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Scotthouse Quarry

Appropriate Assessment Screening Report

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1. Introduction

APEM Ireland was commissioned by Strategic Planning on behalf of Scotshouse Quarries Ltd to prepare a report to inform screening for appropriate assessment for a proposed extension of an existing quarry at Aghaskew, Scotshouse, Co. Monaghan.

1.1. General Description of the Site

The Proposed Development (“the Site”) is located in Aughnaskew, Scotshouse, Clones, Co. Monaghan and is centred at Irish Transverse Mercator (ITM) coordinates 649397 817961 (Figure 1), ca. 1.2km south of Scotshouse and ca. 7.5km south of Clones. Land use around this Site is predominantly rural and agricultural, with grazing livestock being the predominant practice.

1.2. Brief Description of the Proposed Development

Scotshouse Quarries Ltd propose to apply for permission for the extension of the existing quarry located at Scotshouse, Clones, Co. Monaghan. The quarry is proposed to be extended to 19.9ha. Activities currently occurring within the quarry include extraction of material by blasting, processing of extracted material into various grades of aggregate using crushing and screening plant and manufacturing of other quarry products using asphalt and concrete plant. Material is transported off site via the L6280 local road to the north of the Site.

Scotshouse Quarries Ltd propose to extend the current area of the quarry to ca. 19ha and works will be phased as described in Chapter 3 of the EIAR provided as part of this planning application.

In summary, there are distinct activities associated with the works of each phase of the Proposed Development. As part of the assessment, there will be three phases assessed under each environmental topic:

- Construction Phase
- Operational Phase
- Restoration Phase (including closure and aftercare phase)

The Site closure and aftercare phase will primarily focus on monitoring the success of the restoration phase within the Site. In the event that intervention is needed to improve the success of the restoration goals, the monitoring team will inform the relevant site manager. As such, closure and after care is not assessed distinctly from the Restoration Phase.

The phasing will take place over a number of years, with preparation works included in the construction phase and quarrying and processing during the operation phase.

1.3. Aim of the report

This report has been prepared to provide supporting information to allow the competent authority, in this case Monaghan County Council, to carry out screening for appropriate assessment for the Proposed Development at Aghaskew, Scotshouse, Co. Monaghan.

1.4. Objectives of the Appropriate Assessment Process

The Appropriate Assessment¹ process promotes a hierarchy of avoidance, mitigation and compensatory measures as follows:

- Firstly, a plan / project should aim to avoid any negative impacts on Natura 2000 sites by identifying possible impacts early and designing the project / plan to avoid such impacts.
- Secondly, mitigation measures should be applied during the AA process (after stage 1 screening) to the point where no adverse impacts on the site(s) remain.
- Thirdly a plan / project may have to undergo an assessment of alternative solutions. Under this stage of the assessment, compensatory measures are required for any remaining adverse effects, but they are permitted only if (a) there are no alternative solutions and (b) the plan / project is required for imperative reasons of overriding public interest (the 'IROPI test'). European case law highlights that consideration must be given to alternatives outside the plan / project boundary area in carrying out the IROPI test.

1.5. Evidence of Technical Competence and Experience

Adon McFarlane BSc, PhD and Maeve Riley MSc MCIEEM prepared this report, and it was technically reviewed by Eliot Taylor.

Maeve Riley is a Senior Ecologist with APEM and holds a MSc in Environmental Consultancy from Newcastle University. She has ten years ecological consultancy experience and is a full member of the Chartered Institute of Ecology and Environmental Management. She coordinates teams of multi-disciplinary experts for a range of projects and outputs including Appropriate Assessments, Ecological Impact Assessments (EclA) and ecology reporting in support of planning applications for large commercial and residential facilities.

Adon McFarlane is a freshwater biology PhD graduate, specialising in white-clawed crayfish, currently working as a Freshwater Ecologist for APEM Ireland. He has built up skills in the collection of data both in the field and laboratory, analysis of data using statistical software programs such as R, BORIS, RAVEN and Minitab, creation of distribution maps using GIS. Adon has very strong technical skills in both freshwater and marine laboratory and fieldwork instrumentation and equipment usage. He has produced numerous ecology reports including Appropriate Assessments and Ecological Impact Assessments (EclA).

Eliot Taylor is Divisional Director for APEM Ireland has 30+ years of management and technical experience in water and natural resources management working in Ireland, UK and Africa. Eliot has a PhD and BSc. from University of Leicester. He has worked on and managed a range of projects which include wetland planning, management and monitoring; Biological monitoring (especially for water quality); Freshwater ecosystem health and ecological status assessment (especially for the Habitats and Water Framework Directive); Environmental and Ecological Impact Assessment, freshwater aspects; Design and implementation of freshwater ecological fieldwork; River and wetland ecology and hydro-ecology; River and wetland restoration and management, including ecological mitigation; Remediation of eutrophication impacts in lakes; Non-native invasive species impacts, control and management.

¹ The objectives as outlined are based on those set out in Scott Wilson and Levett-Therivel, (2006).

1.6. Relevant Legislation

The main pieces of relevant legislation are as follows:

- The Habitats Directive 92/43/EEC.
- The Birds Directive 2009/147/EC.
- European Communities (Birds and Natural Habitats) Regulations 2011 – 2021.
- Planning and Development Acts 2000 to 2021 - PART XAB.

The relevant sections of the legislation are summarised in Appendix 1 of this report.

2. Methods

2.1. Desk Study

A desk study was carried out to collate information available on Natura 2000 sites within the potential zone of influence of the Proposed Development. The Site and the surrounding area were viewed using satellite imagery², Monaghan County Council planning portal³ was accessed for information on other permitted and proposed developments within the zone of influence of the projects. The National Parks and Wildlife Service (NPWS) website⁴ was accessed for information on Natura 2000 sites. Environmental Protection Agency (EPA) Maps⁵ was accessed for other environmental information relevant to preparation of this report.

2.2. Zone of Influence

The 'zone of influence' for a project is the area over which ecological features may be affected by biophysical changes as a result of the proposed project and associated activities. This is likely to extend beyond the project site, for example where there are ecological or hydrological links beyond the site boundaries. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change (CIEEM, 2018).

Irish guidance (DoEHLG, 2010) states, for the zone of influence of plans, that *"A distance of 15 km is currently recommended in the case of plans derives from UK guidance (Scott Wilson et al, 2006)"*. The guidance goes on to state that *"for some projects, the distance could be much less than 15 km, and in some cases less than 100 m, but this must be evaluated on a case-by-case basis with reference to the nature, size and location of the project, the sensitivities of the ecological receptors, and the potential for in-combination effects."*

The zone of influence for the Site is identified through a review of the nature of the project, the duration, the type of impacts and effects that could arise as a result, the distance between the project and Natura 2000 sites, and the qualifying interests of the Natura 2000 sites.

² <https://www.google.ie/maps> & <http://www.bing.com/maps/> (last accessed 05 December 2022)

³ <https://monaghan.ie/planning/online-planning-tools/> (last accessed 05 December 2022)

⁴ <https://www.npws.ie/protected-sites> (last accessed 05 December 2022)

⁵ <http://gis.epa.ie/> (last accessed 05 December 2022)

2.3. Screening Report

The approach taken in preparing the screening report is based on standard methods and best practice guidance, as listed in the references section of this report and can be summarised as follows:

- Identify Natura 2000 sites within the potential zone of influence of the project.
- Identify the features of interest of the Natura 2000 sites and review their conservation objectives.
- Review whether there is potential for the features of interest to be affected by the project based on information such as the vulnerabilities of the Natura 2000 site, proximity to the Site and the nature and scale of the works associated with the project.
- Consider the likelihood of the identified potential impacts occurring based on the information collated and professional judgement.
- Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
- Identify the likelihood of significant effects on Natura 2000 sites occurring because of the project.

DoEHLG (2010) guidance for planning authorities states *“If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.”* This approach is adopted in this report to consider the likely significant effects of the Proposed Development.

A significant effect is defined in paragraph 49 of the [Waddenzee Case C-127/02](#)⁶ as follows *“.....pursuant to the first sentence of Article 6(3) of the Habitats Directive, where a plan or project not directly connected with or necessary to the management of a site is likely to undermine the site's conservation objectives, it must be considered likely to have a significant effect on that site. The assessment of that risk must be made in the light inter alia of the characteristics and specific environmental conditions of the site concerned by such a plan or project.”*

The likelihood of impacts occurring as a result of the project is established in light of the type and scale of the development, the location of the development with respect to Natura 2000 sites within the zone of influence and the qualifying interests and conservation objectives of those Natura 2000 sites

Where significant effects are determined to be likely, or where there is uncertainty regarding the likelihood of significant effects, the project will be required under law to be subjected to Stage 2 - Appropriate Assessment or Natura Impact Statement.

2.4. Cumulative Effects

Cumulative effects can result from individually insignificant, but collectively significant, actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a Proposed Development results in individually insignificant impacts that, when considered in-

⁶ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62002CJ0127> (last accessed 05 December 2022)

combination with impacts of other proposed or permitted plans and projects, can result in significant effects (CIEEM, 2018).

Other plans and projects to be considered would include the following types of future development within the same Zone of Influence:

- Proposals for which consent has been applied which are awaiting determination in any regulatory process (not necessarily limited to planning permission).
- Projects which have been granted consent (not limited to planning permissions) but which have not yet been started or which have been started but are not yet completed (i.e., under construction).
- Proposals which have been refused permission, but which are subject to appeal, and the appeal is undetermined.
- To the extent that their details are in the public domain, proposed projects that will be implemented by a public body but for which no consent is needed from a competent authority. (CIEEM, 2018).

3. Appropriate Assessment Screening

This section of the report identifies the potential zone of influence of the Proposed Development, provides information on the Natura 2000 sites within the identified zone of influence and sets out the potential impacts and effects and the likelihood of significant effects.

3.1. Define the Zone of Influence

Having regard to the 'Habitats Directive assessment review package' set out in the guidance document '*Assessment of Plans and Projects significantly affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*', (European Commission, 2021), the features of the Proposed Development with potential for interaction with Natura 2000 sites are set out relative to the headings outlined in this Section which are used to defining the likely Zone of Influence (Zol) of the project.

3.1.1. Size and Scale and Land-take

The Proposed Development is ca. 14.6ha extension. There are no Natura 2000 sites located within the proposed Site, therefore no direct impacts from land-take are predicted.

3.1.2. Physical Changes to the Environment

Current proposals indicate that the quarry will take on 8.1ha of greenfield and 6.5ha of existing quarry. There is no direct potential impact on Natura 2000 sites as the Site is not located within any Natura 2000 site, however, indirect impacts may be possible.

Greenfield habitat including agricultural grassland, hedgerow and treelines will be removed for the Proposed Development and the works are proposed to include blasting and onsite processing with potential to directly and indirectly impact species associated with Natura 2000 sites.

3.1.3. Resource Requirements (e.g., water abstraction, soil/mineral excavation)

Resource requirements for the Site will be internal resources utilising materials already in use in the existing quarry. There is no requirement for water abstraction as part of the Proposed Development. There are no resources required from within any Natura 2000 site, therefore, potential impacts from resource requirements are not taken forward for assessment.

3.1.4. Emissions to Water

The proposed works could lead to an increase in polluting material present in surface water runoff potentially impacting water quality and sensitive aquatic species.

The current quarry works with a discharge licence managed by Monaghan County Council (reference WP26/15). The proposed extension will continue to discharge under this licence where the current quarry only discharges ca. 25% of total allowable volumes.

This licence allows water to be discharged via onsite treatment, that includes a series of settling ponds, to a stream to the north east of the quarry. This stream flows in a northern direction to an open area of wetland with a distant (ca.12km) hydrological connection with Natura 2000 sites to the south.

3.1.5. Emissions to Air

Some common air emissions from quarries include particulate matter (PM), nitrogen oxides (NO_x), sulphur dioxide (SO₂), carbon monoxide (CO), volatile organic compounds (VOCs), and hazardous air pollutants (HAPs). The types and amounts of emissions depend on various factors, such as the type of quarry, the size of the operation, the type of equipment used, and the materials being extracted.

The main potential impact on ambient air quality associated with extraction activities and aggregate processing is that associated with deposition of dust generated by the rock extraction and material transfer operations.

The Air Quality and Climate Chapter of the Environmental Impact Assessment Report (EIAR) have assessed that there will be no significant impact on the environment from air quality effects.

3.1.6. Noise / Vibration Emissions

Disturbance to noise varies between species and is dependent on the nature of the noise source and sensitivity of the species. For birds, disturbance response (e.g., becoming alert or a flight response) can vary depending on season, species sensitivity, and weather. The Proposed Development has the potential to result in displacement of birds / mammals due to on-site quarrying and increase in vehicle movement and increased human activity during the operational stage. If a species avoids a habitat due to disturbance it is effectively a loss of habitat even if that habitat is not removed (Drewitt & Langston 2006).

3.1.7. Transportation Requirements

HGV movements are not expected to increase over what the existing levels are given the Site is part of an existing operational quarry.

3.1.8. Duration of Project

The construction phase is proposed to take up to 3 months for each of Phase 2 and Phase 6, however, these are predicted to be many years (up to 10, potentially more) apart.

In total the whole extension of the quarry is predicted to last for up to 35 years for which the permission is being sought.

3.1.9. Identification of Natura 2000 Sites that may be affected by the Project.

The first step in identification of Natura 2000 sites that could be affected by the project is to determine the potential Zone of Influence (ZoI) of the proposed works.

Given the scale of the Proposed Development, the potential for hydrological effects, emissions to air and noise impacts the ZoI has been defined as 12km to account for the potential hydrological connection to a Natura 2000 Site recorded 12km downstream.

There are eight Natura 2000 sites within the ZoI:

- Upper Lough Erne SPA Site Code UK9020071
- Upper Lough Erne SAC Site Code UK0016614
- Upper Lough Erne Ramsar Site Code UK12024
- Lough Oughter And Associated Loughs SAC – Site Code 000007

- Kilroosky Lough Cluster SAC – Site Code 001789
- Magheraveely Marl Loughs SAC - Site Code UK0016621
- Magheraveely Marl Loughs Ramsar Site - Site Code UK12017
- Lough Oughter SPA – Site Code 004049

The findings of the Zol assessment are presented in Table 1 and location of Natura 2000 sites illustrated in Figure 2

Table 1. Natura 2000 Sites within the Zone of Influence

Natura 2000 Site and Code	Direct Distance from Site	Qualifying Interests	Conservation Objective	Pathway	Considered further in screening Y/N
Upper Lough Erne SPA UK9020071	4km northwest	<i>Cygnus cygnus</i> (Whooper Swan) wintering population	To maintain each feature in favourable condition	No - Medium sensitivity to human disturbance and non-breeding buffer zone is between 200-600m (Nature Scot, 2022). Core range is up to 5km. Site is ca.4km from western most edge of the SPA. Typical foraging habitat outside of wetland is stubble fields and arable crops (Nature Scot, 2022) not present on Site.	N
Upper Lough Erne SAC UK0016614	4km northwest	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion alvae</i>) <i>Lutra lutra</i> (Otter) Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> -type vegetation	To maintain each feature in favourable condition.	No – No hydrological connectivity	N

Natura 2000 Site and Code	Direct Distance from Site	Qualifying Interests	Conservation Objective	Pathway	Considered further in screening Y/N
		Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles			
Upper Lough Erne Ramsar UK12024	4km northwest	<p>Good representation of a wetland</p> <p>Supports rare, vulnerable or endangered species</p> <p>Special value for maintaining genetic and ecological diversity of Northern Ireland</p> <p>Supports substantial numbers of individuals of waterfowl and internationally important numbers of wintering whooper swan</p>		No – No hydrological connectivity	N
Lough Oughter And Associated Loughs SAC – 000007	5km west	<p>Natural eutrophic lakes with <i>Magnopotamion</i> or Hydrocharition - type vegetation [3150]</p> <p>Bog woodland [91D0]</p> <p><i>Lutra lutra</i> (Otter) [1355]</p>	<p>The conservation objectives of this site are set out in full here:</p> <p>https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000007.pdf</p> <p>In summary, the conservation objective for the SAC is to maintain or restore the favourable conservation condition of the habitat(s) and species for which the SAC has been selected. The conservation condition of each qualifying interest is defined by a list of specific attributes and targets.</p>	Yes – Hydrological connectivity	Y

Natura 2000 Site and Code	Direct Distance from Site	Qualifying Interests	Conservation Objective	Pathway	Considered further in screening Y/N
Kilroosky Lough Cluster SAC –001786	8km north	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara spp.</i> [3140] Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210] Alkaline fens [7230] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]	The conservation objectives of this site are set out in full here: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO001786.pdf In summary, the conservation objective for the SAC is to maintain or restore the favourable conservation condition of the habitat(s) and species for which the SAC has been selected. The conservation condition of each qualifying interest is defined by a list of specific attributes and targets.	No - No hydrological connectivity	N
Magheraveely Marl Loughs SAC - UK0016621	9km northwest	Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara spp.</i> [3140] <i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092] Alkaline fens [7230]	In summary, the conservation objective for the SAC is to maintain or restore the favourable conservation condition of the habitat(s) and species for which the SAC has been selected. The conservation condition of each qualifying interest is defined by a list of specific attributes and targets.	No - No hydrological connectivity	N

Natura 2000 Site and Code	Direct Distance from Site	Qualifying Interests	Conservation Objective	Pathway	Considered further in screening Y/N
		Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davalliana</i> [7210]			
Magheraveely Marl Loughs Ramsar Site - UK12017	9km north	Represent a rare wetland type both in Northern Ireland and in the EU's Atlantic region Support vulnerable vegetation communities and species as specified in section 20 of this RIS		No - No hydrological connectivity	N
Lough Oughter SPA -004049	12km southwest	Great Crested Grebe (<i>Podiceps cristatus</i>) [A005] Whooper Swan (<i>Cygnus cygnus</i>) [A038] Wigeon (<i>Anas penelope</i>) [A050] Wetland and Waterbirds [A999]	To maintain or restore the favourable conservation condition of the wetland habitat as a resource for the regularly-occurring migratory waterbirds that utilise it.	No – The development site is located outside the potential foraging range of SCI species associated with the SPA. It is also located outside the zone of sensitivity of any species (Nature Scot, 2022)	N

3.2. Identification of Relevant Natura 2000 Sites

Based on the data provided in Table 1, one Natura 2000 Site, namely Lough Oughter and Associated Loughs Special Area of Conservation (SAC) 000007, is brought forward for further assessment based on pathway for potential impacts via hydrological connectivity. This Natura 2000 site is located ca. 5km (in a direct line) and ca. 12km via hydrological connections south-west of the Site (Figure 2).

There are no Natura 2000 sites that have the potential to be impacted by the project through other means.

3.3. Description of Natura 2000 Sites

The following Natura 2000 site descriptions of Lough Oughter and Associated Loughs SAC has been prepared using the supporting information available on the NPWS website⁷.

Lough Oughter and Associated Loughs SAC 000007

“Lough Oughter and its associated loughs occupy much of the lowland drumlin belt in north and central Cavan between Upper Lough Erne, Killeshandra and Cavan town. The site is a maze of waterways, islands, small lakes and peninsulas including some 90 inter-drumlin lakes and 14 basins in the course of the Erne River. The area lies on Silurian and Ordovician strata with Carboniferous limestone immediately surrounding. The site is a Special Area of Conservation (SAC) selected for [3150] Natural Eutrophic Lakes [91D0] Bog Woodland [1355] and Otter (Lutra lutra), the site also contains areas of dry woodland, marsh, reedbed and wet pasture. Drainage within the area is inefficient and the water levels are prone to natural fluctuation as a result. The regularly flooded areas still accommodate a variety of specialist plant species. The lakes and basins are shallow, and the water well mixed and nutrient rich (eutrophic). The aquatic flora is varied with several pondweed species. The aquatic community includes species of limited distribution in Ireland such as the Duckweed species Lemna gibba and Spirodela polyrhiza. Around much of the shoreline there are well developed swamp and marsh communities. In areas of wet bog with good Sphagnum cover, bog woodland has developed. The site supports a substantial population of water birds including internationally important numbers of Whooper Swan (average peak 231) and nationally important numbers of Tufted Duck (average peak 247) and Cormorant (average peak 130), as well as important numbers of species such as Greenland White-fronted Goose, Great Crested Grebe, Wigeon, Teal and Pochard. Lapwing, Snipe and Golden Plover also utilise the wet grassland areas. The main threats to the quality of the site are water polluting activities (such as runoff from fertiliser and slurry application, and sewage discharge) which have raised the nutrient status of some lakes to hypertrophic. The Lough Oughter area contains important examples of two habitats listed on Annex I of the E.U. Habitats Directive and supports a population of the Annex II species, Otter. The site as a whole is the best inland example of a flooded drumlin landscape in Ireland and has many rich and varied biological communities. Nowhere else in the country does such an intimate mixture of land and water occur over a comparable area, and many of the species of wetland plants, some considered quite commonplace in Lough Oughter and its associated loughs, are infrequent elsewhere.”*

⁷ <https://www.npws.ie/protected-sites/sac/000007> (last accessed 05 December 2022)

3.4. Identification of potential impacts on Natura 2000 sites

The potential impacts of this project on the habitats and species listed as qualifying interests for the Lough Oughter and Associated Loughs SAC are discussed in this section.

3.4.1. Potential Impacts and Effects

There is no risk of habitat damage, loss or fragmentation within the Lough Oughter and Associated Loughs SAC as the Proposed Development does not require any land take or works within this Natura 2000 site.

The Proposed Development will not result in any impacts, such as emissions to air or noise during construction, that could extend beyond the immediate area of the works and affect the qualifying interests of the Lough Oughter and Associated Loughs SAC.

There is a discharge point located to the north of the quarry discharging into a drain that flows north towards the Gortnana River. This river connects to the River Finn ca. 5km downstream and then to Lough Oughter and Associated Loughs SAC ca. 12km downstream.

This discharge is monitored by Monaghan County Council and the licence restricts the discharged water to 360m³ per day and is to not exceed certain parameters relating to temperature, pH, Biological Oxygen Demand, Suspended Solids, Molybdate reactive phosphate (as P) and total ammonia (as N). The current discharge licence is sufficient to accommodate the Proposed Development and the output will be monitored by Monaghan County Council.

The monitoring of the discharge point ensures that the outputs from the quarry will not exceed allowable limits and therefore no potential significant effect is predicted on Lough Oughter and Associated Loughs SAC. Should any potential pollutants enter the discharge watercourse, the dilution factor of 12km stretch of flowing watercourse is considered to negate significant impacts to the qualifying interests and conservation objectives of Lough Oughter and Associated Loughs SAC.

Given these factors, and the distance of the Site to the Lough Oughter and Associated Loughs SAC, it is considered that there will be no effects (directly or indirectly) from the extension of Scotshouse quarry on this Natura 2000 site.

The Lough Oughter and Associated Loughs SAC is not likely to be affected by the Proposed Development at Scotshouse, Co. Monaghan.

3.4.2. Cumulative Effects

Cumulative effects can result from individually insignificant but collectively significant actions taking place over a period of time or concentrated in a location. Cumulative effects can occur where a proposed development results in individually insignificant impacts that, when considered in combination with impacts of other proposed or permitted plans and projects, can result in significant effects (CIEEM, 2018).

There are no effects on Natura 2000 sites predicted to occur as a result of the Proposed Development at Scotshouse, Co. Monaghan and, therefore, there are no pathways for it to act in-combination with other plans or projects.

3.5. Likelihood of Significant Effects on Natura 2000 Sites

The Proposed Development at Scotshouse, Co. Monaghan is not considered likely to result in effects on the Lough Oughter and Associated Loughs SAC. There is, therefore, no risk of undermining the conservation objectives of this site. There will be no likely significant effects on the Lough Oughter and Associated Loughs SAC arising from the Proposed Development at Scotshouse, Co. Monaghan.

4. Consideration of Findings

This screening report, based on the available scientific information and project details provided by Earth Science Partnership Ireland Ltd, demonstrates that the Proposed Development at Scotshouse, Co. Monaghan does not pose a risk of likely significant effects on the Lough Oughter and Associated Loughs SAC.

We therefore submit that the competent authority, in this case Monaghan County Council, can determine that appropriate assessment is not required, as the Proposed Development at Scotshouse, Co. Monaghan, individually or in combination with other plans or projects, will not have a significant effect on Lough Oughter and Associated Loughs SAC.

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Figures

Figure 1. Site Location

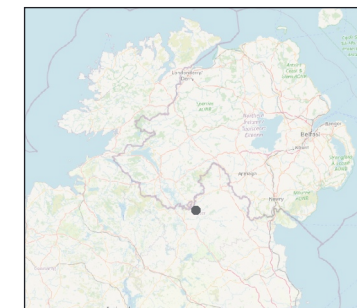


Scotshouse Quarry Extension
P0010190

Site Location

Legend

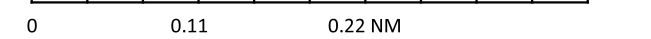
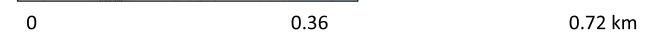
 Indicative Redline Boundary



Notes

Basemap: © OpenStreetMap available under the Open Database License
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Coordinate System:
IRENET95 / Irish Transverse Mercator



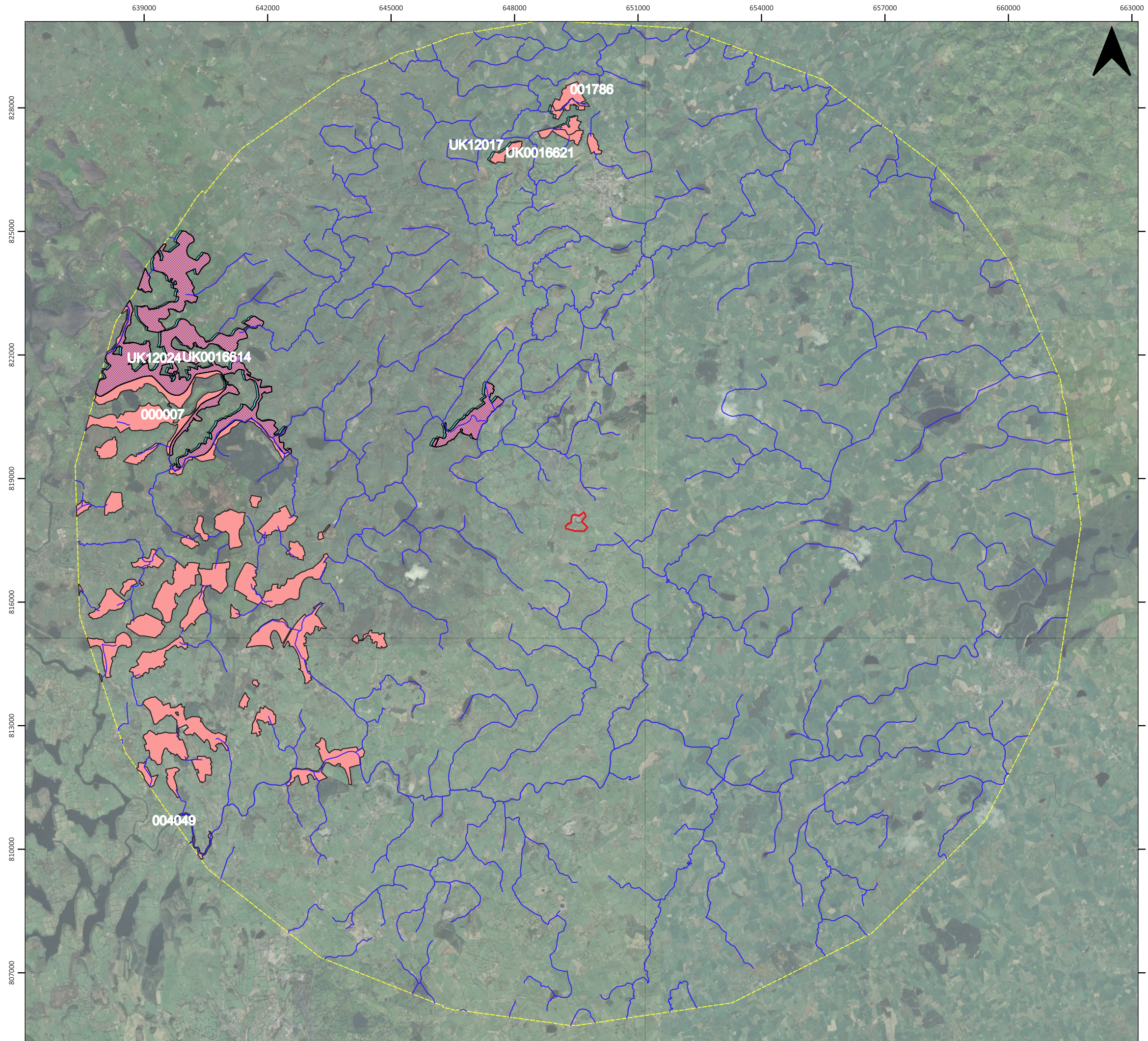
Scale: 1:9788 @ A3 Date: 30/05/2023 Drawn by: MR Checked by: ET Approved by: ET

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Figure 1.0







Figure 2. Designated Sites



Scotshouse Quarry Extension
P0010190

Designated Sites

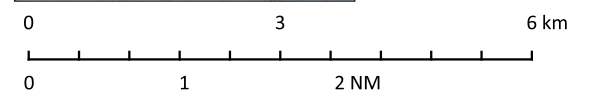
Legend

-  Indicative Redline Boundary
-  12km Buffer
-  River Network
-  SPA
-  SAC
-  Ramsar



Notes
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Figure 2.0

Appendix 1 – Relevant Legislation

European Nature Directives (Habitats and Birds)

The Habitats Directive (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora) forms the basis for the designation of Special Areas of Conservation. Similarly, Special Protection Areas are classified under the Birds Directive (Council Directive 2009/147/EEC on the Conservation of Wild Birds). Collectively, Special Areas of Conservation (SAC) and Special Protection Areas (SPA) are referred to as the Natura 2000 network. In general terms, they are considered to be of exceptional importance for rare, endangered or vulnerable habitats and species within the European Community.

Under Article 6(3) of the Habitats Directive an appropriate assessment must be undertaken for any plan or project that is likely to have a significant effect on the conservation objectives of a Natura 2000 site. An appropriate assessment is an evaluation of the potential impacts of a plan or project on the conservation objectives of a Natura 2000 site⁸, and the development, where necessary, of mitigation or avoidance measures to preclude negative effects.

Article 6, paragraph 3 of the EC Habitats Directive 92/43/EEC (“the Habitats Directive”) states that:

“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public”

The Habitats Directive is transposed into Irish law by the EC (Birds and Natural Habitats) Regulations 2011 – 2015. Part XAB of the Planning and Development Acts 2000 to 2020 transposes Article 6(3) and 6(4) of the Habitats Directive in respect of land use plans and proposed projects requiring development consent.

EC (Birds and Natural Habitats) Regulations 2011 to 2015 – Part 5

Part 5 of the EC (Birds and Natural Habitats) Regulations 2011 – 2015 sets out the circumstances under which an ‘appropriate assessment’ is required. Section 42(1) requires that *‘a screening for Appropriate Assessment of a plan or project for which an application for consent is received, or which a public authority wishes to undertake or adopt, and which is not directly connected with or necessary to the management of the site as a European Site, shall be carried out by the public authority to assess, in view of best scientific knowledge and in view of the conservation objectives of the site, if that plan or project, individually or in combination with other plans or projects is likely to have a significant effect on the European site.’*

Section 42(2) expands on this, stipulating that a public authority must carry out a screening for Appropriate Assessment before consent for a plan or project is given, or a decision to undertake or adopt a plan or project is taken. To assist a public authority to discharge its duty in this respect, Section 42(3)(a) gives them the authority to direct a third party to provide a Natura Impact Statement and

⁸ Also referred to as European Sites in the Planning and Development Acts 2000 – 2021.

Section 42(3)(b) allows them to request any additional information that is considered necessary for the purposes of undertaking a screening assessment.

Section 42(6) requires that *'the public authority shall determine that an Appropriate Assessment of a plan or project is required where the plan or project is not directly connected with or necessary to the management of the site as a European Site and if it cannot be excluded, on the basis of objective scientific information following screening under this Regulation, that the plan or project, individually or in combination with other plans or projects, will have a significant effect on a European site'*.

Planning and Development Acts 2000 to 2021⁹ - PART XAB

The relevant sections of Part XAB of the Planning and Development Acts 2000 – 2021 are set out below.

Screening for appropriate assessment

Section 177U requires that— (1) *A screening for appropriate assessment of a draft Land use plan or application for consent for proposed project shall be carried out by the competent authority to assess, in view of best scientific knowledge, if that Land use plan or proposed project, individually or in combination with another plan or project is likely to have a significant effect on the European site.*

(2) *A competent authority shall carry out a screening for appropriate assessment under subsection (1) before—*

(a) a Land use plan is made including, where appropriate, before a decision on appeal in relation to a draft strategic development zone is made, or

(b) consent for a proposed project is given.

(3) *In carrying out screening for appropriate assessment of a proposed project a competent authority may request such information from the applicant as it may consider necessary to enable it to carry out that screening, and may consult with such persons as it considers appropriate and where the applicant does not provide the information within the period specified, or any further period as may be specified by the authority, the application for consent for the proposed project shall be deemed to be withdrawn.*

(4) *The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is required if it cannot be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

(5) *The competent authority shall determine that an appropriate assessment of a draft Land use plan or a proposed project, as the case may be, is not required if it can be excluded, on the basis of objective information, that the draft Land use plan or proposed project, individually or in combination with other plans or projects, will have a significant effect on a European site.*

(6) (a) *Where, in relation to a proposed project, a competent authority makes a determination that an appropriate assessment is required, the competent authority shall give notice of the determination, including reasons for the determination of the competent authority, to the following—*

⁹ <http://revisedacts.lawreform.ie/eli/2000/act/30/revised/en/html> (Updated to 17 December 2021)

(i) the applicant,

(ii) if appropriate, any person who made submissions or observations in relation to the application to the competent authority, or

(iii) if appropriate, any party to an appeal or referral.

(b) Where a competent authority has determined that an appropriate assessment is required in respect of a proposed project it may direct in the notice issued under paragraph (a) that a Natura impact statement is required.

(c) Paragraph (a) shall not apply in a case where the application for consent for the proposed project was accompanied by a Natura impact statement.

(7) A competent authority shall, as soon as may be after making the Land use plan or making a decision in relation to the application for consent for proposed project, make available for inspection by members of the public during office hours at the offices of the authority, and may also publish on the internet —

(a) any determination that it makes in relation to a draft Land use plan under subsection (4) or (5) as the case may be, and reasons for that determination, and

(b) any notice that it issues under subsection (6) in relation to a proposed project.(8) In this section ‘consent for proposed project’ means, as appropriate —

(a) a grant of permission,

(b) a decision of the Board to grant permission on a planning application or an appeal,

(c) consent for development under Part IX,

(d) approval for development that may be carried out by a local authority under Part X or Part XAB or development that may be carried out under Part XI,

(e) approval for development on the foreshore under Part XV,

(f) approval for development under section 43 of the Act of 2001,

(g) approval for development under section 51 of the Roads Act 1993, or

(h) a substitute consent under Part XA.

(9) In deciding upon a declaration or a referral under section 5 of this Act a planning authority or the Board, as the case may be, shall where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

(10) In deciding upon an application under section 176A or a determination review or an application referral under section 176C, a planning authority or the Board, as the case may be, shall, where appropriate, conduct a screening for appropriate assessment in accordance with the provisions of this section.

Natura impact report and natura impact statement

Section 177T states that— (1) (a) A Natura impact report means a statement for the purposes of Article 6 of the Habitats Directive, of the implications of a Land use plan, on its own or in combination with other plans or projects, for one or more than one European site, in view of the conservation objectives of the site or sites.

(b) A Natura impact statement means a statement, for the purposes of Article 6 of the Habitats Directive, of the implications of a Proposed Development, on its own or in combination with other plans or projects, for one or more than on European site, in view of the conservation objectives of the site or sites.

(2) Without prejudice to the generality of subsection (1) , a Natura impact report or a Natura impact statement, as the case may be, shall include a report of a scientific examination of evidence and data, carried out by competent persons to identify and classify any implications for one or more than one European site in view of the conservation objectives of the site or sites.

(3) As respects a draft National Planning Framework, the Government shall prepare a Natura impact report in relation to a draft Land use plan and the following bodies shall also prepare a Natura impact report in relation to a draft Land use plan—

(a) as respects a draft regional spatial and economic strategy, the regional assembly for whose area the draft strategy is made,

(aa) as respects a draft National Planning Framework, the Minister

(b) as respects a draft planning scheme in respect of all or any part of a strategic development zone, the planning authority (which term shall be construed in accordance with section 168(5)) for whose area the draft scheme is made,

(c) as respects a draft development plan or draft variation of a development plan, the planning authority for whose area the draft plan or draft variation is made, and

(d) as respects a draft local area plan, the planning authority in whose area the local area concerned is situate.

(4) The applicant for consent for Proposed Development may, or if directed in accordance with subsection (5) by a competent authority, shall furnish a Natura impact statement to the competent authority in relation to the Proposed Development.

(5) At any time following an application for consent for Proposed Development a competent authority may give a notice in writing to the applicant concerned, directing him or her to furnish a Natura impact statement

(6) Where an applicant for consent for Proposed Development who, having been directed in accordance with subsection (5), fails to furnish a Natura impact statement within the period specified in the notice, or any further period as may be specified by the competent authority, the application for consent for the Proposed Development shall be deemed to be withdrawn.

(7) (a) Without prejudice to subsection (1) a Natura impact report or a Natura impact statement shall include all information prescribed by regulations under section 177AD .

(b) Where appropriate, a Natura impact report or a Natura impact statement shall include such other information or data as the competent authority considers necessary to enable it to ascertain if the draft Land use plan or Proposed Development will not affect the integrity of the site.