

APPENDIX F

HABITATS DIRECTIVE ASSESSMENT RECOMMENDATIONS



**Suir Catchment Flood Risk
Assessment and Management Study
(CFRAMS)**

**Habitats Directive
Appropriate Assessment
Screening Report**

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1 INTRODUCTION

This report presents results of a Habitats Directive Assessment (HDA) Screening Study of the Suir Catchment Flood Risk Assessment and Management Study (CFRAMS). This Screening Report represents the first stage of the HDA process, which will continue throughout the development of the Suir CFRAMS and of the Strategic Environmental Assessment (SEA) which accompanies it.

The main objectives of this Habitats Directive Assessment are to provide information that informs the preparation of the Suir CFRAMS and the SEA thereby ensuring that the Suir CFRAMS does not include proposals that would result in negative impacts on Natura 2000 Sites and that the Suir CFRAMS is not therefore in breach of Articles 6(3) and 6(4) of the EU Habitats Directive.

This document presents details of Stage 1 of the HDA (see Section 1.3), the Screening study, which identifies those Natura 2000 Sites that may potentially suffer negative impacts as a result of proposals of the Suir CFRAMS and that therefore require Stage 2 Appropriate Assessment (see Section 1.3) to investigate these potential impacts further.

For definition purposes, Natura 2000 Sites (in the context of this study) include candidate Special Areas of Conservation (cSACs), which are designated under the EU Habitats Directive, on the basis of habitats and/or species (other than birds), listed under Annexes I and II respectively of the Directive; and Special Protection Areas (SPAs), which are designated under the EU Birds Directive, on the basis of their importance to birds, and are subject to the provisions of the Habitats Directive in the same way as cSACs.

This screening study has been conducted at a very early stage in the Suir CFRAMS project and as a result it is to some extent open to revision. As the project develops, the potential for impacts on Natura 2000 sites will be continually reassessed, which is likely to result in some Natura 2000 Sites being removed from the list of those requiring Stage 2 Appropriate Assessment (see Section 2.1), and possibly, although this is considered unlikely, other Natura 2000 sites being added (see Section 2.2). Stage 2 of the HDA will be conducted at a later stage when sufficient information on the locations and nature of any flood alleviation measures/proposals becomes available.

The responsibility for ensuring the appropriateness of any HDA ultimately lies with the National Parks and Wildlife Service (NPWS) of the Department of the Environment, Heritage and Local Government (DEHLG). This Screening Report will be submitted to NPWS, and also to the Environmental Protection Agency (EPA), for comment; and all further Stages of the HDA process (see Section 1.3) will be conducted in full consultation with these agencies.

1.1 SUMMARY OF THE PROPOSED SUIR CFRAMS PROJECT

The purpose of the Suir Catchment Flood Risk Assessment and Management Study (Suir CFRAMS) is to assess the spatial extent and degree of flood hazard and risk within the River Suir Catchment, to examine the future pressures that could impact on this risk, and to develop a long term strategy for managing the risk that is economically, socially and environmentally sustainable. The project is managed by the Office of Public Works (OPW).

The key output from the study will be flood hazard and risk maps and a “Catchment Flood Risk Management Plan” (CFRMP). The study will focus primarily on developed areas subject to significant development pressure known to have experienced flooding in the past or believed to be at risk of flooding in the future. As a pilot project of the OPW’s CFRAM Programme, the specific objectives of the Suir CFRAMS are to:

- Assess the flood risk to the catchment as a whole body both now and in the future;
- Identify how future land use and climate change may increase the risk of flooding;
- Carry out a Strategic Environmental Assessment (SEA), to ensure that environmental issues and opportunities for enhancement are considered;

- Consider potential options to manage the flood risk including both structural and non-structural measures;
- Develop an economically, socially and environmentally appropriate long-term strategy (Catchment Flood Risk Management Plan, CFRMP) to manage the flood risk and help ensure the safety and sustainability of communities in the Suir Catchment; and
- To comply with the requirements of the European Directive on the Assessment and Management of Flood Risk.

The following objectives of the Suir CFRAMS will help to produce the Catchment Flood Risk Management Plan (CFRMP);

- Collection and Analysis of data relevant to flooding within the study area;
- Identification and condition assessment of flood defence assets;
- Managing and undertaking surveys required for the assessment;
- Analysis of the hydrology of the River Suir Catchment;
- Hydraulic analysis of the main river channel and significant tributaries;
- Development of flood hazard and flood risk mapping;
- Development and appraisals of possible flood risk management measures and determination of appropriate flood risk management options;
- Strategic Environmental Assessment to evaluate at the earliest possible stage the environmental constraints, opportunities, impacts and consequences which the plan may have.

1.2 LEGISLATIVE REQUIREMENT FOR HABITATS DIRECTIVE ASSESSMENT (HDA)

The requirement for Appropriate Assessment of plans or projects originates from Articles 6 (3) and 6(4) of *European Union (EU) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora*, commonly known as the 'Habitats Directive', which is implemented in Ireland through the European Communities (Natural Habitats) Regulations of 1997 (and amendments).

The wording of Article 6 (3) of the Directive is as follows:

'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.'

The wording of Article 6 (4) of the Directive is as follows:

'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 State 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.'

There are currently no formal guidelines on the procedure to be employed. Staff from National Parks and Wildlife Service are however familiar with the requirements of Habitats Directive Assessment, and can be consulted for guidance. In addition, the EU has published a number of documents which provide guidance on the requirements of Appropriate Assessment, including, *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* (EU, 2001), which sets out the principles of how to approach decision making during the process. This document has been followed as closely as possible, there are however a number of restrictions when attempting to apply it in an Irish context, including first and foremost, the lack of formal statutory guidelines; and also, importantly, the relative lack of published data on many of the elements of the environment which comprise the 'Conservation Objectives' of Ireland's Natura 2000 Sites.

1.3 THE HABITATS DIRECTIVE ASSESSMENT (HDA) PROCESS

The Habitats Directive Assessment process progresses through four stages as follows:

- Stage 1 – Screening;
- Stage 2 – Appropriate Assessment;
- Stage 3 – Assessment of Alternative Solutions; and
- Stage 4 – Assessment Where no Alternative Exists and Where Adverse Impacts Remain and Assessment of Compensatory Measures.

Stages 1 and 2 relate to Article 6(3) of the Habitats Directive; and Stages 3 and 4 to Article 6(4).

Stage 1: Screening

The aim of Stage 1, 'Screening' is to determine whether or not Stage 2, the Appropriate Assessment is required. This is done by examining the details of the plan or project; and by examining the Qualifying Features (the habitats and species for the conservation of which the site has been designated) and Conservation Objectives (the means by which the Qualifying Features are maintained at a positive conservation status) of any Natura 2000 Sites that might potentially be affected by the proposed plan or project.

Stage 2: Appropriate Assessment

The aim of Stage 2 is to identify any negative impacts that the proposed plan or project might have upon Natura 2000 Sites identified at Stage 1, and to propose measures that will either avoid or mitigate any such negative impacts. The plan or project design should then be amended accordingly, thereby avoiding the need to progress to Stages 3 and 4 of the HDA process.

A key consideration of Appropriate Assessment is that the plan or project under consideration, in this case the Suir CFRAMS, must take account of potential impacts on Natura 2000 sites 'in combination' with other plans or projects. Such Impacts are termed 'Cumulative Impacts'.

Stage 3: Assessment of Alternative Solutions

It is an objective of the HDA process to avoid the need to progress to Stage 3, which can be achieved by implementing the avoidance and mitigation measures determined during Stage 2. If however it is not possible to reduce impacts to acceptable, non-significant levels by avoidance and mitigation, Stage 3 of the HDA process must be undertaken, which is to objectively assess whether alternative solutions exist by which the objectives of the plan or project can be achieved. Explicitly, this means alternative solutions that do not have negative impacts on the Conservation Objectives of the Natura 2000 Site.

This stage of the HDA process involves identifying the key objectives of the plan or project, identifying alternative solutions to achieving those objectives and then assessing each alternative against the criteria used in Stage 2 of the HDA. Clearly this involves a great deal of work on the part of both the HDA practitioner and the proponent of the plan or project.

Fundamentally, there are two pre-conditions that must be met before the Competent Authority (DEHLG) can allow a development that negatively impacts upon the Conservation Objectives of a Natura 2000 Site, and it is at this stage of the HDA process that the first of these is determined: that 'no alternatives exist' (the second precondition relates to 'over-riding public interest' and 'human health and safety considerations' and is determined in Stage 4). It should also be noted that EU guidance on this stage of the process states that, 'other assessment criteria, such as economic criteria, cannot be seen as overruling ecological criteria'. In other words, if alternative solutions exist that do not have negative impacts on Natura 2000 Sites, they should be adopted regardless of economic considerations.

Stage 4: Assessment Where no Alternative Exists and Where Adverse Impacts Remain

As stated above, this Stage of the HDA process is undertaken when it has been determined that negative impacts on the Conservation Objectives of a site will result from a plan or project, but that no alternatives exist. At this Stage of the HDA process, it is the characteristics of the plan or project itself that will determine whether or not the Competent Authority can allow it to progress. This is the determination of 'over-riding public interest'.

It is important to note that in the case of Natura 2000 Sites that include in their Qualifying Features 'Priority' habitats or species, as defined in Appendices 1 and 2 of the Directive, the demonstration of 'over-riding public interest' is not sufficient, and it must be demonstrated that the plan or project is necessary for 'human health or safety considerations'.

Where plans or project meet these criteria, they can be allowed, provided adequate compensatory measures are proposed. Stage 4 of the process defines and describes these compensation measures.

2 SCREENING ASSESSMENT

The purpose of HDA Screening (Stage 1 of the HDA process, see Section 1.3) is to determine whether or not an Appropriate Assessment (Stage 2 of the HDA process, see Section 1.3) is required. This determination is based upon the potential for the proposed plan or project to impact negatively, either directly or indirectly, or in combination with other plans or projects, upon the Conservation Objectives of any Natura 2000 Site. The potential for impacts will be in part a function of the location and characteristics of the proposed development and in part a function of the location and characteristics of the particular Natura 2000 Site concerned.

2.1 NATURA 2000 SITES LOCATED WITHIN THE SUIR CATCHMENT

Table 2.1 below lists all of the Natura 2000 Sites that lie within or partially within the River Suir Catchment. At this early stage of development of the Suir CFRAMS, the specific locations of flood prevention measures that will ultimately be proposed are not known, and therefore it must be assumed that flood prevention measures could be proposed anywhere within the identified Areas of Potential Flood Risk within the Suir catchment. It is therefore possible that works could be located within or close to any of these Natura 2000 Sites. Similarly, the characteristics and design of the flood prevention measures is not currently known and there is therefore the potential that the measures might impact on the Conservation Objectives of any of these Natura 2000 sites.

At this early stage in the development of the Suir CFRAMS, all of the Natura 2000 Sites located within or partially within the Suir Catchment, those listed in Table 2.1, sites are currently therefore considered to be subject to Stage 2 Appropriate Assessment. This screening process is however iterative, and as the Suir CFRAMS develops, and as further information becomes available it is likely that some of these Natura 2000 Sites will be 'screened-out' from Stage 2 and further Stages of the HDA.

Table 2.1: Designated SPAs and cSACs within the Suir Catchment

Natura 2000 Site	Site Code	County
Lower River Suir cSAC	002137	Tipperary, Waterford and Kilkenny
River Barrow and River Nore cSAC	002162	Kilkenny and Waterford
Hugginstown Fen cSAC	000404	Kilkenny
Commeragh Mountains cSAC	001952	Waterford
Neir Valley Woodlands cSAC	000668	Waterford
Slievefelim to Silvermines Mountains SPA	004165	Tipperary
Kilduff, Devilsbit Mountain cSAC	000934	Tipperary
Moanmore Mountain cSAC	002257	Tipperary
Anglesey Road cSAC	002125	Tipperary
Galtee Mountains cSAC	000646	Tipperary, Limerick

2.2 NATURA 2000 SITES LOCATED OUTSIDE THE SUIR CATCHMENT

Consultation with staff from NPWS on previous HDA projects indicates that they wish to see all Natura 2000 sites that are located within approximately 15km of a major proposed development considered in HDA screening. Tables 2.2 and 2.3 list all of the Natura 2000 Sites that lie within 15km of the boundary of the Suir Catchment. At this early stage of development of the Suir CFRAMS, the specific locations of flood prevention measures that will ultimately be proposed are not known, and therefore it must be assumed that flood prevention measures could be proposed anywhere within the catchment. It is therefore possible that works could be located within 15km of any of these Natura 2000 Sites. Similarly, the characteristics and design of the flood prevention measures is not currently known and there is therefore the potential that the measures might impact on the Conservation Objectives of any of these Natura 2000 sites.

2.2.1 Candidate Special Areas of Conservation

Table 2.2 gives a generalised description of the Qualifying Features of the cSACs based upon a review of the Site Synopses presented by NPWS (www.npws.ie). All of these cSACs are designated on the basis of habitats listed under Annex I of the Directive and/or on the basis of resident (non-migratory) species listed under Annex II. No Qualifying Features have been identified at these cSACs where ecological impacts such as meta-population impacts might occur and therefore need to be considered.

Potential indirect impacts on the Qualifying Features of these cSACs are likely to be limited to water quality, air quality or hydrological impacts, which are the impacts most likely to occur over relatively large distances. It is not considered that there are potential impacts in terms of either hydrology or water quality because, by definition, these sites do not lie within the catchment to which the plan refers (the Suir Catchment). It is also considered highly unlikely that flood prevention measures, whatever form they may take, will have any deleterious impact on air quality other than perhaps on a very localised scale during construction.

It is not considered that there are any likely potential impacts on the Conservation Objectives of any of the cSACs listed in Table 2.2, and they do not therefore need to be considered in the Stage 2 Appropriate Assessment of the Suir CFRAMS. The possibility that indirect impacts to sites outside the Suir Catchment could occur will however continue to be considered at later stages in the development of the Suir CFRAMS as further information on any proposed flood prevention measures becomes available.

Table 2.2: Designated cSACs Located Outside but Within 15km of the Suir Catchment

Natura 2000 Site	Site Code	County	Generalised Description of Qualifying Features
Blackwater River (Cork / Waterford) cSAC	002170	Waterford / Cork	Wetland habitats and species
Tramore Dunes and Backstrand cSAC	000671	Waterford	Coastal habitats
Glendine Wood cSAC	002324	Waterford	Woodland habitats and aquatic species
Philipston Marsh cSAC	001847	Tipperary	Wetland habitats
Bolingbrook Hill cSAC	002124	Tipperary	Upland habitats
Lower River Shannon cSAC	002165	Tipperary	Wetland habitats and species
Keeper's Hill cSAC	001197	Tipperary	Upland habitats
Silvermines Mountains cSAC	000939	Tipperary	Upland habitats

Table 2.2: cSACs Located Outside the Suir Catchment but Within 15km (continued)

Natura 2000 Site	Site Code	County	Generalised Description of Qualifying Features
Silvermines Mountains West cSAC	002258	Tipperary	Upland habitats
Glen Bog cSAC	001430	Limerick	Wet woodland habitat
Ballyhoura Mountains cSAC	002036	Limerick	Upland habitats
Carrigeenamronerty Hill cSAC	002037	Limerick	Upland habitats and aquatic species
Hook Head cSAC	000764	Wexford	Coastal and marine habitats
Bannow Bay cSAC	000687	Wexford	Coastal habitats
Spahill and Clomantagh Hill cSAC	000849	Kilkenny	Grassland habitats
The Loughans cSAC	000407	Kilkenny	Wetland habitats (turlough)
Cullahill Mountain cSAC	000831	Kilkenny	Grassland habitats
Galmoy Fen cSAC	001858	Kilkenny	Wetland habitats
Coolrain Bog cSAC	002332	Laois	Wetland habitats

2.2.2 Special Protection Areas

Table 2.3 gives a generalised description of the Qualifying Features of the SPAs located within 15km of the Suir Catchment based upon a review of the Site Synopses presented by NPWS (www.npws.ie). The Qualifying Features of four of the SPA sites are broadly described as 'migratory waterbirds', which in this context includes waders, ducks, geese, swans and other species, many of which will range over large areas and utilise many different wetland sites during the course of a single year. Hence, impacts on a site in one part of a population's range can potentially have significant impacts elsewhere.

There is no SPA within the Suir Catchment that is designated on the basis of its importance to migratory waterbirds (see Table 2.1). Were such sites present, then the possibility of displacement of birds from these sites to those listed in Table 2.3 might constitute a potential negative impact on the latter sites. In the absence of such sites within the Suir Catchment, it is considered unlikely that flood alleviation works will result in displacement of significant numbers of birds to other nearby sites, such as these SPAs. There remains a small possibility that flood alleviation works could create habitats which favour waterbirds and could therefore draw populations of birds away from the SPA sites listed in Table 2.3, thus reducing their conservation importance, however it is not considered that this would constitute an impact on the 'Conservation Objectives' of these SPAs, and is anyway considered very unlikely to occur.

Due to the distances involved, and the likely (relatively small) scale of any proposed flood alleviation works within the Suir Catchment, it is not anticipated that there could potentially be any impact upon the Hen Harrier population of the *Slieve Bloom Mountains* SPA, or on any of the cliff-nesting birds of the *Mid-Waterford Coast* SPA.

Hence, it is not considered that there are any likely potential impacts on the conservation objectives of any of the SPAs listed in Table 2.3 and they do not therefore need to be considered in the Stage 2 Appropriate Assessment of the Suir CFRAMS. The possibility that indirect impacts to sites outside the Suir Catchment could occur will however continue to be considered at later stages in the development

of the Suir CFRAMS as further information on any proposed flood prevention measures becomes available.

Table 2.3: SPAs Located Outside the Suir Catchment but Within 15km

Natura 2000 Site	Site Code	County	Generalised Description of Qualifying Features
Blackwater Callows SPA	004094	Waterford / Cork	Migratory Waterbirds
Tramore Back Strand SPA	004027	Waterford	Migratory Waterbirds
Mid-Waterford Coast SPA	004193	Waterford	Cliff-nesting birds
Dungarvan Harbour SPA	004032	Waterford	Migratory Waterbirds
Bannow Bay SPA	004033	Wexford	Migratory Waterbirds
Slieve Bloom Mountains SPA	004160	Offaly	Hen Harrier

