

Noreen McLoughlin, MSc

Environmental Consultant

Whitehill
Edgeworthstown
Co. Longford
☎ (087) 4127248 / (043) 6672775
✉ noreen.mcloughlin@gmail.com

STATEMENT OF SCREENING FOR APPROPRIATE ASSESSMENT OF A PROPOSED DEVELOPMENT AT CORGARRY, KINGSCOURT, CO CAVAN

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



Kingspan Light and Air
c/o Traynor Environmental
Creeny Business Park
Creeny
Belturbet
Co. Cavan

September 2019

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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 ecological impacts of a proposed development at Corgarry, Kingscourt, Co. Cavan was carried out in September 2019 by Noreen McLoughlin, MSc, MCIEEM of Whitehill Environmental. The assessment allowed areas of potential ecological value and potential ecological constraints associated with the proposed development to be identified and it also enabled 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.

1.2 REGULATORY CONTEXT

RELEVANT LEGISLATION

The Birds Directive (Council Directive 79/409/EEC) implies that particular protection is given to sites (Special Protection Areas) which support certain bird species listed in Annex I of the Directive and that surveys of development sites should consider the status of such species.

The EU Habitats Directive (92/43/EEC) gives protection to sites (Special Areas of Conservation) which support particular habitats and species listed in annexes to this directive. Articles 6(3) and 6(4) of this Directive call for the undertaking of an Appropriate Assessment for plans and projects likely to have an effect on designated sites. This is explained in greater detail in the following section.

The Wildlife Act 1976 (and its amendment of 2000) provides protection to most wild birds and animals. Interference with such species can only occur under licence. Under the act it is an offence to "wilfully interfere with or destroy the breeding place or resting place of any protected wild animal". The basic designation for wildlife is the Natural Heritage Area

(NHA). This is an area considered important for the habitats present or which holds species of plants and animals whose habitat needs protection. Under the Wildlife Amendment Act (2000) NHAs are legally protected from damage. NHAs are not part of the Natura 2000 network and so the Appropriate Assessment process does not apply to them.

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 2015 and that status doesn't 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 site’s conservation objectives.

Appropriate Assessment is an assessment of the potential effects of a proposed plan - ‘in combination’ with other plans and projects - on one or more European sites. The ‘Appropriate Assessment’ itself is a statement which must be made by the competent authority which says whether the plan affects the integrity of a European site. The actual process of determining whether or not the plan will affect the site is also commonly referred to as ‘Appropriate Assessment’.

If adverse impacts on the 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 (European Commission, 2000, 2001).

The conclusions of the appropriate assessment report should enable the competent authority to ascertain whether the proposal would adversely affect the integrity of the site (European Commission, 2000, 2001).

Under the terms of the directive (European Commission, 2000, 2001), 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 the site will not be adversely affected, or (b) where an adverse effect is anticipated, 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.

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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;
- Screening statement with conclusions.

2.2 DESK STUDIES

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;
- National Biodiversity Data Centre (NBDC) – Information pertaining to protected plant and animal species within the study area;
- Traynor Environmental Ltd – Information regarding the proposed development including site plans and specifications;
- Cavan County Council – Information on planning history in the area.

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3 SCREENING

3.1 DEVELOPMENT DESCRIPTION

Kingspan Light & Air have indicated their intention to shortly apply for planning permission for a development on their existing site at Corgarry, Kingscourt, Co. Cavan. Planning permissions is being sought here for the construction of an additional office building and manufacturing building at the Kingspan site.

An extract from the planning drawings submitted is shown in Figure 1.

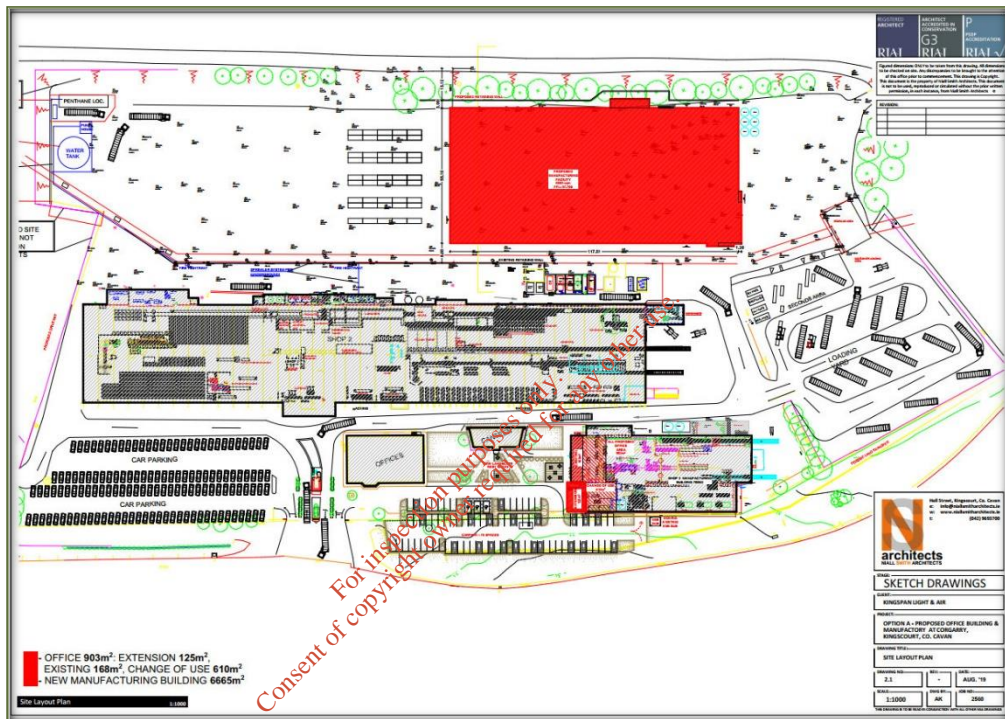


Figure 1 – Extract from Planning Drawings (as prepared by Niall Smith Architects)

3.2 SITE LOCATION AND SURROUNDING ENVIRONMENT

The proposed development site is located on the outskirts of Kingscourt town, approximately 715m east of the town centre. Access to the site is via an existing entrance that is just off the R179, Kingscourt to Carrickmacross Road. The site is located in an area where the urban habitats of Kingscourt dominate the lands to the west of the site. Beyond the urban areas, agriculture is the main land use and improved agricultural grassland is the dominant habitat. Other habitats represented locally include neutral and wet grasslands, areas of broadleaved forestry and scrub, hedgerows, treelines and watercourses.

Site location maps are shown in Figures 2 and 3.

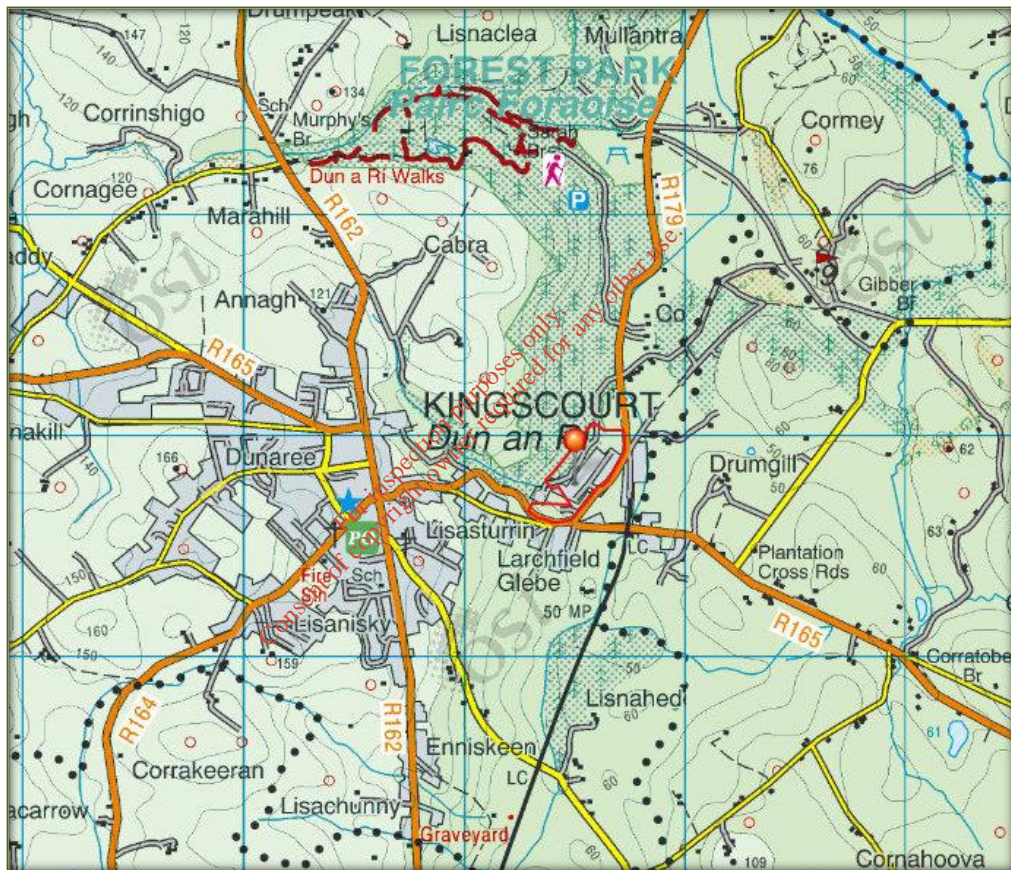


Figure 2 – Site Location Map (Site is Pinned)

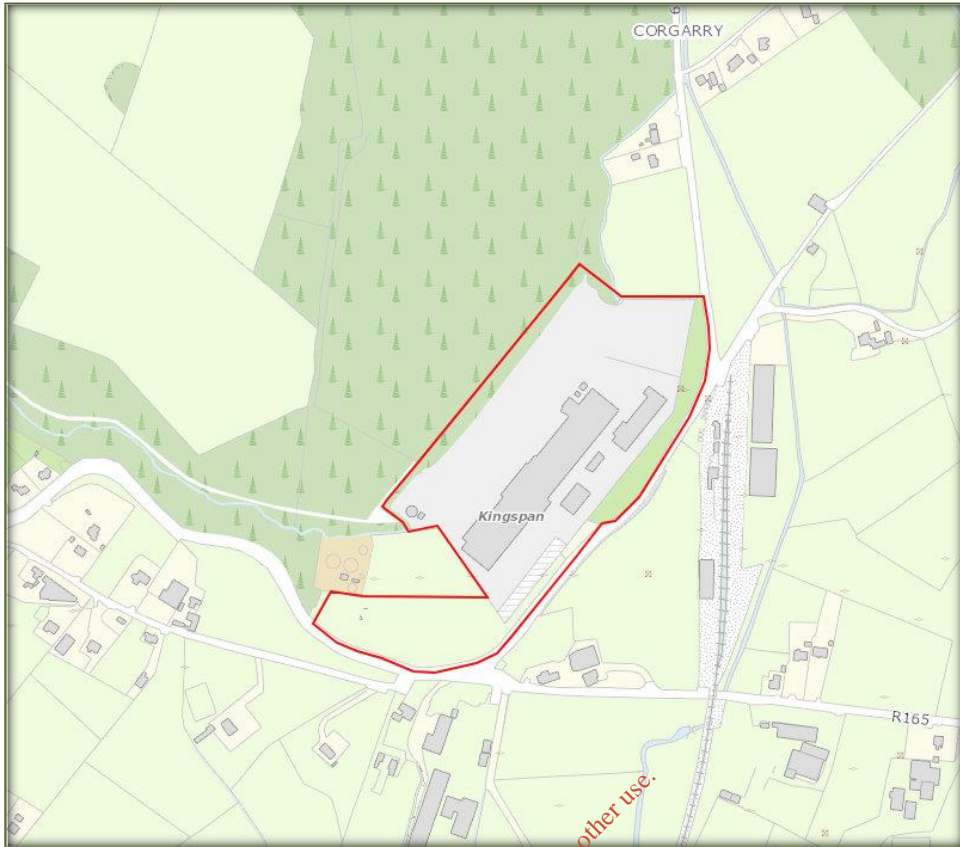


Figure 3 – Site Location Map

HABITATS WITHIN THE APPLICATION SITE

The dominant habitat within the application site is buildings and artificial surfaces, consisting of the buildings, car parks and other hard surfaced areas of the Kingspan site. There is an area of amenity grassland, an ornamental hedgerow and some scattered trees at the front of the site, along the main road. To the west of the site, outside of the site boundary there is an area of deciduous woodland, which forms part of the Cabra Woodland. An aerial photograph of the application site and its surrounding habitats is shown in Figure 4.

NOTABLE SPECIES

An examination of the website of the National Biodiversity Data Centre, revealed that there are records for the presence of two protected mammal species from the relevant 1km squares (N7995) of this proposed development. These species include the badger *Meles meles* and the pine martin *Martes martes* and they are fully protected under the Irish Wildlife Acts. A custom polygon generated for the site revealed that these records do not pertain to the application site itself.

WATER FEATURES AND QUALITY

The application site is within the Newry, Fane, Glyde and Dee Hydrometric Area and Catchment, and the Glyde Sub-Catchment and Sub-Basin. The EPA water feature database marks a stream flowing through the application site. This is referred to as the Cabra Stream and its course under the site at Kingspan has been culverted. This stream joins the Mullantra Stream just north of the application site, whilst further north the stream joins the River Glyde. The River Glyde enters the Irish Sea at Annagassan, approximately 47km downstream of the application site.

The EPA have defined the ecological status of the Cabra Stream, the Mullantra Stream and the River Glyde at points close to the application site as good. Under the requirements of the Water Framework Directive, this is satisfactory and this status must be maintained.

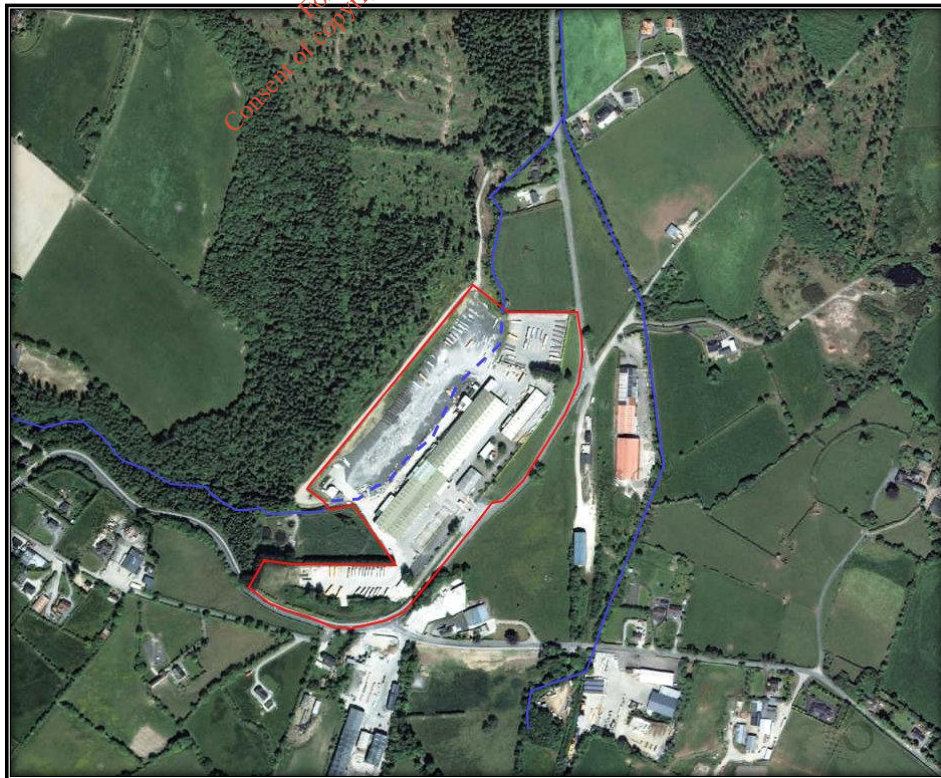


Figure 4 – Aerial Photograph of the Site (Outlined in Red) and its Surrounding Habitats. Local Watercourses are Highlighted in Blue. Culverted Course is Shown with a Dashed Line.

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 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.

The proposed works are not within or adjacent to any site that has been designated as a Special Area of Conservation (SAC) or Special Protection Area (SPA) and there are no Natura 2000 sites within 15km of the site. The closest sites to the proposed development area are summarised in Table 1 and a map showing their locations relative to the development site is shown in Figure 5. 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 Impacts
Killyconny Bog SAC 000006	16.5km south-west	<ul style="list-style-type: none"> Active Raised Bogs. Degraded raised bogs still capable of natural regeneration. 	<i>Potential impacts unlikely due to distances involved.</i>
The River Boyne and River Blackwater SAC 002299	19.3km south	<ul style="list-style-type: none"> River lamprey (<i>Lampetra fluviatilis</i>) Salmon (<i>Salmo salar</i>) Otter (<i>Lutra lutra</i>) Alkaline fens Alluvial forests with alder <i>Alnus glutinosa</i> and ash <i>Fraxinus excelsior</i> 	<i>Potential impacts unlikely due to distances involved and the fact that site is in separate catchment area to this SAC.</i>
The River Boyne and River Blackwater SPA 004232	19.3km south	<ul style="list-style-type: none"> Common Kingfisher <i>Alcedo atthis</i> 	<i>Potential impacts unlikely due to distances involved and the fact that site is in separate catchment area to this SAC.</i>
Dundalk Bay SAC 004026	47km downstream	<ul style="list-style-type: none"> Great Crested Grebe (<i>Podiceps cristatus</i>) Greylag Goose (<i>answer answer</i>) Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Shelduck (<i>Tadorna tadorna</i>) Teal (<i>Anas crecca</i>) Mallard (<i>Anas platyrhynchos</i>) Pintail (<i>Anas acuta</i>) Common Scoter (<i>Melanitta nigra</i>) Red-breasted Merganser (<i>Mergus serrator</i>) Oystercatcher (<i>Haematopus</i>) 	<i>Potential impacts unlikely due to large downstream distance.</i>

		<ul style="list-style-type: none"> <i>ostralegus</i> • Ringed Plover (<i>Charadrius hiaticula</i>) • Golden Plover (<i>Pluvialis apricaria</i>) • Grey Plover (<i>Pluvialis squatarola</i>) • Lapwing (<i>Vanellus vanellus</i>) • Knot (<i>Calidris canutus</i>) • Dunlin (<i>Calidris answer</i>) • Black-tailed Godwit (<i>Limosa limosa</i>) • Bar-tailed Godwit (<i>Limosa lapponica</i>) • Curlew (<i>Numenius arquata</i>) • Redshank (<i>Tringa answer15</i>) • Black-headed Gull (<i>Chroicocephalus ridibundus</i>) • Common Gull (<i>Larus canus</i>) • Herring Gull (<i>Larus argentatus</i>) • Wetland and Waterbirds 	
Dundalk Bay SPA 000455	47km downstream	<ul style="list-style-type: none"> • Estuaries • Mudflats and sandflats not covered by seawater at low tide • Perennial vegetation of stony banks • Salicornia and other annuals colonising mud and sand • Atlantic salt meadows (<i>Glauco-Puccinlietalia maritimae</i>) • Mediterranean salt meadows 	Potential impacts unlikely due to large downstream distance.

Table 1 – Summary of the Natura 2000 Sites Within 15km of the Application Site

The Generic Conservation Objective of all these sites is:

To maintain / restore the favourable conservation status of the qualifying interests of the SAC / SPA.

The favourable conservation status of a habitat is achieved when:

- Its natural range and area it covers within that range is stable or increasing and the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future;
- The conservation status of its typical species is favourable.

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.

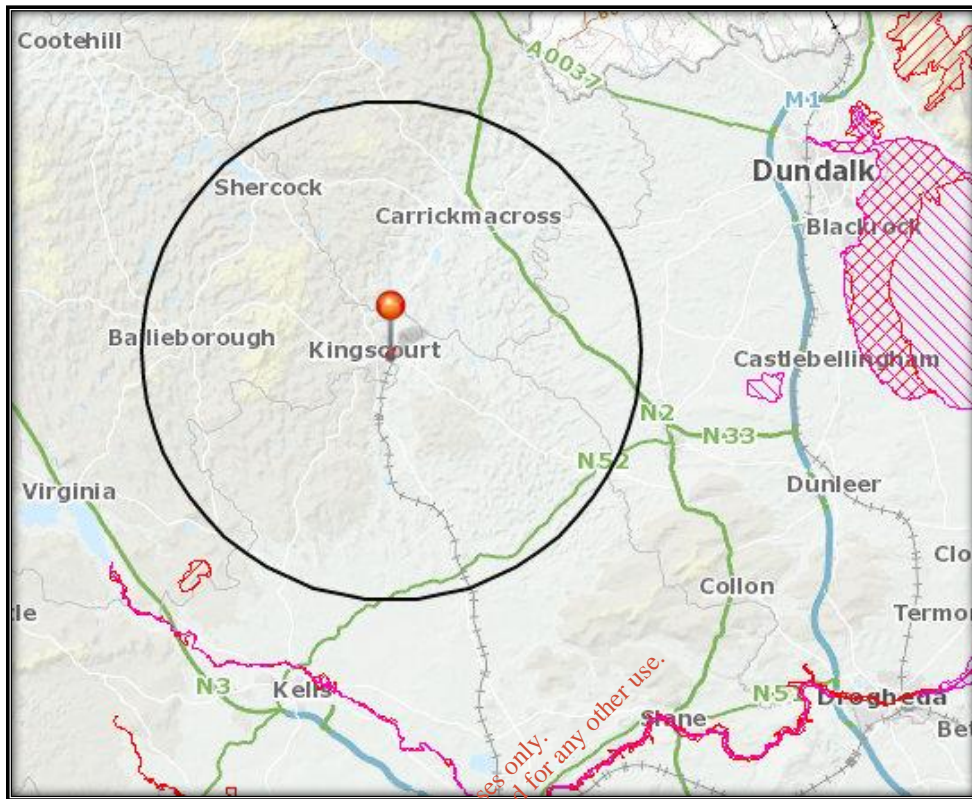


Figure 5 – Map Showing the Location of the Proposed Works (Pinned) in Relation to Natura 2000 Sites (SACs – Red Hatching, SPAs – Pink Hatching). 15km Boundary Indicated.

3.4 IMPACT ASSESSMENT

The potential impacts of the proposed development on the Natura 2000 sites identified above 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 at the Kingspan facility will have **no impacts** upon the integrity or the site structure of the designated sites identified. There are no individual elements of the proposed project that are likely to give rise to negative impacts on these sites. The development is over 16km from any designated site. This distance is sufficient to ensure that no impacts will arise on any designated sites. There will be no potential direct, indirect or cumulative impacts upon any designated site arising from the proposed development when considered in combination with other developments. The site is 49km upstream of Dundalk Bay SAC / SPA; however no impacts are likely due to the large distance involved.

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 development 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 no designated site within 15km of the application site. The closest designated site to the application site is Killyconny Bog SAC and this is 16.5km south-west of the application site. This distance is sufficient to ensure that no impacts 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: Neither the construction nor the operation of the proposed development will result in any emissions to the identified SACs or SPAs. The Cabra Stream runs under the application site and this is a tributary of the River Glyde. The River Glyde eventually enters Dundalk Bay, a designated SAC / SPA. However, the upstream distance is 49km. This is sufficient to ensure that no impacts upon Dundalk Bay SAC / SPA will arise. During site works and construction, best practice measures will be undertaken to ensure that no impacts upon the Cabra Stream or other local watercourses will occur.

Excavation requirements: There are no excavation works required that will impact upon any SAC / SPA.

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 the Kingscourt area. In the preceding five years, many commercial, domestic and agricultural developments been granted permission. Any application with the potential to impact upon any SAC or SPA should 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 other developments that have 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: Construction will take approximately six months, operation of the site will be ongoing.

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

Reduction of habitat area: The proposed development lies outside the boundaries of the Natura 2000 sites identified in Section 3.3. There will be no reduction of designated habitat area. 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 any designated site.

Disturbance to key species: There will be no direct disturbance to any species listed in Annex I of the Birds Directive or Annex II of the Habitats Directive. There will be no loss of any territory likely to be used by the otter, which is a qualifying interest of the SAC. There will be no reduction in water quality in any designated site arising from the construction or operation of this development, therefore any indirect impacts upon listed bird species will be avoided.

Habitat or species fragmentation: There will be no habitat or species fragmentation within any SAC or SPA. No ecological corridors between the proposed site and any designated area will be damaged or destroyed.

Reduction in species density: There will be no reduction in species density within the SAC and SPA.

Changes in key indicators of conservation value (water quality etc.): There will be no 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

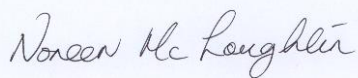
3.5 FINDING OF NO SIGNIFICANT EFFECTS

Finding of No Significant Effects Report Matrix	
Name of project	Proposed Construction Works at the Kingspan Site, Kingscourt, Co. Cavan
Name and location of Natura 2000 site	There are no Natura 2000 sites within 15km of the application site.
Description of project	Works within an Existing Industrial Site.
Is the project directly connected with or necessary to the management of the site?	No
Are there other projects or plans that together with project being assessed could affect the site?	No
The Assessment of Significance of Effects	
Describe how the project is likely to affect the Natura 2000 site	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.
Explain why these effects are not considered significant	Not applicable as there is no potential for negative impacts
Describe how the project is likely to affect species designated under Annex II of the Habitats Directive.	No impacts likely
Data Collected to Carry out the Assessment	
Who carried out the assessment	Noreen McLoughlin, MSC, MCIEEM. Consultant Ecologist
Sources of data	NPWS, EPA, National Biodiversity Data Centre, Cavan County Council
Level of assessment completed	Stage1 Appropriate Assessment Screening
Where can the full results of the assessment be accessed and viewed	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.

In view of best scientific knowledge and on the basis of objective information, it can be concluded that this application, whether individually or in combination with other plans and projects, will have no impacts upon the Natura 2000 sites. The integrity of these sites will be maintained and the habitats and species associated with these sites will not be adversely affected. It is of the opinion of this author that this application does not need to proceed to Stage II of the Appropriate Assessment process.



Noreen McLoughlin, MSc, MCIEEM.
Ecologist.

(PI Insurance details available on request)

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