



### **Sligo County Council**

### **Rosses Point Public Realm Enhancement**

**Appropriate Assessment Screening** 

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Strandhill Public Realm Enhancement AA Screening February 2023

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### Introduction

### **Aims**

- **1.1** LUC has been appointed by Sligo County Council to provide an Appropriate Assessment (AA) Screening report in support of the Part 8 application public realm enhancement at Rosses Point.
- 1.2 The proposed scheme comprises enhancements and traffic management measures along both the Old Village Road and along the 'New Road' R291 (running approximately parallel to the south) that delineate the southern edge of the village from the coastline. The project will provide safe pedestrian and cycle connectivity, rationalise vehicular use and optimise the character, views and heritage of the coastal village. The project is currently going through preliminary RIBA Stage 3 design, which incorporates the design layout and surface finishing. The drawings submitted as part of the Part 8 consent process will contain supporting design detail. Further refinement of design will follow, subsequent to the planning process.
- 1.3 Under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended), it is a requirement that before planning consent can be granted, each project submitted must undergo assessment of its implications on any European site. This process is referred to as Habitats Directive Assessment. The full assessment process includes four stages, of which Appropriate Assessment (AA) Screening is the first.
- **1.4** This Screening report is based on current design information.
- 1.5 The aims of this report are to:
  - Assess the potential for the public realm enhancement works to incur likely significant adverse effect/s on the qualifying interests<sup>1</sup> of Special Areas of Conservation (SAC)<sup>2</sup> and Special Protection Areas (SPA)<sup>3</sup> within the zone of influence, either alone or in-combination:

selected. For the purposes of this report, the term 'qualifying interest' is used collectively to all.

<sup>&</sup>lt;sup>1</sup> 'Qualifying Interests' relate to the habitats and/or (non-bird) species for which an SAC or SPA is selected. Specifically, 'Special Conservation Interests' relate to bird species for which an SPA is

<sup>&</sup>lt;sup>2</sup> Including candidate SAC (cSAC)

<sup>&</sup>lt;sup>3</sup> Including proposed SPA (pSPA)

- Collate all Screening information for the competent authority to determine whether full Assessment will be required to test whether the works proposed will adversely affect the integrity of European Sites either alone or in-combination;
- Inform evolving project designs in accordance with the mitigation hierarchy.
- 1.6 This report has been prepared by Ellie Mayhead, BSc (Hons) and Lucy Beagley BA (Hons) MSc, with support from planning specialist Rhianna Myerscough MA (Hons) GradIEMA to identify relevant plans and projects to be considered for in-combination effects. Reviews were completed by Sofie Swindlehurst BSc (Hons) MSc MCIEEM CEnv and David Green BSc (Hons) MCIEEM in accordance with the internal Quality Assurance procedures of LUC.

### **Project Overview**

- 1.7 Rosses Point lies to the north of the estuary of Sligo. The project area is located at OSiGR: G 63522 39680, capturing the existing Old Village Road, New Road and intervening grass verge (see Figure 1.1). The project area measures 7.2ha. The southern edge of the red line boundary is marked by the southern edge New Road, and the northern edge by the northern edge of Old Village Road.
- **1.8** Cummeen Strand SPA and Cummeen Strand/ Drumcliff Bay SAC lie adjacent to the project area, extending south of New Road beyond the existing stone dividing wall.

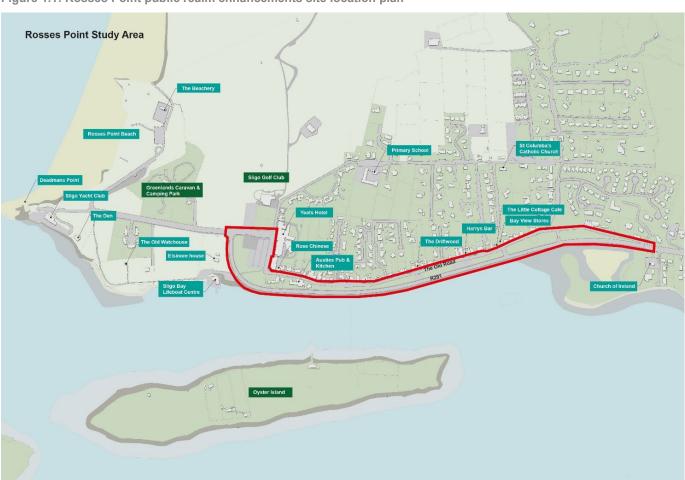


Figure 1.1: Rosses Point public realm enhancements site location plan

1.9 Proposed public realm enhancements seek to:

 Create safe pedestrian and cycle access through the project area;

- Reduce vehicular traffic flow and install traffic calming along both roads;
- Define parking along New Road, both at existing informal parallel parking and at car park bays between the two roads);
- Provision of planted and sown landscaping to complement safe road use and visual appeal;
- Provide consistent use of materials, signage and wayfinding.
- 1.10 Further detail is provided in Chapter 4.

# Habitats Directive Assessment: An Overview

- **1.11** The European Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the "favourable conservation status" of habitats and species of European Community Interest listed in the 'Habitats Directive' (Council Directive 92/43/EEC<sup>4</sup>) and the 'Wild Birds Directive' (Council Directive 2009/147/EC<sup>5</sup>). SAC established under the Habitats Directive, and SPA designated under the Birds Directive are collectively known as European Protected Sites and form a framework for the Natura 2000<sup>6</sup> network.
- **1.12** The Habitats Directive is transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). Assessment focuses on the qualifying interests<sup>7</sup> of qualifying (European) sites. It is completed by the competent authority<sup>8</sup>, informed by information provided by the applicant. The initial Screening identifies Likely Significant Effects (LSE). Full AA subsequently focuses on those LSE which cannot be screened out, assessing the potential for adverse effects of a plan or project, in isolation or in-combination with other plans or projects, on the conservation objectives of a European site.
- **1.13** The initial Screening stage identifies whether significant effects on a European site are likely to arise from the project or plan assessed. If significant effects are likely to occur or if it is unclear whether significant effects are likely to occur, then

the process moves on to full AA, and is reported in a Natura Impact Statement (NIS). Further information on the stages of assessment is provided in Chapter 3.

**1.14** AA is an iterative design process with application of the mitigation hierarchy to avoid impacts at source. If impacts are not avoided by alterations in design or construction process, then mitigation must be applied.

### Part 8 Planning Applications: An Overview

- **1.1** The Part 8 process includes several stages as follows:
- Public consultation minimum six weeks (four weeks public display plus two weeks for submissions to be accepted);
- Report by planning authority Chief Executive for its members – eight weeks (unless modifications/variations are to be made);
- Members to consider the proposals and make decision within six weeks;
- Approximately 20 weeks total.

### **Structure of Report**

- 1.2 This report is structured as below.
  - Chapter 2 sets out the legal context and supporting guidance for this assessment;
  - Chapter 3 details the Screening methodology;
  - Chapters 4 to 6 provide the Screening assessment.
  - Chapter 7 summarises the Screening conclusions.

# $\frac{\text{https://ec.europa.eu/environment/nature/legislation/birdsdirective/inde}}{\underline{x\_en.htm}}$

<sup>&</sup>lt;sup>4</sup> Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, available:

https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index en.htm

<sup>&</sup>lt;sup>5</sup> Council Directive 2009/147/EC on the Conservation of Wild Birds, available:

<sup>&</sup>lt;sup>6</sup> Pan-European network of all sites designated under the Habitats and Birds Directives, to which the requirements for appropriate assessment under Article 6(3) of the Habitats Directive apply.

<sup>&</sup>lt;sup>7</sup> The designation features of SACs are referred to as Qualifying Interests (and the designation features of SPAs are referred to as Special Conservation Interests which comprise bird species as well as wetland bird habitats. The term 'qualifying interests' will however be used throughout this report for simplicity to encompass both.

<sup>&</sup>lt;sup>8</sup> The 'competent authorities' are those charged with or responsible for consenting, authorising, adopting or deciding to proceed with a plan or project; typically considered to be the planning authorities and An Bord Pleanála (Irish Planning Appeals Board).

## **Legislative Context**

**2.1** This Screening report is based on best scientific knowledge and has utilised ecological expertise. It follows the approach outlined in current legislation and case law, guidance documents and Departmental Circulars as set out below.

### Legislation

### **European Legislation**

- **2.2** The 'Habitats Directive' (Directive 92/43/EEC) is the principal legislative instrument for the protection and conservation of biodiversity within the European Union and lists certain habitats and species that must be protected within wildlife conservation areas. The 'Birds Directive' (Directive 2009/147/EC) provides for a network of sites within the European Union which protect birds at their breeding, feeding, roosting and wintering areas. The Habitats Directive and the Birds Directive form the cornerstone of Europe's nature conservation policy.
- **2.3** The requirement for AA is set out in Articles 6(3) and 6(4) of the Habitats Directive (92/43/EEC) which states:
- "...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..."

### **National Legislation and Case Law**

**2.4** The Habitats Directive and the Birds Directive are transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011<sup>11</sup>, and Part

<sup>&</sup>lt;sup>9</sup> Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Available at:

https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\_en.htm

To Council Directive 2009/147/EC on the Conservation of Wild Birds. Available at:

 $<sup>\</sup>frac{\text{https://ec.europa.eu/environment/nature/legislation/birdsdirective/inde}}{\underline{x} \ \ \text{en.htm}}$ 

<sup>&</sup>lt;sup>11</sup> S.I. No. 477 of 2011 – European Communities (Birds and Natural Habitats) Regulations 2011

XAB of the Planning and Development Act 2000, as amended 12.

**2.5** This AAScreening Report has been prepared with regard to relevant rulings by the Court of Justice of the European Union (CJEU), the High Court, and the Supreme Court, including but not limited to the following rulings. The rulings have been grouped into relevant topics.

### Interpretation of 'Likely Significant Effect' (LSE)

- European Court of Justice 7<sup>th</sup> September 2004 by Advocate General Kokott; Case C-127/02 Waddenzee v- Secretary of State for Agriculture, Nature Conservation and Fisheries – The CJEU ruled on the interpretation of Article 6(3) of the Habitats Directive:
  - An effect should be considered 'likely', if it cannot be excluded, on the basis of objective information, that it will have a significant effect on a European site.
  - An effect should be considered 'significant', if it undermines the conservation objectives of a European site.
  - Where a plan or project has an effect on a site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on a European site.

# Interpretation of Direct, Indirect and In-combination Effects

- European Court of Justice Opinion 22<sup>nd</sup> November 2012 by Advocate General Sharpston; Case C-258/11 Peter Sweetman and Others-v- An Bord Pleanála The CJEU ruled that in determining whether a project or plan has an adverse effect on the integrity of a site (to which Article 6(3) of the Habitats Directive applies), an effect which is permanent or long lasting must be regarded as an adverse effect.
- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - All the habitats and species for which a European site is protected <u>must be catalogued</u>.
  - An AA must identify and examine the implications of the proposed project for species <u>present on</u> the European site, including species for which the site has been listed and those for which it has not, provided those implications are liable to affect the conservation objectives of the site.

- An AA must identify and examine the implications of the proposed project for species and habitats <u>outside</u> the boundaries of the European site, provided those implications are liable to affect the conservation objectives of the site.
- High Court Ruling 2<sup>nd</sup> December 2020 by Mr. Justice Denis McDonald; Neutral Citation [2020] IEHC 622; High Court Record No. 2020 238 JR; Highlands Residents Association and Protect East Meath Limited -v- An Bord Pleanála, Ireland and The Minister For Culture Heritage and The Gaeltacht, Ireland and The Attorney General -The High Court ruled that An Bord Pleanála (the competent authority) erred in law in screening out (in the course of the Stage 1 screening exercise carried out by the competent authority) the possibility of significant effects on four European sites in relation to potential risk arising from the mobilisation of silt and pollutants from the development site in this particular Strategic Housing Development application, where the relevant application documentation (Environmental Impact Assessment Report, AA, Construction Environmental Management Plan) referenced protection of the River Boyne within the context that the proposed development site has a relatively close hydrological connection to the four relevant European sites.

### **Application of the Precautionary Principle**

■ European Court of Justice Judgement 11<sup>th</sup> April 2013 by the Third Chamber; Case C-258/11 Peter Sweetman and Others -v- An Bord Pleanála - The CJEU ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that a project not directly linked to it is not immediately necessary for the management of a site to prejudice the integrity of that site if it is likely to prevent the preservation of the constituent characteristics of the site concerned in relation to the presence of a natural priority habitat whose purpose is to maintain gave the reason for registering that site in the list of sites of Community importance within the meaning of that directive. Therefore, the precautionary principle must be applied throughout.

### **Application of Mitigation / 'Best Practice Measures'**

European Court of Justice Judgement 12<sup>th</sup> April 2018 by the Seventh Chamber; Case C 323/17; People Over Wind & Sweetman -v- Coillte Teoranta - The CJEU ruled that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at

<sup>&</sup>lt;sup>12</sup> Planning and Development Act 2000, as amended

- the Stage 1 screening stage when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.
- European Court of Justice 19th April 2018; Case C 164/17; Grace & Sweetman -v- An Bord Pleanála - The CJEU ruled there is a "distinction to be drawn between protective measures forming part of a project and intended [to] avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project". The CJEU held that it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out under Article 6(3). Article 6 of the Habitats Directive must be interpreted as meaning:
  - "Where it is intended to carry out a project on a site designated for the protection and conservation of certain species, of which the area suitable for providing for the needs of a protected species fluctuates over time, and the temporary or permanent effect of that project will be that some parts of the site will no longer be able to provide a suitable habitat for the species in question, the fact that the project includes measures to ensure that the part of the site that is likely to provide a suitable habitat will not be reduced and may actually be enhanced may not be taken into account for the purpose of the appropriate assessment under Article 6(3)."
- High Court Ruling 2<sup>nd</sup> February 2019 by Mr. Justice Barniville; Neutral Citation [2019] IEHC 84; High Court Record No. 2017 883 JR; Kelly -v- An Bord Pleanála & Anor- The High Court ruled that Sustainable Drainage Systems (SuDS) are not mitigation measures which a competent authority is precluded from considering at the Stage 1 Screening stage.
- High Court Ruling 21st June 2019 by Mr. Justice Simons; Neutral Citation [2019] IEHC 450; High Court Record No. 2019 20 JR; Heather Hill Management Company clg & anor -v- An Bord Pleanála & Anor The High Court ruled that a competent authority is not entitled to rely on 'best practice measures' for the purposes of a Stage 1 screening determination where the legal test is whether measures are intended to avoid and/or reduce a potential harmful effect on a European site.

High Court Ruling 31<sup>st</sup> January 2020 by Mr. Justice Denis McDonald; Neutral Citation [2020] IEHC 39; High Court Record No. 2019 33 JR; Peter Sweetman -v- An Bord Pleanála, Ireland and The Attorney General – The High Court ruled that the competent authority was not entitled to take the measures described in the Construction Environmental Management Plan (CEMP) to protect the Blackwater River SAC into account in carrying out the Screening exercise in this particular solar farm development case.

### **Appropriate Assessment**

- High Court Ruling 25<sup>th</sup> July 2014 by Ms. Justice Finlay Geoghegan; Neutral Citation [2014] IEHC 400; High Court Record No. 2013 802 JR; Kelly -v- An Bord Pleanála – The Hight Court ruled that for Assessment to be lawfully conducted it:
  - Must identify, in the light of the best scientific knowledge in the field, all aspects of the plan or project which can, by itself or in-combination with other plans or projects, affect a European site in the light of its conservation objectives. This requires both examination and analysis.
  - Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.
  - May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects.
- High Court Ruling 25<sup>th</sup> February 2016 by Mr. Justice Barton; Neutral Citation [2016] IEHC 134; High Court Record No. 2013 450 JR; Balz & Heubach -v- An Bord Pleanála The High Court ruled that an assessment made under Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, definitive and precise findings, and conclusions capable of removing all reasonable scientific doubt as to the effects of the plan or project on a European site.

- Supreme Court Ruling 17th July 2018 by Mr Justice Clarke; Neutral Citation [2018]; Supreme Court Record No. 2014/488 JR; Connelly -v- An Bord Pleanála - The Supreme Court ruled with the decision of the High Court that An Bord Pleanála (ABP) had breached its obligations regarding the recording of the Screening stage, the AA itself and the EIA in its decision to grant planning permission for the wind farm. The AA was found to be invalid due to the failure of ABP to make complete, precise and specific scientific findings which justified its conclusion. The Supreme Court found that the decision by ABP nor the materials referred to in ABP's decision could be "shown to contain the sort of complete, precise and definitive findings which would underpin a conclusion that no reasonable scientific doubt remained as to the absence of any identified potential detrimental effects on a protected site having regard to its conservation objectives".
- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, Assessment must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

### Developer's Responsibilities

- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - the competent authority may grant consent for a plan or project that leaves the developer free to determine certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, if the competent authority is certain (i.e., no reasonable scientific doubt) that the development consent granted establishes conditions that are strict enough

- to guarantee that those parameters will not adversely affect the integrity of the site.
- Article 5(1) and (3) of, and Annex IV to, Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, must be interpreted as meaning that the developer is obliged to supply information that expressly addresses the significant effects of its project on all species identified in the statement that is supplied pursuant to those provisions.
- Article 5(3)(d) of Directive 2011/92/EU must be interpreted as meaning that the developer must supply information in relation to the environmental impact of both the chosen option and of all the main alternatives studied by the developer, together with the reasons for his choice, taking into account at least the environmental effects, even if such an alternative was rejected at an early stage.

### **Guidance Documents**

**2.6** This Screening Report has been prepared with regard to the following European and national guidance documents. The list is ordered by publication date.

### European

- Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on of Article 6(3) and (4) of the Habitats Directive 92/43/EEC<sup>13</sup>
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive<sup>14</sup>
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC<sup>15</sup>
- Commission guidance on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU)<sup>16</sup>

<sup>&</sup>lt;sup>13</sup> European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites - Methodological guidance on of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (pdf) Available at: <a href="https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance">https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance</a> 2021-10/EN.pdf

<sup>&</sup>lt;sup>14</sup> European Commission (2021) Guidance document on the strict protection of animal species of Community interest under the Habitats Directive (online) Available at: <a href="https://op.europa.eu/en/publication-detail/-/publication/a17dbc76-2b51-11ec-bd8e-01aa75ed71a1/language-en/format-PDF/source-search">https://op.europa.eu/en/publication-detail/-/publication/a17dbc76-2b51-11ec-bd8e-01aa75ed71a1/language-en/format-PDF/source-search</a>

<sup>&</sup>lt;sup>15</sup> European Commission (2018) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (online) Available at: <a href="https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1">https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1</a>

<sup>&</sup>lt;sup>16</sup> European Commission (2016) Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU) (online) Available at: <a href="https://eur-lex.europa.eu/legal-">https://eur-lex.europa.eu/legal-</a>

content/EN/TXT/?uri=uriserv%3AOJ.C .2016.273.01.0001.01.ENG&t oc=OJ%3AC%3A2016%3A273%3ATOC

- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission<sup>17</sup>
- Communication from the Commission on the precautionary principle<sup>18</sup>

#### **National**

- OPR Practice Note PN01: Appropriate Assessment Screening for Development Management<sup>19</sup>
- Guidance on the strict protection of certain animal and plant species under the Habitats Directive in Ireland<sup>20</sup>
- Appropriate Assessment of Plans and Projects in Ireland
   Guidance for Planning Authorities<sup>21</sup>
- Circular NPW 1/10 & PSSP 2/10. Appropriate
   Assessment under Article 6 of the Habitats Directive:
   Guidance for Planning Authorities<sup>22</sup>.
- Circular SEA 1/08 & NPWS 1/08. Appropriate Assessment of Land Use Plans<sup>23</sup>.
- Circular PD 2/07 & NPWS 1/07. Compliance conditions in respect of developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites<sup>24</sup>.

https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance\_art6\_4\_en.pdf

<sup>18</sup> European Commission (2000) Communication from the Commission on the precautionary principle (online) Available at:

https://eur-lex.europa.eu/legal-

content/EN/TXT/?uri=celex%3A52000DC0001

Office of the Planning Regulator (2021) Appropriate Assessment Screening for Development Management OPR Practice Note PN01 (pdf) Available at: <a href="https://www.opr.ie/wp-">https://www.opr.ie/wp-</a>

content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf

<sup>20</sup> Department of Housing, Local Government and Heritage (2021) Guidance on the strict protection of certain animal and plant species under the Habitats Directive in Ireland (pdf) Available at:

https://www.npws.ie/sites/default/files/files/strict-protection-of-certain-animal-and-plant-species.pdf

<sup>21</sup> Department of Environment, Heritage and Local Government (2009, revised 2010) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (pdf) Available at: <a href="https://www.npws.ie/sites/default/files/publications/pdf/NPWS">https://www.npws.ie/sites/default/files/publications/pdf/NPWS</a> 2009 A

A Guidance.pdf

22 Department of Environment, Heritage and Local Government (2010)

Circular NPW 1/10 & PSSP 2/10. Appropriate Assessment under

Article 6 of the Habitats Directive: Guidance for Planning Authorities

(pdf) Available at:

https://www.npws.ie/sites/default/files/general/Circular%20NPW1-10%20%26%20PSSP2-10%20Final.pdf

<sup>23</sup> Department of Environment, Heritage and Local Government (2008) Circular SEA 1/08 & NPWS 1/08 Appropriate Assessment of Land Use Plans (pdf) Available at:

https://www.npws.ie/sites/default/files/general/circular-sea-01-08.pdf

<sup>24</sup> <sup>24</sup> Department of Environment, Heritage and Local Government (2007) Circular PD 2/07 & NPWS 1/07. Compliance conditions in respect of developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites. (pdf) Available at:

https://www.npws.ie/sites/default/files/general/circular-pd-02-07.pdf

<sup>&</sup>lt;sup>17</sup> European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission (pdf) Available at:

## **Assessment Methodology**

## **Purpose**

- **3.1** The function of this Screening assessment is to determine the potential of the public realm enhancements at Rosses Point to result in LSEs that could undermine the conservation objectives of European sites either alone or incombination with other plans or projects. It has been undertaken to comply with the requirements of the Habitats Directive Article 6(3).
- **3.2** The following NPWS Generic Conservation Objectives have been considered in the Screening:
- 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; and
- For SPAs, to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Where available, Site-Specific Conservation Objectives (SSCOs) designed to define Favourable Conservation Status (FCS) for a particular habitat<sup>25</sup> or species<sup>26</sup> at that site have been considered.

### Consultation

### **Pre-application**

**3.3** The Sligo County Council Executive Planner led consultation with NPWS to determine accurate mapping of the Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC in relation to the project area. NPWS confirmed<sup>27</sup> that cSAC boundaries were mapped using Irish Grid co-ordinates on reduced scale six-inch maps and that, despite more coarse overlays generated through publically available interactive mapping, "the boundary for Cummeen Strand/Drumcliff Bay (Sligo Bay)

<sup>&</sup>lt;sup>25</sup> FCS of a habitat is achieved when: its natural range, and 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; and the conservation status of its typical species is favourable.

<sup>&</sup>lt;sup>26</sup> FCS of a species is achieved when: 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; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis

<sup>&</sup>lt;sup>27</sup> email correspondence dated 02.06.22 from Jenny Fuller, NPWS, to Leonora McConville, Sligo Co. Council.

cSAC 627 does not include the public road (R291) or any areas north of this road" in the vicinity of the project area.

- **3.4** Further consultation with NPWS Northern Region (Department of Housing, Local Government and Heritage) Western Division Ecologists was opened in April 2022. Discussion on 05 July<sup>28</sup> was held to (i) present the development in context of existing infrastructure (ii) agree the Zone of Influence (ZoI) distances used in the assessment, and (iii) outline the principal conclusions. The following key points were also raised:
  - General recommendation to 'future proof' the scheme against the implications of a changing climate, notably the opportunity to maximise SuDS and porous surfaces within the scheme was strongly encouraged by NPWS.
  - The peninsula to the south of the east end of the scheme was noted to be of value to birds, and the need to avoid increase to recreational access to this area highlighted. Options to increase the height of the existing boundary wall may be appropriate to discourage additional access.
  - Whilst it was recognised that the proposed works are not predicted to increase recreational use, historic pressure on the SAC and SPA through use of informal paths was highlighted as a concern.
- Considering broader benefit to biodiversity, use of a locally appropriate wildflower-rich grassland mix was recommended for the additional areas of grassland to be created within the scheme. Species composition and

- provenance should reflect the substrate and existing sward. A similar approach to any biodiverse planting of herbaceous border, shrubs and trees was recommended.
- 3.5 Consultation with the Council Heritage Officer and Executive Planner was opened in January 2022 to agree the outline scope of the Screening and any key concerns or design considerations at this early stage. Determination of whether a Construction Environment Management Plan (CEMP) would be required as additional mitigation to avoid LSE was highlighted as fundamental to the outcome of the Screening and whether, accordingly, full Assessment would be required. The requirement to consider climate change within the proposed design was also highlighted.
- **3.6** Additional consultation with the Executive Planner confirmed that whilst the modes of transport from vehicular to active (pedestrian and cycling) forms a key driver to the project, the forecasted number of users (local and visitors) was confirmed to be 'no net change'.

# The Four Stages of Habitats Directive Assessment: An Overview

- **3.7** Assessment is a four-stage process with tests at each stage, as summarised in Table 3.1. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.
- 3.8 This report delivers the Stage 1 Screening.

Table 3.1: The four stage Habitats Directive Assessment process

Stage	Process	Output
Stage 1: Screening	Identifies whether the proposed project is directly connected to, or necessary for, the management of a European site(s).  Identifies whether the project may have significant impact/s upon European site/s. either alone or in-combination with other plans or projects.	The output from this stage is a determination of not significant, significant, potentially significant, or uncertain effects. The latter three determinations will cause the project to be brought forward to Stage 2.
Stage 2: Appropriate Assessment	Assesses impact/s of the proposed development on the integrity of a European site(s), either alone or in-combination. Integrity is assessed with respect to: (i) site conservation objectives; and (ii) site structure, function and overall integrity, and considers the role of mitigation.	The output from this stage is an Natura Impact Statement (NIS). This document must include sufficient information for the competent authority to carry out the appropriate assessment. If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded despite incorporation of measures to avoid or reduce the

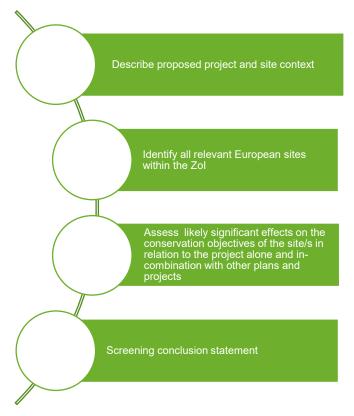
<sup>&</sup>lt;sup>28</sup> Telephone discussion with Miriam Crowley 05.07.22.

Stage	Process	Output
		adverse effects, then the process must consider alternatives (Stage 3).
Stage 3: Assessment of Alternatives	Assesses alternative ways of achieving the objectives of the project that avoid adverse impacts on the integrity of a European site. May be carried out concurrently with Stage 2 in order to find the most appropriate solution.	If no alternatives exist or all alternatives would result in negative impacts to site integrity, then the process either moves to Stage 4 or the project is abandoned.  Also reported in the NIS.
Stage 4: Assessment where Adverse Impacts Remain	Undertaken when it has been determined that a project will have adverse effects on the integrity of a European site, but where no alternatives exist.  Identifies compensatory measures where, in the context of Imperative Reasons of Overriding Public Interest (IROPI), it is deemed that the project or plan should proceed.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.  Also reported in the NIS.

### Screening Assessment Method

**3.9** Figure 3.1 illustrates the four steps of Screening. The method for each is described under the subsequent subheadings, and the results in Chapters 4 to 7 respectively.

Figure 3.1: The four steps of Screening



### **Project Description and Site Context**

- **3.10** To inform a robust assessment of the potential impacts as a result of the proposed project, construction and operation are described (see Chapter 4). The spatial scope of the assessment and any temporal phases relevant to the European Sites are also identified.
- **3.11** Maps are provided of the project in relation to European Sites within the Zone of Influence (ZoI) to provide context of landscape and ecological character of the area.

### **Spatial Scope: Identification of Relevant European Sites**

- **3.12** When assessing impact, qualifying interests of conservation interest are only considered relevant where a credible or tangible source-pathway-receptor link exists between the proposed development and qualifying species or habitats. In order for an impact to occur, there must be a risk initiated by having a 'source' (e.g. construction works), a 'receptor' (e.g. a protected species, associated aquatic or riparian habitats), and an impact pathway between the source and the receptor (e.g. a watercourse which connects the proposed development site to the site designated for the protection of a species).
- **3.13** If there is no pathway or the qualifying interests of the European site are not vulnerable (either directly or indirectly) to any impact predicted from the proposed development then a site has not been screened in.
- **3.14** European sites are taken to include:
  - Special Areas of Conservation (SAC) and candidate
     SAC designated under the Habitats Directive for

particular habitat types (Annex I) and species (Annex II); and

- Special Protection Areas (SPA) and proposed SPA designated under Article 4(1) of the Birds Directive for rare and vulnerable birds listed in Annex I, or Article 4(2) for regularly occurring migratory species not listed in Annex I;
- Ramsar sites identified as internationally important wetland habitat under the 1971 Ramsar Convention<sup>29</sup> are also considered in the assessment despite being at the wider international level.

#### Zone of Influence

- **3.15** The Zone of Influence (ZoI) for a project is the area over which qualifying interests may be subject to significant effects as a result of the proposed project and associated activities. The ZoI is likely to extend beyond the project site where there are ecological or hydrological links beyond the site boundaries which may result in an impact upon qualifying interests, in line with the Source-Pathway-Receptor model. The ZoI will vary for different ecological features depending on their sensitivity to an environmental change<sup>30</sup>. Note that distances are measured as 'direct lines' on digital mapping; in reality as a result of topography, distances may be greater, for example taking into account slope or cliff height.
- **3.16** Adopting the precautionary principle, an initial 15km Zol was applied to identify a 'long list' of sites for consideration within the Screening (see Table 5.1 and Figure C-1 in Appendix C. The 15km distance relates to specific qualifying species that rely on habitats that are outside of, but functionally linked to, the designation (referred to functionally linked land). Examples include golden plover and pink-footed goose which can rely on foraging habitats up to this distance. None of the European sites within the initial 15km Zol include such bird species as a qualifying interest.
- **3.17** A 2km ZoI was therefore applied to the Screening<sup>31</sup> 32 to consider potential impacts on mobile species, including all other birds (Figure B-1).
- **3.18** A 500m ZoI was also applied for hydrological pathways (Figure B-1). There are no freshwater pathways landward of the project location so this 500m ZoI was applied to the seaward side to a distance of 500m reflecting potential

pollution impacts that may result from construction and/ or operation.

- **3.19** A 200m ZoI was applied for potential species disturbance impacts resulting from noise, light or human activity as a result of construction activities (Figure B-1). This distance reflects the nature and small scale of the works which all occur within existing areas of developed or intensively managed land used frequently by the public.
- **3.20** Spatial mapping of European sites was downloaded from NPWS. Qualifying interests and conservation objectives of the sites concerned were determined from the NPWS designated site website<sup>33</sup>

### **Assessment of Likely Significant Effects**

**3.21** A risk-based approach involving the application of the precautionary principle was adopted in the assessment of LSE, such that a conclusion of 'no significant effect' has only been reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal would not have a significant effect on the integrity of a European Site. The screening assessment identifies assumptions that have been applied to enable specific impacts on European sites to either be screened in or out.

# **Qualifying Interests and Conservation Objectives Potentially Affected**

- **3.22** Knowledge of the proposed construction and operation was used to determine which qualifying interests/conservation objectives could be affected by the proposed development. Consideration has been given to the potential for the development proposed to result in significant effects associated with:
- Physical loss of/damage to habitat (including functionally linked land);
- Non-physical disturbance (noise, vibration and light);
- Changes to hydrology (water quality and quantity);
- Air pollution (including those resulting from changes in vehicular traffic, dust);
- Recreational pressure; and
- Climate change.

<sup>&</sup>lt;sup>29</sup> Ramsar Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971

<sup>&</sup>lt;sup>30</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management,

<sup>&</sup>lt;sup>31</sup> Wilson, S., Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants & Land Use Consultants (2006). Appropriate Assessment of Plans.

<sup>&</sup>lt;sup>31</sup> National Parks & Wildlife Service. Designated site data

<sup>&</sup>lt;sup>32</sup> Department of the Environment Heritage and Local Government (DEHLG) (2010). Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities, Second Edition

**3.23** As Rosses Point has experienced significant coastal erosion and flooding, consideration of predicted climate change impacts on the proposed design are also addressed using best available evidence. A comprehensive desk study was completed including the 2013 Irish Coastal Protection Strategy Study<sup>34</sup> to identify the principal vulnerabilities of the qualifying interests concerned which may relate to the potential impacts listed above, either directly or indirectly.

#### **In-Combination Effects**

- **3.24** In-combination assessment considers potential impacts of the project that may not be significant but, in-combination with other plans or projects, may collectively become so (see Chapter 6 impacts of 'No LSE'). It focuses on the qualifying interests that may be affected during construction, operation and/or decommissioning.
- **3.25** In-combination assessment is completed as part of the Screening if none of the potential impacts identified have LSE.

However, where LSE are concluded, in-combination assessment is conducted as part of the Natura Impact Statement.

- **3.26** In-combination assessment is not completed if no potential impact (of any scale) is identified.
- **3.27** An initial list of Plans and projects for consideration incombination were identified by the LUC team (see Table 3.2). The list includes adopted and finalised draft plans where these are formally published or submitted for consultation or adoption.

Projects that may affect the same European sites at which potential impact is identified as a result of this Screening assessment (Chapter 6) were assessed in-combination, taking into account the nature and scale of potential impacts on qualifying features.

Table 3.2: Plans and projects to be considered in-combination

Plan / Project Name	Description
Project Ireland 2040 <sup>35</sup>	Project Ireland 2040 is the government's long-term overarching strategy to make Ireland a better country for all and to build a more resilient and sustainable future. The strategy ensures the alignment of investment plans with the stated National Strategic Objectives for 2040 in a considered, cohesive and defined manner. Project Ireland 2040 comprises of the National Development Plan and the National Planning Framework.
	The Public Realm Enhancement at Strandhill funded by the Rural Regeneration and Development Fund will contribute towards this Strategy through developing plans for pedestrian friendly village centres through re-designed public realm areas, walkways and addressing dereliction.
National Planning Framework <sup>36</sup>	A planning framework to guide development and investment over the coming years. It does not provide every detail for every part of the country; rather it empowers each region to lead in the planning and development of their communities, containing a set of national objectives and key principles from which more detailed and refined plans will follow.
National Development Plan <sup>37</sup>	Sets out the Government's over-arching investment strategy and budget for the period 2021-2030. The NDP is to work in parallel with the National Planning Framework to ensure that the investment strategy supports spatial planning.
Rural Regeneration and Development Fund (RRDF) <sup>38</sup>	The Rural Regeneration and Development Fund was established to deliver on the National Strategic Objective in the National Development Plan of Strengthened Rural Economies and Communities.

<sup>&</sup>lt;sup>34</sup> OPW. 2013. Irish Coastal Protection Strategy.

https://www.gov.ie/en/publication/eed0fb-irish-coastal-protection-strategy-study-

icpss/#:~:text=The%20Irish%20Coastal%20Protection%20Strategy%2 0Study%20%28ICPSS%29%20is,risks%20associated%20with%20co astal%20flooding%20and%20coastal%20erosion.

<sup>35</sup> Government of Ireland (2020) Project Ireland 2040 Northern and Western Regio: 2020 update [online] Available at: https://www.gov.ie/en/collection/3baee-project-ireland-2040-regionalreports/#2020

<sup>&</sup>lt;sup>36</sup> Government of Ireland (2020) The National Planning Framework. Available at: https://npf.ie/project-ireland-2040-national-planning-framework/#:~:text=The%20National%20Planning%20Framework%20 About%20The%20Department%20of,social%2C%20economic%20and%20cultural%20development%20of%20our%20country.

<sup>&</sup>lt;sup>37</sup> Government of Ireland (2021) National Development Plan. Available at: <a href="https://www.gov.ie/en/publication/774e2-national-development-plan-2021-2030/">https://www.gov.ie/en/publication/774e2-national-development-plan-2021-2030/</a>

<sup>&</sup>lt;sup>58</sup> RRDF (2022) https://www.gov.ie/en/policy-information/c77144-rural-regeneration-and-development-

Plan / Project Name	Description		
	The Fund provides investment to support suitable projects in towns and villages with a population of less than 10,000, and outlying areas, which will deliver on the this objective and achieve sustainable economic and social development in these areas.		
	This Fund is the principle funder of this project.		
Regional Spatial and Economic Strategy for the	Policies and projects with potential impacts:		
Northern and Western Regional Assembly <sup>39</sup>	■ RPO 3.7.51 - Cycleways and walking routes – expansion throughout the urban area and outwards to the satellite villages of Ballysadare, Strandhill and Rosses Point, linking into established and planned recreational trails such as Union Wood, Knocknarea etc.		
	RPO 3.7.56 - Tourist attraction – support the development of a major attraction in Sligo Town, as well as further expansion in the tourism functions of villages Strandhill and Rosses Point.		
	Wastewater treatment – the strategy identifies deficiencies in Rosses Point, requiring appropriate solutions. Connection of the Rosses Point wastewater network to the Sligo WWTP is currently underway.		
Sligo County Development	Plans with potential impacts:		
Plan 2017–2023 – Volume 1 – main written statement <sup>40</sup>	■ Tourism and recreation: Rosses Point described as a "Key village sustaining rural communities" in the settlement hierarchy and has a regionally-significant special role regarding coastal tourism. The Council will encourage other towns and villages to develop specialist niche activities that could help to distinguish them, thereby promoting their economic wellbeing.		
	<ul> <li>Plan states that it is unlikely that other settlements in the County will experience a high demand for holiday homes, but any such case should be restricted to small-scale developments. While the provision of holiday accommodation within existing settlements can contribute to the local economy, it might result in local people being priced out of the property market and can put increased pressure on local infrastructure. There is a need to ensure a balance between the number of holiday/second homes and the number of permanent residences.</li> </ul>		
	<ul> <li>Policy: Direct proposals for holiday homes and second homes into existing serviced settlements, particularly into Rosses Point and subject to the availability of adequate water and wastewater capacity and Habitats Directive assessment.</li> </ul>		
	<ul> <li>Rosses Point is one of five beaches in County Sligo with designated bathing waters.         The bathing waters at these locations must be monitored by the local authority at regular intervals during the bathing season, which runs from 1st June to 15<sup>th</sup> September each year.     </li> </ul>		
	Fishing and mariculture: Some mariculture developments are concentrated in Cummeen Strand and all are subject to licence from the Department of Agriculture, Fisheries and Food (DAFF). In practice, the Council is consulted prior to issuing of licences. The aquaculture industry faces many challenges on the environmental front, and the County		

fund/#:~:text=The%20Rural%20Regeneration%20and%20Development%20Fund%20%28RRDF%29%20is,population%20of%20less%20than %2010%2C000%2C%20and%20outlying%20areas.

38 Northern & Western Regional Assembly (undated) Regional Spatial and Economic Strategy for the Northern and Western Regional Assembly (undated) Regional Re

<sup>[</sup>pdf]. Available at: <a href="https://www.nwra.ie/wpcontent/">https://www.nwra.ie/wpcontent/</a> uploads/2020/01/adpoted-rses.pdf

40 Sligo County Council (2017) Sligo County Development Plan 2017-2023: Volume 1- main written statement [online] Available at: <a href="https://www.sligococo.ie/cdp/">https://www.sligococo.ie/cdp/</a>

Plan / Project Name	Description			
	Council, in its limited capacity, will seek to promote sustainability and waste management programmes within the sector.			
	<ul> <li>Objective: Carry out improvements at Rosses Point Pier and Harbour, Mullaghmore, Enniscrone and Pullaheeney Harbours, and maintain and improve other piers and harbours, as resources allow and subject to compliance with the Habitats Directive.</li> </ul>			
	<ul> <li>Policy: Facilitate sustainable fishing, aquaculture and mariculture development associated with job creation, in a manner that is compatible with other uses of the Sligo coast, and subject to compliance with the requirements of the Habitats Directive, Water Framework Directive, the provisions of the EC (Quality of Shellfish Waters) Regulations and objectives of Shellfish Pollution Reduction Programmes.</li> </ul>			
	<ul> <li>Policy: Support the role of harbours, piers and shipways in facilitating fishing, marine leisure, recreation and other activities including the RNLI station at Rosses Point.</li> </ul>			
	<ul> <li>Policy: Carry out improvements at Rosses Point Pier and Harbour, Mullaghmore, Enniscrone and Pullaheeney Harbours, and maintain and improve other piers and harbours, as resources allow and subject to compliance with the Habitats Directive.</li> </ul>			
	Wastewater treatment: To ensure EU standards are maintained and all areas are serviced appropriately, there is a need for further upgrading of drainage infrastructure in some of the outlying areas of the Sligo and Environs area, such as Rosses Point. Sligo County Council, in conjunction with Irish Water, is considering the options available.			
Habitats Directive	Potential impact of policy:			
Assessment of the Draft Sligo County Development Plan 2017- 2023 <sup>41</sup> Natura Impact Report for the proposed amendments to the Draft Sligo County	■ To support the development of settlements with special functions – any development within the county could potentially have direct and/or indirect impacts on the Natura 2000 network through habitat fragmentation or habitat loss and disturbance of species. Pollution of watercourses may occur during construction and through the discharge of treated wastewater.			
Development Plan 2017- 2023 ( May 2017)	■ Wastewater treatment – At present, the WWTP is overloaded, particularly during the tourist season and there is insufficient capacity for waste water treatment. An upgrade of the WWTP is currently under review by Irish Water (IW). An option to pump wastewater to Sligo Main Drainage is being examined. Water supply is adequate for current needs and is delivered through the Kilsellagh WSS.			
	Mini-plan objectives for the development of coastal walks, pedestrian and cycle links along the SAC. Any development occurring through implementation of the Rosses Point Mini Plan may lead to potential impacts from disturbance of species, fragmentation of habitats and habitat loss as well as changes in water quality through runoff of pollution. Development of recreational access may lead to direct impacts on Natura 2000 sites including habitat loss and recreational disturbance of protected species such as otter and bats.			
	Potential impact of mini plan on Natura 2000 sites: 000627 Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC, 004035 Cummeen Strand SPA, 004013 Drumcliff Bay SPA.			

<sup>&</sup>lt;sup>41</sup> Sligo County Council Development Planning Unit (2016) Habitats Directive Assessment of the Draft Sligo County Development Plan 2017-2023 [online] Available at: https://www.sligococo.ie/cdp/DraftCDP2017-2023HabitatsDirectiveAssessment.pdf

Plan / Project Name	Description			
Sligo County Development Plan 2017-2023: Rosses Point Mini-Plan <sup>42</sup>	Plan states that the surrounding coastal zone of Rosses Point is extremely sensitive, with large areas classified as visually vulnerable and sensitive rural landscape. The village is identified as a village sustaining the rural community in the County settlement hierarchy. The special tourism function of the village is also highlighted.			
	Regarding population growth, the increase in recent decades can be largely attributed to its tourism function, its aesthetic rural-coastal setting and its proximity to Sligo City. It is considered that there is only limited need for additional residential development during the Plan period.			
	Objectives with potential impact:			
	Natural heritage and open space			
	<ul> <li>A. Encourage the protection and enhancement of the conservation value of Cummeen Strand / Drumcliff Bay (Sligo Bay) SAC/pNHA and Cummeen Strand SPA.</li> </ul>			
	<ul> <li>B. Encourage improved access to the seashore by providing walkways/open spaces and the enhancing/extending the existing seashore walk (as indicated on the Objectives Map) and by requiring the provision of such links in conjunction with the development of adjoining lands, subject to Habitats Directive Assessment.</li> </ul>			
	<ul> <li>C. Generally retain land between the built-up area and the coastline free from development, in order to ensure that visually vulnerable coastal lands are protected and to assist in the conservation of adjacent designated sites.</li> </ul>			
	Circulation and parking			
	<ul> <li>A. Encourage the improvement of pedestrian links between the village and surrounding natural amenities, particularly in conjunction with the development of relevant lands.</li> </ul>			
	<ul> <li>E. In cases where on-site car-parking requirements cannot be fully provided in the village centre area, shortfalls may be accommodated subject to satisfactory alternative proposals such as the payment of a financial contribution or the provision of parking at another suitable location.</li> </ul>			
	■ Village-centre mixed-use zones			
	<ul> <li>C. Encourage a range of services within the village centre, particularly tourism-related ones.</li> </ul>			
	■ Tourism			
	<ul> <li>A. Support the further development and enhancement of existing tourism-generating facilities such as County Sligo Golf Club and Sligo Yacht Club.</li> </ul>			
	<ul> <li>B. Facilitate the enhancement of the caravan park site at the western end of the village. Consideration will also be given to alternative tourism-related activities on this site, subject to appropriate scale, siting, design and Habitats Directive Assessment.</li> </ul>			
	<ul> <li>C. Facilitate the continued development of the existing harbour and associated emergency services, subject to Habitats Directive Assessment.</li> </ul>			
	Community facilities			
	<ul> <li>A. Support the development of playground facilities at the western end of the development limit, on lands zoned as open space to the south and west of the existing tennis courts / car park.</li> </ul>			
	B. Promote the development of the existing scout hall.			
	■ Wastewater treatment			

<sup>&</sup>lt;sup>42</sup> Sligo County Council (2017) Sligo County Development Plan 2017-2023: Volume 2- Rosses Point Mini-Plan [online] Available at: https://www.sligococo.ie/cdp/Vol2/#d.en.39902

Plan / Project Name	Description
	<ul> <li>A. Reserve land at the existing wastewater treatment plant site to facilitate the provision of upgraded wastewater infrastructure to serve the village.</li> </ul>
	<ul> <li>B. Enhance the landscaping at the site of the proposed upgraded wastewater infrastructure.</li> </ul>
	<ul> <li>E. A buffer zone shall apply in the vicinity of the WWTP site. Development within this zone may be restricted or prohibited in the interest of public health and the protection of residential amenities. The extent of development restrictions in each case will be assessed at planning application stage.</li> </ul>
River Basin Management Plan to Ireland 2021- 2028 <sup>43</sup>	Does not mention Rosses Point or Cummeen Strand.
Ballincar/ Cregg/ Rosses Point Sewerage Scheme PL20-408	These scheme will connect these areas to the Sligo Main Drainage System at Finisklin and involves upgrade of the existing WWTP. The scheme is now complete, November 2023.
Applicant: Irish Water	
Strandhill Public Realm Enhancement Project	Public realm enhancement to introduce safe and connected pedestrian and cycle access, rationalised car parking and traffic calming, landscape planting and street furniture. No predicted impacts on the qualifying interests were identified in the AA Screening (LUC, 2023) for the Strandhill project, at any scale. As such, there are no impacts to consider in combination.

### **Screening Conclusion Statement**

**3.28** To support the decision-making of the competent authority, a clear statement of the conclusion reached, and the basis upon which it was reached is provided in Chapter 7. Where significant effects cannot be entirely excluded – either alone or in-combination – full appropriate assessment would be required to inform determination of the planning decision.

<sup>&</sup>lt;sup>43</sup> Department of Housing, Planning and Local Government (undated) River Basin Management Plan for Ireland 2018-2021 [pdf]. Available at: <a href="https://assets.gov.ie/131981/dea37730-1ef0-4106-875b-5c433e823ad6.pdf">https://assets.gov.ie/131981/dea37730-1ef0-4106-875b-5c433e823ad6.pdf</a>

# **Project Description and Site Context**

### **Project Objectives**

- **4.1** The aim of the public realm enhancement at Rosses Point is to "create a safe, friendly and well-connected village core with exciting, vibrant and innovative public realm enhancements, enhancing links to the beach whilst protecting the valuable and unique environment" <sup>44</sup>.
- **4.2** Key objectives for the project, as defined by the council and LUC design team are to:
  - Ensure pedestrian safety;
- Strengthen connectivity for pedestrians and cyclists;
- Reduce traffic speeds;
- Rationalise parking and traffic movements;
- Enhance the character, views and heritage; and
- Provide a destination at the heart of the village, including provision of locally appropriate seating and signage.

### Direct Connection with, or Necessary to, Conservation Management of European Site

- **4.3** The proposed works at Rosses Point are not in direct connection with, nor are they currently considered necessary to, the conservation management of any nearby European sites.
- **4.4** The proposed project lies entirely within existing areas of hard standing. No Activities Requiring Consent (ARCs) (i.e. specific activities which have the potential to damage a European site<sup>45</sup>) apply to the proposed works.

public authority to which the consent function for that activity falls. It is an offence to carry out an ARC without prior consent. This requirement ensures that the Minister (or relevant competent authority) carries out the necessary environmental assessment to determine if the activity can take place and if any conditions should be attached to any consent given. <a href="https://www.npws.ie/farmers-and-landowners/activities-requiring-consent">https://www.npws.ie/farmers-and-landowners/activities-requiring-consent</a>

<sup>&</sup>lt;sup>44</sup> LUC (2021) STROP Consultation Boards, Rev 8, October 2021
<sup>45</sup> A list of 38 ARCs has been established, including 'construction or alteration of tracks, paths, roads, bridges, culverts or access routes' and 'works on, or alterations to, the banks, bed or flow of a drain, watercourse or waterbody'. ARCs are not prohibited activities but before being carried out, require consent from the Minister for Housing, Local Government and Heritage or by another relevant

### **Project Locations and Site Context**

- **4.5** The project area is located at OSiGR: G 63522 39680 in the village of Rosses Point, Rosses Upper, Drumcliff West. It includes the existing R291 New Road, spanning from the junction of the County Sligo Golf Club at the eastern end to the junction with Old Village Road at the west. Photographs of the existing site are provided in Appendix A.
- **4.6** The site is separated from the SPA and SAC, which lie downslope, by the existing stone wall which abuts the pavement. The red line boundary for the project runs along the southern edge of the wall which will be retained and unaffected by the proposed works (further detail is provided under the subheading of 'Construction' below).
- 4.7 The project area comprises the existing hardstanding of Old Village Road and New Road, footpaths, informal hardtop car park bays between the two roads, and the intervening grass and scrub verge. Small areas of existing vegetation will be given to hard surface as part of the proposed design; accordingly new planting and sowing that will provide compensation and enhancement include (i) additional sown verges as part of traffic calming and (ii) tree planting and biodiverse ornamental shrub planting integrated to the public realm:
  - Nature trail scrub and grass vegetation will be lost in place of a self-binding gravel path;
  - Car par opposite The Driftwood restaurant increase in area plus installation of an access ramp from Old Village Road to allow for a disabled parking space and walkway will incur loss of grass immediately surrounding the car park. Additional shrub planting will however be provided at the car park perimeter;
  - Car park south of Harrys Bar surrounding grass and shrub vegetation will be retained and new ornamental planting provided around the car park to improve the aesthetic of the car park and provide additional habitat for nesting birds.;
  - Junction of nature trail and road crossing just south of The Little Cottage Café – new crossing points to the east and south incur loss of grass. However the grass verge will be widened to provide a traffic calming measure and ornamental planting provided to surround the nature trail at this crossing point.
- **4.8** North of the project area lies the residential and commercial properties of the village, and the golf course. To the south lies the estuary, some distance downslope.

### **Proposed Development Works**

### Construction

- **4.9** The date of commencement and duration for construction are yet to be confirmed.
- **4.10** To inform this assessment, the following assumptions are made:
  - Temporary construction access, storage areas and working widths will all fall within the red line boundary;
  - Works will be permitted only where noise and other disturbance are managed within the limits required to avoid nuisance to immediately adjacent residential properties;
  - The successful contractor appointed by the council will be required to adhere to current best practice measures regarding the safe use of chemicals on site, provision of emergency response procedures, dust suppression, silt prevention, etc.
  - Throughout the scheme, drainage design (including silt traps, gully pots, etc) will meet current best practice DMRB standards. SuDS measures are embedded within the project design and, as such, are not assessed as 'additional mitigation'. These measures will take into account coastal processes and predicted climate change to ensure the design is fit for purpose in the long term. Examples include planting around enhanced parking areas that will accept surface water run-off and tree planting that will aid climate change resilience through localised shading and cooling effects.
- **4.11** The entire scheme entails surface level works to existing roads and parking areas. Specifically regarding the southern boundary interface with the designated land of the SAC and SPA:
  - The existing boundary wall will be retained intact;
  - The adjacent (footpath of R291 (New Road) will remain. Re-surfacing is not proposed;
  - In the vicinity of the entrance to Rosses Point Pier, where the wall ends, the existing close-mown grass verge will be retained.
- **4.12** Proposed enhancements are summarised as follows:
- Golf Club junction (western extent) junction realignment to accommodate safe pedestrian crossing points and planting;
- New two-way cycleway installed along one lane of New Road, tying in at the same level of the existing footpath;

- Outside Austies Pub a new controlled pedestrian crossing point is proposed;
- The Driftwood crossing point installed and narrowing of carriageway on Old Village Road (traffic calming), connecting to raised table crossing on New Road.

  Realignment of existing informal car park bays between the two roads (addition of +3 spaces). Planting (including +3 trees) and provision of street furniture;
- Demarcation of parallel parking at select locations on the north side of New Road throughout its length to address existing informal parking at edge of carriageway. Seeding of additional grassland sward where the carriageway is narrowed to delineate parallel parking from new crossing points;
- Area opposite Harry's Bar along the R291 –
  enhancements creating larger existing informal car park
  bays, resurfaced ramp access and, greater pedestrian
  access provision and planting (including +10 trees);
- Little Cottage Café An at grade crossing point linking to the café, a raised crossing at the link road connecting the R291 with the Old Village Road and a raised crossing along the R291 connecting to enhanced green space (including +4 trees, biodiverse ornamental shrub planting);
- Eastern extent new toucan crossing on New Road and integrated bus stop location.
- **4.13** As the enhancement works are at surface level, the existing site drainage arrangement will remain i.e. roadway drainage with silt / pollution traps to current highways standards.
- **4.14** No additional or amendment to existing lighting is proposed as part of the scheme.

### Operation

- **4.15** The scheme promotes safe pedestrian and cycle access through the project area. Whilst the scheme does include a small number (+3) additional car parking spaces, the forecasted number of users (local and visitors) was confirmed by the Executive Planner to be 'no net change'.
- **4.16** Reduction in highway width and other traffic calming measures is anticipated to contribute to improved local air quality and ambiance (reduction in traffic interactions, noise, etc). Benefit to the quality of operational surface run-off may occur but is anticipated to be small (below that which could be measured).
- **4.17** Consideration of climate change effects during the operational phase are addressed in Chapter 6.

### Decommissioning

**4.18** The proposed works will be maintained to support public access and use in perpetuity. Decommissioning is not therefore assessed.

# **Identification of Relevant European Sites**

- **5.1** Relevant European Sites were identified using the Source-Pathway-Receptor model, and information on the qualifying interests and conservation objectives. This information was used to conduct a high level assessment with consideration of the nature, extent and programme of work in order to screen out European sites.
- **5.2** Table 5.1 lists designated SACs and SPA screened into the assessment, including their proximity to the works location. Figure C-1 shows European Sites within each ZoI. There are no Ramsar sites within the ZoI assessed.

Table 5.1: European Sites identified within each Zol assessed

European site	Direction and distance from each project site	Site Screened into assessment			
		Initial 15km Zol	2km Zol	500m Zol (hydrological connectivity)	200m Zol (construction related species disturbance)
Cummeen Strand/ Drumcliff Bay SAC	SAC lies adjacent to, seaward of, the boundary wall of New Road	Yes	Yes	Yes	Yes
Cummeen Strand SPA	SPA lies adjacent to, seaward of, the boundary wall of New Road	Yes	Yes	Yes	Yes
Drumcliff Bay SPA	SPA located 1.6km north	Yes	Yes	-	-
Ballysadare Bay SPA	SPA located 5km north-east	Yes	-	-	-
Lough Gill SAC	SAC located 6.2km south-east	Yes	-	-	-
Ben Bulben, Glenriff and Glenade Complex SAC	SAC located 6.5km north-east	Yes	-	-	-
Sligo/ Leitrim Uplands SPA	SAC located 6.5km north-east	Yes	-	-	-
Ardboline Island and Horse Island SPA	SPA located 7.8km north-west	Yes	-	-	-

European site	Direction and distance from each project site	Site Screened into assessment			
		Initial 15km Zol	2km Zol	500m Zol (hydrological connectivity)	200m Zol (construction related species disturbance)
Streedagh Point Dunes SAC	The SAC 9.7km north	Yes	-	-	-
Unshin River SAC	SAC located 10.5km north-west	Yes	-	-	-
Union Wood SAC	SAC located 11.2km north-west	Yes	-	-	-
Aughris Head SPA	SPA located 13.1km south-west	Yes	-	-	-
Bunduff Lough and Machair/Trawalua/Mullagh more SAC	SAC located 14km north from Rosses Point	Yes	-	-	-
Inishmurray SPA	SPA located 14.7km north-west	Yes	-	-	-
Knockalongy and Knockaree Cliffs SAC	SAC located 14.9km north-east	Yes	-	-	-

### **Summary**

**5.3** Seventeen European sites were identified within the initial 15km Zol, of which only three occur within the 2km Zol and therefore considered further. Two designations – Cummeen Strand/ Drumcliff Bay SAC and Cummeen Strand SPA – extend along the coastline adjacent to the project area and are the only designations within the 500m and 200m Zol assessed.

# Assessment of Likely Significant Effects

- **6.1** The maintenance of habitats and species within individual European sites at favourable conservation condition contributes to the overall maintenance of favourable conservation status of those habitats and species at a national and international level. It is therefore necessary to identify any potential impacts of the proposed development on the conservation status of European sites.
- **6.2** In this section potential impacts associated with the proposed development will be identified before an assessment is made, as to whether these theoretical impacts are likely to cause significant impacts on the European sites listed in Table 5.1 above, in view of those sites' conservation objectives.
- **6.3** Identification of a theoretical risk does not constitute a prediction either that it will occur, or that it will cause or create an adverse impact. However, identification of the risk does mean 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.

# Direct and Indirect Impacts of Public Realm Enhancements at Rosses Point

**6.4** There is no land take from any of European Sites as a result of the proposed works at Rosses Point. Potential impacts are identified in Table 6.1.

Table 6.1: Potential ecological impacts associated with the project

Description of elements of the project likely to give rise to potential ecological impact	Likely changes to arise as a result	
<ul> <li>Temporary disturbance during construction</li> <li>Movement of construction vehicles and staff, use of construction equipment within the project area (behind and separate to the existing shore front promenade wall) may incur localised noise and visual disturbance.</li> <li>As works will be permitted only within the limits required to avoid causing nuisance to residential properties adjacent to the project area, no marked disturbance on species in the immediate vicinity is predicted.</li> </ul>	Risk of potential impact during the working day on species where these occur on the beach in proximity to the work site (within 200m).  This theoretical risk is assessed further in Table 6.2.	
Construction related pollution	No predicted impact	
Risk of accidental pollution (such as release of fuels or oils to the aquatic environment) or accidental surface run-off laden with sediment/s (such as cementitious material/concrete wastewater resulting from laying substrates to create new road surfaces) would be avoided through compliance with standard		

Description of elements of the project likely to give rise to potential ecological impact	Likely changes to arise as a result
best practice construction, to which all council contractors are expected to adhere.	
Operational pollution	No predicted impact
No change in the quality or quantity of surface water run-off is predicted over and above existing levels.	
Reduction in motorised vehicle access may translate to a small-scale beneficial impact on surface water run-off, although the degree of change is not measurable. Existing levels are not identified to pose constraint to the qualifying interests of conservation objectives of any European site within the Zol.	
Local recreational activity during operation	No predicted impact
■ The reduction in vehicular activity through the project area is predicted to be met with an increase in pedestrian and cycle activity. This will incur a shift in the nature and extent of noise and human disturbance from those currently experienced, although no net change in the overall level of use is predicted.	

### **Consideration of Climate Change**

- **6.5** Within Sligo there is a significant risk associated with increasing sea levels as a result of climate change, which will result in significant new areas of flooding from those predicted to be affected in current risk scenarios<sup>46</sup>.
- **6.6** Climate change is predicted to increase sea levels and wave heights and increase the occurrence of extreme winds and extreme storms in Sligo<sup>47</sup>. Although flood risk from wave overtopping was not identified as a significant source of flood risk for Sligo in the Catchment-based Flood Risk Assessment and Management Study, the report does acknowledge there is a significant risk associated with increasing sea levels as a result of climate change which will result in significant new areas of flooding from those predicted to be affected in the current risk scenario<sup>48</sup>. No specific risk of overtopping has been raised in relation to the project area at Rosses Point.
- **6.7** Climate-related threats to qualifying interests particularly related to loss of sand dunes, especially fixed dunes which usually occur where the wind speed is reduced and the vegetation is removed from the influence of tidal inundation and salt spray. Warmer and more acidic oceans may disrupt

- coastal and marine ecosystems causing algal blooms or saline intrusion on freshwater habitats/estuaries may occur. This may reduce the quality of foraging habitat for wading and wintering birds. Drier and warmer weather will also likely see an increased in beach tourism and marine activities which would exacerbate existing known recreational pressure.
- **6.8** Flooding or related impacts such as siltation or urban run-off are not referenced as threats in the conservation objectives or supporting documents for Cummeen Strand/ Drumcliff Bay SAC<sup>49</sup>, Ballysadare Bay SAC<sup>50</sup> or Lough Gill SAC<sup>51</sup>.
- **6.9** The proposed works at Rosses Point will not introduce any hard infrastructure within the natural habitats of the coastline which would create any further loss of inter-tidal habitats or exacerbate coastal squeeze.
- **6.10** The proposed works will not increase hard standing or alter current drainage regimes. No changes to permeability and thus increase in the presence of standing water or sewerage is expected as a direct consequence of the project.
- **6.11** Increase in visitor capacity is not expected as a result of the public realm enhancements, therefore no further

https://www.npws.ie/sites/default/files/publications/pdf/Ballysadare%20Bay%20SAC%20(000622)%20Conservation%20objectives%20supp

orting%20document%20-

%20coastal%20habitats%20[Version%201].pdf

McCorry, M. & Ryle, T. (2009) Saltmarsh Monitoring Project 2007-2009. Weblink:

https://www.npws.ie/sites/default/files/publications/pdf/McCorry & Ryl e 2009 Saltmarsh survey V4.pdf

<sup>51</sup> NPWS (2021) Conservation Objectives Series Lough Gill SAC. Weblink: <a href="https://www.npws.ie/sites/default/files/protected-sites/conservation">https://www.npws.ie/sites/default/files/protected-sites/conservation</a> objectives/CO001976.pdf

<sup>&</sup>lt;sup>46</sup> Western CFRAM Unit of Management 35 Final Preliminary Options Report: Volume 1 - Overarching Report

 <sup>&</sup>lt;sup>47</sup> Sligo County Council. 2019. Sligo Climate Adaptation Strategy.
 <sup>48</sup> JBA Consulting. 2016. Western CFRAUnit of Management 31Final Preliminary Options Report: Volume 1 - Overarching Report

<sup>&</sup>lt;sup>49</sup> NPWS (2013) Ballysadare Bay SAC (site code 622) Conservation objectives supporting document -coastal habitat. Weblink:

recreational pressure is expected as a direct consequence of the proposed works in warmer and longer climate scenarios.

### **Potential Effects on European Sites**

**6.12** To confirm whether there is risk of any LSE as a result of the proposed development, this section considers the European sites identified in Chapter 5.1 within the 2km, 500m and 200m ZoI, assessing each qualifying interest in turn against the impacts identified in Table 6.1.

Table 6.2: Assessment of Likely Significant Effect

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
Cummeen Strand/ Drumcliff Bay (Sligo Bay) SAC	1130	Estuaries	Yes	There are no designated habitats of qualifying interest within the site boundary, as confirmed by coastal and marine habitat mapping (NPWS 2013a <sup>52</sup> , NPWS 2013b <sup>53</sup> ). The estuary begins 195m from the project area at the nearest distance <sup>54</sup> , just within the 200m ZoI assessed for disturbance during construction. No loss of habitat or changes to the distribution or quality of intertidal and coastal community complexes will result from the proposed project. Disturbance of estuarine habitats during the construction period is predicted to be negligible. The principal vulnerabilities of tidal estuaries are pollution from nutrient enrichment or input of contaminants, invasive non-native species and physical modifications of the watercourse or its flood capacity <sup>55</sup> . The proposed project incurs no increase in risk associated with these vulnerabilities.	N/A	No Effect
	1140	Mudflats and sandflats not	Yes	The SAC extends to the boundary wall of New Road, which separates the qualifying interest from	N/A	No Effect

<sup>52</sup> NPWS (2013a) Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 627) Conservation objectives supporting document -coastal habitats. Pg. 16
53 NPWS (2013b) Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 627) Conservation objectives supporting document - Marine habitats and species. Pg. 19-21

<sup>54</sup> NPWS (2013b) Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 627) Conservation objectives supporting document - Marine habitats and species. Pg. 19
55 European Commission Freshwater Habitat Group (2016) C2.4 Tidal river, upstream from the estuary. Weblink: <a href="https://projects.eionet.europa.eu/european-red-list-habitats/library/terrestrial-habitats/c.-freshwater/c2.4-">https://projects.eionet.europa.eu/european-red-list-habitats/library/terrestrial-habitats/c.-freshwater/c2.4-</a> tidal-river-upstream-estuary-1

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
		covered by seawater at low tide		the project area <sup>56</sup> . There are no designated habitats of qualifying interest within the site, as confirmed by coastal and marine habitat mapping (NPWS 2013a, NPWS 2013b). No loss of habitat or changes to the distribution or quality of intertidal and coastal community complexes will result from the proposed project. Despite the proximity, disturbance of mudflats or sandflats seaward of the boundary wall during the construction period is predicted to be negligible.  In Ireland, the overall status of the habitat is inadequate and deteriorating due to decline in habitat area and partly by pollution from agricultural,		
				forestry and wastewater sources, as well as impacts associated with marine aquaculture, particularly the Pacific oyster <sup>57</sup> . The proposed project incurs no increase in risk associated with these vulnerabilities. There is no anticipated increase in recreational pressure on the designation associated with the project.		
	2110	Embryonic shifting dunes	No	Presence of these dune habitats are not found within, or directly connected to, the project area. At	N/A	No Effect

<sup>56</sup> NPWS (2013b) Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code: 627) Conservation objectives supporting document - Marine habitats and species. Pg. 20
57 NPWS (2019) Article 17 Volume 1: The Status of EU Protected Habitats and Species in Ireland 2019. Weblink: <a href="https://www.npws.ie/sites/default/files/publications/pdf/NPWS">https://www.npws.ie/sites/default/files/publications/pdf/NPWS</a> 2019 Vol1 Summary Article17.pdf

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
	2120	Shifting dunes along the shoreline with Ammophila arenaria (white dunes)  Fixed coastal dunes with herbaceous vegetation (grey dunes)	No No	the nearest distance dune habitats are over 300m from the project area <sup>58</sup> .  The proposed project will not result in change to the structure and function of vegetation communities.  No catchment-level changes to sedimentation or frequency of tidal inundation will result from the proposed works.  There is no anticipated increase in recreational pressure on the designation associated with the project.		
	5130	Juniperus communis formations on heaths or calcareous grasslands	No	Presence of these terrestrial habitats are not found within, or connected to, the project area. At the nearest point this qualifying interest is over 300m from the project area <sup>59</sup> .  The proposed project will not result in change to the structure and function of vegetation communities.	N/A	No Effect
	6210	Semi-natural dry grasslands and scrubland facies on calcareous	No			

<sup>58</sup> NPWS (2013a) Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC (site code 627) Conservation objectives supporting document -marine habitats. Pg. 16
59 Cooper, F., et al. (2012) The conservation status of juniper formations in Ireland. Irish Wildlife Manuals, No. 63 National Parks and Wildlife Service, Department of Environment, Heritage and Local Government, Dublin, Ireland

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
		substrates (Festuco- Brometalia) (* important orchid sites)				
	7220	Petrifying springs with tufa formation (Cratoneurion)	No	Presence of this habitat is not found within, or connected to, the project area as it is as it is located over 2.5km distance <sup>60</sup> .  The proposed project will not result in change to the structure and function of vegetation communities.	N/A	No Effect
	1014	Narrow- mouthed Whorl Snail <i>Vertigo</i> angustior	No	Narrow-mouthed whorl snail is located over 2.8km to the south west.  No potential construction or operational, direct or indirect impacts are predicted on this species or its habitats, as a result of the proposed public realm enhancement interventions.	N/A	No Effect
	1095	Sea Lamprey Petromyzon marinus	Yes	Migrating adult sea and river lamprey pass through the SAC to/from the Garavogue River, which flows out of Lough Gill SAC, itself over 6.2km from the	N/A	No Effect

<sup>60</sup> NPWS. (2013c). Conservation Objectives Series National Parks and Wildlife Service Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC 000627. Pg 26

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
	1099	River Lamprey Lampetra fluviatilis	No	project area. As stated in the Conservation Objectives, this SAC is not anticipated to contain suitable spawning or nursery habitat <sup>61</sup> . The potential construction and operation will not		No Effect
				introduce any barriers to migration.		
				No catchment-level changes to sedimentation or frequency of tidal inundation will result from the proposed works.		
	1365	Harbour Seal Phoca vitulina	Yes	Harbour seal breeding and haul-out sites are located over 2km north of the project area <sup>62</sup> .  No potential construction or operational, direct or indirect impacts are predicted on this species or its habitats, as a result of the proposed public realm enhancement interventions.	N/A	No Effect
				There is no anticipated increase in recreational pressure on the designation associated with the project, such that may impact breeding sites or haul out sites.		
	A046	Light-bellied Brent Goose	No	The principal supporting habitat of the qualifying species are intertidal mud and sand flats. This	No tangible effect	No LSE

<sup>&</sup>lt;sup>61</sup> NPWS. (2013c). Conservation Objectives Series National Parks and Wildlife Service Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC 000627. Pg 17-18

<sup>62</sup> NPWS. (2013c). Conservation Objectives Series National Parks and Wildlife Service Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC 000627. Pg 27

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
Cummeen Strand SPA		Branta bernicla hrota		habitat extends to the boundary wall of New Road, which separates them from the project area.		
	A130	Oystercatcher Haematopus ostralegus	No	Foraging and roosting sites are located within the subsite of the SPA which abuts the boundary wall <sup>63</sup> i.e. within the 200m Zol assessed for disturbance during construction. No historic disturbance activity is recorded at Rosses Point Harbour in relation to the qualifying interests <sup>64</sup> . Given the nature and duration of possible noise and vibration impacts associated with the proposed works, no measurable impact on the qualifying bird assemblages or species populations is predicted as a result of temporary disturbance during the construction period.		
	A162	Redshank Tringa totanus	No			
	A999	Wetland and Waterbirds	No			
				There is no anticipated increase in recreational pressure on the designation associated with the project.		
Drumcliff Bay SPA	A144	Sanderling Calidris alba	No	The SPA is located 1.6km north of Rosses Point. The principal supporting habitat of the qualifying	N/A	No Effect
	A157	Bar-tailed Godwit <i>Limosa</i> <i>lapponica</i>	No	species are intertidal mud and sand flats. This		

NPWS (2013) Cummeen Strand Special Protection Area. (Site Code 4035) Conservation Objectives Supporting Document Version 1. Pg 53-55 NPWS (2013) Cummeen Strand Special Protection Area. (Site Code 4035) Conservation Objectives Supporting Document Version 1. Pg 55

European Site	Code	Qualifying Interest	Potential functional or physical connectivity between qualifying interests and location of proposed works	Justification	Potential source-pathway-receptor identification	Likely Significant Effect/s
	A999	Wetland and Waterbirds	No	habitat extends to the boundary wall of New Road <sup>65</sup> , which separates them from the project area.  The closest nesting and/or foraging sites recorded within the SPA are located 1.6km away from the project area <sup>66</sup> .  No potential construction or operational, direct or indirect impacts are predicted on this species or its habitats, as a result of the proposed public realm enhancement interventions.  There is no anticipated increase in recreational pressure on these qualifying species or assemblages associated with the project.		

 <sup>65 65</sup> NPWS (2013c) Conservation Site Objectives SAC Ballysadare Bay SAC 000622. Pg. 20-21
 66 NPWS (2013d) Drumcliff Bay Special Protection Area (Site Code 4013) Conservation Objectives Supporting Document Version 1 Pg 54

### In-combination Effects

- **6.13** Tables 6.1 and 6.2 identify no LSE are predicted as a result of the proposed development on the basis that all embedded design measures are successfully implemented.
- **6.14** The majority of potential impacts were assessed to have 'no impact'. The single impact assessed as 'no LSE' relates to the potential impact of disturbance during construction on the avian qualifying interests of Cummeen Strand SPA, where these occur within 200m of the project area. Based on the assessed evidence of distribution of these species populations and assemblages, no tangible adverse effect is predicted. Accordingly, this is considered incombination.
- 6.15 The qualifying interests include:
  - Light-bellied Brent Goose;
- Oystercatcher;
- Redshank;
- Wetland and Waterbirds.
- **6.16** Plans and projects considered (Table 3.2) include the Habitats Directive Assessment of the Sligo County Development Plan 2017-2023<sup>67</sup>, which specifically considers potential impacts of the Plan on the Natura 2000 network. A number of key considerations relating to development of tourism within Rosses Point village including the development of holiday properties, associated pressure on wastewater treatment infrastructure, and expansion of active travel (cycle and pedestrian) routes.
- **6.17** Potential disturbance impacts associated with the construction period of public realm enhancements at Rosses Point are predicted to be of such diminutive spatial scale and magnitude, that no change in the likelihood or significance of potential impact is predicated in-combination with the developments outlined in the plans and projects assessed.

### **Chapter 7**

### **Screening Conclusions**

#### **Screening Conclusion Statement**

- **7.1** This Screening has been undertaken in accordance with best practice guidance. Potential impacts associated with the proposed project are summarised in Table 7.1.
- **7.2** Potential impact of disturbance during construction on the avian qualifying interests of Cummeen Strand SPA, where these occur within 200m of the project area, could not be entirely screened out based on the assessed evidence of distribution of these species populations and assemblages. No tangible effect, hence, no LSE, is predicted.
- **7.3** When assessed in-combination with other plans and projects relevant to the proposed project, no LSE are predicted.
- **7.4** No further recommendations for mitigation are made.

**Table 7.1: Screening Conclusion** 

European Site	Qualifying interest	Significant Effects	Potential Impact Pathway(s)
Cummeen Strand/Drumcliff Bay (Sligo Bay) SAC	Estuaries	No Effect	N/A
	Mudflats and sandflats not covered by seawater at low tide	No Effect	N/A
	Embryonic shifting dunes	No Effect	N/A
	Shifting dunes along the shoreline with Ammophila arenaria (white dunes)	No Effect	N/A
	Fixed coastal dunes with herbaceous vegetation (grey dunes)	No Effect	N/A
	Juniperus communis formations on heaths or calcareous grasslands	No Effect	N/A
	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (*important orchid sites)	No Effect	N/A

European Site	Qualifying interest	Significant Effects	Potential Impact Pathway(s)
	Petrifying springs with tufa formation (Cratoneurion)	No Effect	N/A
	Narrow-mouthed Whorl Snail Vertigo angustior	No Effect	N/A
	Sea Lamprey	No Effect	N/A
	River Lamprey	No Effect	N/A
	Harbour Seal	No Effect	N/A
Cummeen Strand SPA	Light-bellied Brent	No LSE	No tangible effect
	Oystercatcher	No LSE	No tangible effect
	Redshank	No LSE	No tangible effect
	Wetland and Waterbirds	No LSE	No tangible effect
Drumcliff Bay SPA	Sanderling	No Effect	N/A
	Bar-tailed Godwit	No Effect	N/A
	Wetland and Waterbirds	No Effect	N/A

## Appendix A

**Site Photographs** 

Figure A1: Eastern entrance to the scheme. View towards location of controlled crossing point slowing down traffic



Figure A3: Boundary wall south of New Road separating the project area from Rosses Point Harbour



Figure A2: Western end of boundary wall with managed verge continuing to the golf course junction. Proposed enhancement measure remain within the existing footpath footprint from this point



Figure A4: Existing footway surfacing retained to southern boundary wall to harbour



Figure A5: Existing hardstanding section along New Road to be demarcated for parking

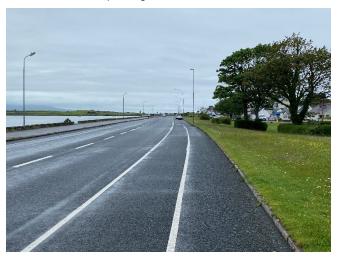


Figure A6: Location of proposed parking resurfacing, raised table crossing and planting outside Driftwood



Figure A7: Location of proposed parking resurfacing, raised table crossing and planting outside Harry's

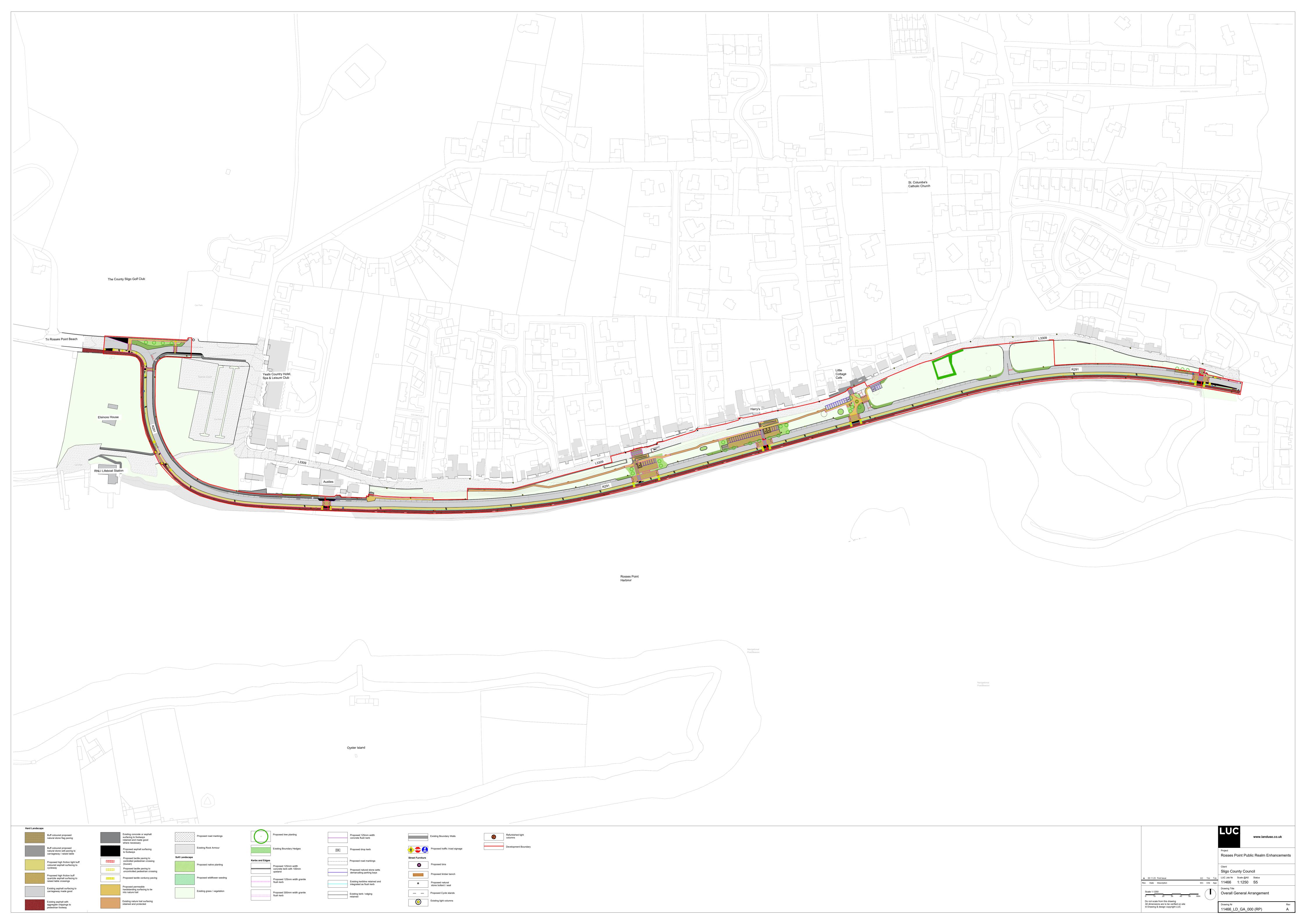


Figure A8: Location of raised table crossings, pedestrian access improvements and planting outside little cottage cafe



# Appendix B

# **Development Design Drawings**





Notes

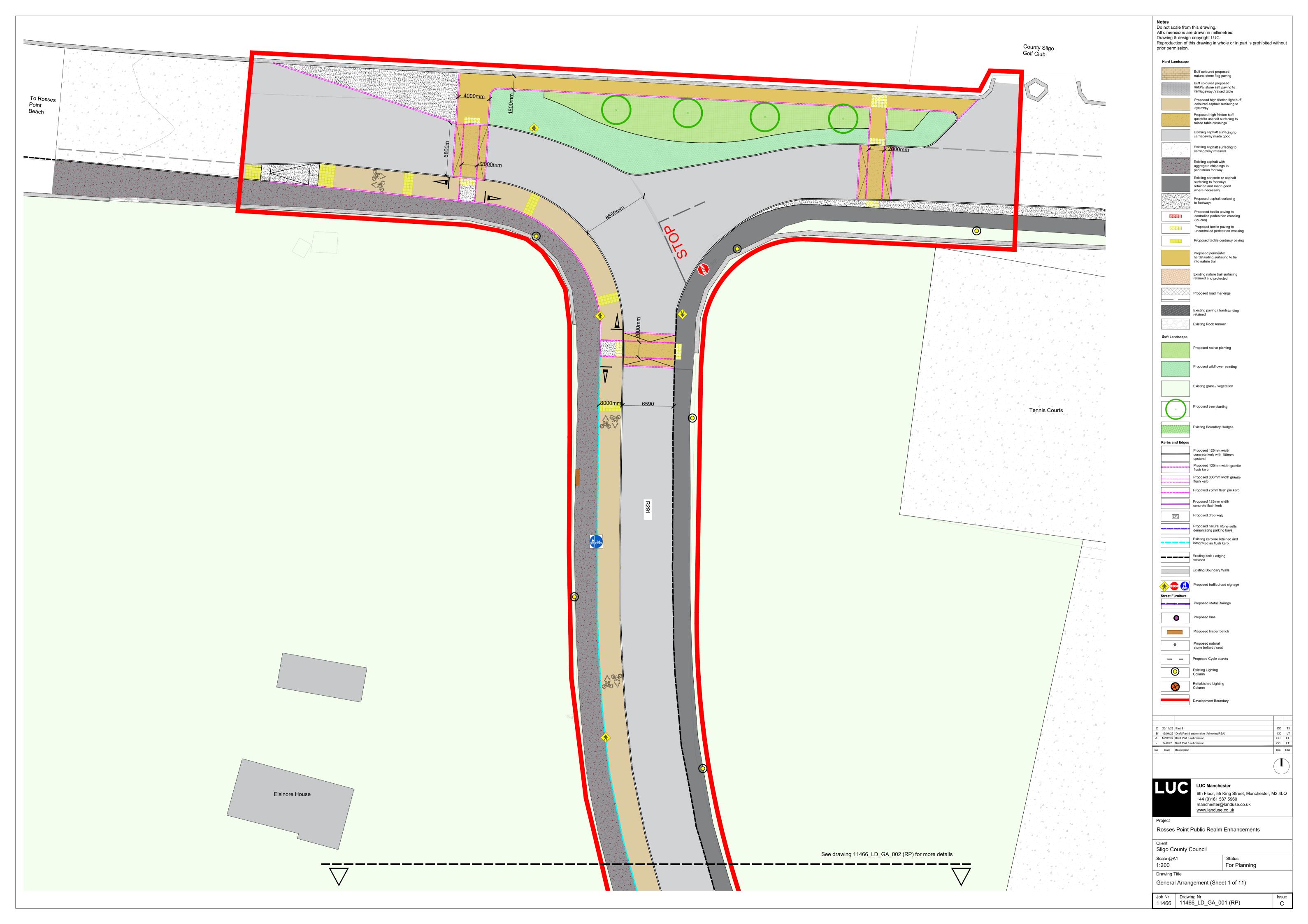
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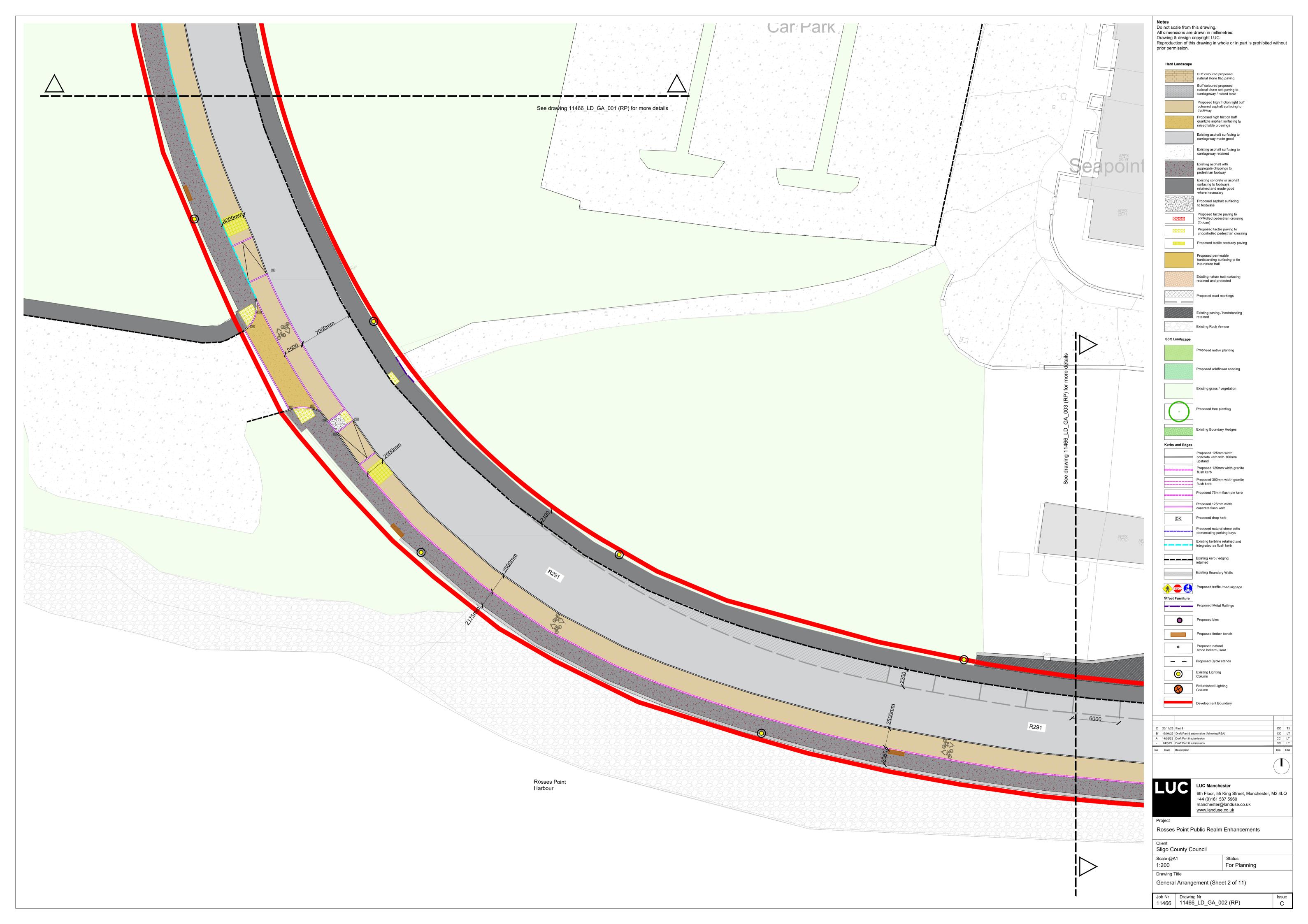
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Status For Planning

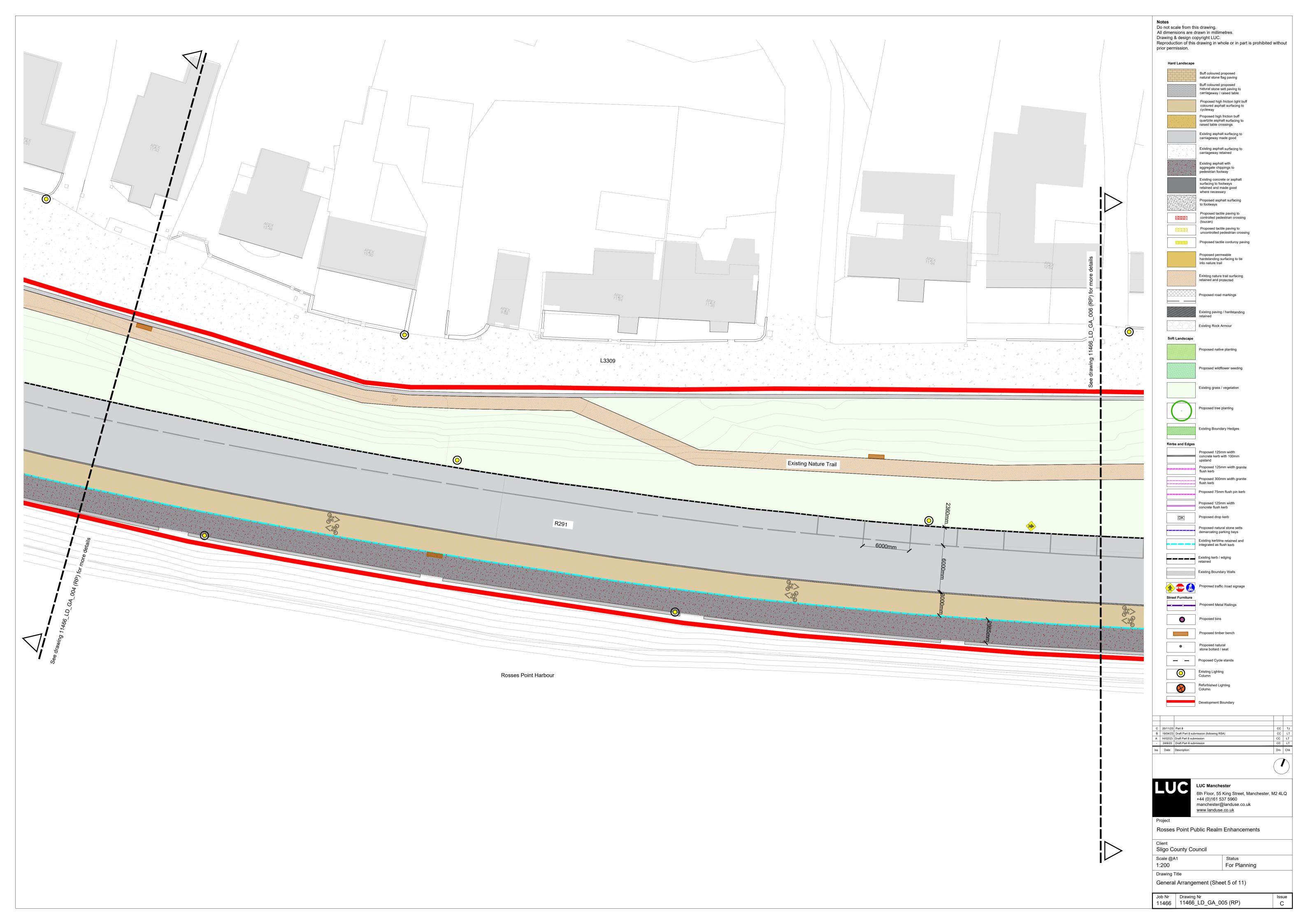
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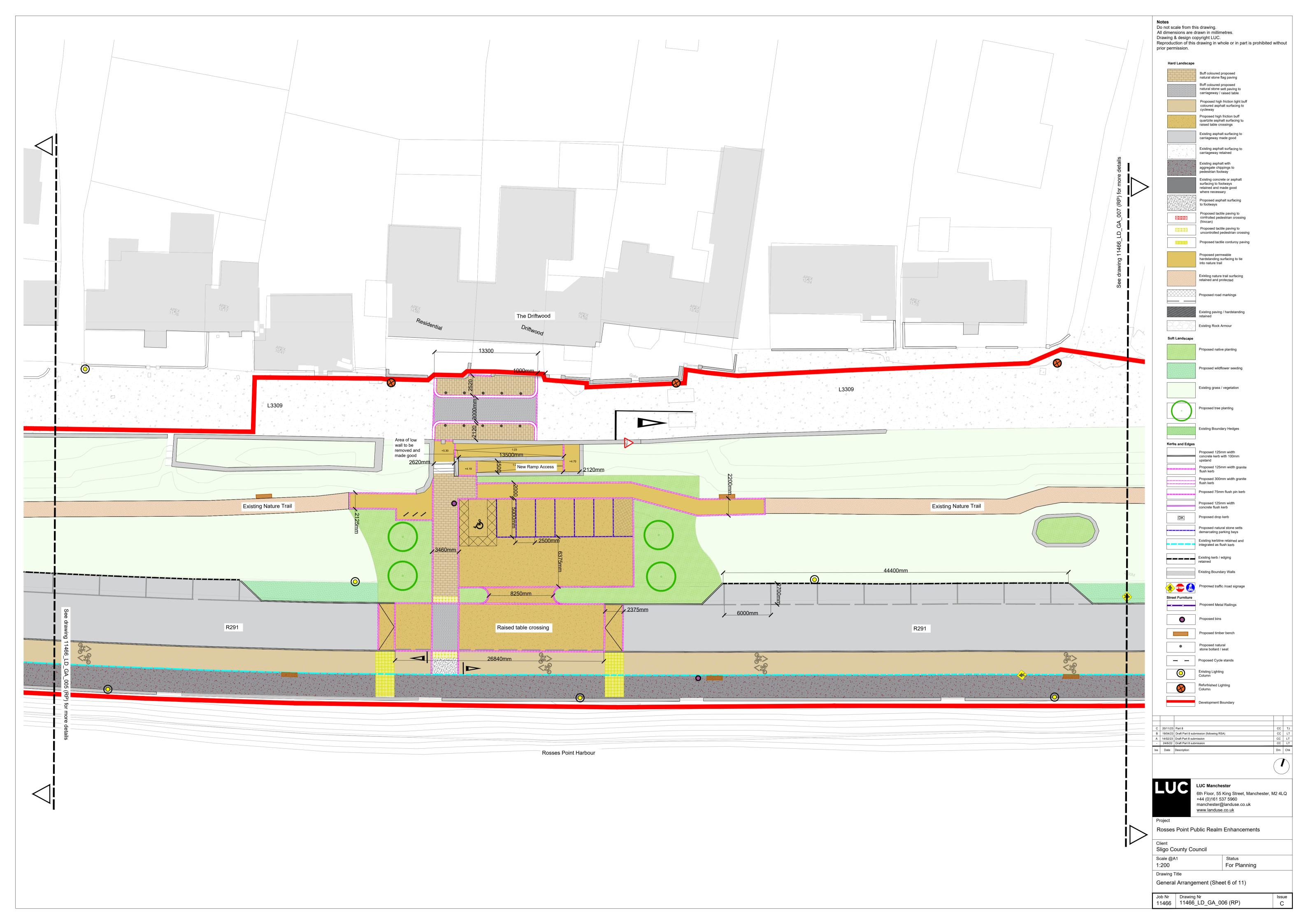


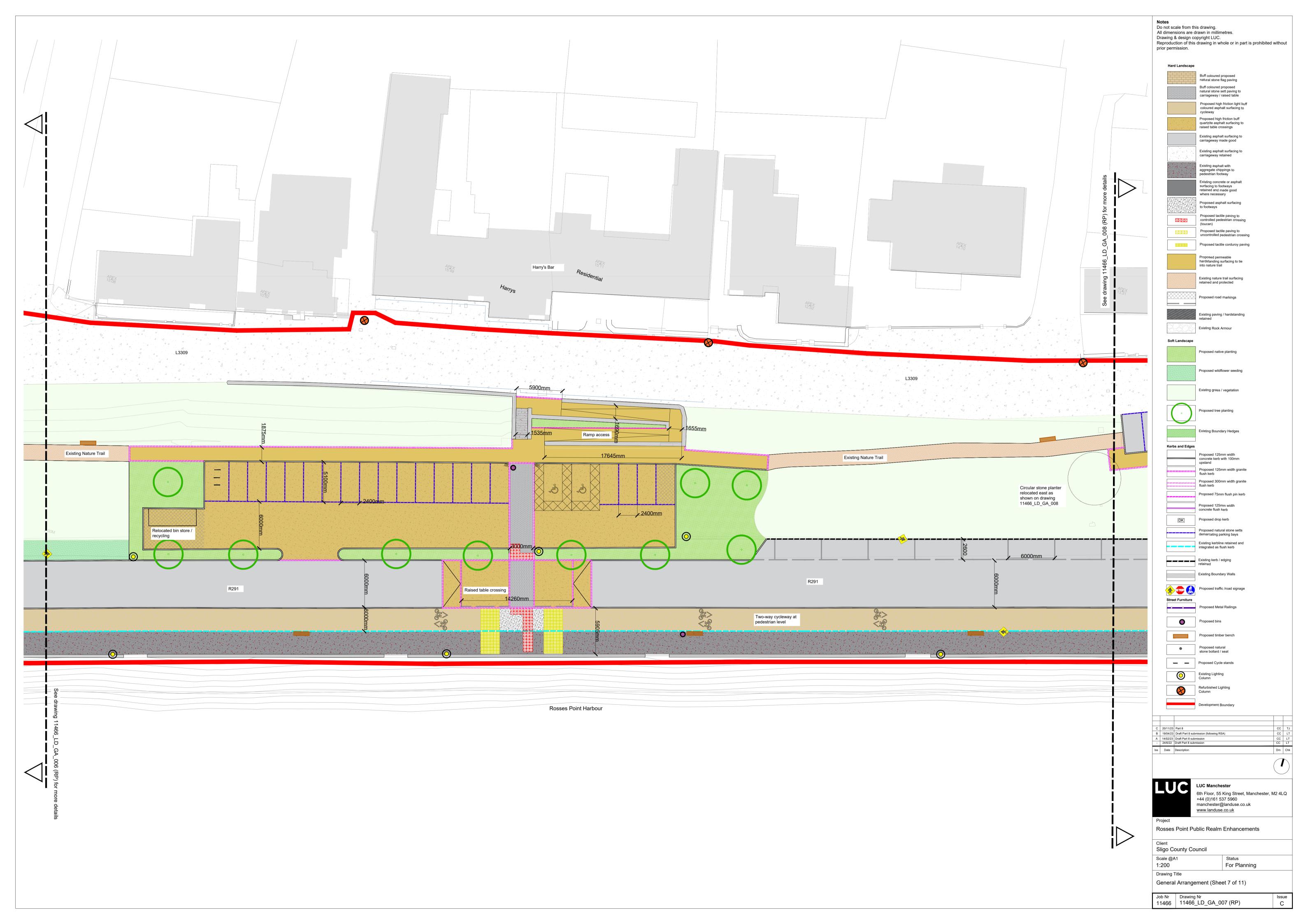


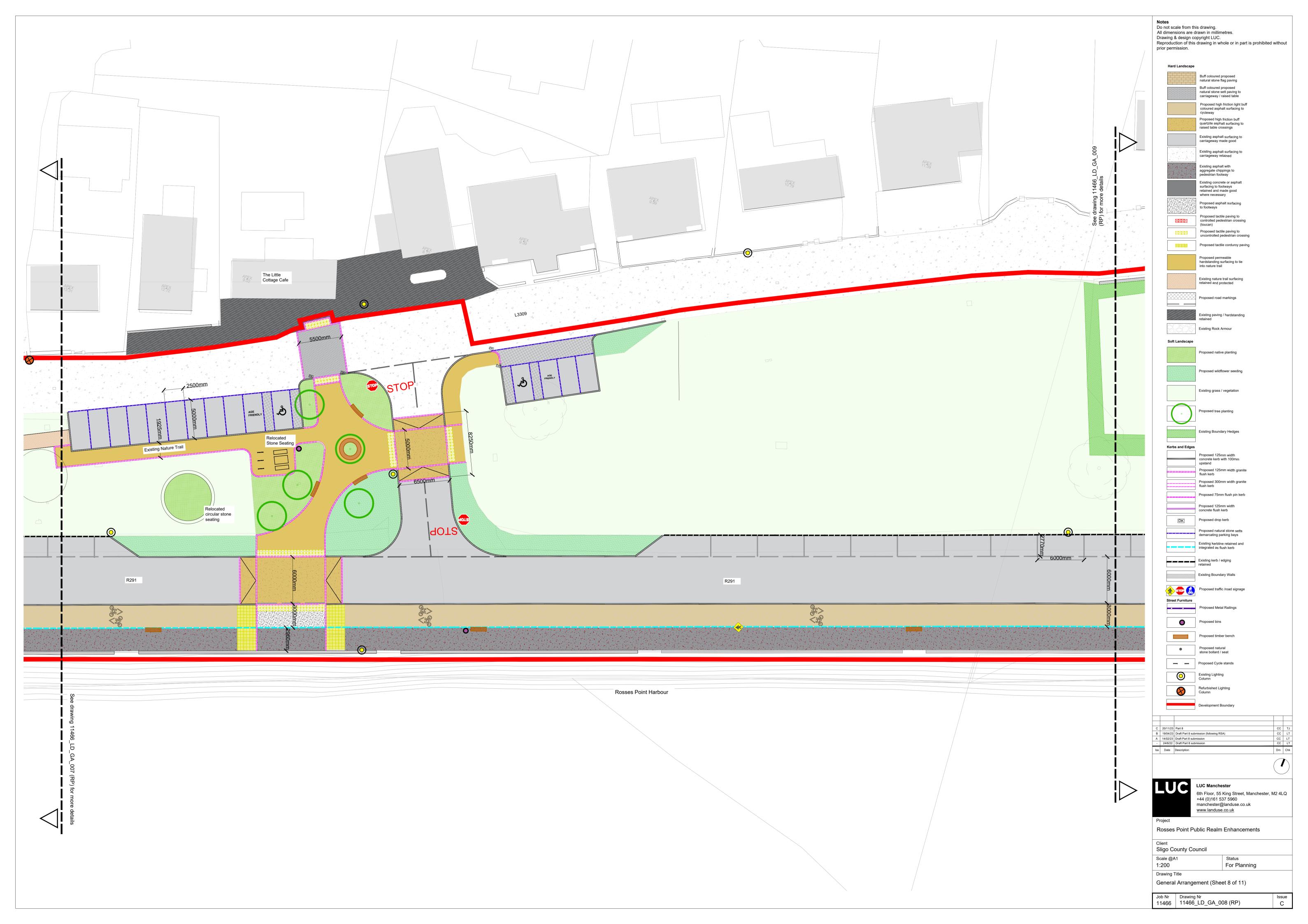












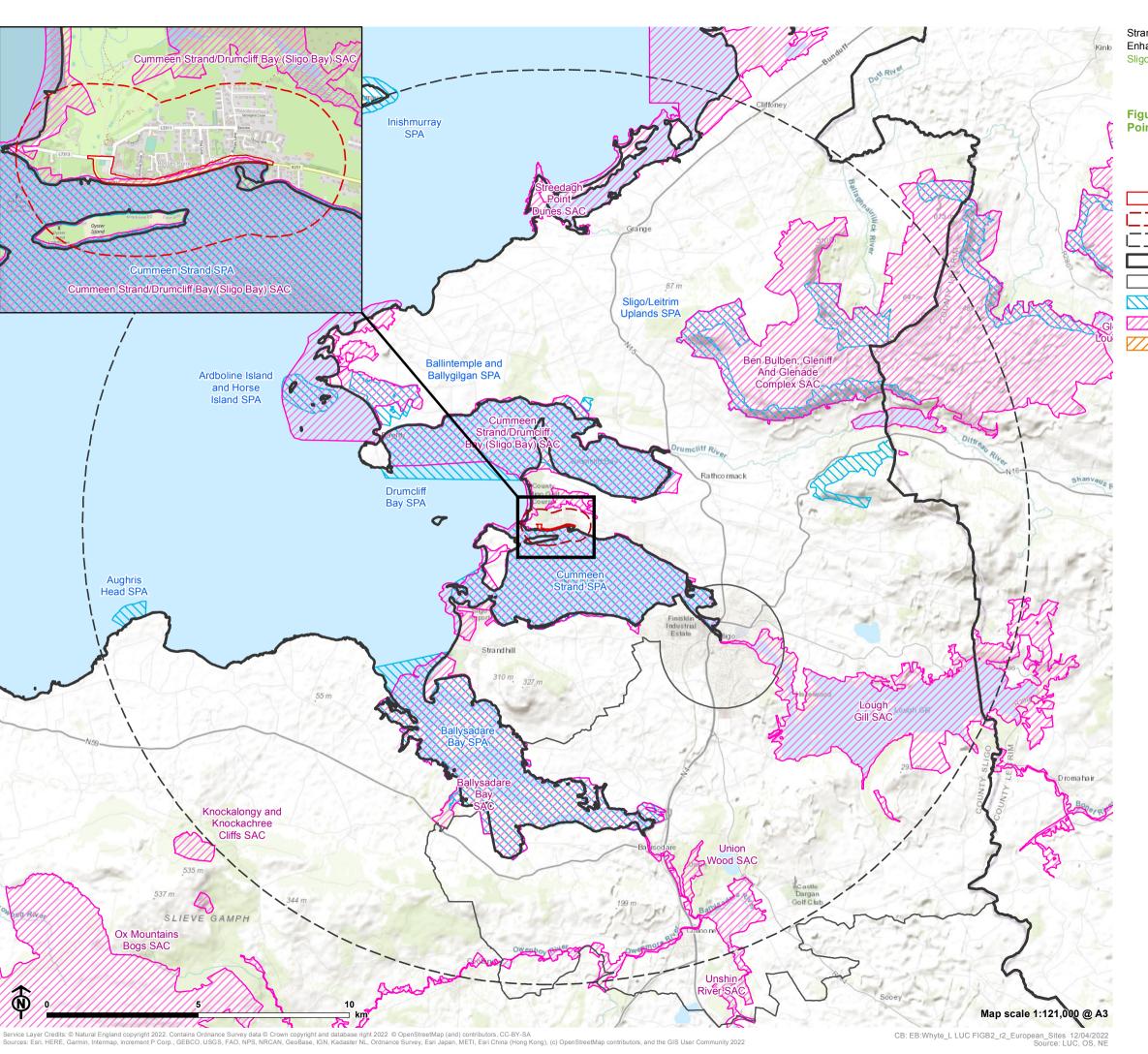






## Appendix C

**Identification of Relevant European Sites** 



Strandhill and Rosses Point Public Realm Enhancement
Sligo County Council



Figure B-1: European Sites within 15km of Rosses

Rosses site boundary

Rosses 500m Zone of Influence

\_\_\_ Rosses 15km Zone of Influence

Rol County boundary

Local electoral area

Special Protection Area (SPA)

Special Area of Conservation (SAC)

Special Area of Conservation Offshore (SAC)