Hen Harrier breeding site. • Clara Bog cSAC 00572 12km northwest of the site. Clara Bog has long been regarded as one of the most important lowland raised bogs in the country, being the largest remaining example of the true Midland sub-type. It has well

developed hummock and hollow complexes and one of the few remaining soak systems. The bog vegetation has been much studied and is well known. Variations in the proportions of Bog moss (*Sphagnum spp.*), Heather (*Calluna vulgaris*) and Cottongrass (*Eriophorum spp.*) has been related to ecological features such as pools, soaks and ridges. Several rare invertebrate species are associated with the soak, including the midge, *Lasiodiamesa sphagnicola*, for which Clara Bog is its only known Irish site, a click beetle, *Ampedus pomorum* and another midge, *Parhelophilus consimilis*. The bog is also important for the rare moss, *Tetraplodon angustatus*, at its only known Irish station here. Clara Bog supports breeding Merlin (1-2 pairs), a scarce species in Ireland and one that is listed on Annex I of the EU Birds Directive. Red Grouse also breeds, along with other common bogland species such as Meadow Pipit and Skylark.

- Raheenmore Bog cSAC 00582 14.3km northeast of the site.

This raised bog developed in a small basin in the catchment of two major river systems i.e. the Brosna and the Boyne. It is situated about 5 km from Daingean. The peat is very deep, being up to 15 m in places. The bog has a well-developed hummock and hollow system. The hummocks are often colonised by the mosses *Sphagnum imbricatum* and *S. fuscum*. In 1959, the very rare Rannock Rush (*Scheuchzeria palustris*), found only in its only Irish Station in a nearby bog, was transplanted to Raheenmore Bog. However, it has not been recorded recently and may be now extinct. Raheenmore Bog is within the breeding territory of a pair of Merlin, a scarce species in Ireland and one that is listed on Annex I of the EU Birds Directive. Other typical bogland birds which breed include Red Grouse and Snipe.

- Clonaslee Eskers and Derry Bog cSAC 00859 10.5km southwest of the site

To the northwest the Derry Hills are two isolated hills situated in a bog, which forms part of the site. The main esker ridge runs along the southern part of the site. The site contains a population of the rare snail *Vertigo geyeri*, a species listed under Annex II of the EU Habitats Directive. Derry Bog, which is a cutaway raised bog, lies to the northwest of the site. This supports a typical range of bog mosses and flowering plants, such as Ling Heather and Bog Asphodel (*Narthecium ossifragum*). The rare snail *Vertigo geyeri* was recorded from the fen area at this site in 1998. This species is a glacial relic with a disjunct European population, which is considered vulnerable due to loss of habitat, particularly through drainage. It is

	<p>listed on Annex II of the EU Habitats Directive. Two plant species, protected under the Flora (Protection) Order, 1999, occur within the site. Wood Bitter-Vetch (<i>Vicia orobus</i>) occurs in quantity among Oak/Birch scrub on Derry Hills. This species has declined due to land reclamation and has only been seen at one other location since 1970. Basil Thyme (<i>Acinos arvensis</i>) occurs in a disused gravel pit and has been seen at only three other sites since 1970. This species favours open gravel and has declined due to the agricultural use of herbicides. Blue Fleabane (<i>Erigeron acer</i>) had been recorded with Basil Thyme at this site. This species is rare and threatened in Ireland and is listed in the Red Data Book as a species confined mostly to open gravel habitats in central and south-eastern Ireland.</p> <p>These are identified in Figure 1.</p>
<p>Is the project directly connected with or necessary to the management of the site?</p>	<p>No</p>
<p>Are there other projects or plans that together with the project being assessed could affect the sites</p>	<p>There are no other known projects that would combine with the effects of the proposed developments to give rise to likely significant effects.</p>
<p>Assessment of significance of effects</p>	
<p>Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site.</p>	<p>There are very few elements of the project that have an impact outside of the site boundary. The small scale and nature of the development is such that all construction impacts will be localised and not extend beyond the site footprint.</p> <p>During operation, the only element that could reasonably give rise to effects outside of the site boundary would be the emissions to air from the energy centre. Air dispersion modelling has demonstrated no adverse impact on air quality standards.</p>
<p>Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of: Size and Scale, land-take, distance from the Natura 2000 site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements, duration of construction,</p>	<p>Primary emissions from proposed energy centre will be to air. Air dispersion modelling has been completed and demonstrates no exceedence of air quality standards.</p>

(operation, decommissioning, etc)	
Describe any likely changes to the site arising as a result of 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.	No likely changes have been predicted.
Describe any likely impacts on the Natura 2000 site as a whole in terms of interference with the key relationships that define the structure or function of the site:	No likely significant impacts have been predicted.
Provide indicators of significance as a result of the identification of effects set out above in terms of loss, fragmentation, disruption, disturbance or change to elements of the site.	No likely significant impacts have been predicted.
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known:	No likely significant impacts have been predicted.

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