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# National Roads 2040

Appropriate Assessment  
Screening Report

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Tionscadal Éireann  
Project Ireland  
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## Draft National Roads 2040

### Appropriate Assessment Screening Report

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## 1.0 INTRODUCTION

### 1.1 Overview

This Appropriate Assessment Screening Report (“the AA Screening Report”), with respect to draft National Roads 2040 Strategy (hereafter referred to “NR2040” or “the draft Strategy”) has been prepared independently by Roughan & O'Donovan (“ROD”) as sub-consultant to AECOM on behalf of Transport Infrastructure Ireland (“TII”).

The requirements arising out of Article 6(3) of Council Directive 92/43/EEC of 21 August 1992 on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”) in relation to appropriate assessment are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations 2011 as amended<sup>1</sup> (S.I. No.477 of 2011) (“the Habitats Regulations”), including Part 5 thereof. In accordance with Article 6(3) of the Habitats Directive and Part 5 of the Habitats Regulations, this AA Screening Report has been prepared to assess whether or not the draft Strategy, either individually or in combination with other plans or projects, is likely to have a significant effect on one or more sites of Community importance for nature conservation (“European sites”).

This document comprises the AA Screening Report in accordance with the requirements of the Habitats Directive and the Habitats Regulations. The aim of this AA Screening Report is to inform and assist the Competent Authority, TII, in carrying out its AA Screening Assessment by determining whether or not the draft Strategy, either individually or in combination with other plans and projects, has the potential to significantly affect one or more European sites in view of their Conservation Objectives.

The AA Screening Report is intended to assess the likelihood of the draft Strategy, either individually or in combination with other plans or projects, significantly affecting areas designated as being of European importance for nature conservation (“European sites”), thereby enabling TII, in its capacity as the Competent Authority in this case, to comply with its obligations under Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”).

It is the considered opinion of ROD, as the author of this AA Screening Report, that the NR2040, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on European sites, in view of their Conservation Objectives, and, therefore, that AA is required in respect of the draft Strategy.

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<sup>1</sup> Including inter alia S.I. 290 of 2013; SI 499 of 2013; SI 355 of 2015;

## 1.2 Legislative Context

Council Directive 92/43/EEC of the 21st May 1992 on the conservation of natural habitats of wild fauna and flora (“the Habitats Directive”) and Directive 2009/147/EC of the European Parliament and of the Council of the 30th November 2009 on the conservation of wild birds (“the Birds Directive”) list habitats and species which are, in a European context, important for conservation and in need of protection. This protection is afforded in part through the designation of sites which support significant examples of habitats or populations of species (“European sites”). Sites designated for wild birds are termed “Special Protection Areas” (SPAs) and sites designated for natural habitat types or other species are termed “Special Areas of Conservation” (SACs). The complete network of European sites is referred to as “Natura 2000”.

In order to ensure the protection of European sites in the context of land use planning and development, Article 6(3) of the Habitats Directive provides for the assessment of the implications of plans and projects for European sites, 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<sup>2</sup> 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.”*

In *Case C-323/17 [§34], People Over Wind*, the Court of Justice of the European Union (‘the CJEU’) referred to the nature of the test to be applied in making a screening determination as follows:

*“[...] it is settled case-law that Article 6(3) of the Habitats Directive makes the requirement for an appropriate assessment of the implications of a plan or project conditional on there being a probability or a risk that the plan or project in question will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the site concerned (judgment of 26 May 2011, Commission v Belgium, C-538/09, EU:C:2011:349, paragraph 39 and the case-law cited). The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project (see, to that effect, judgment of 21 July 2016, Orleans and Others, C-387/15 and C-388/15, EU:C:2016:583, paragraph 45 and the case-law cited).”*

Article 7 of the Habitats Directive provides that the provisions of, *inter alia*, Article 6(3) are to apply to SPAs under Directive 2009/147/EC (the “Birds Directive”).

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<sup>2</sup> Including, where applicable, ‘sites’.

As stated, the requirements arising out of Article 6(3) of the Habitats Directive are transposed into Irish law by Part 5 of the European Communities (Birds and Natural Habitats) Regulations 2011 as amended<sup>3</sup> (S.I. No.477 of 2011) (the Habitats Regulations).

The determination of whether or not a plan or project requires AA is referred to as “Stage 1” or “AA Screening”. A “Stage 1” or “AA Screening” is completed to determine whether or not the draft Strategy, either individually or in combination with other plans or projects, in view of best scientific knowledge, is likely to have a significant effect on areas designated as being of European importance for nature conservation (“European sites”), thereby enabling the Competent Authority (in this case TII) to fulfil its obligations under Article 6(3) of the Habitats Directive.

As set out above, it is the considered opinion of ROD, as the author of this AA Screening Report, that the draft Strategy, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on European sites, in view of their Conservation Objectives, and, therefore, that AA is required in respect of the draft Strategy.

Article 6(3) of the Habitats Directive specifies that AA must be undertaken by the “competent national authorities”. In Ireland, the “Competent Authority” is the relevant planning authority or public authority for each plan or project, e.g. a local authority or in this case TII. Consequently, the responsibility for carrying out AA Screening lies solely with the Competent Authority, in this case TII. In that respect, the AA Screening Report is not in itself an AA Screening Assessment but provides the Competent Authority with the information it needs in order to carry out its AA Screening.

### 1.3 Guidance

The following guidance documents informed this AA Screening and the assessment methodology:

- EC (2018) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. European Commission, Brussels.
- EC (2001) *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*. Environment Directorate-General of the European Commission, Luxembourg.
- DEHLG (2010) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government, Dublin.
- NPWS (2010) Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular Letter NPWS 1/10 & PSSP 2/10. National Parks & Wildlife Service, Department of the Environment, Heritage and Local Government, Dublin.
- Scottish Natural Heritage (2015) Habitat Regulation Appraisals of Plans. Guidance for Plan-making Bodies in Scotland. Version 3.0. January 2015.

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<sup>3</sup> Including inter alia S.I. 290 of 2013; SI 499 of 2013; SI 355 of 2015;.

## 1.4 Appropriate Assessment Process

The entire AA process can be broken down into four stages in accordance with European Commission guidance (EC, 2001), and Irish guidance Department of Environment, Heritage and Local Government (DEHLG, 2010) listed above. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required. If at any stage in the process it is determined that there will be no implications for the European site in view of the site's conservation objectives, the process is effectively completed. The four stages are described below.

- Stages 1-2 deal with the main requirements for assessment under Article 6(3).
- Stage 3 is the first step under Article 6(4) and examines alternative solutions that would avoid adverse effects on the integrity of a European site.
- Stage 4 is the main derogation step of Article 6(4).

The four stages are summarised below as they relate to the NR2040 Strategy, and an outline of the steps and procedures involved in completing each stage.

**Stage 1 - Screening for Appropriate Assessment:** Screening for Appropriate Assessment is the first stage in the process and is the subject of this report. The screening process determines if a plan, project or in this case, the draft Strategy, is necessary for the management of the Natura 2000 network, or if it, alone or in combination with other plans and projects, is likely to have a significant effect on one or more European sites. At this stage, mitigation measures to avoid or reduce the potential for significant effects cannot be considered. If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA).

**Stage 2 - Appropriate Assessment (Natura Impact Statement):** Where the possibility of significant effects on one or more European site cannot be excluded during Stage 1, the process proceeds to Stage 2 Appropriate Assessment. This stage considers whether the plan, project, in combination with other plans and projects, will adversely affect the integrity of one or more European site, and can include any mitigation measures to avoid or reduce or offset negative impacts. At Stage 2, the proponent of plan or project is required to submit a Natura Impact Statement (NIS). The NIS must contain complete, precise and definitive findings to enable the Competent Authority (TII in this case) to carry out Appropriate Assessment.

If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded, then the process must proceed to Stage 4, or the plan or project should be abandoned. The AA is carried out by the Competent Authority and is supported by the NIS and taking account of comments from the Minister following the statutory consultation.

**Stage 3 - Assessment of Alternative Solutions:** Where adverse effects cannot be excluded on one or more European sites, the plan or project, must proceed to Stage 3, the Assessment of Alternative Solutions. This stage examines alternative options or solutions that could enable the plan or project proceed without to avoid adverse effects on the integrity of a Natura 2000 site. The process must return to Stage 2 as alternatives will require appropriate assessment in order to proceed. Demonstrating that all reasonable alternatives have been considered and assessed, and that the least damaging option has been selected, is necessary to progress to Stage 4.

**Stage 4 - Imperative Reasons of Overriding Public Interest (IROPI):** Stage 4 IROPI is a derogation process which allows a plan or project to proceed despite the fact that it will have an adverse effect on one or more European site(s). Where priority habitats or species are concerned, as defined in the Habitats Directive, the Competent Authority can only approve proposals relating to human health, public safety or beneficial consequences of primary importance to the environment. Where other IROPI are evoked, an opinion from the European Commission is required. In addition to the mitigation measures implemented at Stage 2 of the process, at Stage 4, compensatory measures are also necessary to maintain or enhance the coherence of the Natura 2000 network.

## 1.5 Screening Methodology

The AA Screening exercise assesses the potential effects from the draft Strategy on the European sites within the Zone of Influence and evaluates them in view of the sites' Conservation Objectives. This AA Screening Report has been prepared before detailed/specific policies and objectives of the draft Strategy have been identified. Where lacunae in the available information exists, the Precautionary Principle has been applied.

This AA Screening Report has had regard inter alia to the following matters<sup>4</sup>:

- The threshold test is that an appropriate assessment will be required if the draft Strategy is likely *'to have a significant effect'* on (a) European site(s) either individually or in combination with other plans or projects.
- It is not necessary, in order to trigger the requirement to proceed to stage 2 AA that the draft Strategy will *'definitely'* have significant effects on the protected site, but such a requirement will arise if it is a *'mere probability'* that such an effect exists. The requirement to carry out an AA will be satisfied if there is a *'probability or a risk'* that the draft Strategy will have *'significant effects'* on (a) European site(s).
- Consequent upon the application of the precautionary principle, such a *'risk'* will be found to exist if *'it cannot be excluded on the basis of objective information'* that the draft Strategy *'will have significant effects'* on (a) European site(s).
- An AA will be required if, on the basis of objective information, a *'significant effect'* on a European site *'cannot be excluded'*. An AA will not be required if, on the basis of objective information, a *'significant effect'* on (a) European site(s) *'can be excluded'*.
- In the case of *'doubt as to the absence of significant effects'* an AA must be carried out.
- The requirement to conduct an AA will arise where, at the screening stage, it is ascertained that the particular development is *'capable of having any effect'* (albeit this must be any *'significant effect'*) on (a) European site(s).
- The *'possibility'* of there being a *'significant effect'* on (a) European site(s) will give rise to a requirement to carry out an AA for the purposes of Article 6(3).

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<sup>4</sup> See Eoin Kelly v. An Bord Pleanála [2019] IEHC 84; Kelly v. An Bord Pleanála [2014] IEHC 400; Connelly v. An Bord Pleanála [2018] IESC 31; [2018] ILRM 453.

There is no need to *'establish'* such an effect and it is merely necessary to determine that there *'may be'* such an effect.

- In order to meet the threshold of likelihood of significant effect, the word *'likely'* in Article 6(3) means less than the balance of probabilities. The test does not require any *'hard and fast evidence'* that such a significant effect was likely. It merely has to be shown that there is a *'possibility'* that this significant effect is likely.
- The assessment of whether there is a risk of *'significant effect'* on the European site must be made in light, *inter alia*, of the *'characteristics and specific environmental conditions of the site concerned'* of the draft Strategy.

While the threshold at the screening stage of Article 6(3) is very low nonetheless it is a threshold which must be met before it is necessary to proceed to the stage 2 AA.

Accordingly, best practice in undertaking AA Screening involves five steps as follows:

1. The first step involves gathering the information and data necessary to carry out a screening assessment. These include, but are not limited to, the details of the draft Strategy, environmental data pertaining to the area in which the draft Strategy is located, e.g. rare or protected habitats and species present or likely to be present, and the details of the European sites within the Zone of Influence.
2. The second step involves examining the information gathered in the first step and a scientific analysis of the potential impacts of the project on the receiving environment, particularly the European sites in the Zone of Influence.
3. The third step evaluates the impacts analysed in the second step against the Conservation Objectives of the relevant European sites, thereby determining whether or not those impacts constitute "likely significant effects", within the meaning of Article 6(3) of the Habitats Directive.
4. The fourth step involves considering the potential for likely significant effects to arise from the combination of the impacts of the draft Strategy with those of other plans, projects or Strategies. If it is determined in the third step that Stage 2 (AA) is required, consideration of potential in-combination effects may be deferred to Stage 2 Appropriate Assessment Natura Impact Statement (NIS).
5. The last step involves the issuing of a statement of the determination of the AA Screening. Notwithstanding the recommendation made in the AA Screening Report, the responsibility for completing this step lies solely with the Competent Authority, who in this case is TII.



## 2.0 DESCRIPTION OF THE DRAFT STRATEGY

### 2.1 National Roads 2040

NR2040 is TII's long-term strategy for National Roads. It will support the delivery of Project Ireland 2040 and the Department of Transport's (DoT's) National Investment Framework for Transport in Ireland (NIFTI) relating to the National Road network. It will also align with wider government policy commitments including the Climate Action Plan 2021 and the DoT's National Sustainable Mobility policy.

Utilising analysis from TII's National Transport Model, it will be an evidence-based approach to National Road planning that also aligns with government policy direction. A change from the 'predict and provide' transport planning in the past. It will identify how the National Road network will realise policy ambitions included in the National Planning Framework and NIFTI. Modelling will be used to sub-classify the National Roads network for the purposes of identifying where investments would support the different National Strategic Outcomes (NSOs) of the National Planning Framework (NPF).

NR2040 will also seek to identify and plan for other key issues facing the current and future National Road network and outline priorities for National Road investment.

The vision of the strategy is *"An evolving transport system focused on: safety; accessibility; mobility of people, goods and services; and economic, social and environmental sustainability."*

The priorities of the strategy for National Road are:

- Safe and efficient transport network for goods and people
- Environmentally, socially, and financially sustainable
- Tailored for different customers in different places
- Managed and improved as a key public asset.

NR2040 is being developed to ensure that the National Roads network fulfils its role in national transport and spatial planning. In particular, it will address the needs of the National Planning Framework (NPF) and bring long-term planning up to date. The issues faced by TII are evolving as the network develops. The provision of network improvements is still a key task of TII however the management and operation of the network are expected to require greater resources into the future. NR2040 will guide the full range of TII's National Roads activities over the years to 2040 and beyond.

## 2.2 Background and Context

The *National Road Needs Study*, published in 1998 by the National Roads Authority at that time represented a comprehensive assessment of the network, issues and requirements and investment needs. NR2040 seeks to improve upon the 1998 Study, by acting as a realistic, knowledge-based, sustainable approach for the National Road network to 2040.

The Department of Transport, Tourism and Sport (DTTas) is concurrently progressing the National Investment Framework for Transport in Ireland (NIFTI). The strategy will tie in closely with NIFTI but NIFTI will undertake a broader assessment of all land-based transport. NR2040 is being rolled out in the context of these existing policies/frameworks and other sectoral policies influencing National Road transport.

NR2040 is currently at analysis and options stages and will take into account the anticipated changes to population and employment numbers and spatial distribution, customer needs, changing technology, required trade and connectivity, and recently released statutory government policy, "Project Ireland 2040". Roads provide essential infrastructure to all sectors of society and communities including public transport, freight and commuting. They facilitate access to wide range of uses including health, education, tourism and recreation uses. NR2040 focuses on the maintaining a functional, well-performing National Road network to 2040 and beyond.

## 3.0 IDENTIFICATION OF LIKELY SIGNIFICANT EFFECTS

### 3.1 Establishing the Zone of Influence

Section 3.2.3 of the Department of Environment, Heritage and Local Government's *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DEHLG, 2010) outlines the procedure for selecting the European sites to be considered in AA Screening. It states that European sites potentially affected should be identified and listed, bearing in mind the potential for direct, indirect and/or cumulative effects. It also states that the specific approach in each case is likely to differ depending on the scale and likely effects of the plan or project. However, it advises that the following sites should generally be included:

- All European sites within or immediately adjacent to the plan or project area;
- All European sites within the Zone of Influence of the plan or project; and,
- In accordance with the Precautionary Principle, all European sites for which there is doubt as to whether or not they might be significantly affected.

The “Zone of Influence” of a plan or project is the geographic extent over which significant ecological effects are likely to occur. In the case of projects, DEHLG (2010) recommends that the Zone of Influence must be established on a case-by-case basis, with reference to the following key variables:

- The nature, size and location of the project.
- The sensitivities of the ecological receptors.
- The potential for cumulative effects.

For example, in the case of a project that could affect a watercourse, it may be necessary to include the entire upstream and/or downstream catchment in order to capture all European Sites with water-dependent Qualifying Interests. In the case of plans, however, the guidance recommends that this zone extend to a distance of 15km in all directions from the boundary of the plan area.

NR2040 is a national level strategy which applies to all areas of Ireland including the existing National Road network, as well as other areas which may become part of this network in the future. For example, new National Roads, improvements to the existing National Road network, development of supporting infrastructure or technology, and non-infrastructure programmes.

Taking this into account, the Zone of Influence for NR2040 was defined as the island of Ireland and a 15km buffer which reflects of the connectivity of the National Road network and the potential pathways for effects of the Strategy on European Sites, including European sites in Northern Ireland.

A geographical representation of the Zone of Influence is produced in ArcGIS 10.5.1 using publicly available Ordnance Survey Ireland maps. This is used in combination with NPWS and DEARA SAC and SPA shapefiles to identify the boundaries of European Sites in relation to the Zone of Influence (Appendix A). It was determined that 678 no. European Sites within the Zone of Influence as summarised in Table 3-1 below.

**Table 3-1 European sites included in the screening assessment.**

| European sites                | No. sites (Ireland) | No. sites (Northern Ireland) | Total |
|-------------------------------|---------------------|------------------------------|-------|
| Special Areas of Conservation | 433 (+ 6 offshore)  | 58                           | 497   |
| Special Protection Areas      | 165                 | 16                           | 181   |
| Total                         | 604                 | 74                           | 678   |

## 3.2 Potential Ecological Effects

The subsections below describe the potential effects that the draft Strategy could have on the natural environment in general. As the strategy is still in development, these potential effects are described at a high level and will be reviewed once further details become available. Potential effects to the natural and ecological environment from the strategy are discussed in the subsections below.

### 3.2.1 Habitat loss, fragmentation and deterioration

The development of National Roads and transport infrastructure could lead to the loss of habitat, including habitats that are Qualifying Interests of European Sites, and also habitats that are not Qualifying Interests but support Qualifying Interest habitats and species. This can include habitats and species outside the Natura 2000 network, such as areas used for feeding by wintering birds which lie outside the boundary of an SPA.

The development of linear infrastructure can lead to habitat fragmentation, leading to isolated populations and changes in ecosystem functioning. Isolated populations are more vulnerable to disease, habitat loss and deterioration, and the effects of climate change.

Development can lead to habitat degradation which are discussed in the sections below.

### 3.2.2 Disturbance (noise, vibration, movement, lighting)

Disturbance can occur during construction and operation of roads and transport infrastructure as a result of noise, lighting and vibration and will affect species both within and outside the footprint of the development.

### 3.2.3 Changes in air quality

An increase in vehicles using internal combustion engines can affect air quality locally. The deposition of nitrogen can affect the pH of nearby watercourses and wetland habitats and lead to eutrophication. The construction of infrastructure projects can lead to the mobilisation of dust.

### 3.2.4 Changes in water quality, hydromorphology and hydrogeology

Water quality impacts arising from both the construction and the operation of road and transport infrastructure development have the potential to directly and indirectly affect a wide range of habitats and species. Accidental pollution events can result in sediment and pollutants entering sensitive waterbodies resulting in a deterioration in water quality.

### 3.2.5 Direct species mortality

Direct species mortality is possible as a result of site clearance, tree felling and vegetation removal. The operation including the maintenance of roads could lead to an increase in collisions with wildlife such as Otter.

### 3.2.6 Climate Change

The transport sector including the National Road network has a significant influence on the production of greenhouse gas emissions which is resulting in changes to the climate. The effect of increased greenhouse gas emissions from sectors such as road transport are contributing to changes in weather patterns including but not limited increase in extreme weather events including drought, flooding, storms, and changes to growing cycles and migration patterns which can affect habitats and species associated with European protected sites.

### 3.2.7 Introduction and spread of invasive species

Invasive species pose a threat to biodiversity and ecosystem functioning and could inadvertently be introduced or spread through the construction and operation of roads. Invasive plant species can be introduced and spread by construction plant, vehicles and people. The import of materials associated with road building and maintenance of roads as well as materials transported along roads, such as contaminated soil, may also result in the introduction or spread of invasive species. Furthermore, the introduction and spread of invasive species could be exacerbated by climate change i.e. changes in growing cycles, milder winters, warmer summers.

## 3.3 Conservation Objectives

As provided in Article 3 of the Habitats Directive, the over-arching aim of the Natura 2000 network is to maintain or restore the favourable conservation status of habitats and species (including birds) of Community importance. In order to support this aim, each European site is assigned specific Conservation Objectives for the maintenance and restoration of the favourable conservation condition of its Qualifying Interests.

Favourable conservation status is defined for habitats and species in Article 1(e) and (i), respectively, of the Habitats Directive, as follows:

- *Favourable conservation status of a habitat is achieved when: (1) its natural range, and area it covers within that range, are stable or increasing, and (2) 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, and (3) the conservation status of its typical species is favourable.*
- *The favourable conservation status of a species is achieved when: (1) 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, and (2) the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and (3) there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.*

As explained in Sections 1.2 and 1.3 of this report, AA Screening is carried out in view of the Conservation Objectives of the relevant European sites. However, owing to the large number of sites included in the assessment of NR2040 (Appendix A), it is not practical to make an assessment of the effects of the draft strategy against the Conservation Objectives of every site. Instead, the following generic Conservation Objectives (developed by the NPWS) will be used.

**For SACs:** *“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.”*

**For SPAs:** *“To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.”<sup>5</sup>*

The potential ecological effects of the draft strategy are considered to be significant if they would delay or interrupt the achievement of the Conservation Objectives mentioned above. Likely significant effects of the draft strategy on European sites are considered in the following section.

### **3.4 Likely Significant Effects**

This AA Screening has been carried out before detailed/specific policies and objectives of the draft Strategy have been identified. However, owing to the national geographic scale of the strategy and temporal scope (extending to 2040) and the likely provision for National Road infrastructure including the construction, operation (maintenance/improvement) of National Roads and associated infrastructure, likely significant effects cannot be ruled out on one or more of the European sites as illustrated in Appendix A.

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<sup>5</sup> “Special Conservation Interest” is a term often used in place of “Qualifying Interest” when referring to SPAs.

## **4.0 IN-COMBINATION EFFECTS**

Article 6(3) of the Habitats Directive requires that AA be carried out in respect of any plan or project which is likely to have a significant effect on one or more European sites, "either individually or in combination with other plans or projects". Therefore, regardless of whether or not the likely effects of a plan or project are significant when considered in isolation, the potential for the plan or project to significantly affect European sites in combination with other past, present or foreseeable future plans or projects must also be assessed.

In the case of the NR2040, this AA Screening Report has found that the draft Strategy individually, is likely to have significant effects on European sites. Therefore, the assessment of the draft Strategy must proceed to Stage 2 (AA). The assessment of likely significant effects on those European sites arising from the draft Strategy, in combination with other plans or projects will be undertaken at that stage.

## 5.0 CONCLUSION

In accordance with Article 6(3) of the Habitats Directive, Part 5 of the Birds and Natural Habitats Regulations, the relevant case law, established best practice and the Precautionary Principle, this AA Screening Report has considered the draft Strategy and its potential to significantly affect European sites. This report has concluded, on the basis of objective information, that the draft Strategy, either individually or in combination with other plans or projects, is likely to give rise to impacts which would constitute significant effects on European sites, in view of their Conservation Objectives.

In light of this conclusion, it is the considered opinion of ROD, as the author of this AA Screening Report, that TII, as the Competent Authority in this case, in completing its AA Screening in respect of NR2040, should find that the draft Strategy, either individually or in combination with other plans or projects, is likely to have a significant effect on European sites, in view of their Conservation Objectives.



## 6.0 REFERENCES

Council Directive 92/43/EEC of 21 August 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Official Journal of the European Communities, L206/7.

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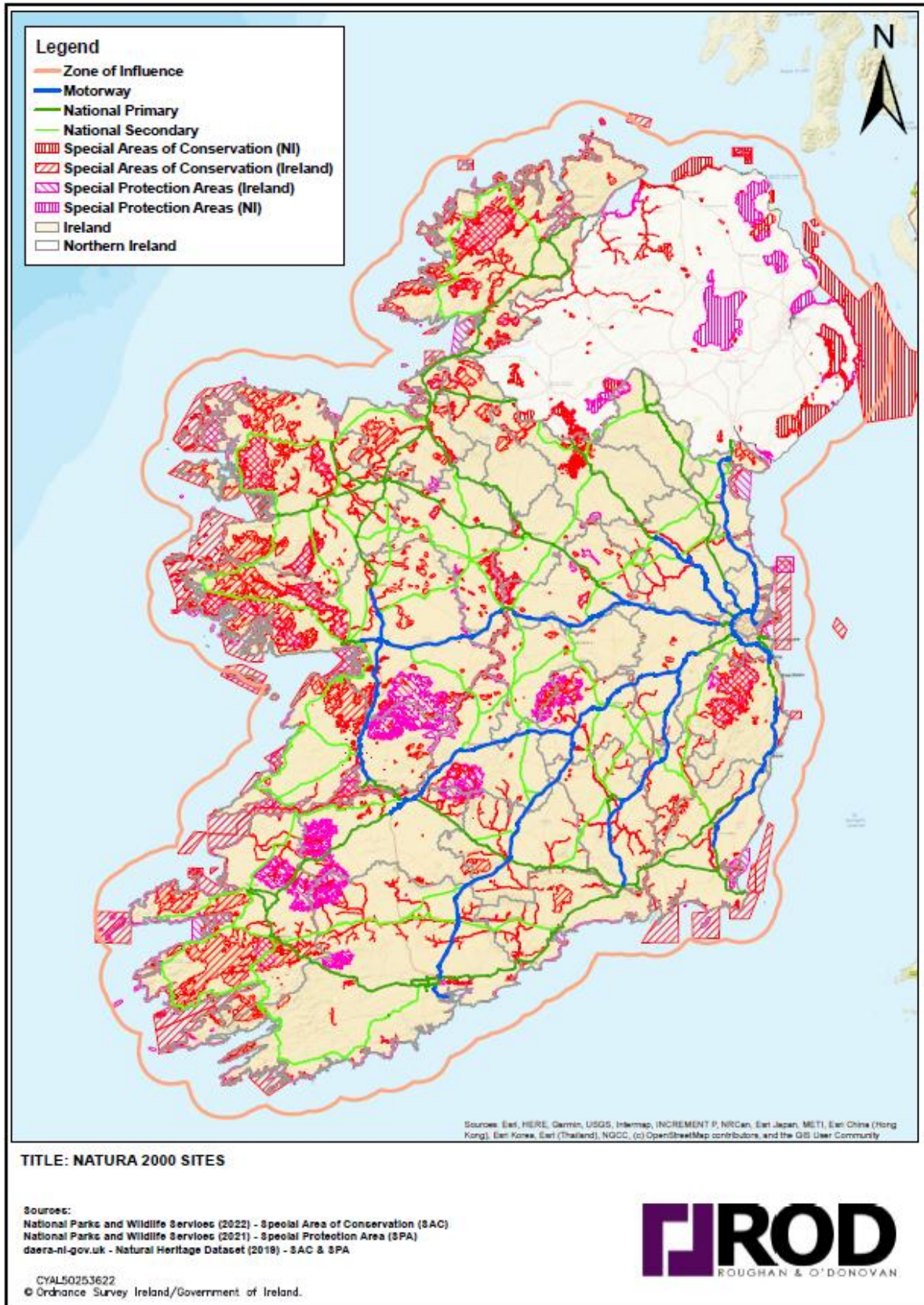
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## **APPENDIX A**

### **European Sites and the Zone of Influence**



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