

Navan Town Centre
Integrated Public Realm and Movement Plan

Screening for Appropriate Assessment
Natura Impact Statement
(Provision of information for an Appropriate Assessment)

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**Meath County Council
May 2017**

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1 Introduction & Background

This report is intended to provide the information required to assist Meath County Council, the competent authority, to carry out a Screening Assessment and, if necessary, an Appropriate Assessment. This will determine the effects, if any, on European sites, also known as Natura 2000 Sites (Special Area of Conservation (SAC) and Special Protection Area (SPA), designated for nature conservation), of a proposal for the regeneration of Navan town centre through a number of public realm, access, movement, public transport and traffic management measures and assessments.

The project is a Part VIII development by Meath County Council, under the Planning and Development Regulations, 2001.

For the purpose of this report two key elements of the ‘*Navan Town Centre – Enhancing Our Town*’ proposals are under appraisal:

- **Proposed public realm and transport/infrastructure improvements** in Navan Town Centre itself, specifically the area bounded by Abbey Road, Canon Row, Railway Street, Circular Road, Bridge Street, Ludlow Street, Market Square and Watergate Street;
- **A Park and Ride facility** at a location on the west side of the R147 Kells Road.

A desk study review and field visit were undertaken and the potential impacts on European sites, both as a result of the proposed works and in-combination with other plans and projects, are appraised in this report.

Brady Shipman Martin was commissioned to undertake the study, which was carried out by Consultant Ecologist Matthew Hague CEnv MCIEEM.

The requirements for an Appropriate Assessment are set out under Article 6 of the EU Habitats Directive (92/34/EEC), transposed into Irish law through the European Communities (Birds and Natural Habitats) Regulations 2011 (SI No. 477 of 2011) and the Planning and Development Act, 2000 (as amended).

2 Methodology

2.1 Baseline data collection and field visit

A desk-based assessment was undertaken of the potential Park and Ride location and Navan town centre itself. This focused on habitats and species that are listed as Qualifying Interests (in the case of SACs) and Special Conservation Interests (in the case of SPAs) in the designations for the European sites. Field visits were undertaken on 6th October 2016, 29th March 2017, 30th March 2017 and 26th April 2017.

This report takes the following guidance documents into account:

- *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 NPWS 1/10 & PSSP 2/10;
- *Assessment of Plans and Projects Significantly Affecting European sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC* (European Commission Environment Directorate-General, 2001);
- *Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC. Draft Guidance issued by the European Commission* (April 2015).

Information was collated from the organisations and websites listed below:

- Data on European sites and rare and protected plant and animal species contained in the following databases:

- The National Parks and Wildlife Service (NPWS) of the Department of Arts, Heritage and the Gaeltacht (www.NPWS.ie);
- The National Biodiversity Data Centre (NDBC) (www.biodiversityireland.ie);
- BirdWatch Ireland (www.birdwatchireland.ie);
- Bat Conservation Ireland (www.batconservationireland.org).
- Information on land-use zoning from the online mapping of the Department of the Environment, Community and Local Government (<http://www.myplan.ie/en/index.html>);
- Recent and historical OSi mapping and aerial photography;
- Photographs taken at the site in October 2016 and March/April 2017;
- Information on the River Blackwater and its catchment from www.catchments.ie;
- Information on water quality in the area (www.epa.ie);
- Information on soils, geology and hydrogeology in the area (www.gsi.ie);
- Information on the status of EU protected habitats in Ireland (NPWS, 2013);
- National Biodiversity Plan 2011 – 2016 (Department of Arts, Heritage and the Gaeltacht, 2011);
- Draft 3rd National Biodiversity Plan 2017 – 2021 (Department of Arts, Heritage and the Gaeltacht, 2017);
- Meath County Development Plan 2013 – 2019;
- Navan Town Development Plan 2009 – 2015 (incorporating Variation No. 1 made on 19th May 2014);
- Draft Navan Transport Plan 2014 – 2019.

The report has regard to the following legislative instruments:

- *Planning and Development, Act 2000*, as amended;
- *European Commission (EC) Habitats Directive 92/43/EEC*;
- *European Commission (EC) Birds Directive 2009/147/EC*;
- European Communities (Birds and Natural Habitats) Regulations 2011 (SI no 477 of 2011).

The report takes full account of all key project documents including:

- *Navan Town Centre: Feasibility Study and Options Report* (Clifton Scannell Emerson Associates on behalf of Meath County Council, November 2016);
- *Navan Town Centre: Park and Ride Report* (Clifton Scannell Emerson Associates on behalf of Meath County Council, January 2017).

Given the amount of information available, including from NPWS and other sources, it has been possible to gather adequate information on the site and the adjacent area (in particular, the European sites), in order to make an informed, sound judgement as to the potential impacts of the proposed development on the qualifying interests of the European sites.

3 Screening for Appropriate Assessment

3.1 Background

The first part of the Appropriate Assessment process is known as Screening. Screening identifies the likely effects of the proposed development on European sites that could arise, either alone or in combination with other plans or projects, and considers whether these impacts are likely to have an adverse effect on the integrity of the European sites.

Following Screening, if there is a possibility of there being a significant effect on the European site, this will generate the need for an appropriate assessment for the purposes of Article 6(3) of the Habitats Directive. This means that if the conclusions at the end of the screening exercise are that significant impacts on any European sites, as a result of the proposed development, either alone or in combination with other plans and projects, are likely, uncertain or unknown, then an Appropriate Assessment must be carried out. This is in accordance with established precedent and case law, for example *Kelly v An Bord Pleanála* (2014, IEHC 400).

3.2 Potential Zone of Influence

For the risk of an adverse effect to occur there must be a 'source', such as a construction site; a 'receptor', such as a designated site for nature conservation; and a pathway between the source and the receptor, such as a watercourse that links the construction site to the designated site. Although there may be a risk of an impact it may not necessarily occur, and if it does occur, it may not be significant.

Identification of a risk means that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

There are no set recommended distances for projects to consider European sites as being relevant for assessment. Rather, NPWS (2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*. As a general rule of thumb, it is often considered appropriate to include all European sites within 15km.

However, in some instances where there are hydrological connections a whole river catchment or a groundwater aquifer may need to be included. Similarly where bird flight paths are involved the impact may be on an SPA more than 15 km away. Taking this into account, as a starting point a search was carried out for all European sites within 15km of the study area. This search was then extended in order to ensure that all European sites with any potential links to the proposed development were accounted for in the study.

3.3 Description of the proposed development

Study area and surrounding environment – Navan Town Centre

Navan Town Centre is a large, well-developed area, with virtually no ecological receptors of note. The study area is shown in **Figure 1** and in the accompanying engineers' drawings.



Figure 1: Navan Town Centre, with the study area outlined in red

Overall, the town centre study area contains no habitats or features of any significant ecological value. Although the proposed works are being designed in such a way as to ensure that no significant ecological impacts occur, the study area is within 100m of both the Blackwater and Boyne Rivers, which are part of the River Boyne and River Blackwater SAC and SPA. Due to the proximity of the European sites, it has been determined that the project should be subject to Screening for Appropriate Assessment under Article 6(3) of the EU Habitats Directive.

Study area and surrounding environment –Park and Ride Location

The site chosen for the proposed Park and Ride facility is located on the western side of the R147 (Kells Road), approximately 200m north of Newgate Motors, as shown in **Figure 2** and in the accompanying engineers' drawings. It comprises a single agricultural field, with a mature ash (*Fraxinus excelsior*) and hawthorn (*Crataegus monogyna*) dominated tree line on the northern and western boundaries, and garden hedging on the southern boundary. The field is damp, with rushes in places, and with scrub (mainly bramble (*Rubus fruticosus* agg.) encroaching throughout. Drainage ditches are present in association with the boundary tree lines. Two unoccupied houses are present on the site, on the road side, and a single mature ash tree is present on the roadside boundary, between the two houses. At its closest point, the site is 275m from the European site boundary, and is separated from it by the R147 and a large agricultural field.

The site contains few habitats or features of any significant ecological value, although the mature hedgerows and tree lines are of some local ecological importance. However, due to the proximity of the European sites, within 300m, it has been determined that the proposed development should be subject to Screening for Appropriate Assessment under Article 6(3) of the EU Habitats Directive.



Figure 2: Navan Town showing the locations of the overlapping European sites (See text for details)

Description of the Proposed Development

The overall project objectives are as follows:

1. Facilitate the future growth and success of Navan;
2. Create an enhanced environment for people living, working and visiting the town through public realm enhancements and encouraged economic growth;
3. Optimise access within Navan for pedestrians, cyclists, public transport, car and other vehicles;
4. Maximise connectivity and ease of movement throughout the town;
5. Create multi-functional streets that balance movement and place, and safety for all within a traffic calmed environment.

In addition to the above broad project objectives the following have been identified as more specific purposes for the project:

6. Encourage greater use of sustainable modes of transport in Navan including walking, cycling, bus and taxi use and discourage reliance on private cars;
7. Improve access to sustainable transport modes and provide an integrated network of sustainable transport measures;
8. Relocate the bus stops from Market Square to Kennedy Road so as to provide a centralised bus stop serving both directions and facilitating an integrated and sustainable transport system;
9. Making the new bus stops set back and double length so that buses can access them efficiently without experiencing or causing delays to other traffic on Kennedy Road;
10. Remove scheduled bus services from Trimgate Street to facilitate an enhanced public realm there and to contribute towards continued economic growth of Navan town;
11. Improve safety for pedestrians and cyclists in the town centre;
12. Provide improved facilities for vulnerable road users;
13. Complement the Greater Dublin Area cycle network project in Navan.

Links to European sites, including cumulative effects

Navan Town Centre

No part of the study area within Navan Town Centre itself is under any wildlife or conservation designation. Furthermore, no rare, threatened or legally protected plant species, as listed in the Irish Red Data Book, the Flora Protection Order, 2015 or the EU Habitats Directive, are known to occur within the site. No habitats of significant ecological value are present.

No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no 'reservoir' type habitats are present. There will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the works. There is, therefore, no potential for the cumulative effects of habitat loss or fragmentation to occur. Furthermore none of the European sites identified in this report will be affected by any of the following potential impacts:

- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution;
- Air pollution.

It is considered that the proposed project area (Navan Town Centre – the impact ‘source’) may be potentially linked (via the surface water ‘pathway’), with the European sites (the ‘receptors’) associated with the River Blackwater and River Boyne. However, given the relatively minor nature of the works proposed (as set out in the accompanying reports prepared by CSEA, it is not considered likely that any negative impacts will arise as a result of the proposed works, either on water quality in general, or European sites in particular.

Potential Park and Ride Location

No part of the proposed Park and Ride site is under any wildlife or conservation designation and no rare, threatened or legally protected plant species, as listed in the Irish Red Data Book, the Flora Protection Order, 2015 or the EU Habitats Directive, are known to occur within the site.

No evidence of any habitats or species with links to European sites was recorded during either the field survey or desk study undertaken and no ‘reservoir’ type habitats are present. There will be no loss of any habitat or species listed as a Qualifying Interest or Special Conservation Interest of any designated site as a consequence of the works. There is, therefore, no potential for the cumulative effects of habitat loss or fragmentation to occur. Furthermore none of the European sites identified in this report will be affected by any of the following potential impacts:

- Impacts to habitat structure;
- Mortality to species (such as roadkill);
- Noise pollution;
- Air pollution.

It is however considered that the proposed Park and Ride Site (the impact ‘sources’) is potentially linked (via the water ‘pathway’), with the European sites (the ‘receptors’) associated with the River Blackwater and River Boyne. This pathway is via surface water, as a result of its location within 300m of the River Blackwater.

Table 1 describes the River Boyne and River Blackwater SAC and SPA, outlines the reasons for the designations and discusses potential impacts or risks to the sites from each element of the proposed project.

European Site	Reasons for designation (information correct as of April 2017) (*denotes a priority habitat)	Source – Pathway – Receptor link
River Boyne and River Blackwater SAC (002299)	<ul style="list-style-type: none"> ● Alkaline fens [7230] ● Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0] ● <i>Lampetra fluviatilis</i> (River Lamprey) [1099] ● <i>Salmo salar</i> (Salmon) [1106] ● <i>Lutra lutra</i> (Otter) [1355] <p>According to the site Natura 2000 form this site comprises most of the freshwater element of the River Boyne from upriver of the Boyne Aqueduct at Drogheda, the Blackwater River as far as Lough Ramor and the principal Boyne tributaries, notably the Deel, Stoneyford and Tremblestown Rivers. This system drains a considerable area of Cos. Meath and Westmeath and smaller areas of Cavan and Louth. The underlying geology is Carboniferous Limestone for the most part with areas of Upper, Lower and Middle well represented. In the vicinity of Kells Silurian Quartzite is present while close to Trim are Carboniferous Shales and Sandstones. The rivers flow through a landscape dominated by intensive agriculture, mostly of improved grassland but also cereals. Much of the river channels were subject to arterial drainage schemes in the past. Natural flood-plains now exist along only limited stretches of river, though often there is a fringe of reed swamp, freshwater marsh, wet grassland or deciduous wet woodland. Along some parts, notably between Drogheda and Slane, are stands of tall, mature mixed woodland. Substantial areas of improved grassland and arable land are included in site for water quality reasons. There are many medium to large sized towns adjacent to but not within the site.</p>	<p>Although there is a potential link between the proposed works in Navan Town Centre and the European Sites, it is not considered remotely likely that there will be any impacts on the integrity of European sites as a result of works undertaken in the town centre, due to the relatively minor nature of the proposed works and their location within an already heavily built up area.</p> <p>There are however potential links between the potential Park and Ride site and the European sites due to their relative proximity.</p> <p>The removal of the existing habitats and the proposed construction of a new Park and Ride site comprising hard surfacing could potentially result in contaminated surface water being discharged to the River Boyne and River Blackwater SAC and SPA.</p>

European Site	Reasons for designation (information correct as of April 2017) (*denotes a priority habitat)	Source – Pathway – Receptor link
	<p>The main channel of the Boyne contains a good example of alluvial woodland of the <i>Salicetum albo-fragilis</i> type which has developed on three alluvium islands. Alkaline fen vegetation is well represented at Lough Shesk, where there is a very fine example of habitat succession from open water to raised bog. The Boyne and its tributaries is one of Ireland's premier game fisheries and offers a wide range of angling, from fishing for spring salmon and grilse to sea trout fishing and extensive brown trout fishing. The site is one of the most important in eastern Ireland for <i>Salmo salar</i> and has very extensive spawning grounds. The site also has an important population of <i>Lampetra fluviatilis</i>, though the distribution or abundance of this species is not well known. <i>Lutra lutra</i> is widespread throughout the site. Some of the grassland areas along the Boyne and Blackwater are used by a nationally important winter flock of <i>Cygnus cygnus</i>. Several Red Data Book plants occur within the site, with <i>Pyrola rotundifolia</i>, <i>Poa palustris</i> and <i>Juncus compressus</i>. Also occurring are a number of Red Data Book animals, notably <i>Meles meles</i>, <i>Martes martes</i> and <i>Rana temporaria</i>. The River Boyne is a designated Salmonid Water under the EU Freshwater Fish Directive.</p>	<p>In addition, the operation of the new Park and Ride site could potentially result in contaminated surface water or wastewater (foul water) being discharged to the River Boyne and River Blackwater SAC and SPA.</p> <p>In the case of the development of a new Park and Ride facility as part of the overall project it is therefore not possible to rule out significant adverse effects on European sites.</p>
<p>River Boyne and River Blackwater SPA (004232)</p>	<ul style="list-style-type: none"> • Kingfisher (<i>Alcedo atthis</i>) [A229] <p>According to the site Natura 2000 form this site the River Boyne and River Blackwater SPA is a long linear site that comprises stretches of the River Boyne and several of its tributaries: most of the site is in Co Meath but it extends also into Counties Cavan, Louth and Westmeath. It includes the following river sections: The River Boyne from the M1 motorway bridge, west of Drogheda, to the junction with the Royal Canal, west of Longwood, Co Meath; the River Blackwater from its junction with the River Boyne in Navan to the junction with Lough Ramor in Co Cavan; the Tremblestown River (and Athboy River) from the junction with the River Boyne at Kilnagross Bridge to the bridge in Athboy, Co Meath; the Stoneyford River from its junction with the River Boyne to Stonestone Bridge in Co. Westmeath; the River Deel from its junction with the River Boyne to Cummer Bridge, Co. Westmeath. The site includes the river channel and marginal vegetation</p> <p>The River Boyne and River Blackwater SPA supports nationally important numbers of <i>Alcedo atthis</i>. Other species which occur within the site include <i>Cygnus olor</i>, <i>Anas crecca</i>, <i>Anas platyrhynchos</i>, <i>Phalacrocorax carbo</i>, <i>Ardea cinerea</i>, <i>Gallinula chloropus</i>, <i>Gallinago gallinago</i> and <i>Riparia riparia</i>.</p>	

Table 1: Potential source-pathway-receptor links between the proposed development site and European sites

Other European sites

Other than the River Boyne and River Blackwater SAC and SPA, the nearest other European sites are the Boyne Coast and Estuary SAC (001957) and the Boyne Estuary SPA 004080), both of which are in excess of 25km to the east/north east.

These European sites are all outside the potential Zone of Influence of the proposed development by virtue of their locations and their Qualifying Interests and Special Conservation Interests. It is not necessary to consider these sites further in this report.

Other designated conservation issues (other than European sites)

No non-European designated conservation sites occur within the study area. A single proposed Natural Heritage Area (pNHA) is present within 5km of the study area. This is Boyne Woods pNHA (001592), parts of which overlap with the River Boyne and River Blackwater SAC/SPA. This site is located circa 5km downstream of the Navan Town Centre.

Other issues

The NPWS database was consulted with regard to rare and protected species. There are no known records of rare or protected plant species within the immediate vicinity of any element of the study area, either in Navan Town Centre or at the proposed Park and Ride site.

Within the four 10km grid squares that cover the Navan area (N86, N87, N96 and N97) there are historical records of hairy St. John's wort (*Hypericum hirsutum*), meadow saxifrage (*Saxifraga granulata*) and meadow barley (*Hordeum secalinum*) These species are not known to occur at the site, and no evidence of these species was found during the site visit.

No other potential environmental impacts (such as cultural heritage or landscape and visual receptors) are considered relevant to this report.

3.4 Screening Conclusion

An appraisal has been undertaken of the proposed Part VIII development and its relationships with European sites. Under the precautionary principle it is concluded that it is not possible to rule out significant adverse effects on two European sites, namely the River Boyne and River Blackwater SAC and SPA, due to the proposed development of a Park and Ride site. For this reason it is necessary to undertake the Appropriate Assessment process.

4 Natura Impact Statement

4.1 Introduction

According to the draft Guidance published by the EC (*Managing Natura 2000 sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC*, dated April 2015) the “integrity of a site” relates to the site’s conservation objectives. For example, it is possible that a plan or project will adversely affect the site only in a visual sense or only affect habitat types or species other than those listed in Annex I or Annex II. In such cases, the effects do not amount to an adverse effect for purposes of Article 6(3).

In other words if none of the habitat types or species for which the site has been designated is significantly affected then the site’s integrity cannot be considered to be adversely affected. However, if just one of them is significantly affected then the site integrity is necessarily adversely affected.

The integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the site’s conservation objectives.

The Screening exercise concluded that it is not possible to rule out significant adverse effects on two European sites (the River Boyne and River Blackwater SAC and SPA), arising out of the proposed development of the Park and Ride site on the outskirts of Navan, Co. Meath.

This Natura Impact Statement therefore examines the potential impacts of the proposed development of the potential Park and Ride site on the integrity of the European sites, in the context of the Conservation Objectives of the European sites.

4.2 Conservation objectives, threats and vulnerabilities of the European site

A key aim of the Habitats Directive is to ‘*maintain or restore the favourable conservation status of habitats and species of community interest*’. Site-specific conservation objectives aim to define favourable conservation condition for particular habitats or species within a European site. Site-specific conservation objectives have not yet been published for the European sites under appraisal. However, the following Generic Conservation Objectives (dated 15th August 2016) have been published and are considered in this report.

The generic Conservation Objectives of the River Boyne and River Blackwater SAC are:

- 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.

The generic Conservation Objectives of the River Boyne and River Blackwater SPA are:

- To maintain or restore the favourable conservation condition of bird species listed as special conservation interests for this SPA.

According to information provided by NPWS (<http://www.npws.ie/protected-sites>) the main threats to the ecological interests of the River Boyne and River Blackwater SAC are further drainage schemes and water pollution. In the past, where drainage occurred it altered the character of the river and removed natural bankside structure and vegetation. Ongoing maintenance dredging is carried out along stretches of the river system where the gradient is low. This can be extremely destructive to salmonid habitat. Drainage also impacts on the many small wetland areas throughout the site. Water quality is impaired in parts of the system through agricultural run-off and inputs from domestic and industrial sources. A reduction in the input of pollutants to the system is required to preserve the important aquatic interests in this site.

According to the information provided by NPWS there are no known threats to the ecological interests of the River Boyne and River Blackwater SPA.

4.3 Appraisal of likely impacts on European sites

At the potential Park and Ride site, works would be required to remove two unoccupied houses and an area of existing vegetation (primarily agricultural grassland, however some tree and hedgerow removal may be required). It is not proposed to undertake any works within any designated site, and no evidence of any of the species or habitats for which either the River Boyne and River Blackwater SAC or SPA are designated was found either within or in the immediate vicinity of the site. The works will not result in the loss of any habitats of ecological value and the finished construction will have no impacts on the River Blackwater or River Boyne.

In the event that contaminated water should enter the River Blackwater during the construction or operation of the proposed Park and Ride facility, there is the potential for negative impacts on the integrity of the designated sites. Such contamination could potentially include hydrocarbons, silt or other pollutants as well as, potentially, foul water from toilet facilities at the site.

Therefore, at the potential site the only potentially significant impacts arise from the following risks:

- Site clearance and the proposed development of the new Park and Ride facility could potentially result in contaminated surface water being discharged to the River Blackwater or River Boyne;
- The operation of the proposed Park and Ride facility could potentially result in contaminated surface water and/or foul water being discharged to the River Blackwater or River Boyne.

4.4 Mitigation measures

In order to ensure there are no **construction** impacts, either on European sites or on water quality in general arising out of the proposed development of the potential Park and Ride site, all hazardous substances, such as fuels, oils, cement and concrete products, will be stored on-site in secure areas remote from drainage connections to the existing surface water drainage network. The contractor will take adequate precautions as part of the construction methodology to avoid any pollution from construction activities via run-off to the surface water drainage network. A construction method statement and risk assessment will be put in place by the contractor in order to ensure compliance. The implementation and effectiveness of these standard mitigation measures will be inspected and recorded regularly during the entire construction period and where deficiencies or faults are identified they will be remedied immediately by the contractor.

Note that good working practice requires that all of these measures are incorporated into the development of all aspects of the proposed Navan Town Centre improvements, regardless of the fact that no impacts on European sites are expected to arise.

Once **operational**, storm and surface water arising at the completed Park and Ride facility shall be discharged to the ground within the site via suitable petrol/oil interceptors. The development of the proposed Park and Ride facility will require limited toilet facilities for staff. Subject to percolation tests on site treatment will be installed, or, if necessary, a storage tank will be installed. Should this option be required, the storage tank will be subject to regular emptying and discharge to Farganstown Wastewater Treatment Plant. The proposed facility will therefore pose no foul/waste water risk to water quality in the River Boyne or the River Blackwater.

4.5 In-combination effects

It is a requirement of the *Birds and Natural Habitats Regulations, 2011* that when considering whether a plan or project will adversely affect the integrity of a European site the assessment must take into account in-combination effects with other current or reasonably foreseeable plans and projects.

- If it can be clearly demonstrated that the plan or project will not result in any effects at all that are relevant to the integrity of a European site then the plan or project should proceed without considering the in-combination test; further,
- If there are identified effects arising from the plan or project even if they are perceived as minor and not likely to have a significant effect on the integrity of a European site alone, then these effects must be considered 'in-combination' with the effects arising from other plans and projects.

Meath County Development Plan 2013-2019 and Navan Town Development Plan 2009-2015 (incorporating Variation No. 1 made on 19th May 2014) were reviewed as part of the appraisal of potential ‘in combination’ effects’ as these strategic plans guide the future development of Navan town and its hinterland. The Plans have been subject to assessment under Article 6(3) of the Habitats Directive and in both cases it was concluded that the Plan would not result in any significant effects, nor would it have the potential to affect the integrity of the River Boyne and River Blackwater SAC and SPA.

It is not considered likely that the overall project, comprising both the proposed Navan Town Centre improvement works and the development of the proposed Park and Ride facility will have any significant effects on any European sites. As such it can be concluded that the development either on its own or in-combination with other developments will have no impact on the European sites.

5 Summary and conclusions

This Natura Impact Statement has considered the potential effects associated with the construction and operation of a proposed Park and Ride facility on the R147, Navan, Co. Meath. It also considered the potential effects of proposed improvements within a defined area of Navan Town Centre (these potential impacts were “Screened out” in this report). The report has concluded that, with the application of the proposed mitigation measures, it can be clearly demonstrated that no elements of the project will result in any significant effects on the integrity or Qualifying Interests/Special Conservation Interests of any European site, in particular the River Boyne and River Blackwater SAC and SPA, either as a stand-alone development or in-combination with other plans or projects.

It is considered that this NIS provides sufficient relevant information to allow the Competent Authority (Meath County Council) to reach a determination that the proposed Part VIII project will not affect the integrity of any of the identified European sites under Article 6 of the Habitats Directive (92/43/EEC).

6 References

Council of the European Communities (1992) Council Directive of 21 May 1992 on The Conservation of Natural Habitats and of Wild Fauna and Flora (92/43/EEC). O. J. L 206/35, 22 July 1992

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Online data available on European sites as held by the National Parks and Wildlife Service (NPWS) (www.npws.ie/protectedsites)

Planning and Development, Act 2000, as amended

Appendix I: Background to Appropriate Assessment

The European¹ network is a Europe-wide network of ecologically important sites (SPAs and SACs – also known as ‘European Sites’ or ‘Natura 2000 sites’) that have been designated for protection under either the EU Birds Directive (Council Directive 79/409/EEC on the Conservation of Wild Birds) or the EU Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna).

The main aim of the Habitats Directive is “to contribute towards ensuring biodiversity through the conservation of natural habitats of wild fauna and flora in the European territory of the Member States to which the treaty applies”. Any actions taken must be designed to “maintain or restore, at a favourable conservation status, natural habitats and species of wild fauna and flora of Community interest”. Under Article 6 of the Habitats Directive, an assessment is required where a plan or project may give rise to significant effects upon a European site.

In addition, it is a matter of law that SACs, candidate SACs (cSACs) and Sites of Community Importance (SCI) are considered in this process;

Article 6 (paragraphs (3) and (4)) of the Habitats Directive states that:

- (3) Any plan or project not directly connected with or necessary to the management of the site but likely to have 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.
- (4) 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 social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of European is protected. It shall inform the Commission of the compensatory measures adopted.”

The requirements of the Habitats Directive are transposed into Irish law by means of the *European Communities (Birds and Natural Habitats) Regulations 2011* (hereafter referred to as the *Birds and Habitats Regulations*)² and by the *Planning and Development Act 2000*, as amended.

In Ireland, the statutory agency responsible for the designated areas is NPWS.

¹ The EU Habitats Directive, Article 3.1, states “A Coherent European ecological network of Special Areas of Conservation and Special Protection Areas pursuant to Directive 79/409/EEC shall be set up under the title European”

² SI No. 477 of 2011

Stages in the assessment

European Commission guidance (2001)³ sets out the principles on how to undertake decision making in applying the Habitats Directive. The requirements of the Habitats Directive comprise four distinct stages:

Stage 1: Screening is the process which initially identifies the likely impacts upon a European site of a project or plan, either alone or in combination with other projects or plans, and considers whether these impacts may be significant. It is important to note that the burden of evidence is to show, on the basis of objective information, that there will be no significant effect; if the effect may be significant, or is not known, that would trigger the need for an Appropriate Assessment. There is European Court of Justice case law to the effect that unless the likelihood of a significant effect can be ruled out on the basis of objective information, then an Appropriate Assessment must be made.

Stage 2: Appropriate Assessment is the detailed consideration of the impact on the integrity of the European site of the project or plan, either alone or in combination with other projects or plans, with respect to the site's conservation objectives and its structure and function. This is to determine whether or not there will be adverse effects on the integrity of the site. This stage also includes the development of mitigation measures to avoid or reduce any possible impacts.

Stage 3: Assessment of alternative solutions is the process which examines alternative ways of achieving the objectives of the project or plan that would avoid adverse impacts on the integrity of the European site, should avoidance or mitigation measures be unable to cancel out adverse effects.

Stage 4: Assessment where no alternative solutions exist and where adverse impacts remain. At Stage 4 an assessment is made with regard to whether or not the development is necessary for imperative reasons of overriding public interest (IROPI) and, if so, of the compensatory measures needed to maintain the overall coherence of the European network.

Conservation Objectives of European sites

The conservation objectives for a European Site are intended to represent the aims of the Habitats and Birds Directives in relation to that site. To this end, habitats and species of European Community importance should be maintained or restored to 'favourable conservation status' (FCS), as defined in Article 1 of the Habitats Directive below:

The conservation status of a natural habitat will be taken as 'favourable' when:

- Its natural range and the area it covers within that range are stable or increasing;
- 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;
- Conservation status of typical species is favourable as defined in Article 1(i).

The conservation status of a species will be taken as favourable when:

³ European Commission (2001) *Assessment of Plans and Projects Significantly Affecting European Sites: Methodological Guidance on the Provisions of Article 6 (3) and (4) of the Habitats Directive 92/43/EEC*

- 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.

Guidance from the European Commission⁴ indicates that the Habitats Directive intends FCS to be applied at the level of an individual site, as well as to habitats and species across their European range. Therefore, in order to properly express the aims of the Habitats Directive for an individual site, the conservation objectives for a site are essentially to maintain (or restore) the habitats and species of the site at (or to) FCS.

The European Commission guidance recommends that screening should fulfil the following steps:

- 1** Determine whether the plan (or policy) is directly connected with or necessary for the management of European sites;
- 2** Describe the plan and describe and characterise any other plans or projects which, in combination, have the potential for having significant effects on European sites;
- 3** Identify the potential effects on European sites;
- 4** Assess the likely significance of any effects on European sites.

⁴ Managing European sites: the provisions of Article 6 of the Habitats Directive 92/43/EEC. (European Commission 2000)