

APPROPRIATE ASSESSMENT SCREENING REPORT

FOR

PROPOSED RIVER DEEL (CROSSMOLINA) DRAINAGE SCHEME

ON BEHALF OF

Department of Public Expenditure and Reform

Prepared by



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Figure 1. The four stages of the Appropriate Assessment Process (DEHLG, 2010).2



1 Introduction

1.1 Background

Enviroguide Consulting (Enviroguide) was appointed by the Department of Public Expenditure and Reform to carry out a Screening for Appropriate Assessment on the proposed River Deel (Crossmolina) Drainage Scheme, Co. Mayo.

1.2 Legislative Background

The Habitats Directive (92/43/EEC) seeks to conserve natural habitats and wild fauna and flora by the designation of Special Areas of Conservation (SACs) and the Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs). SACs and SPAs are collectively known as Natura 2000 or European sites. It is the responsibility of each member state to designate SPAs and SACs. SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and other regularly occurring migratory birds and their habitats. The annexed habitats and species for which each site is selected correspond to the qualifying interests of the sites; from these the conservation objectives of the site are derived.

An 'Appropriate Assessment' (AA) is a required assessment to determine the likelihood of significant impacts, based on best scientific knowledge, of any plans or projects on European sites. A screening for AA determines whether a plan or project, either alone or in combination with other plans and projects, is likely to have significant effects on a European site, in view of its conservation objectives.

This AA Screening has been undertaken to determine the potential for significant effects on relevant European sites. The purpose of this assessment is to determine, the appropriateness, or otherwise, of the Proposed Development in the context of the conservation objectives of such sites.

1.2.1 Legislative Context

An Appropriate Assessment is required under Article 6 of the Habitats Directive where a project or plan may give rise to significant effects upon a European site. Paragraph 3 states that:

"6(3) 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."



These obligations in relation to Appropriate Assessment have been implemented in Ireland under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and Part XAB of the Planning and Development Act 2000, as amended ("the 2000 Act"), and in particular Section 177U and Section 177V thereof.

1.2.2 Stages of AA

The AA process is a four-stage process, with issues and tests at each stage. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

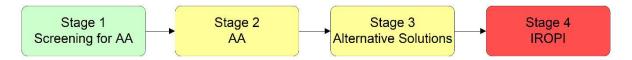


FIGURE 1. THE FOUR STAGES OF THE APPROPRIATE ASSESSMENT PROCESS (DEHLG, 2010).

The four stages of an AA, can be summarised as follows:

- Stage 1 *Screening* addresses:
 - whether a plan or project is directly connected to or necessary for the management of the site, or
 - whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a European site in view of its conservation objectives.
- Stage 2: Natura Impact Statement (NIS). The second stage of the AA process assesses the impact of the project or plan (either alone or in combination with other projects or plans) on the integrity of the European site, having regard to the conservation objectives of the site and its ecological structure and function. A NIS must provide the objective scientific information to enable the competent authority to carry out an appropriate assessment of the proposed development. It should describe any mitigation measures to avoid and reduce significant negative impacts.
- Stage 3: Assessment of alternative solutions. If the outcome of Stage 2 is negative i.e., adverse impacts to the sites cannot be scientifically ruled out, despite mitigation, the plan or project should proceed to Stage 3 or be abandoned. This stage examines alternative solutions to the proposal.
- Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. The final stage is the main derogation process examining whether there are imperative reasons of overriding public interest (IROPI) for allowing a plan or project to adversely affect a European site, where no less damaging solution exists.

2 METHODOLOGY

2.1 Guidance

This AA Screening has been undertaken in accordance with the following guidance:



- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010 revision).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.
- Assessment of plans and projects in relation to Natura 2000 sites Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission, 2021).
- Communication from the Commission on the precautionary principle (European Commission, 2000); and,
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitat's Directive 92/43/EEC (European Commission, 2019).
- Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March 2021

2.2 Screening Steps

Screening for AA involves the following steps:

- Establish whether the plan or project is directly connected with or necessary for the management of a European site.
- Description of the plan or project and the description and characterisation of other projects or plans that in combination have the potential for having significant effects on the European site.
- Identification of European sites potentially affected.
- Identification and description of potential effects on the European site.
- Assessment of the likely significance of the effects identified on the European site;
 and

2.3 Desk Study

A desktop study was carried out to collate and review available information, datasets and documentation sources relevant for the completion of this Screening Report. The desktop study relied on the following sources:

- Information on the network of European sites, boundaries, qualifying interests and conservation objectives, obtained from the National Parks and Wildlife Service (NPWS) at www.npws.ie.
- Text summaries of the relevant European sites taken from the respective Standard Data Forms and Site Synopses available at www.npws.ie.



- Information on species records and distributions, obtained from the National Biodiversity Data Centre (NBDC) at www.maps.biodiversityireland.ie.
- Information on waterbodies, catchment areas and hydrological connections obtained from the Environmental Protection Agency (EPA) at www.gis.epa.ie.
- Information on bedrock, groundwater, aquifers and their statuses, obtained from Geological Survey Ireland (GSI) at www.gsi.ie.
- Satellite imagery and mapping obtained from various sources and dates including Google, Digital Globe, Bing and Ordnance Survey Ireland.
- Information on the existence of permitted developments, or developments awaiting decision, in the vicinity of the Proposed Development available at the National Planning Application Database and Mayo County Council.
- Screening Report for Appropriate Assessment prepared by Ryan Hanley Consulting Engineers in association with McCarthy Keville O'Sullivan Ltd. and submitted as part of the application.

For a complete list of the specific documents consulted as part of this assessment, see *Section 5 References*.

2.4 Assessment of Significant Effects

The potential for significant effects that may arise from the Proposed Development were considered through the use of key indicators, namely:

- Habitat loss or alteration
- Habitat/species fragmentation
- Disturbance and/or displacement of species
- Changes in population density
- · Changes in water quality and resource

In addition, information pertaining to the conservation objectives of the European sites, the ecology of the designated habitats and species and known or perceived sensitivities of the habitats and species were considered.

3 STAGE 1 SCREENING

3.1 Management of European Sites

The Proposed Development is not directly connected with or necessary to the management of European sites.

3.2 Description of Proposed Development

The Proposed Development is summarised in the AA Screening Report prepared by Ryan Hanley Consulting Engineers in association with McCarthy Keville O'Sullivan Ltd as follows:



- Site investigation
- Site Preparation and Clearance
- Construction of a new grass lined diversion channel commencing at River Deel/L1105 and terminating in the townland of Mullenmore to the East of the R315 Crossmolina to Castlebar Regional Road;
- Construction of a new reinforced concrete intake structure and spillway on the banks
 of the River Deel at the upstream end of the abovementioned grass lined channel
 complete with an adjustable steel plate at the top of the 70m reinforced concrete intake
 structure;
- Construction of a new river flow control structure incorporating adjustable steel plates.
 The structure will consist of a series of precast box culverts and will be located approximately 155 metres downstream of the intake structure;
- Construction of an earthen embankment and reinforced concrete retaining walls/steel sheet piling at the river flow control structure.
- Construction of a new reinforced concrete energy dissipation structure within the proposed diversion channel to the south east of the R315;
- Construction of two new bridges, one each on the R315 (Mullenmore Bridge) and L1105 (Pollnacross Bridge);
- Raising the L1105 at the approach to the new bridge;
- Realignment of the Lake Road and creation of a new junction with the R315. This will necessitate the closure of a section of the existing road;
- Realignment and raising of existing avenues connecting the Lake Road to properties to the South;
- Creation of washlands between the termination point of the new channel and Lough Conn.
- Removal of existing access points/access routes and creation of new access points;
- Construction of an access track along the top of the channel between the L1105 and the R315. An access track will also be constructed alongside the intake structure linking the L1105 to the river bank. This will be used for maintenance purposes;
- Localised regrading of ground levels, erection of fencing and access gates, to facilitate
 pedestrian/vehicular access to and around flood defences, or to redirect overland
 surface water flow paths;
- Utility diversions where required;
- Maintenance activities and other non-structural measures.

Enviroguide is satisfied that this represents an accurate description of the project and associated works and that a robust screening for Appropriate Assessment can be carried out based on this description.



3.3 Identification of Relevant European Sites

The project is not directly connected with or necessary to the management of a European Site and therefore it needs to be determined if the Proposed Development is likely to have significant effects on a European site(s).

The Proposed Development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site in view of the conservation objectives of those sites.

The AA screening report identifies European sites within a 15km radius of the Site of the Proposed Development that could potentially be impacted by the Proposed Development and further determines that there are no sites outside of this 15km zone that have the potential to be impacted by the Proposed Development. Enviroguide is satisfied that the identification of these sites is in line with standard practice as set out in the *Appropriate Assessment Screening for Development Management, OPR Practice Note PN01, Office of the Planning Regulator March* 2021.

Enviroguide has carried out a screening of sites and has concluded that the sites detailed in the AA Screening Report are an accurate representation of the sites that could be potentially impacted by the Proposed Development, and Enviroguide is satisfied that there are no sites outside the 15km radius that could potentially be impacted.

These sites and their conservation objectives are detailed in the tables extracted from the AA Screening Report. These Tables also list any potential for the Proposed Development to result in significant effects on these sites and their conservation objectives.



TABLE 1. EUROPEAN SITES WITHIN THE 15KM PRECAUTIONARY ZONE OF INFLUENCE OF THE PROPOSED DEVELOPMENT AND POTENTIAL FOR SIGNIFICANT EFFECTS. EXTRACTED FROM THE AA SCREENING REPORT BY RYAN HANLEY CONSULTING ENGINEERS IN ASSOCIATION WITH MCCARTHY KEVILLE O'SULLIVAN LTD.

EUROPEAN SITES	QUALIFYING INTERESTS (SOURCED FROM NPWS ONLINE CONSERVATION OBJECTIVES, WWW.NPWS.JE ON THE (21/06/2020)	CONSERVATION OBJECTIVES	POTENTIAL FOR THE PROPOSED FLOOD RELIEF SCHEME TO RESULT IN SIGNIFICANT EFFECTS
SAC			
River Moy SAC (002298) Works partially within the SAC	Active raised bog (7110)* Degraded raised bogs still capable of natural regeneration (7120) Depressions on peat substrates of the Rhynchosporion (7150) Alkaline fens (7230) Old sessile oak woods with Ilex and Blechnum in the British Isles (91A0) Alluvial forests with Alnus glutinosa and Fraxinus excelsior (91E0)* Austropotamobius pallipes (White-clawed Crayfish) [1092] Petromyzon marinus (Sea Lamprey) [1095] Lampetra planeri (Brook Lamprey) [1096] Salmo salar (Atlantic Salmon) [1106]	Detailed conservation objectives for this site (Version 1, August 2016) were reviewed as part of the assessment and are available at www.npws.ie	The proposed flood relief scheme will result in direct effects on the River Moy SAC with works proposed within the SAC at the locations of the River Flow Control Structure and the Intake Weir. The ongoing maintenance of the River Deel between the Jack Garrett Bridge and just upstream of the Intake weir will be included in the OPW River Moy Maintenance Area as part of the flood relief scheme. This area is within the River Moy SAC. There is potential for habitat loss and disturbance to the aquatic habitats and species associated with the proposed works in this area. Much of the proposed development is located outside the SAC but there is potential for indirect effects in various forms such as hydrological and hydromorphological changes to the functioning of the river, water pollution or disturbance to result in significant effects on the River Moy SAC. The following Qualifying Interests have the potential to be affected by the proposed works both directly through habitat loss and disturbance and indirectly through water pollution causing
	Lutra lutra (otter) [1355]		habitat deterioration and through potential changes to the hydromorphology of the river. • Alluvial forests with Alnus glutinosa and Fraxinus excelsior (91E0)* • Austropotamobius pallipes (White-clawed Crayfish) [1092] • Petromyzon marinus (Sea Lamprey) [1095] • Lampetra marinus (Brook Lamprey) [1096] • Salmo salar (Atlantic Salmon) [1106] • Lutra lutra (otter) [1355] It cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is required. Following the review of the Conservation Objectives for the SAC, the detailed desk study and the field surveys undertaken, no pathway for significant effect on the following QI habitats was identified: Active raised bog (7110)* Degraded raised bogs still capable of natural regeneration (7120)



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10.7km north east	by seawater at low tide (1140) Annual vegetation of drift lines (1210) Salicornia and other annuals colonising mud and sand (1310) Atlantic salt meadows (1330) Embryonic shifting dunes (2110) Shifting dunes along the shoreline with Ammophila arenaria (2120) Fixed coastal dunes with herbaceous vegetation* (2130)	are available at www.npws.ie	water. Any water discharging from the proposed works area has to pass through Lough Conn & Lough Cullin for a distance of approximately 19km before entering the River Moy for a distance of over 20km before reaching the SAC. The lake and river would provide settlement and buffering from any potential pollution event and the potential for significant effects can be excluded. In addition, the Qualifying Interests of the SAC are all coastal or marine in nature and less sensitive to siltation or freshwater pollution than receptors within the River Moy or Loughs Conn & Cullin.
	Humid dune slacks (2190) Vertigo angustior (Narrow-mouthed Whorl sanil) [1014] Petromyzon marinus (Sea Lamprey) [1095] Phoca vitulina (Harbour Seal) [1365]		No pathway for significant effect exists and the site is not within the Likely Zone of Impact. It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is not required. Appropriate Assessment is not required.
Newport River SAC (002144) 11.7km to the south west	Margaritifera margaritifera (Freshwater Pearl Mussel) [1029] Salmo salar (Salmon) [1106]	This site has the generic conservation objective: 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'.'	This European Site is in an entirely separate surface water catchment from the proposed flood relief scheme and is separated from the proposed works by a distance of over 11km. No pathway for effect exists and the site is not within the Likely Zone of Impact. It can be excluded, on the basis of objective information,
		(NPWS Generic version 6.0, 2018)	that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is not required.
Lough Dahybaun SAC (002177) 12.9km north west	Najas flexilis (Slender Naiad) [1833]	This site has the generic conservation objective: 'To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected'.' (NPWS Generic version 7.0, 2020)	This European Site is in an entirely separate surface water catchment from the proposed flood relief scheme and is separated from the proposed works by a distance of over 12km. No pathway for effect exists and the site is not within the Likely Zone of Impact. It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is not required.
Owenduff/Nephin Complex SAC (000534) 14.5km south west	Oligotrophic waters containing very few minerals of sandy plains (3110) Oligotrophic to mesotrophic standing waters with vegetation of the Littorelletea uniflorae and/or Isoeto-Nanojuncetea (3130) Natural dystrophic lakes and ponds (3160)	Detailed conservation objectives for this site (Version 1, July 2017) were reviewed as part of the assessment and are available at www.npws.ie	This European Site is primarily located in a separate surface water catchment. The small section that is within the Moy catchment is upstream and up gradient of the proposed flood relief scheme. There was no identifiable pathway by which the proposed flood relief scheme has the potential to result in effects on the SAC. The qualifying interests are associated with peatlands and wetlands that have no potential to be affected by the proposed works.



	vegetation (3260) Northern Atlantic wet heaths with Erica tetralix (4010) Alpine and Boreal heaths (4060) Juniperus communis formations on heaths or calcareous grasslands (5130) Blanket bogs (* if active) (7130) Salmo salar (Salmon) [1106] Lutra lutra (Otter) [1355] Drepanocladus vernicosus (Slender Green Feather-moss) [1393] Saxifraga hirculus (Marsh Saxifrage) [1528]		excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is not required.
Bellacorick Iron Flush SAC (000466) 14.5km north west	Saxifraga hirculus (Marsh Saxifrage) [1528]	Detailed conservation objectives for this site (Version 1, Nov 2019) were reviewed as part of the assessment and are available at www.npws.ie	This European Site is in an entirely separate surface water catchment from the proposed flood relief scheme and is separated from the proposed works by a distance of over 14km. No pathway for significant effect exists and the site is not within the Likely Zone of Impact. It can be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is not required.
SPA	Special Conservation		
	meresis		
Lough Conn and Lough Cullin SPA (004228) 0.3km east of works area, washlands partially within SPA	Aythya fuligula (Tufted Duck) [A061] Melanitta nigra (Common Scoter) [A065] Larus canus (Common Gull) [A182] Anser albifrons flavirostris (Greenland White-fronted Goose) [A395] Wetland and Waterbirds (A999)	The generic conservation objectives of this designated site as per the Conservation Objectives Document (NPWS Generic version 5.0, 2016) are: 1) To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA 2) To maintain or restore the favourable conservation condition of the wetland habitat at Lough Conn and Lough Cullin SPA as a resource for the regularly-occurring migratory waterbirds that utilise it.	The proposed flood relief scheme has potential to result in direct effects on the SPA. Whilst no physical works are being carried out within the SPA, the washlands are located partially within it and could potentially be directly affected through physical disturbance and habitat deterioration. There is also potential for indirect effects such as water pollution to result in significant effects on the Lough Conn & Lough Cullin SPA. It cannot be excluded, on the basis of objective information, that the proposed development, individually or in combination with other plans or projects, will have a significant effect on this European site. Accordingly, a Stage Two Appropriate Assessment is required



3.4 Assessment of Likely Significant Effects

Enviroguide is satisfied that the European Sites, their conservation objectives, and the potential for significant effects as a result of the Proposed Development have been correctly identified in the AA Screening Report.

The potential for significant effects, **without mitigation**, on the River Moy SAC (002298) and the Lough Conn & Lough Cullin SPA (004028) as a result of the Proposed Development has been identified by this screening as: disturbance to bird species during works, pollution of the river and adjoining watercourses as a result of instream works or poor management of excavated material, disturbance to or loss of species and habitats such as:

- Alluvial forests with Alnus glutinosa and Fraxinus excelsior (91E0)*
- Austropotamobius pallipes (White-clawed Crayfish) [1092]
- Petromyzon marinus (Sea Lamprey) [1095]
- Lampetra planeri (Brook Lamprey) [1096]
- Salmo salar (Atlantic Salmon) [1106]
- Lutra lutra (otter) [1355]
- Aythia fuligula (Tufted Duck) [A061]
- Melanitta nigra (Common Scoter) [A065]
- Larus canus (Common Gull) [A182]
- Anser albifrons flavirostris (Greenland White-fronted Goose) [A395]
- Wetland and Waterbirds (A999)

In addition, there is potential for direct habitat loss and disturbance to the aquatic habitats and species within the River Moy SAC due to works that are proposed within the SAC. These are at the River Flow Control Structure and at the Intake Weir.

As Enviroguide has been unable to screen out potential effects at this screening stage, the potential for cumulative impacts must also be considered not to have been ruled out and therefore must be considered in detail at Stage 2.



4 APPROPRIATE ASSESSMENT SCREENING CONCLUSION

Enviroguide has carried out a Screening for Appropriate Assessment on the River Deel (Crossmolina) Flood Relief Scheme, including the information contained within the Screening Report submitted by the Office of Public Works.

Enviroguide is satisfied that the information provided allows for a complete examination and identification of all the aspects of the project that could have an effect, alone, or in combination with other plans and projects on European sites.

Measures intended to reduce or avoid significant effects on European sites have not been considered in the screening process.

In conclusion, the possibility can be excluded on the basis of objective scientific information that the Proposed Development, individually or in combination with other plans or projects will have a significant effect on any of the European Sites listed below:

- Bellacorick Bog Complex SAC (001922)
- Killala Bay/Moy Estuary SAC (000458)
- Newport River SAC (002144)
- Lough Dahybaun SAC (002177)
- Owenduff/Nephin Complex SAC (000534)
- Bellacorick Iron Flush SAC (000466)
- Killala Bay/Moy Estuary SPA (004036)

However, on the basis of objective scientific information, the possibility cannot be excluded that the Proposed Development, individually or in combination with other plans or projects will have a significant effect on the following European Sites:

- River Moy SAC (2298)
- Lough Conn & Lough Cullin SPA

Accordingly, for the reasons presented in this Appropriate Assessment Screening Report, an Appropriate Assessment is required.



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