

Registered Mail

6th May 2022

An Bord Pleanála
64 Marlborough Street
Dublin 1.

Re: DC 22/6 - Section 5 Referral – Whether the provision of a 36m floating waiting jetty to include 3 number locating piles is or is not development and is or is not exempted development within the meaning of the Planning & Development Act 2000 (As Amended).

Dear Sir/Madam,

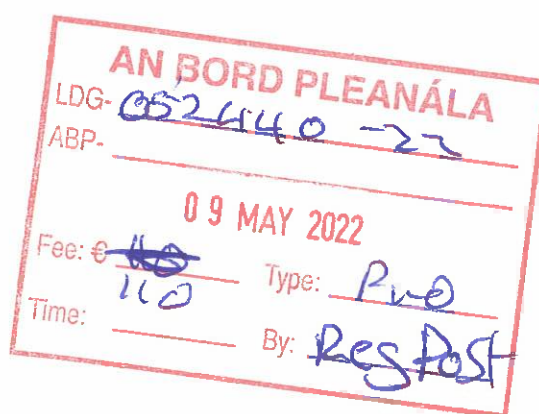
I refer to the above and request that An Bord Pleanála determine “whether the provision of a 36m floating waiting jetty to include 3 number locating piles” is or is not development and is or is not exempted development within the meaning of the Planning & Development Act 2000 (As Amended)’.

Attached for information all details relating to the application and Planner’s consideration of the file along with the fee of €110.

Yours sincerely

Lorraine McKee
Planning Section.

Encl.



14th April, 2022

Ms. Deirdre Felloni
C/o Waterways Ireland
2 Sligo Road
Enniskillen
Co. Fermanagh
BT74 7JY

Acknowledgement of application for a Section 5 Declaration.

Planning Reference No: DC 22/6

Date Received: 13/04/2022

Nature of Development: Development at Shannon Navigation, Cloondara,
Tarmonbarry, Co Longford.

Dear Madam,

I hereby acknowledge receipt of your application on the date stated above and wish to inform you that it is under consideration at present.

A decision will be issued to you by Registered Post in due course.

Should we require any further particulars or information in relation to the application, we will be in contact with you further.

Yours faithfully

J. Fegan
Planning Department



Planning Section
Longford County Council
Great Water Street
Longford

**LONGFORD COUNTY COUNCIL
ARAS AN CHONTAE
GREAT WATER STREET**

MERCHANT ID: 771017183
TERMINAL ID: 77101718308
DATE: 14/04/2022 TIME: 09:43
BATCH: 000453-002 INVOICE: 000772
RRN: 020042267493 AUTH NO.: 076536
MasterCard SALE
*****9454 *

SALE AMOUNT €80.00

CUSTOMER NOT PRESENT

I agree to pay the above final amount
According to the card/merchants issuer
agreement

MERCHANT COPY

14/04/2022 09:50:01

Receipt No. : PLANNING/0/21085
***** REPRINT *****

WATERWAYS IRELAND
C/O DEIRDRE FELLONI
2 SLIGO ROAD
ENNISKILLEN
CO. FERMANAGH
BT74 7JY

Class13 Plan Fee Misc 80.00
GOODS 80.00
VAT Exempt/Non-vatable

Total : 80.00 EUR
63.01 IEP

Tendered :
Credit Card 80.00
Customer Cop
Retain for Records
0623

Change : 0.00

Issued By : Fionnuala Fagan
From : Planning Section
Vat reg No.8D01483N

Fionnuala Fagan

From: Fionnuala Fagan
Sent: Thursday 14 April 2022 10:46
To: 'Deirdre Felloni'
Cc: Lorraine McKee; Claire Reehill; Rita Connaughton; Nicola Shaw
Subject: RE: EXTERNAL - RE: EXTERNAL - Planning Exemption application
Attachments: scan_.pdf

Hi Deirdre,

Thank you for your recent Section 5 Application, also for payment received today.
Please see attached our acknowledgement letter to yourselves plus copy of your credit card receipt for an amount of €80.00, paid by Nicola earlier today.
Please note the reference number assigned to this application is DC22/6 (as on letter attached).

Kind Regards.



Fionnuala Fagan
Clerical Officer
Planning Department

Longford County Council
Great Water St. Longford N39 NH56

☎ 043 334 3323
✉ ffagan@longfordcoco.ie
⇒ www.longfordcoco.ie

National Irish Safety Awards
Best Local Authority Award 2019
Council Award 2018
Silver Winner 2017



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☎ 043 334 4255 or 1800 300 122
✉ covidsupport@longfordcoco.ie



The Community Call

From: Deirdre Felloni <deirdre.felloni@waterwaysireland.org>
Sent: Wednesday 13 April 2022 15:31
To: Fionnuala Fagan <ffagan@longfordcoco.ie>
Cc: Lorraine McKee <lmckee@longfordcoco.ie>; Claire Reehill <creehill-ltc@longfordcoco.ie>; Rita Connaughton <rconnaughton@longfordcoco.ie>; Nicola Shaw <nicola.shaw@waterwaysireland.org>
Subject: EXTERNAL - RE: EXTERNAL - Planning Exemption application

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Fionnuala,

Attached the corrected application, a hard copy is in the post and if you can confirm a reference number we can arrange payment.

Senior Planner,

Please find attached a planning exemption application, if you can confirm that this is sufficient and you do not require a hard copy that would be appreciated. If you confirm a reference number I will arrange for the fee to be paid to the cash office.

Regards,

Deirdre Felloni MEng CEng MIEI

Senior Engineer - Technical Services

Waterways Ireland, 2 Sligo Road, Enniskillen, Co. Fermanagh BT74 7JY

Tel: +44 (0) 28 66346276 Mob: +44 (0) 7717731895 Fax: +44 (0) 28 66346257

email: deirdre.felloni@waterwaysireland.org web: www.waterwaysireland.org

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Tá an t-eolas sa ríomhphost seo, agus in aon cheangaltán leis, faoi phribhléid agus faoi rún agus le h-aghaidh an seoláí amháin. D'fhéadfadh ábhar an seoladh seo bheith faoi phribhléid proifisiúnta nó dlíthiúil. Mura tusa an seoláí a bhí beartaithe leis an ríomhphost seo a fháil, tá cosc air, nó aon chuid de, a úsáid, a chóipeál, nó a scaoileadh. Má tháinig sé chugat de bharr dearmad, téigh i dteagmháil leis an seoltóir agus scríos an t-ábhar ó do ríomhaire le do thoil.

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Planning Report

Subject of Declaration Request

The applicant, Waterways Ireland has requested a declaration as to whether the provision of a 36m floating waiting jetty to include 3 number locating piles is or is not development and is or is not exempted development within the meaning of the Planning & Development Act 2000 (As Amended).

Site and Consideration

The proposed development site is located solely within and along the bank of the River Shannon on the Longford side of Tarmonbarry. The proposed development is designed to act as a waiting platform and will not provide access to the land.

Planning History:

There is no recent planning history associated with the proposed development site.

STATUTORY PROVISIONS

Planning & Development Act 2000 (as Amended):

Section 2 – (1) In this Act, except where the context otherwise requires –

“works” includes any act or operation of construction, excavation, demolition, extension, alteration, repair or renewal and, in relation to a protected structure or proposed protected structure, includes any act or operation involving the application or removal of plaster, paint, wallpaper, tiles or other material to or from the surfaces of the interior or exterior of a structure.

“statutory undertaker” means a person, for the time being, authorised by or under any enactment or instrument under an enactment to:

- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport,
- (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or
- (c) provide services connected with, or carry out works for the

Section 3 – (1) In this Act, “development” means, except where the context otherwise requires, the carrying out of any works on, in, over or under land or the making of any material change in the use of any structures or other land.

Section 4 (2) (a) The Minister may by regulations provide for any class of development to be exempted development for the purposes of this Act where he or she is of the opinion that:

- (i) by reason of the size, nature or limited effect on its surroundings, of development belonging to that class, the carrying out of such development would not offend against principles of proper planning and sustainable development, or
 - (ii) the development is authorised, or is required to be authorised, by or under any enactment (whether the authorisation takes the form of the grant of a licence, consent, approval or any other type of authorisation) where the enactment concerned requires there to be consultation (howsoever described) with members of the public in relation to the proposed development prior to the granting of the authorisation (howsoever described).
- (b) Regulations under *paragraph (a)* may be subject to conditions and be of general application or apply to such area or place as may be specified in the regulations.
- (c) Regulations under this subsection may, in particular and without prejudice to the generality of *paragraph (a)*, provide, in the case of structures or other land used for a purpose of any specified class, for the use thereof for any other purpose being exempted development for the purposes of this Act.
- (4) Notwithstanding paragraphs (a), (i), (ia) and (l) of subsection (1) and any regulations under subsection (2), development shall not be exempted development if an environmental impact assessment or an appropriate assessment of the development is required.

Section 177U (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.

Article 6 (1)

Subject to article 9, development of a class specified in Column 1 of Part 1 of Schedule 2 shall be exempted development for the purposes of the Act, provided that such development complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1.

Article 9

- (1) Development to which article 6 relates shall not be exempted development for the purposes of the Act—
 - (a) if the carrying out of such development would—
 - (i) contravene a condition attached to a permission under the Act or be inconsistent with any use specified in a permission under the Act,

- (ii) consist of or comprise the formation, laying out or material widening of a means of access to a public road the surfaced carriageway of which exceeds 4 metres in width,
- (iii) endanger public safety by reason of traffic hazard or obstruction of road users,
- (iv) except in the case of a porch to which class 7 specified in column 1 of Part 1 of Schedule 2 applies and which complies with the conditions and limitations specified in column 2 of the said Part 1 opposite the mention of that class in the said column 1, comprise the construction, erection, extension or renewal of a building on any street so as to bring forward the building, or any part of the building, beyond the front wall of the building on either side thereof or beyond a line determined as the building line in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (v) consist of or comprise the carrying out under a public road of works other than a connection to a wired broadcast relay service, sewer, water main, gas main or electricity supply line or cable, or any works to which class 25, 26 or 31 (a) specified in column 1 of Part 1 of Schedule 2 applies,
- (vi) interfere with the character of a landscape, or a view or prospect of special amenity value or special interest, the preservation of which is an objective of a development plan for the area in which the development is proposed or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (vii) consist of or comprise the excavation, alteration or demolition (other than peat extraction) of places, caves, sites, features or other objects of archaeological, geological, historical, scientific or ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan for the area in which the development is proposed or, pending the variation of a development plan or local area plan, or the making of a new development plan or local area plan, in the draft variation of the development plan or the local area plan or the draft development plan or draft local area plan,
 - a) consist of or comprise the excavation, alteration or demolition of any archaeological monument included in the Record of Monuments and Places, pursuant to section 12 (1) of the National Monuments (Amendment) Act 1994, save that this provision shall not apply to any excavation or any works, pursuant to and in accordance with a consent granted under section 14 or a licence granted under section 26 of the National Monuments Act 1930 (No. 2 of 1930) as amended,
 - b) comprise development in relation to which a planning authority or An Bord Pleanála is the competent authority in relation to appropriate assessment and the development would require an appropriate assessment because it would be likely to have a significant effect on the integrity of a European site,

- c) consist of or comprise development which would be likely to have an adverse impact on an area designated as a natural heritage area by order made under section 18 of the Wildlife (Amendment) Act 2000.
- (viii) consist of or comprise the extension, alteration, repair or renewal of an unauthorised structure or a structure the use of which is an unauthorised use,
- (ix) consist of the demolition or such alteration of a building or other structure as would preclude or restrict the continuance of an existing use of a building or other structure where it is an objective of the planning authority to ensure that the building or other structure would remain available for such use and such objective has been specified in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan,
- (x) consist of the fencing or enclosure of any land habitually open to or used by the public during the 10 years preceding such fencing or enclosure for recreational purposes or as a means of access to any seashore, mountain, lakeshore, riverbank or other place of natural beauty or recreational utility,
- (xi) obstruct any public right of way,
- (xii) further to the provisions of section 82 of the Act, consist of or comprise the carrying out of works to the exterior of a structure, where the structure concerned is located within an architectural conservation area or an area specified as an architectural conservation area in a development plan for the area or, pending the variation of a development plan or the making of a new development plan, in the draft variation of the development plan or the draft development plan and the development would materially affect the character of the area,

Schedule 2 Part 1 Development by Statutory Undertakers

Class 35

“Development consisting of—

- (a) the carrying out by or on behalf of a statutory undertaker of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto,
- (b) the erection or construction by or on behalf of a statutory undertaker of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.”

Conditions and Limitations

1. The floor area of any building constructed or erected shall not exceed 40 square metres.

2. The height of any building constructed or erected shall not exceed, in the case of a building with a pitched roof, 6 metres or, in any other case, 3 metres.
3. Any car park provided or constructed shall incorporate parking space for not more than 24 cars.

Planning Assessment

Having regard to the proposed development the information submitted as part of the application, the interpretation of the relevant descriptions, the Planning Authority is satisfied that the applicant is a statutory undertaker and so can avail of the exemption under Class 35 of Schedule 2 Part 1. As such the crux of the issue comes down to the screen report associated with the application. It is noted that the conclusion of AA Screening Report in the Section 5 application states

“On the basis of the project description, the delivery of these works following the proposed methodology, and taking account of the ecological information and data arising from an ecological evaluation in the field and provided to inform this assessment, it has been evaluated that the potential for likely significant effects on the special conservation interests of Ballykenny-Fisherstown Bog SPA, the qualifying interests of Lough Ree SAC, and their respective conservation objectives can be excluded. This conclusion is in the absence of protective measures or mitigation measures to avoid significant effects, and in view of best scientific evidence in the field.”

It is also noted that the conclusion of the AA submitted as part of this Section 5 declaration states

“On the basis of objective scientific information, this Screening has therefore excluded the potential for the proposed project, individually or in combination with other plans or projects, to give rise to any significant effect on a European Site. Consequently, it is concluded that the proposed works does not require Appropriate Assessment..”

However, it is noted that in the body of the Appropriate Assessment Screening, Section 5.3.2 Potential Indirect Effects address the potential indirect effects of the proposed construction phase of the development and no assessment has been carried out in relation to the operational phase of the development.

Additionally in relation to mitigation measure Section 5.3 states the following:

“This assumes the absence of mitigation measures, with the exception of those which have been iteratively incorporated into the design stage in the interest of environmental sustainability, as specified in the project proposal”

As such it is not clear to the Planning Authority that the AA screening assessment has been concluded in the absence of the consideration of mitigation measure and given the recent ruling by Judge Garrett Simons in Heather Hill Management Company CLG v An Bord Pleanála it is unclear as to whether the Screening Report should have progressed the development to a stage 2 AA and requested a Natural Impact Assessment which, if required, would de-exempt the proposed development.

Recommendation

Having regard to the provisions of Section 5 of the Planning and Development Act, 2000 (as amended) it is recommended that the Planning Authority issue a declaration as follows in this case:

The question to be determined as stated by the applicant is:

whether the provision of a 36m floating waiting jetty to include 3 number locating piles is or is not development and is or is not exempted development within the meaning of the Planning & Development Act 2000 (As Amended).

The Planning Authority is of the opinion that the proposed development given the applicant status as a statutory undertaker would likely result in the development being exempted under Schedule 2 Part 1 Class 35.

However, given the significant changes in relation to interpretation and implementation of the Habitats Directive and the legal complexity of the matter regarding the application of AA provisions, in particular the use of mitigation measure as part of the screening process (incorporated into the design stage in the interest of environmental sustainability), and the need for clarity in the issue the Planning Authority propose to refer this Section 5 referral to An Bord Pleanala for a determination.

A handwritten signature in blue ink, followed by the date "4-5-22" written in blue ink. The signature is stylized and appears to be a monogram or initials. The date is written in a simple, clear font.

Executive Planner

DC 22/16



Áras an Chontae, Sráid Mhór Na hAbhainn, Longfort, N39 NH56
County Buildings, Great Water Street, Longford, N39 NH56

(043) 33 43300 www.longfordcoco.ie

Planning Department, Great Water Street, Longford. N39 NH56
Tel: (043) 3343427 Email: planning@longfordcoco.ie

**Section 5 Declaration – Exempted Development
Planning & Developments Acts 2001 as amended**

1. **Applicant Name:** Waterways Ireland

Address: 2 Sligo Road, Enniskillen, Co. Fermanagh BT74 7JY

Phone No: +44 (0) 28 66346 276 **E-mail :** deirdre.felloni@waterwaysireland.org

2. **Name of Agent (if any):** Deirdre Felloni (Senior Engineer Waterways Ireland)

Address: 2 Sligo Road, Enniskillen, Co. Fermanagh BT74 7JY

Phone No: +44 (0) 28 66346 276 **E-mail :** deirdre.felloni@waterwaysireland.org

3. **Address for correspondence (if different from above):**

Address: As above

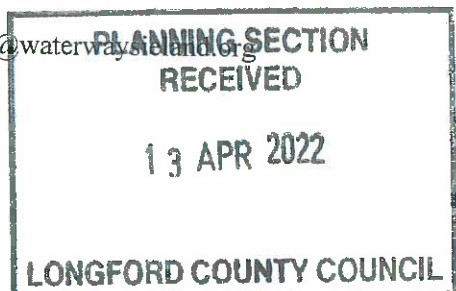
4. **Location of Proposed Development:** Shannon Navigation, Cloondara, Tarmonbarry, Co. Longford

5. **Description of Development:** 36m of floating waiting jetty to include 3 number locating piles.

6. **Under what section of the Planning and Development Act, 2000 as amended and Planning and Development Regulations, 2001 as amended is exemption sought (Specific details required)**

Article 6 of the Planning and Development Regulations, 2001 ("PDR 2001") provides for exemptions where development falls within classes set out in the Second Schedule. Under Class 35 of Part 1 of Schedule 2 of the PDR 2001, the following is considered to be exempted development;

(a) the carrying out by or on behalf of a statutory undertaker⁽¹⁾ of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto, and,



(b) the erection or construction by or on behalf of a statutory undertaker^[1] of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.

^[1] Statutory Undertaker is defined in section 2 of the Planning and Development Act, 2000 as being, "a person, for the time being, authorised by or under any enactment or instrument under an enactment to- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport, (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.

7. Will the development take place within the curtilage of a dwelling house?

Please tick as appropriate: YES _____ NO X

8. Will / Does development take place in / on a Protected Structure or within the curtilage of a Protected Structure?

Please tick as appropriate: YES _____ NO X

8(a) If "YES", has a Declaration under Section 57 of the Planning & Development Act 2000, as amended, been requested or issued for the property by the Planning Authority?

Please tick as appropriate: YES _____ NO _____

9. Please state applicants interest in this site Navigation Authority

If applicant is not the owner of site, please provide name & address of owner:

10. Are you aware of any enforcement proceedings connected to this site?

Please tick as appropriate: YES _____ NO X

10(a) If "YES" please supply details:

11. Are you aware of any previous planning application/s on this site?

Please tick as appropriate: YES _____ NO X

11(a) If "YES" please supply details:

PLANNING SECTION
RECEIVED

13 APR 2022

LONGFORD COUNTY COUNCIL

12. List of Items to accompany this application:-

- a) A fee of €80
- b) 1 x An appropriately scaled site location map (not less than 1:2,500 rural and 1:1000 urban), clearly indicating the site of the proposed development outlined in red.
- c) 1 x An appropriately scaled site layout plan (not less than 1:500) indicating the location of the proposed works and access to same from the public road.

- d) 1 x Plans and particulars of the proposed development, including sections and dimensions to differentiate between the existing works and proposed works.
- e) 1 x Approximate finished floor levels of the proposed development should be provided in relation to the existing ground level at the site of the proposed development.

SIGNED: Gerard Pelloni

DATE: 12/04/22

PLEASE NOTE:

This application form must be fully completed and all items listed in Part 12 submitted, or your application will not be accepted and will be returned.



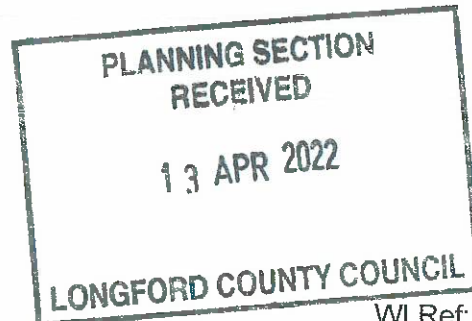
Received by email 13/4/22
by post 19/4/22

**Waterways Ireland**
Uiscebhealaí Éireann Watterweys Airlann

Planning Department
Longford County Council
Aras An Chontae
Great Water Street
Longford
N39 NH56

12th April 2022

A Chara,



WI Ref: TS-AA515-P1

APPLICATION FOR A DECLARATION OF EXEMPTED DEVELOPMENT UNDER SECTION 5 BY WATERWAYS IRELAND FOR A PROPOSED DEVELOPMENT AT CLONDARA, TARMONBARRY COUNTY LONGFORD

On behalf of Waterways Ireland I am here by submitting an application for Declaration of Exempted Development under Section 5 of the Planning and Development Act 2000 in respect of the above proposed development.

Waterways Ireland is one of the All Ireland Implementation Bodies established under the 'British-Irish Agreement Act, 1999' in furtherance of the agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on the 10th day of April 1998. This Act was brought into force on the 2nd December, 1999. Waterways Ireland is the statutory body charged with the management, development, and restoration of the inland navigable waterway system. Waterways Ireland can undertake development located in the water-body of the navigation system with the approval and guidance of the associated statutory bodies. For the purposes of this development the body of water is the Shannon Navigation, Co Longford. Waterways Ireland does not anticipate that planning permission is required for the proposed development and is therefore submitting a Declaration of Exempt Development under Section 5 of the Planning and Development Act 2000 (as amended) and 2001 – 2013 Planning Regulations

Article 6 of the Planning and Development Regulations, 2001 ("PDR 2001") provides for exemptions where development falls within classes set out in the Second Schedule. Under Class 35 of Part 1 of Schedule 2 of the PDR 2001, the following is considered to be exempted development;

- (a) the carrying out by or on behalf of a statutory undertaker^[1] of any works for the maintenance, improvement, reconstruction or restoration of any watercourse, canal, river, lake or other inland waterway, or any lock, quay, mooring, harbour, pier, dry-dock or other structure forming part of the inland waterway or associated therewith, and any development incidental thereto, and,
- (b) the erection or construction by or on behalf of a statutory undertaker^[1] of facilities required in connection with the operation, use or management of a watercourse, canal, river, lake or other inland waterway.

2 Bóthar Shligigh
Inis Ceithleann
Contae Fhear Manach
BT74 7JY

2 Sligo Road
Enniskillen
Co Fermanagh
BT74 7JY

2 Sligo Road
Enniskillen
County Fermanagh
BT74 7JY

^[1] Statutory Undertaker is defined in section 2 of the Planning and Development Act, 2000 as being, "a person, for the time being, authorised by or under any enactment or instrument under an enactment to- (a) construct or operate a railway, canal, inland navigation, dock, harbour or airport, (b) provide, or carry out works for the provision of, gas, electricity or telecommunications services, or (c) provide services connected with, or carry out works for the purposes of the carrying on of the activities of, any public undertaking.

In recent years there have been numerous instances of vessel getting into difficulty trying to pass under the lifting bridge in Tarmonbarry, particularly in times of high current. This can be largely attributed to the fact that there is no suitable waiting jetty upstream of the bridge, there is only a short concrete quay wall positioned further back on the bank for vessels to tie up to whilst awaiting bridge openings. This leaves vessels in a bad starting position for lining their vessel up to pass under the bridge. This also causes issues for the traffic along the N5 carriageway as prolonged openings of the lifting bridge leads to traffic jams in both directions. The overall aim of this project is to install a floating waiting jetty to provide a safe location for vessels to wait upstream for bridge openings whilst also reducing the duration of each bridge lift. As part of the proposed new waiting jetty Screening for Appropriate Assessment has been undertaken and the report is been submitted with the application.

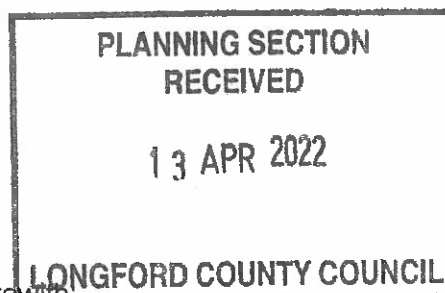
Waterways Ireland has secured funding for the proposed works in 2022 and wish to proceed with the proposed development in order to reduce any health and safety risks that exist in the area and in order to comply with the instream fisheries restrictions to works only being permitted from May to September.

I trust the above is in order. However, should you have any queries please contact me at 048 66346276 to discuss. A schedule of enclosures is detailed below.

Yours Faithfully



Ms D Felloni
Senior Engineer



Schedule of Enclosures

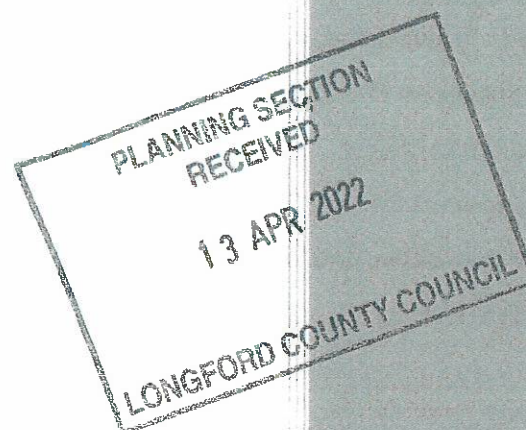
The following documentation is enclosed herewith -

- i) Completed Application Form.
- ii) Screening for Appropriate Assessment
- iii) A copy of the following drawings:-
TS-WSN-AA515-P-01 Site Location, Plan & Elevation
- iv) Planning Exemption Fee of €80 shall be paid to the cash office on receipt of a reference number.

Screening to Inform Appropriate Assessment

Tarmonbarry Waiting Jetty

Tarmonbarry, Co. Longford



Prepared by:

Waterways Ireland

Environment & Heritage Section

Scarriff, Co. Clare

21 March 2022

1 INTRODUCTION

This Screening report to inform the Appropriate Assessment (AA) process has been prepared to evaluate the proposed installation of a new 36m floating jetty on the eastern bank of the River Shannon at Tarmonbarry in Co. Longford by Waterways Ireland (WI). The new floating jetty will serve as a waiting platform upstream of Tarmonbarry Weir, and will not provide access to land. There shall be no affixed access gangway or concrete plinth structure connecting to the bankside.

A map showing the location of the project is presented in Figure 1.1 below. This report comprises information in support of the Screening of the proposed works, in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereafter referred to as the Habitats Directive).

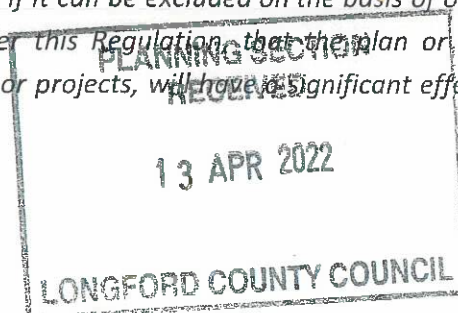
The purpose of this Screening report is to inform the Appropriate Assessment (AA) process to determine, based on objective scientific information, whether the proposed project, alone and in combination with other plans or projects, has the potential for significant effects on any designated European Site in view of the site's conservation objectives. The Screening conclusion statement is determined based on the project description and detail provided herein, and is full and complete. Local ecological interests separate to any Natura 2000 designation were identified on site but are not evaluated or assessed in the context of the current document, which is restricted to the requirements for AA reporting with regard to the Habitats Directive requirements under Article 6(3). The evaluations presented in this Screening report have been completed by a qualified and competent ecologist utilising current guidance and scientific information, as well as ecological survey data on the ground.

1.1 Statutory Authority of Waterways Ireland

Waterways Ireland is the North/South Implementation Body for the inland navigable waterway systems of Ireland and was established under the British-Irish Agreement, 1999. The statutory remit of Waterways Ireland is to manage, maintain, develop and restore the inland navigable waterways, principally for recreational purposes. The waterways under our remit include the Barrow Navigation, the Royal and Grand Canals, the Shannon Navigation, the Shannon-Erne Waterway, the Erne System and the Lower Bann.

This Screening Report complies with the requirements of Article 6 of the EC Habitats Directive (1992) transposed in Ireland principally through the Planning and Development Act 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) (referred to as the Habitats Regulations herein). In the context of the proposed project, the appropriate legislation is the Birds and Natural Habitats Regulations (2011) and the 'public authority' as the proponent and competent authority is Waterways Ireland; in accordance with Article 42 of the Habitats Regulations:

"The public authority shall determine that an Appropriate Assessment of a plan or project is not 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 can 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 no significant effect on a European site."



2 THE APPROPRIATE ASSESSMENT PROCESS

2.1 Legislative Context

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations (in particular Part XAB of the Planning and Development (Amendment) Act 2010 and the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations herein) to ensure the ecological integrity (i.e. Conservation Objectives) of these sites. The Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs) for bird species and their habitats listed on Annex I of the Directive. Similarly, the Habitats Directive (92/43/EEC) designates Special Areas of Conservation (SACs) for habitats and species listed in Annex I and Annex II of that Directive.

Ireland has obligations under EU law to protect and conserve biodiversity. This relates to habitats and species both within and outside designated sites. Nationally, Ireland has developed a National Biodiversity Plan (DCHG, 2017) to address issues and halt the loss of biodiversity, in line with international commitments. The vision for biodiversity is outlined: *“That biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally”*.

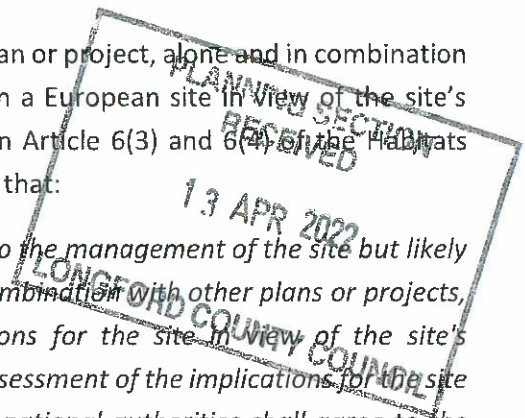
Ireland aims to conserve habitats and species, through designation of conservation areas under both European and Irish law. The focus of this Screening is on those habitats and species designated pursuant to the EU Birds and EU Habitats Directives in the first instance, however it is recognised that wider biodiversity features have a supporting role to play in many cases where the Conservation Objectives of designated sites is to be maintained/restored.

Appropriate Assessment (AA) is an assessment of whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a European site in view of the site's conservation objectives. The requirement of AA is outlined in Article 6(3) and 6(4) of the Habitats Directive (1992). Article 6(3) of the Habitats Directive requires 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.”

Furthermore, Article 6(4) of the Habitats Directive requires that:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory

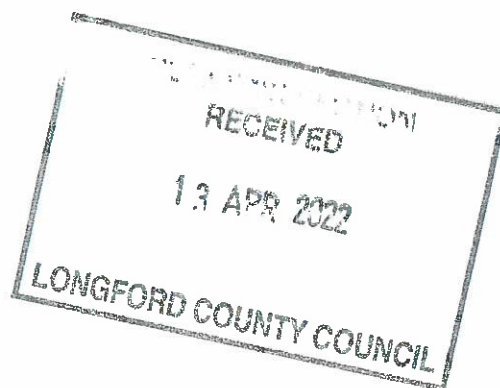


Reasons of Overriding Public Interest (IROPI), despite the plan or project resulting in adverse effects on European Site(s). This stage provides for an assessment of compensation measures to maintain or enhance the overall coherence of the Natura 2000 network.

2.3 Guidance Followed

This report has been carried out using the following guidance:

- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.¹
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010)².
- 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, Office for Official Publications of the European Communities, Luxembourg (EC 2021)³.
- 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. Office for Official Publications of the European Communities, Luxembourg (EC 2007)⁴.



¹ NPWS (2010). Legislation Unit, NPWS Department of Environment, Heritage and Local Government, Dublin.

² National Parks and Wildlife Services (2010):

http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

³ European Commission (2018) https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance_2021-10/EN.pdf

⁴ European Commission (2007)

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf

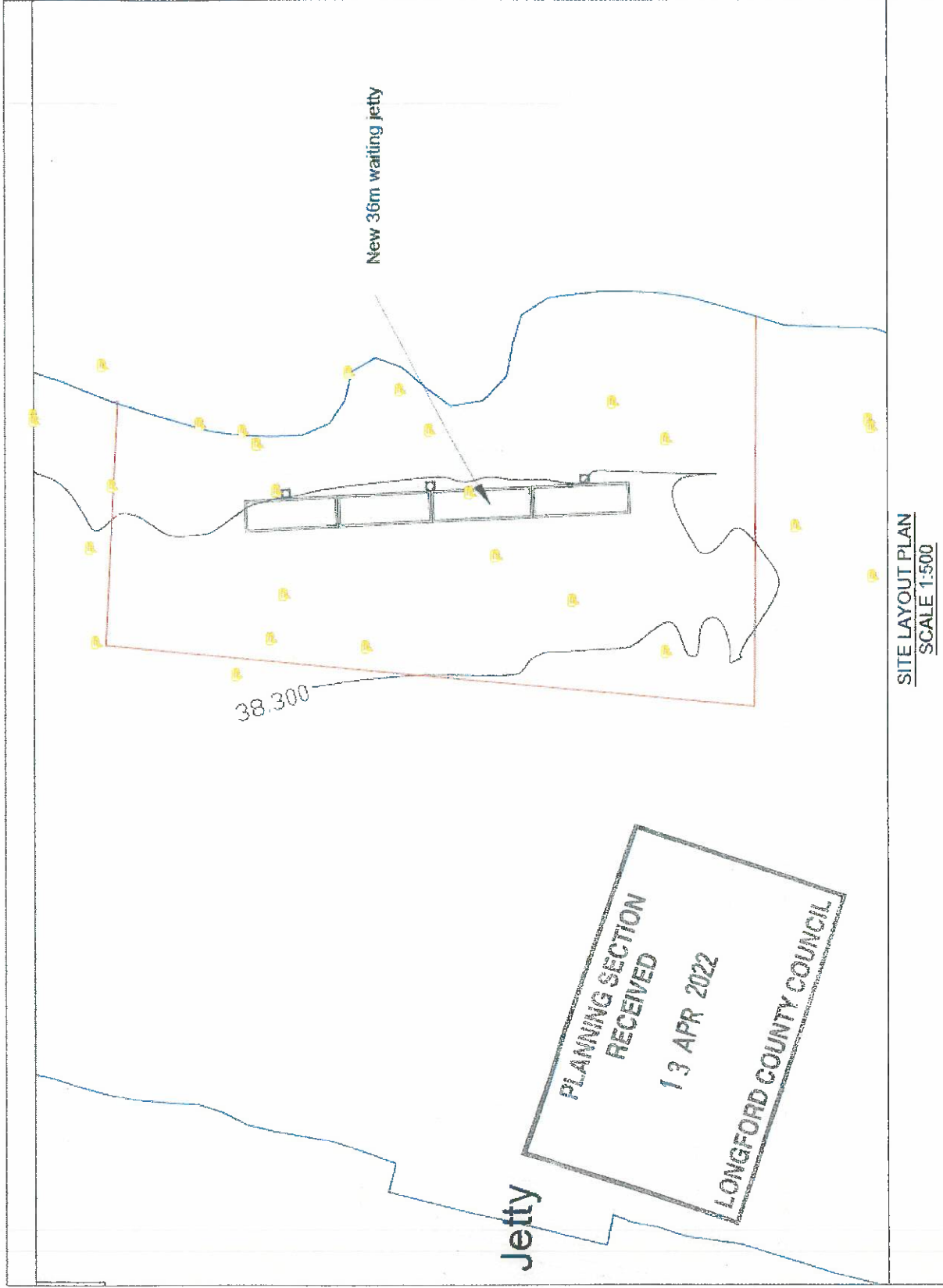
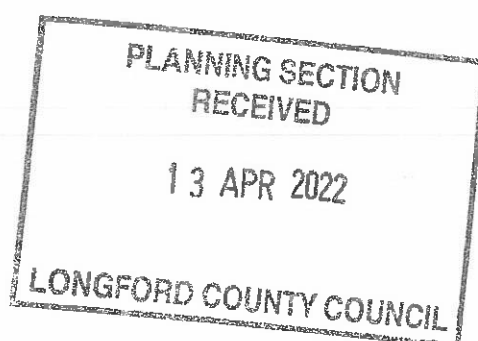


Figure 3.1. Site plan showing the existing jetty and proposed layout for new moorings.

Habitat type (Fossitt, 2000) ⁵	Plant species recorded	Description
Wet willow-alder-ash woodland (WN6)	Alder (<i>Alnus glutinosa</i>) Ash (<i>Fraxinus excelsior</i>) Hawthorn (<i>Crataegus monogyna</i>) Grey willow (<i>Salix cinerea</i>) Spindle (<i>Euonymus europaea</i>) Ivy (<i>Hedera helix</i>) Common reed (<i>Phragmites australis</i>) Yellow iris (<i>Iris pseudacorus</i>) Bramble (<i>Rubus fruticosus</i> agg.) Remote sedge (<i>Carex remota</i>) Hartstongue fern (<i>Asplenium scolopendrium</i>) Meadowsweet (<i>Filipendula ulmaria</i>) Marsh bedstraw (<i>Galium palustre</i>) Feather moss (<i>Kindbergia praelona</i>)	<p>A copse of wet woodland adjoins the proposed works area to the north. The canopy consists of co-dominant alder and ash, as well as grey willow.</p> <p>This small stand of trees aligns most closely with the wet woodland community Ash – Yellow Iris woodland (<i>Fraxinus excelsior</i> – <i>Iris pseudacorus</i> woodland) (WL3C) as defined by the Irish Vegetation Classification.</p> <p>Stands such as this along rivers and lakes which are subject to periodic inundation qualify as EU Annex I habitat 91E0 Residual alluvial forests.</p>
Wet grassland (GS4)	Soft rush (<i>Juncus effusus</i>) Yorkshire fog (<i>Holcus lanatus</i>) Creeping buttercup (<i>Ranunculus repens</i>) Creeping bent-grass (<i>Agrostis stolonifera</i>) Angelica (<i>Angelica sylvestris</i>) Sorrel (<i>Rumex acetosa</i>)	A narrow strip of wet grassland habitat runs parallel to the eastern boundary of the works area. This habitat is dominated by a mixture of soft rush and creeping bent with a range of other typical species occurring in lesser abundance.
Scrub (WS1)	Blackthorn (<i>Prunus spinosa</i>) Bramble (<i>Rubus fruticosus</i> agg.) Dog rose (<i>Rosa canina</i> agg.) Grey willow (<i>Salix cinerea</i>) Alder (<i>Alnus glutinosa</i>)	A limited area of young scrub habitat occurs in the study area.
Depositing/lowland rivers (FW2)	None recorded.	The area of open water within the River Shannon channel corresponds to this habitat type. No vegetation was recorded in this area.



Site Photographs: Tarmonbarry, December 2021.



Plate 1: Looking east from works location. Marsh and wet grassland habitat shown.



Plate 2: Looking south towards works location. Small area of wet woodland shown in photograph.

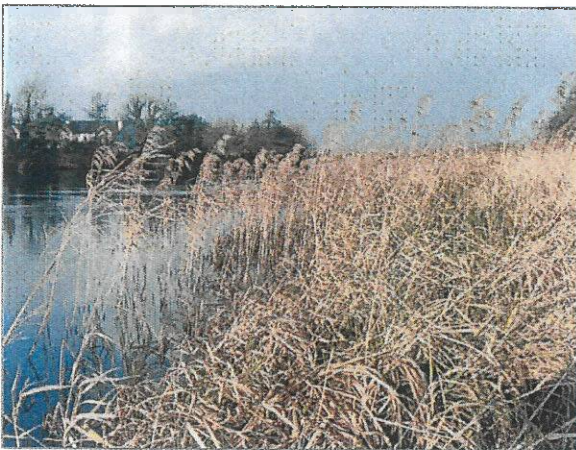


Plate 3: Reed swamp within works location.



Plate 4: Patches of scrub within wet grassland area.

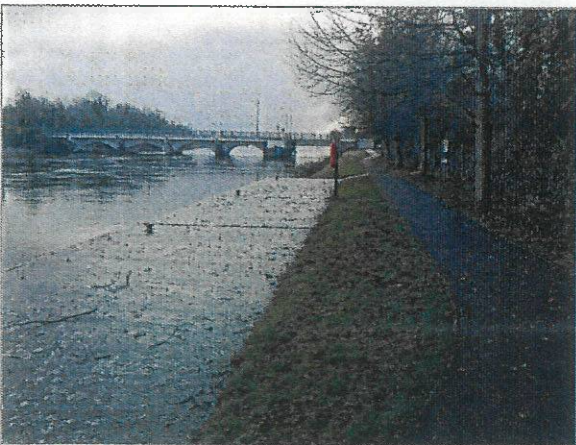
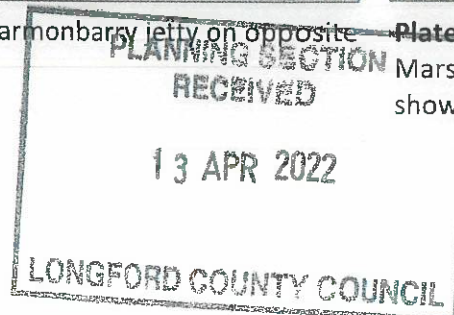


Plate 5: Existing Tarmonbarry jetty on opposite western bank.



Plate 6: Looking south towards works location. Marsh, reed swamp and wet grassland habitats shown.



5 SCREENING ASSESSMENT

5.1 Introduction

This stage of the process identifies any likely significant effects upon European Sites from the proposed works, either alone or in combination with other projects or plans. The Screening Assessment is progressed in order to determine:

- Whether the project can be excluded from AA requirements because it is directly connected with or necessary to the management of a European site; and
- Whether the project has the potential to give rise to significant effects on a European site, either alone or in combination with other projects or plans, in view of the site's conservation objectives or conversely, that the potential for significant effects cannot be excluded.

In the instance of this project, the proposal is not directly connected to or necessary for the management of any European site, therefore the potential for significant effects must be evaluated, as per the second test.

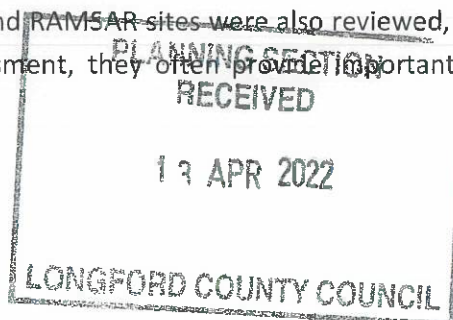
5.2 Identification of Relevant Natura 2000 Sites

A standard source-receptor-pathway conceptual model was used to identify a preliminary list of 'relevant' European sites (i.e. those which could be potentially affected due to connectivity via impact pathways). This conceptual model is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no likelihood for the effect to occur. In the context of the proposed works, the model comprises:

- Source(s) – e.g. noise disturbance, habitat loss, pollution.
- Pathway(s) – e.g. drains and streams connecting to European Sites; increased human activity; creation of barriers to movement/migration.
- Receptor(s) – Qualifying habitats and species of European Sites.

The designated European Sites identified in the wider study area of the proposed works are shown in Figure 5.1 and detailed in Table 5.1, showing the designated site name, code and distance of separation. Designated European Sites were considered within a 15km buffer, in line with published guidance (NPWS, 2010). Potential pathways for impacts affecting European Sites outside of this buffer were also evaluated; however, given the size and scale of the proposed works, no pathways for effects at this extent were identified. No additional SPA or SAC sites were screened in following this process.

It is vital that an assessment of potential source-pathway-receptor links is undertaken to assess potential impact links between the receptor (European Sites) and source (proposed works) to establish the risk of any likely significant effects. Additional designated sites including proposed Natural Heritage Areas (pNHA's), Natural Heritage Areas and RAMSAR sites were also reviewed, as although they do not form part of the Appropriate Assessment, they often provide important supporting functions to European Sites.



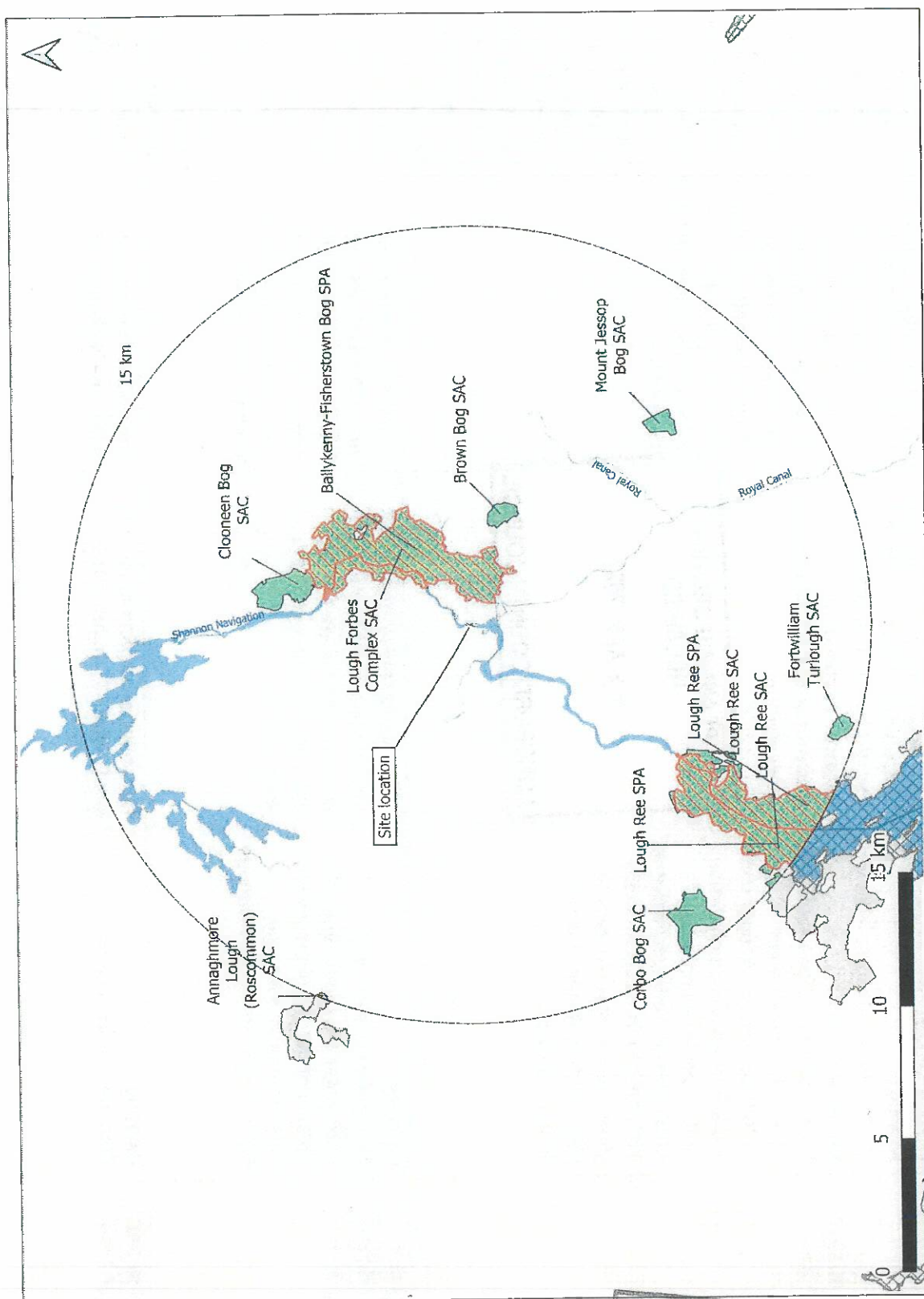
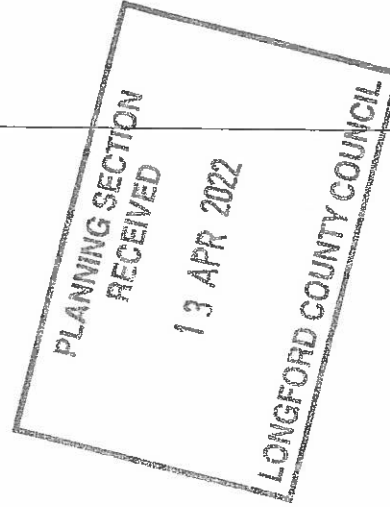
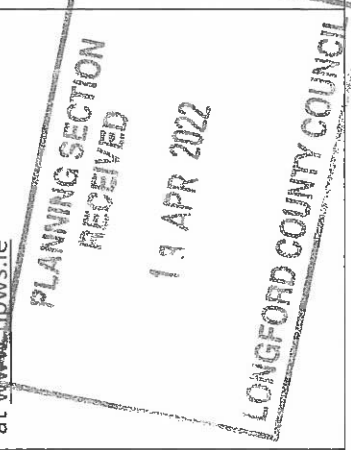


Figure 5.1: European Designated sites within a 15km radius of the proposed works.

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European sites	Qualifying Interests / Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Distance: 5.7km	7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> 91D0 Bog woodland*	were reviewed as part of the assessment and are available at www.npws.ie	impact of the proposed works due to distance of separation and the absence of direct connectivity.	of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Lough Ree SAC Site Code: 000440 Distance 9.1km	Habitats 3150 Natural eutrophic lakes with <i>Magnopotamion</i> or Hydrocharition - type vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7230 Alkaline fens 8240 Limestone pavements* 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91D0 Bog woodland* Species 1355 Otter (<i>Lutra lutra</i>)	Conservation objectives for this site (Version 1, August 2016) were reviewed as part of the assessment and are available at www.npws.ie	This SAC is located downstream of the proposed works with hydrological connectivity via the River Shannon and is therefore considered to be within the zone for potential impacts.	Due to hydrological connectivity between this SAC and the proposed works, impact pathways which may be connected to effects on the qualifying interests of the site have been identified. The pathways for effects are examined in detail in Section 5.3 below.
Mount Jessop Bog SAC Site Code: 002202	Habitats 7120 Degraded raised bogs still capable of natural regeneration	Conservation objectives for this site (Generic Conservation Objectives, March 2021) were	This SAC does not occur within the likely zone of impact of the proposed	Taking account of the nature, scale and extent of the works, there are



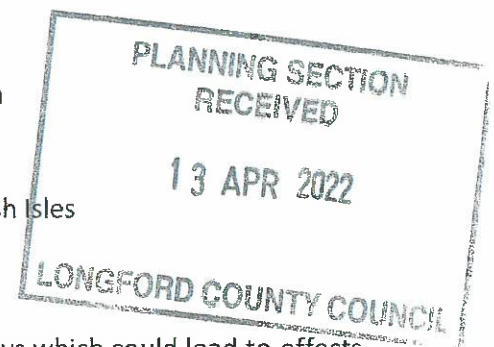
European sites	Qualifying Interests / Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Ballykenny-Fisherstown Bog SPA Site Code: 004101 Distance: 0.9km	Birds A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	Conservation objectives for this site (Generic Conservation Objectives, March 2021) were reviewed as part of the assessment and are available at www.npws.ie	Taking account of the nature of the SCIs of this SPA which include a mobile species likely occur periodically outside of the designated area. Due to proximity the proposed works may potentially result in ex-situ impacts to SCI species of this site and therefore the site is within the Likely Zone of Impact	may be connected to effects on the qualifying interests of the site. As the works have been identified to occur within the likely zone of impact, pathways for effects are further evaluated herein (see Section 5.3)
Lough Ree SPA Site Code: 004064 Distance: 9.1km	Birds A038 Whooper Swan (<i>Cygnus cygnus</i>) A056 Shoveler (<i>Anas platyrhynchos</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A050 Wigeon (<i>Anas penelope</i>) A142 Lapwing (<i>Vanellus vanellus</i>) A193 Common Tern (<i>Sterna hirundo</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A125 Coot (<i>Fulica atra</i>) A052 Teal (<i>Anas crecca</i>)	Conservation objectives for this site (Version 1, Mar 2015) were reviewed as part of the assessment and are available at www.npws.ie 	Due to distance of separation (over 9km) and the absence of connectivity this European Site is evaluated to be outside the likely zone of impacts. No pathway for effect was identified and the site is not within the Likely Zone of Impact	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.

As outlined in Table 5.1 above, the Ballykenny-Fisherstown Bog SPA (Site Code: 004101) and Lough Ree SAC (Site Code: 004064) are identified as the only European Site with potential connectivity to the proposed project. Ballykenny-Fisherstown Bog SPA is located less than 1km from the proposed works, and is therefore brought forward for further evaluation. This SPA has a single Special Conservation Interest, namely Greenland white-fronted goose. This species has a foraging range of 5-8km from night roosts during the winter season⁶, and therefore birds associated with the SPA are likely to forage outside of the designated area. The possibility for ex-situ disturbance related effects is considered further on a precautionary basis.

With regard to Lough Ree SAC, this site is located approximately 9.1 km downstream of the proposed jetty project. Due to hydrological connectivity between this SAC which supports water dependent habitats and species and the proposed works, pathways for potential impacts are examined and evaluated in further detail in this section.

The qualifying interests of Lough Ree SAC, are:

- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation
- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)
- 7110 Active raised bogs*
- 7120 Degraded raised bogs still capable of natural regeneration
- 7230 Alkaline fens
- 8240 Limestone pavements*
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- 91D0 Bog woodland*
- 1355 Otter (*Lutra lutra*)



As many of the above QIs are terrestrial in nature there are no pathways which could lead to effects to such features. Pathways for connectivity to the proposed works is present only in respect of the following:

- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation
- 1355 Otter (*Lutra lutra*)

5.3 Potential for Significant Effects on European Sites

This section documents the final stage of the screening process. It is vital that an assessment of potential source-pathway-receptor links is undertaken to assess potential impact links between the receptor (European Sites) and source (proposed works) to establish the risk of any likely significant effects. It used the information collected on the sensitivity of the Qualifying Interests of each European Site and describes any likely significant effects from the proposed project. This assumes the absence of mitigation measures, with the exception of those which have been iteratively incorporated into the design stage in the interest of environmental sustainability, as specified in the project proposal (see

⁶ Heritage, Scottish Natural. "Assessing Connectivity with Special Protection Areas (SPAs)." (2016).

A localised minimal increase in suspended solids is anticipated during the works, particularly during proposed piling works which will disturb sediments and increase suspended solids in the immediate vicinity and downstream of the works. However, the size and scale of the works in the context of the dilution factors within the River Shannon main channel is evaluated in the context of the project and its distance of separation to any other European Site. Other potential sources of water quality related impacts include the potential for fuel spills or leakages from machinery, and the potential for the spread of aquatic invasive species introduced on plant and equipment.

From an investigation of the potential impacts which may arise from the works, it is concluded that the zone of impact is limited to the vicinity of project. Due to the location and nature of the works, and the distance downstream to Lough Ree SAC there are no hydrological pathways to the designated European site, whereby significant water quality or hydromorphological effects may have implications for the conservation objectives of aquatic QI habitats and species. As Lough Ree SAC is located a considerable distance downstream from the works (ca. 9km), and given the small scale of the project, any changes in water quality will be temporary, readily assimilated, and will not result in any significant effects to the Qualifying Interests of Lough Ree SAC.

Based on the above, the proposed project will not prevent the maintenance or restoration of the favourable conservation condition of the special conservation interests for Ballykenny-Fisherstown Bog SPA or the qualifying interests of Lough Ree SAC. There are no pathways for indirect impacts identified which would be likely to cause any deterioration in conservation condition. There are therefore no temporary or permanent indirect impacts on the SCIs within the zone of influence of the project area which are evaluated as having the potential to give rise to significant effects. There are no other European Sites within a 15km radius or for which pathways for potential direct effects exist within a wider zone of influence of the proposal.

5.3.3 Potential Cumulative and In-combination Effects

The proposed project is limited to the installation and operation of a 36m waiting jetty on the River Shannon at Tarmonbarry, Co. Longford. The works location primarily within lands owned by Waterways Ireland. Any existing or future plans or projects within lands owned by Waterways Ireland directly or indirectly connected to the works area will be subject to its own assessment with regard to potential for significant effects, i.e. Screening to inform Appropriate Assessment. The current proposal is limited in size, extent and duration and as such there are no pathways for impacts identified whereby the works alone have the potential for effects on the SAC or SPA designations within the zone of influence of the works. Therefore, there are no secondary, in-combination or cumulative effects which may interact with these works to give rise to significant effects on these European Sites.



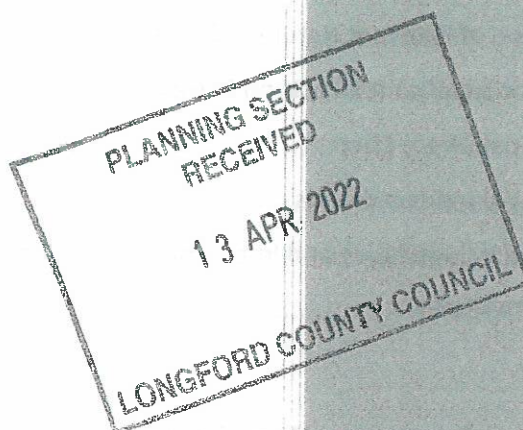
Appendix I: Construction Methodology



Screening to Inform Appropriate Assessment

Tarmonbarry Waiting Jetty

Tarmonbarry, Co. Longford



Prepared by:

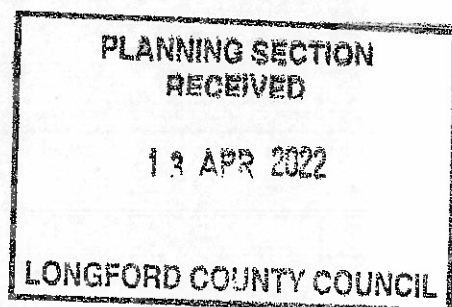
**Waterways Ireland
Environment & Heritage Section
Scarriff, Co. Clare**

21 March 2022

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Appendix I: Construction Methodology



1 INTRODUCTION

This Screening report to inform the Appropriate Assessment (AA) process has been prepared to evaluate the proposed installation of a new 36m floating jetty on the eastern bank of the River Shannon at Tarmonbarry in Co. Longford by Waterways Ireland (WI). The new floating jetty will serve as a waiting platform upstream of Tarmonbarry Weir, and will not provide access to land. There shall be no affixed access gangway or concrete plinth structure connecting to the bankside.

A map showing the location of the project is presented in Figure 1.1 below. This report comprises information in support of the Screening of the proposed works, in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereafter referred to as the Habitats Directive).

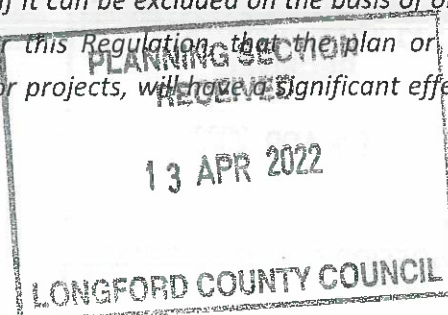
The purpose of this Screening report is to inform the Appropriate Assessment (AA) process to determine, based on objective scientific information, whether the proposed project, alone and in combination with other plans or projects, has the potential for significant effects on any designated European Site in view of the site's conservation objectives. The Screening conclusion statement is determined based on the project description and detail provided herein, and is full and complete. Local ecological interests separate to any Natura 2000 designation were identified on site but are not evaluated or assessed in the context of the current document, which is restricted to the requirements for AA reporting with regard to the Habitats Directive requirements under Article 6(3). The evaluations presented in this Screening report have been completed by a qualified and competent ecologist utilising current guidance and scientific information, as well as ecological survey data on the ground.

1.1 Statutory Authority of Waterways Ireland

Waterways Ireland is the North/South Implementation Body for the inland navigable waterway systems of Ireland and was established under the British-Irish Agreement, 1999. The statutory remit of Waterways Ireland is to manage, maintain, develop and restore the inland navigable waterways, principally for recreational purposes. The waterways under our remit include the Barrow Navigation, the Royal and Grand Canals, the Shannon Navigation, the Shannon-Erne Waterway, the Erne System and the Lower Bann.

This Screening Report complies with the requirements of Article 6 of the EC Habitats Directive (1992) transposed in Ireland principally through the Planning and Development Act 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) (referred to as the Habitats Regulations herein). In the context of the proposed project, the appropriate legislation is the Birds and Natural Habitats Regulations (2011) and the 'public authority' as the proponent and competent authority is Waterways Ireland; in accordance with Article 42 of the Habitats Regulations:

"The public authority shall determine that an Appropriate Assessment of a plan or project is not 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 can 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."



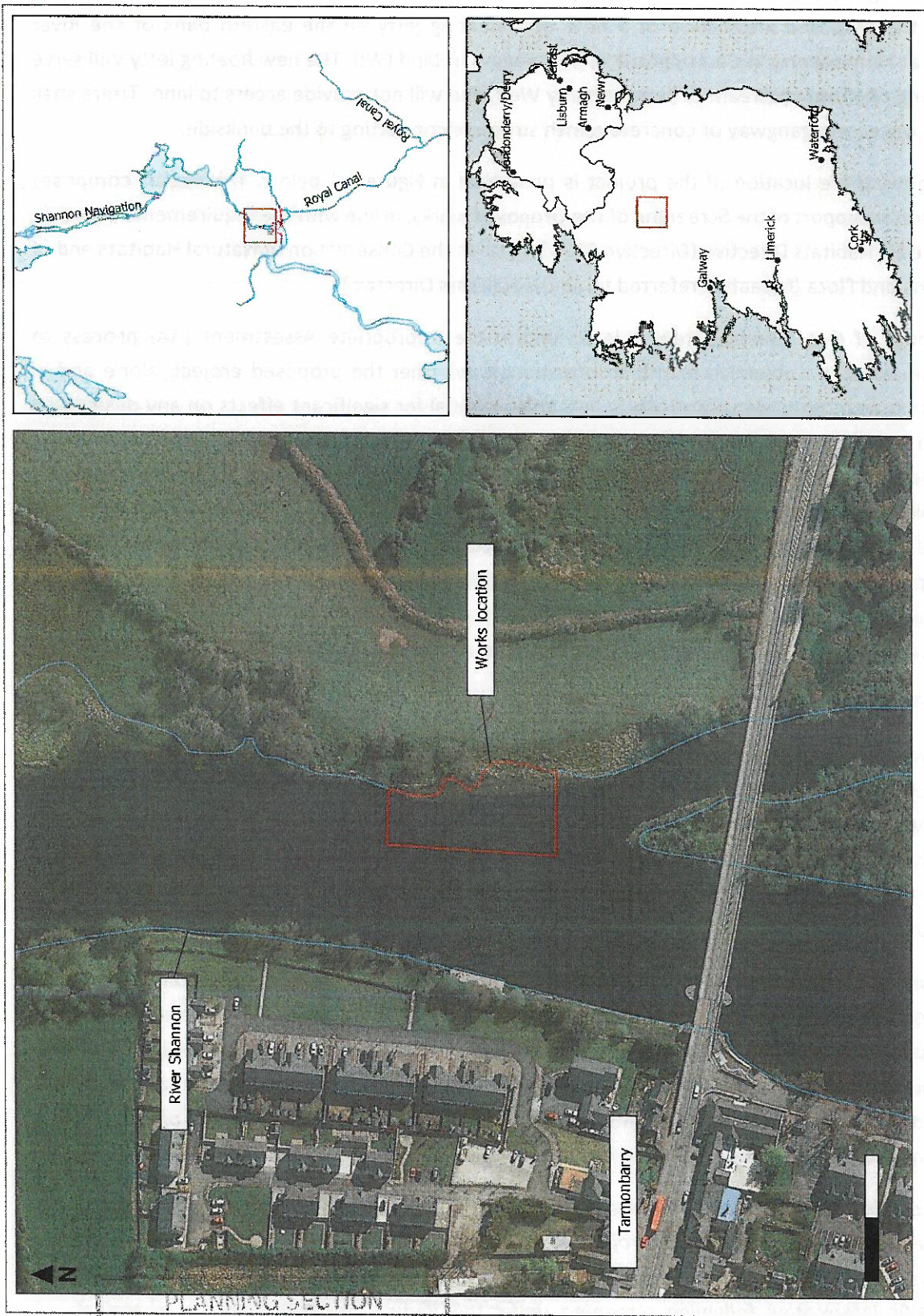


Figure 1.1: Map showing location of proposed works at Tamonbarry, Co. Longford.

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2 THE APPROPRIATE ASSESSMENT PROCESS

2.1 Legislative Context

European and national legislation places a collective obligation on Ireland and its citizens to maintain habitats and species in the Natura 2000 network at favourable conservation condition. The Government and its agencies are responsible for the implementation and enforcement of regulations (in particular Part XAB of the Planning and Development (Amendment) Act 2010 and the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. 477) (referred to as the Habitats Regulations herein) to ensure the ecological integrity (i.e. Conservation Objectives) of these sites. The Birds Directive (2009/147/EC) seeks to protect birds of special importance by the designation of Special Protection Areas (SPAs) for bird species and their habitats listed on Annex I of the Directive. Similarly, the Habitats Directive (92/43/EEC) designates Special Areas of Conservation (SACs) for habitats and species listed in Annex I and Annex II of that Directive.

Ireland has obligations under EU law to protect and conserve biodiversity. This relates to habitats and species both within and outside designated sites. Nationally, Ireland has developed a National Biodiversity Plan (DCHG, 2017) to address issues and halt the loss of biodiversity, in line with international commitments. The vision for biodiversity is outlined: *“That biodiversity and ecosystems in Ireland are conserved and restored, delivering benefits essential for all sectors of society and that Ireland contributes to efforts to halt the loss of biodiversity and the degradation of ecosystems in the EU and globally”*.

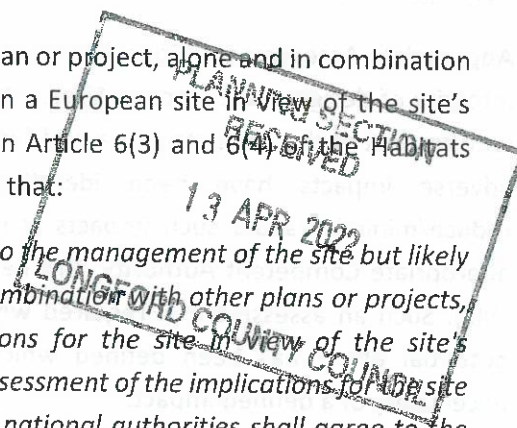
Ireland aims to conserve habitats and species, through designation of conservation areas under both European and Irish law. The focus of this Screening is on those habitats and species designated pursuant to the EU Birds and EU Habitats Directives in the first instance, however it is recognised that wider biodiversity features have a supporting role to play in many cases where the Conservation Objectives of designated sites is to be maintained/restored.

Appropriate Assessment (AA) is an assessment of whether a plan or project, alone and in combination with other plans or projects, could have significant effects on a European site in view of the site's conservation objectives. The requirement of AA is outlined in Article 6(3) and 6(4) of the Habitats Directive (1992). Article 6(3) of the Habitats Directive requires 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.”

Furthermore, Article 6(4) of the Habitats Directive requires that:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory



measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted."

Over time legal interpretation has been sought on the practical application of the legislation concerning AA, as some terminology has been found to be unclear. European and National case law has clarified a number of issues and some aspects of European Commission (EC) published guidance documents have been superseded by case law. Appropriate Assessment is required to utilise best scientific knowledge in the field, as determined in case law. Competent Authorities must ensure that scientific data (ecological and hydrological expertise) is utilised as appropriate. This report presents a Screening to inform the AA process which is finalised by a determination for Appropriate Assessment, to be completed by the appropriate Competent Authority (i.e. Waterways Ireland), in compliance with their obligations under Article 42 (sub-sections 1, 6, 7, 16 and 18) of the Birds and Natural Habitats Regulations, 2011 (as amended).

2.2 Appropriate Assessment Methodology

The AA process follows a step-wise approach, commencing with a Screening Assessment to determine whether Appropriate Assessment is required; progression through the AA process is contingent on the potential for adverse effects on European Sites (SAC/SPA).

Screening Assessment – This process identifies the likely significant impacts upon a European site from a proposed project or plan. Its purpose is to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project which is not directly connected with or necessary to the management of the site as a European Site, individually or in combination with other plans or projects is likely to have a significant effect upon the European site. A project may be "screened-in" if there is a possibility or uncertainty of significant effects upon the European site, thus requiring AA. If there is no evidence to suggest the potential for significant effects due to the proposed plan or development the project is "screened-out", and AA is not required.

Appropriate Assessment – Consideration of the project or plan with regard to adverse effects on the integrity of designated European Sites, either alone or in combination with other projects or plans, with respect to the site's structure and function and its conservation objectives. Additionally, where adverse impacts have been identified, an assessment of the potential mitigation to reduce/minimise/avoid such impacts is required. The AA statement is the responsibility of the appropriate Competent Authority; this decision making is informed by a Natura Impact Statement (NIS). Such an assessment is required where uncertainty of the significance of effect arises, or a potential effect has been defined which requires further procedures / mitigation to remove uncertainty of a defined impact.

Assessment of Alternative Solutions – Where adverse effects on a European Site are identified in the AA process (detailed in the NIS), despite the prescription of mitigation, this third stage examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the European Site.

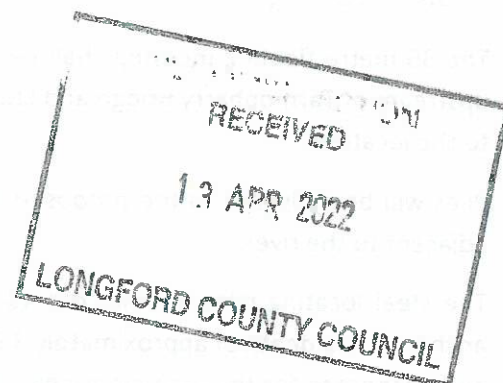
Assessment Where Adverse Impacts Remain - The fourth and final stage is required where an alternative solution is not available. In this situation, the project can only proceed for Imperative

Reasons of Overriding Public Interest (IROPI), despite the plan or project resulting in adverse effects on European Site(s). This stage provides for an assessment of compensation measures to maintain or enhance the overall coherence of the Natura 2000 network.

2.3 Guidance Followed

This report has been carried out using the following guidance:

- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.¹
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities. (Department of Environment, Heritage and Local Government, 2010)².
- 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, Office for Official Publications of the European Communities, Luxembourg (EC 2021)³.
- 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. Office for Official Publications of the European Communities, Luxembourg (EC 2007)⁴.



¹ NPWS (2010). Legislation Unit, NPWS Department of Environment, Heritage and Local Government, Dublin.

² National Parks and Wildlife Services (2010):

http://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

³ European Commission (2018) https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance_2021-10/EN.pdf

⁴ European Commission (2007)

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf

3 DESCRIPTION OF THE PROPOSED WORKS

3.1 Description of the Proposal

This Screening report to inform the Appropriate Assessment (AA) process has been prepared to evaluate proposed installation of a 36m floating jetty at Tarmonbarry, Co. Longford by Waterways Ireland (WI). A site plan showing the proposed new mooring and works area is shown in Figure 3.1. The new floating jetty will serve as a waiting platform and will not provide access to land. There shall be no affixed access gangway or concrete plinth structure connecting to the bankside.

The report comprises information in support of the Screening of the works in line with the requirements of Article 6(3) of the EU Habitats Directive (Directive 92/43/EEC) on the Conservation of Natural Habitats and of Wild Fauna and Flora (hereafter referred to as the Habitats Directive).

3.1.1 Method of Works

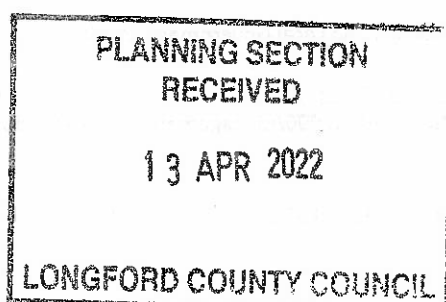
This section summarises the proposed construction of the new floating moorings. The construction methods are presented in full in Appendix I to this document.

3.1.2 Site Setup, Demolition & Clearance

- A site compound shall be established at Waterways Ireland owned property, upstream of Tarmonbarry Bridge on the opposite bank.
- Site preparation will not involve the removal of any trees along the riverbank, with only minor trimming of any overhanging branches or shrubs that fall within the working area.
- Construction shall be a mix of land based (from the existing river bank) and water based (from floating pontoons and/or workboat) with no requirement to reduce or interfere with water levels on the river.

3.1.3 Floating Mooring

- The 36 metre floating mooring shall be assembled at Waterways Ireland owned allotment, upstream of Tarmonbarry Bridge and launched into the river using a mobile crane and towed to the location.
- Piles will be delivered to the proposed development site by means of the existing N5 road adjacent to the river.
- The steel locating piles 355mm dia. (3 no.) shall be cored / driven into the riverbed and anchored to a depth of approximately 3.0m below the bed level to provide structural stability and anchorage for the new moorings. The piles shall be cored / driven into position from a piling rig / excavator working from floating pontoons in the river.
- Disturbed areas shall be reinstated to pre-works standard.



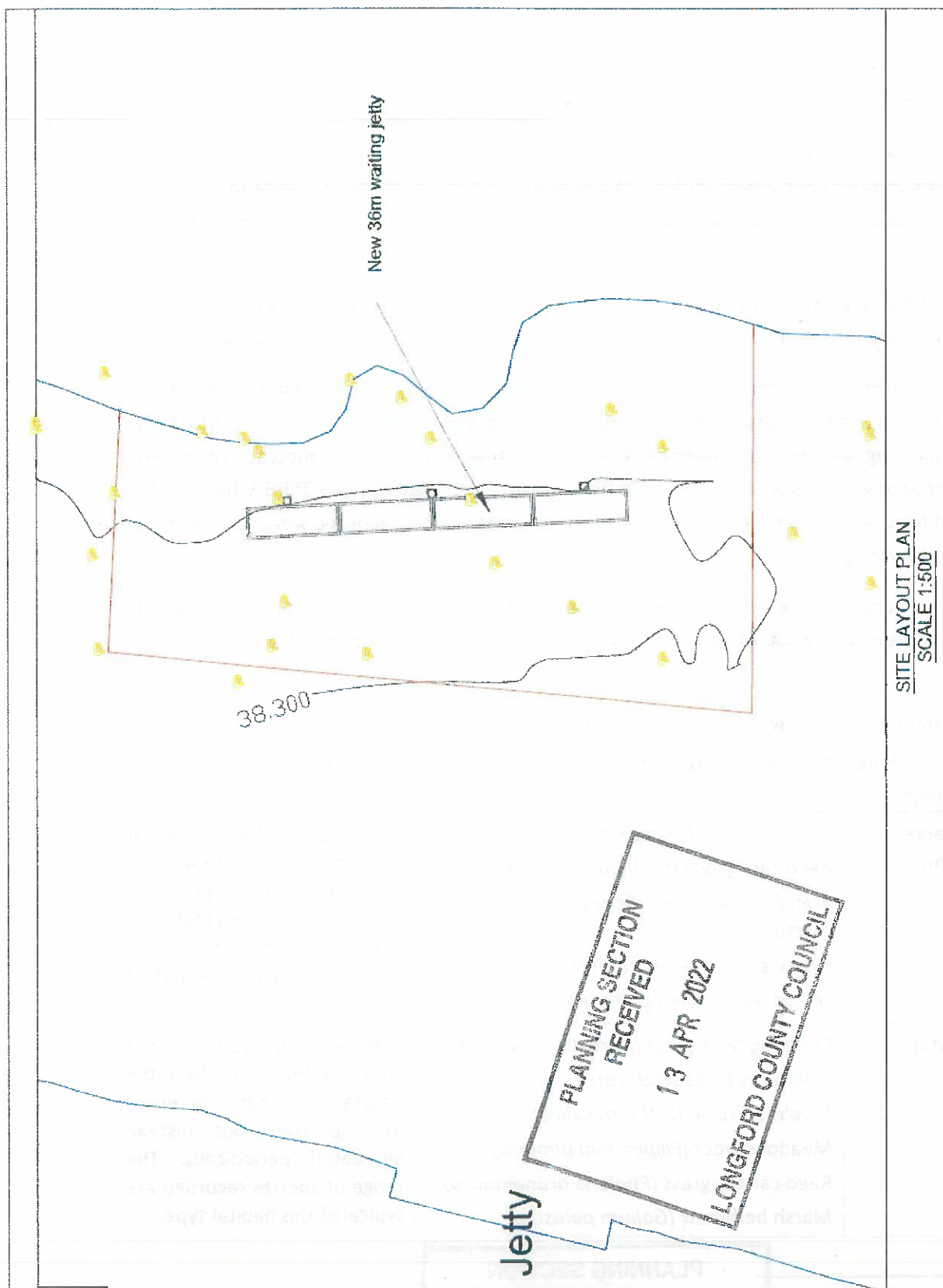


Figure 3.1. Site plan showing the existing jetty and proposed layout for new moorings.

4 OVERVIEW OF THE RECEIVING ENVIRONMENT

The proposed works will take place within an area adjoining the eastern bank of the River Shannon across from Tarmonbarry village in Co. Roscommon. The works taking place from the river will be serviced from the opposite western bank using the existing jetty in Tarmonbarry. The proposed works area is not situated within any European Site, or nationally designated sites for nature conservation

An ecological walkover was completed on 6 December 2021, to characterise the ecological features and constraints including the extent/quality of any qualifying interests of the European Sites within the Zone of Influence (Zol) of the proposed works, taking account of impact pathways and connectivity.

The results of the walkover survey are presented in Table 4.1 and Table 4.2 which summarise information gathered in the field. A habitat map of the study area is presented in Figure 4.1.

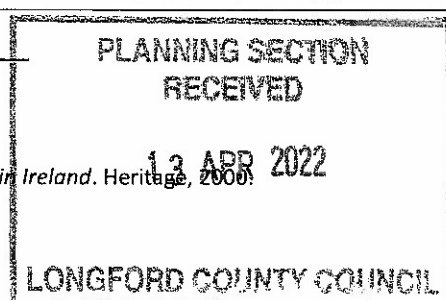
The habitats recorded within the study area are characteristic of semi-natural habitats found along the River Shannon corridor; comprising of a mixture of wet grassland, marsh, and emergent stands of reeds. The adjoining land on the eastern bank consists of typical agricultural landscape of improved grassland, hedgerows, and scattered trees. No non-native species listed in the Third Schedule of the EC (Birds and Natural Habitats) Regulations (2011, as amended) were recorded within the study area during the walkover survey.

A photographic survey of the proposed works area is presented below, with ecological annotation provided for context, with regard to ecological sensitivities relating to European Sites within the wider study area.

Table 4.1: Habitats recorded within the works area on December 6th, 2021.

Habitat type (Fossitt, 2000) ⁵	Plant species recorded	Description
Reed and large sedge swamps (FS1)	Common reed (<i>Phragmites australis</i>) Reed canary-grass (<i>Phalaris arundinacea</i>) Branched burr-reed (<i>Sparganium erectum</i>) Floating sweet-grass (<i>Glyceria maxima</i>) Lesser water parsnip (<i>Berula erecta</i>)	A narrow reed fringe occupies the eastern bank of the River Shannon within the proposed works area. The vegetation is dominated by stands of common reed with abundant burr-reed.
Marsh (GM1)	Creeping bent-grass (<i>Agrostis stolonifera</i>) Yellow iris (<i>Iris pseudacorus</i>) Purple loostrife (<i>Lythrum salicaria</i>) Meadowsweet (<i>Filipendula ulmaria</i>) Reed canary-grass (<i>Phalaris arundinacea</i>) Marsh bedstraw (<i>Galium palustre</i>)	This habitat occurs on the land adjoining the river where the vegetation is not submerged by the river but instead inundated periodically. The range of species recorded are typical of this habitat type.

⁵ Fossitt, Julie A. *A guide to habitats in Ireland*. Heritage, 2000.



Habitat type (Fossitt, 2000) ⁵	Plant species recorded	Description
Wet willow-alder-ash woodland (WN6)	Alder (<i>Alnus glutinosa</i>) Ash (<i>Fraxinus excelsior</i>) Hawthorn (<i>Crataegus monogyna</i>) Grey willow (<i>Salix cinerea</i>) Spindle (<i>Euonymus europaea</i>) Ivy (<i>Hedera helix</i>) Common reed (<i>Phragmites australis</i>) Yellow iris (<i>Iris pseudacorus</i>) Bramble (<i>Rubus fruticosus</i> agg.) Remote sedge (<i>Carex remota</i>) Hartstongue fern (<i>Asplenium scolopendrium</i>) Meadowsweet (<i>Filipendula ulmaria</i>) Marsh bedstraw (<i>Galium palustre</i>) Feather moss (<i>Kindbergia praelona</i>)	<p>A copse of wet woodland adjoins the proposed works area to the north. The canopy consists of co-dominant alder and ash, as well as grey willow.</p> <p>This small stand of trees aligns most closely with the wet woodland community Ash – Yellow Iris woodland (<i>Fraxinus excelsior</i> – <i>Iris pseudacorus</i> woodland) (WL3C) as defined by the Irish Vegetation Classification.</p> <p>Stands such as this along rivers and lakes which are subject to periodic inundation qualify as EU Annex I habitat 91E0 Residual alluvial forests.</p>
Wet grassland (GS4)	Soft rush (<i>Juncus effusus</i>) Yorkshire fog (<i>Holcus lanatus</i>) Creeping buttercup (<i>Ranunculus repens</i>) Creeping bent-grass (<i>Agrostis stolonifera</i>) Angelica (<i>Angelica sylvestris</i>) Sorrel (<i>Rumex acetosa</i>)	<p>A narrow strip of wet grassland habitat runs parallel to the eastern boundary of the works area. This habitat is dominated by a mixture of soft rush and creeping bent with a range of other typical species occurring in lesser abundance.</p>
Scrub (WS1)	Blackthorn (<i>Prunus spinosa</i>) Bramble (<i>Rubus fruticosus</i> agg.) Dog rose (<i>Rosa canina</i> agg.) Grey willow (<i>Salix cinerea</i>) Alder (<i>Alnus glutinosa</i>)	<p>A limited area of young scrub habitat occurs in the study area.</p>
Depositing/lowland rivers (FW2)	None recorded.	<p>The area of open water within the River Shannon channel corresponds to this habitat type. No vegetation was recorded in this area.</p>

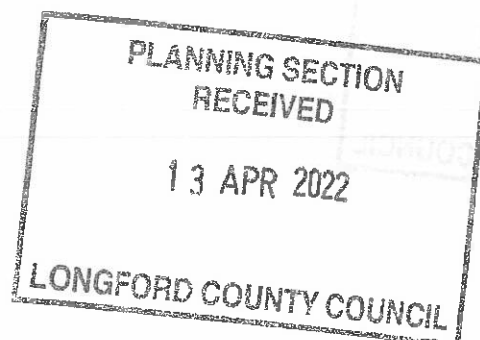
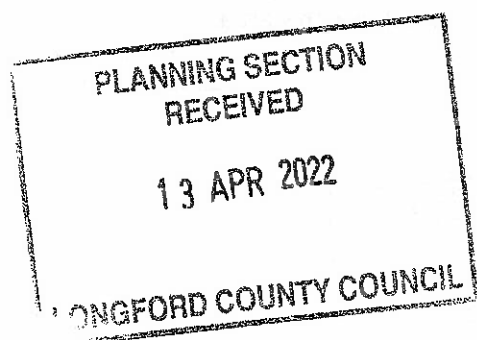


Table 4.2: Bird species recorded on 6th December 2021 within the works area.

Species	Count	Notes
Wood pigeon (<i>Columba palumbus</i>)	2	Flushed from trees adjacent to study area.
Blackbird (<i>Turdus merula</i>)	1	Heard calling.
Wren (<i>Troglodytes troglodytes</i>)	2	Observed within scrub and woodland adjacent to proposed works area.
Goldfinch (<i>Carduelis carduelis</i>)	5	Small flock flew through survey area.
Blue tit (<i>Cyanistes caeruleus</i>)	1	Single bird observed foraging.
Rook (<i>Corvus frugilegus</i>)	8	Flock observed flying overhead.



Site Photographs: Tarmonbarry, December 2021.



Plate 1: Looking east from works location. Marsh and wet grassland habitat shown.



Plate 2: Looking south towards works location. Small area of wet woodland shown in photograph.



Plate 3: Reed swamp within works location.



Plate 4: Patches of scrub within wet grassland area.

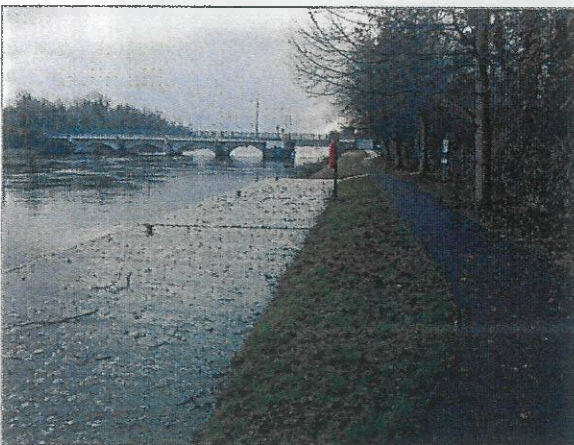
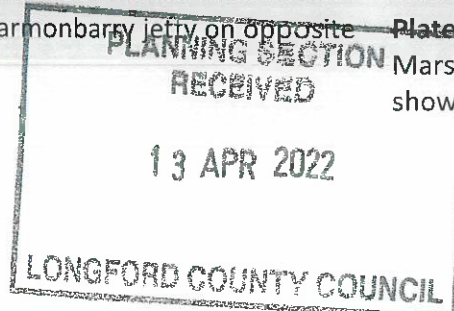


Plate 5: Existing Tarmonbarry jetty on opposite western bank.



Plate 6: Looking south towards works location. Marsh, reed swamp and wet grassland habitats shown.



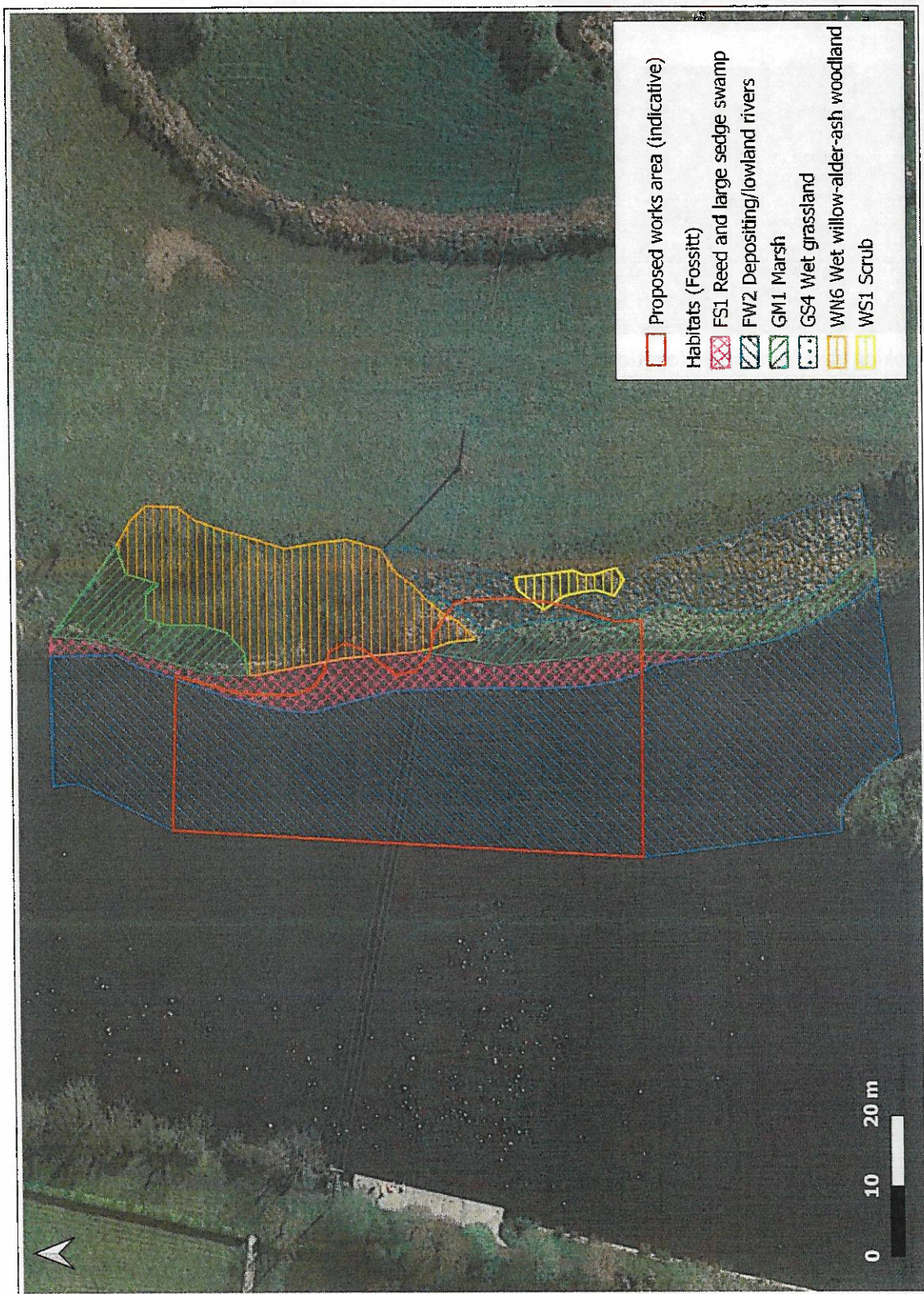


Figure 4.1. Map showing habitats present within the study area. The red line delineates the approximate extent of the works.

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5 SCREENING ASSESSMENT

5.1 Introduction

This stage of the process identifies any likely significant effects upon European Sites from the proposed works, either alone or in combination with other projects or plans. The Screening Assessment is progressed in order to determine:

- Whether the project can be excluded from AA requirements because it is directly connected with or necessary to the management of a European site; and
- Whether the project has the potential to give rise to significant effects on a European site, either alone or in combination with other projects or plans, in view of the site's conservation objectives or conversely, that the potential for significant effects cannot be excluded.

In the instance of this project, the proposal is not directly connected to or necessary for the management of any European site, therefore the potential for significant effects must be evaluated, as per the second test.

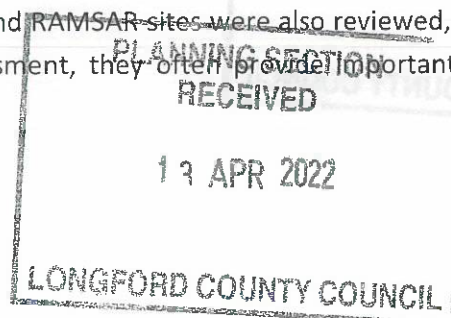
5.2 Identification of Relevant Natura 2000 Sites

A standard source-receptor-pathway conceptual model was used to identify a preliminary list of 'relevant' European sites (i.e. those which could be potentially affected due to connectivity via impact pathways). This conceptual model is a standard tool in environmental assessment. In order for an effect to occur, all three elements of this mechanism must be in place. The absence or removal of one of the elements of the mechanism means there is no likelihood for the effect to occur. In the context of the proposed works, the model comprises:

- Source(s) – e.g. noise disturbance, habitat loss, pollution.
- Pathway(s) – e.g. drains and streams connecting to European Sites; increased human activity; creation of barriers to movement/migration.
- Receptor(s) – Qualifying habitats and species of European Sites.

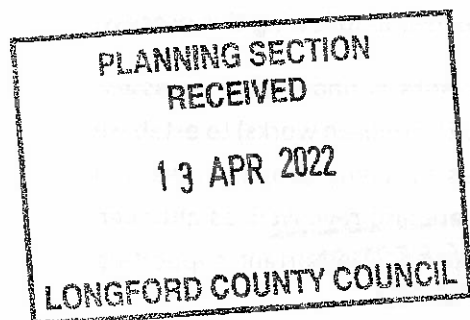
The designated European Sites identified in the wider study area of the proposed works are shown in Figure 5.1 and detailed in Table 5.1, showing the designated site name, code and distance of separation. Designated European Sites were considered within a 15km buffer, in line with published guidance (NPWS, 2010). Potential pathways for impacts affecting European Sites outside of this buffer were also evaluated; however, given the size and scale of the proposed works, no pathways for effects at this extent were identified. No additional SPA or SAC sites were screened in following this process.

It is vital that an assessment of potential source-pathway-receptor links is undertaken to assess potential impact links between the receptor (European Sites) and source (proposed works) to establish the risk of any likely significant effects. Additional designated sites including proposed Natural Heritage Areas (pNHA's), Natural Heritage Areas and RAMSAR sites were also reviewed, as although they do not form part of the Appropriate Assessment, they often provide important supporting functions to European Sites.



Information collected on the sensitivity of the Qualifying Interests and Special Conservation Interests (i.e. the stated Conservation Objectives) of each European Site identified in Table 5.1 was assessed with reference to the proposed works, including any likely significant effects from the construction and operation.

The potential for hydrological pathways to connect potential impacts arising from the project with European Sites downstream of the proposed works have been examined, with regard to the potential for significant effects in the absence of protective measures or measures intended as mitigation for the avoidance of impacts on the sensitivities of a European Site.



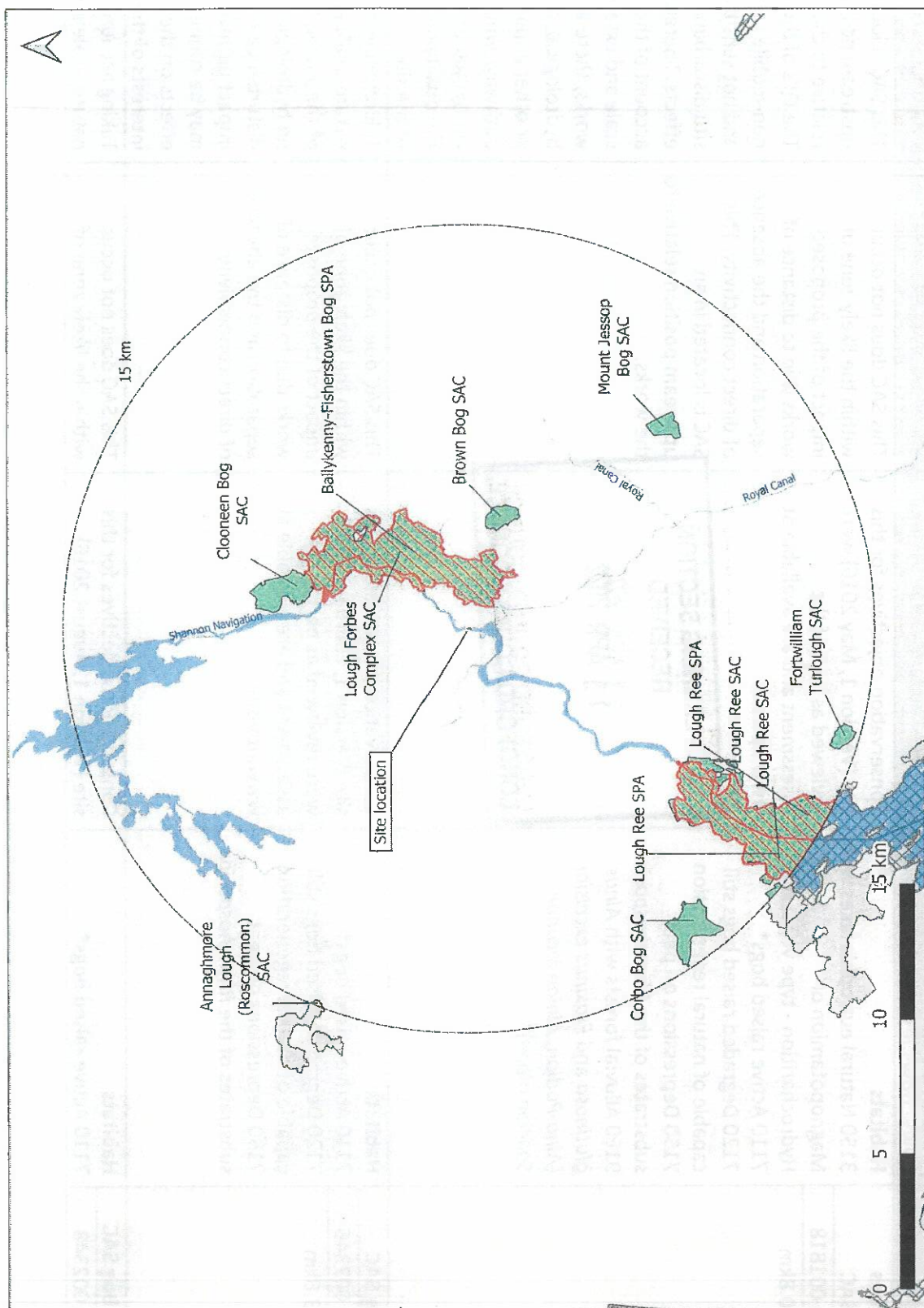


Figure 5.1: European Designated sites within a 15km radius of the proposed works.

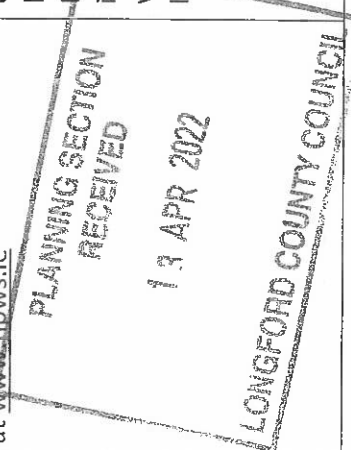
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Table 5.1: List of designated European Sites identified within a 15km buffer of the study area for the proposed works

European sites	Qualifying Interests /Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Lough Forbes Complex SAC Site Code: 001818 Distance: 0.8km	Habitats 3150 Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> 91E0 Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i>)*	Conservation objectives for this site (Version 1, May 2016) were reviewed as part of the assessment and are available at www.npws.ie <div style="border: 1px solid black; padding: 5px; text-align: center;"> PLANNING SECTION RECEIVED 13 APR 2022 LONGFORD COUNTY COUNCIL </div>	This SAC does not occur within the likely zone of impact of the proposed works due to distance of separation and the absence of direct connectivity. This SAC is located in an upstream position relative to the works.	This SAC is located in an upstream position relative to the works. The QI's of this SAC are non-mobile in nature and not sensitive to ex-situ disturbance related effects. Therefore, taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Brown Bog SAC Site Code: 002346 Distance: 3.8km	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i>	Conservation objectives for this site (Version 1, February 2016) were reviewed as part of the assessment and are available at www.npws.ie	This SAC does not occur within the likely zone of impact of the proposed works due to distance of separation and the absence of direct connectivity.	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Clooneen Bog SAC Site Code: 002348	Habitats 7110 Active raised bogs*	Conservation objectives for this site (Version 1, August 2016)	This SAC does not occur within the likely zone of	Taking account of the nature, scale and extent

European sites	Qualifying Interests /Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Distance: 5.7km	7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i> 91D0 Bog woodland*	were reviewed as part of the assessment and are available at www.npws.ie	impact of the proposed works due to distance of separation and the absence of direct connectivity.	of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Lough Ree SAC Site Code: 000440 Distance 9.1km	Habitats 3150 Natural eutrophic lakes with <i>Magnopotamion</i> or Hydrocharition - type vegetation 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7230 Alkaline fens 8240 Limestone pavements* 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles 91D0 Bog woodland* Species 1355 Otter (<i>Lutra lutra</i>)	Conservation objectives for this site (Version 1, August 2016) were reviewed as part of the assessment and are available at www.npws.ie	This SAC is located downstream of the proposed works with hydrological connectivity via the River Shannon and is therefore considered to be within the zone for potential impacts.	Due to hydrological connectivity between this SAC and the proposed works, impact pathways which may be connected to effects on the qualifying interests of the site have been identified. The pathways for effects are examined in detail in Section 5.3 below.
Mount Jessop Bog SAC Site Code: 002202	Habitats 7120 Degraded raised bogs still capable of natural regeneration	Conservation objectives for this site (Generic Conservation Objectives, March 2021) were	This SAC does not occur within the likely zone of impact of the proposed	Taking account of the nature, scale and extent of the works, there are

European sites	Qualifying Interests /Special PLA Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Distance: 9.9km	91D0 Bog woodland* 13 APR 2022 LONGFORD COUNTY COUNCIL	reviewed as part of the assessment and are available at www.npws.ie	works due to distance of separation and the absence of direct connectivity.	no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Corbo Bog SAC Site Code: 002349 Distance: 12.8km	Habitats 7110 Active raised bogs* 7120 Degraded raised bogs still capable of natural regeneration 7150 Depressions on peat substrates of the <i>Rhynchosporion</i>	Conservation objectives for this site (Version 1, November 2015) were reviewed as part of the assessment and are available at www.npws.ie	This QI's of the European Site are terrestrial in nature and not connected hydrologically to the proposed works. No pathway for effect was identified and the site is not within the Likely Zone of Impact.	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Fortwilliam Turlough SAC Site Code: 000205 Distance: 12.6km	Habitats 3180 Turloughs*	Conservation objectives for this site (Version 1, February 2018) were reviewed as part of the assessment and are available at www.npws.ie	This SAC does not occur within the likely zone of impact of the proposed works due to distance of separation and the absence of direct connectivity.	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.
Annaghmore Lough (Roscommon) SAC Site Code: 001626 Distance: 14.8km	Habitats 7230 Alkaline fens Species 1013 Geyer's Whorl Snail (<i>Vertigo geyeri</i>)	Conservation objectives for this site (Version 1, January 2019) were reviewed as part of the assessment and are available at www.npws.ie	This SAC does not occur within the likely zone of impact of the proposed works due to distance of separation and the absence of direct connectivity.	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which

European sites	Qualifying Interests /Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
Ballykenney-Fisherstown Bog SPA Site Code: 004101 Distance: 0.9km	Birds A395 Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>)	Conservation objectives for this site (Generic Conservation Objectives, March 2021) were reviewed as part of the assessment and are available at www.npws.ie	Taking account of the nature of the SCIs of this SPA which include a mobile species likely occur periodically outside of the designated area. Due to proximity the proposed works may potentially result in ex-situ impacts to SCI species of this site and therefore the site is within the Likely Zone of Impact	may be connected to effects on the qualifying interests of the site. As the works have been identified to occur within the likely zone of impact, pathways for effects are further evaluated herein (see Section 5.3)
Lough Ree SPA Site Code: 004064 Distance: 9.1km	Birds A038 Whooper Swan (<i>Cygnus cygnus</i>) A056 Shoveler (<i>Anas clypeata</i>) A067 Goldeneye (<i>Bucephala clangula</i>) A050 Wigeon (<i>Anas penelope</i>) A142 Lapwing (<i>Vanellus vanellus</i>) A193 Common Tern (<i>Sterna hirundo</i>) A065 Common Scoter (<i>Melanitta nigra</i>) A125 Coot (<i>Fulica atra</i>) A052 Teal (<i>Anas crecca</i>)	Conservation objectives for this site (Version 1, Mar 2015) were reviewed as part of the assessment and are available at www.npws.ie 	Due to distance of separation (over 9km) and the absence of connectivity this European Site is evaluated to be outside the likely zone of impacts. No pathway for effect was identified and the site is not within the Likely Zone of Impact	Taking account of the nature, scale and extent of the works, there are no hydrological, disturbance or other impact pathways which may be connected to effects on the qualifying interests of the site.

European sites	Qualifying Interests /Special Conservation Interests (www.npws.ie)	Conservation Objectives (www.npws.ie)	Likely Zone of Impact Determination	Pathways for effects identified
	A004 Little Grebe (<i>Tachybaptus ruficollis</i>) A053 Mallard (<i>Anas platyrhynchos</i>) A061 Tufted Duck (<i>Aythya fuligula</i>) A140 Golden Plover (<i>Pluvialis apricaria</i>) Habitats Wetlands			

PLANNING SECTION

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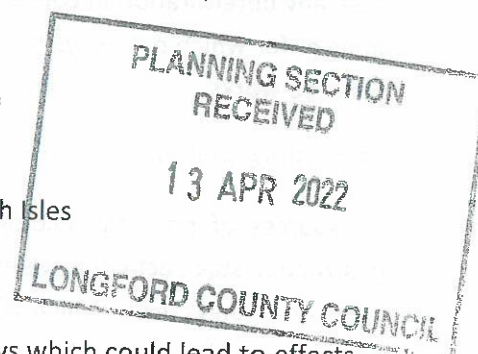
LONGFORD COUNTY COUNCIL

As outlined in Table 5.1 above, the Ballykenny-Fisherstown Bog SPA (Site Code: 004101) and Lough Ree SAC (Site Code: 004064) are identified as the only European Site with potential connectivity to the proposed project. Ballykenny-Fisherstown Bog SPA is located less than 1km from the proposed works, and is therefore brought forward for further evaluation. This SPA has a single Special Conservation Interest, namely Greenland white-fronted goose. This species has a foraging range of 5-8km from night roosts during the winter season⁶, and therefore birds associated with the SPA are likely to forage outside of the designated area. The possibility for ex-situ disturbance related effects is considered further on a precautionary basis.

With regard to Lough Ree SAC, this site is located approximately 9.1 km downstream of the proposed jetty project. Due to hydrological connectivity between this SAC which supports water dependent habitats and species and the proposed works, pathways for potential impacts are examined and evaluated in further detail in this section.

The qualifying interests of Lough Ree SAC, are:

- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation
- 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (*Festuco-Brometalia*) (* important orchid sites)
- 7110 Active raised bogs*
- 7120 Degraded raised bogs still capable of natural regeneration
- 7230 Alkaline fens
- 8240 Limestone pavements*
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles
- 91D0 Bog woodland*
- 1355 Otter (*Lutra lutra*)



As many of the above QIs are terrestrial in nature there are no pathways which could lead to effects to such features. Pathways for connectivity to the proposed works is present only in respect of the following:

- 3150 Natural eutrophic lakes with *Magnopotamion* or *Hydrocharition* - type vegetation
- 1355 Otter (*Lutra lutra*)

5.3 Potential for Significant Effects on European Sites

This section documents the final stage of the screening process. It is vital that an assessment of potential source-pathway-receptor links is undertaken to assess potential impact links between the receptor (European Sites) and source (proposed works) to establish the risk of any likely significant effects. It used the information collected on the sensitivity of the Qualifying Interests of each European Site and describes any likely significant effects from the proposed project. This assumes the absence of mitigation measures, with the exception of those which have been iteratively incorporated into the design stage in the interest of environmental sustainability, as specified in the project proposal (see

⁶ Heritage, Scottish Natural. "Assessing Connectivity with Special Protection Areas (SPAs)." (2016).

Appendix I). The Screening Assessment identifies the potential likelihood of significant effects arising from the proposed works, both in isolation and potentially in combination with other plans or projects.

5.3.1 Potential Direct Effects

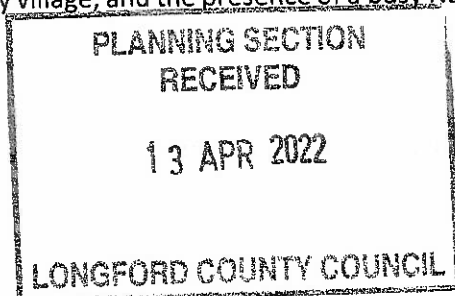
There are no direct impacts identified arising from the works with regard to the Special Conservation Interests of the Ballykenny-Fisherstown Bog SPA and the Qualifying Interests of Lough Ree SAC. As the project will not take place within these or any other European designated site the potential for direct effects to qualifying habitats and species has been ruled out. The likelihood for ex-situ impacts to mobile QI/SCI species of these designated sites is ruled out due to the minor nature of the works which will be located within the navigation corridor of the River Shannon main channel. The subsequent operation and maintenance during the lifetime of the proposed new jetty will not result in sources of potential direct effects to these European sites.

Based on the above, the works will not prevent the maintenance or restoration of the favourable conservation condition of the special conservation interests for the Ballykenny-Fisherstown Bog SPA and Lough Ree SAC, as there are no pathways for direct impacts identified which would be likely to cause any deterioration in conservation condition. There are no other European Sites within a 15km radius or for which pathways for potential direct effects exist within a wider zone of influence of the proposed works.

5.3.2 Potential Indirect Effects

The sources of potential ecological impacts with respect to the proposed project comprise of construction stage activities which will result in a short-term increase in noise and visual intrusion due to construction activity, which will include the operation of a works vessel, excavator and piling rig, and other vehicles and machinery. Additional sources of potential disturbance related impacts will result from the presence of site personnel as they undertake the works. With regard to these impact sources, the installation of new jetty, and loading of plant will all change the local environment temporarily during the course of the works.

These activities however will be of short-term duration and associated mainly with the construction stage of the project. With regard to potential disturbance related impacts, Ballykenny-Fisherstown Bog SPA is considered to be within the potential zone of impact with regard to the SCI species Greenland white-fronted goose. This species which has a foraging range of 5-8km from night roosts during the winter season (SNH, 2016); as birds likely to forage outside of the designated area the possibility for ex-situ disturbance related impacts is considered on a precautionary basis. Greenland white-fronted geese overwinter in Ireland, usually arriving from late October onwards. They forage primarily on bogs and to a lesser extent on agricultural grassland. While there is suitable foraging habitat in the form of grassland in the vicinity of the proposed works, the area as a whole is considered sub-optimal for this species, as this grassland is very rank in the immediate proximity of the works, and with further consideration of the presence of existing sources of disturbance from nearby Tarmonbarry village, and the presence of a busy National Road (N5) in close proximity to the proposed project.



A localised minimal increase in suspended solids is anticipated during the works, particularly during proposed piling works which will disturb sediments and increase suspended solids in the immediate vicinity and downstream of the works. However, the size and scale of the works in the context of the dilution factors within the River Shannon main channel is evaluated in the context of the project and its distance of separation to any other European Site. Other potential sources of water quality related impacts include the potential for fuel spills or leakages from machinery, and the potential for the spread of aquatic invasive species introduced on plant and equipment.

From an investigation of the potential impacts which may arise from the works, it is concluded that the zone of impact is limited to the vicinity of project. Due to the location and nature of the works, and the distance downstream to Lough Ree SAC there are no hydrological pathways to the designated European site, whereby significant water quality or hydromorphological effects may have implications for the conservation objectives of aquatic QI habitats and species. As Lough Ree SAC is located a considerable distance downstream from the works (ca. 9km), and given the small scale of the project, any changes in water quality will be temporary, readily assimilated, and will not result in any significant effects to the Qualifying Interests of Lough Ree SAC.

Based on the above, the proposed project will not prevent the maintenance or restoration of the favourable conservation condition of the special conservation interests for Ballykenny-Fisherstown Bog SPA or the qualifying interests of Lough Ree SAC. There are no pathways for indirect impacts identified which would be likely to cause any deterioration in conservation condition. There are therefore no temporary or permanent indirect impacts on the SCIs within the zone of influence of the project area which are evaluated as having the potential to give rise to significant effects. There are no other European Sites within a 15km radius or for which pathways for potential direct effects exist within a wider zone of influence of the proposal.

5.3.3 Potential Cumulative and In-combination Effects

The proposed project is limited to the installation and operation of a 36m waiting jetty on the River Shannon at Tarmonbarry, Co. Longford. The works location primarily within lands owned by Waterways Ireland. Any existing or future plans or projects within lands owned by Waterways Ireland directly or indirectly connected to the works area will be subject to its own assessment with regard to potential for significant effects, i.e. Screening to inform Appropriate Assessment. The current proposal is limited in size, extent and duration and as such there are no pathways for impacts identified whereby the works alone have the potential for effects on the SAC or SPA designations within the zone of influence of the works. Therefore, there are no secondary, in-combination or cumulative effects which may interact with these works to give rise to significant effects on these European Sites.



6 CONCLUSION STATEMENT

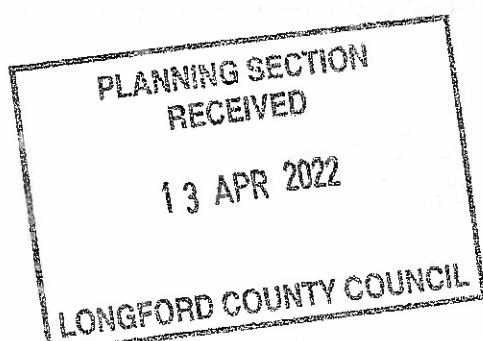
The proposed project comprises the installation and operation by Waterways Ireland of a 36m waiting jetty on the eastern bank of the River Shannon at Tarmonbarry, Co. Longford. The works will mainly be carried out from a floating work platform and will involve towing the jetty into place and securing to piles which will be driven into the riverbed as part of the works. The new floating jetty will serve as a waiting platform and will not provide access to land. There shall be no affixed access gangway or concrete plinth structure connecting to the bankside.

The project area is not located within any European site designations, with the nearest European sites being Ballykenny-Fisherstown Bog SPA (Site Code: 004101), which is located 0.8km east of the project. Lough Ree SAC (Site Code: 004064) is situated over 9km downstream of the works. There are no pathways for impacts identified from the proposal which would have the potential to give rise to significant effects on the aforementioned SPA or SAC sites, taking account of the conservation objectives for these sites.

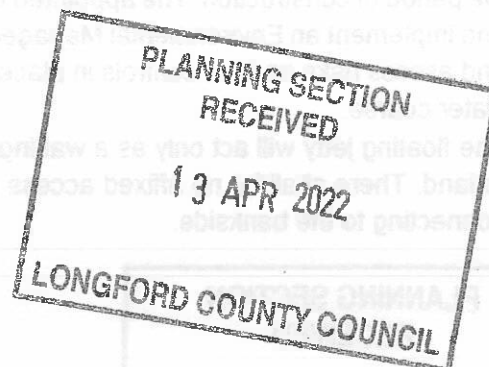
On the basis of the project description, the delivery of these works following the proposed methodology, and taking account of the ecological information and data arising from an ecological evaluation in the field and provided to inform this assessment, it has been evaluated that the potential for likely significant effects on the special conservation interests of Ballykenny-Fisherstown Bog SPA, the qualifying interests of Lough Ree SAC, and their respective conservation objectives can be excluded. This conclusion is in the absence of protective measures or mitigation measures to avoid significant effects, and in view of best scientific evidence in the field.

The Screening for AA has determined that there is no potential for significant direct, indirect or cumulative impacts which could affect the qualifying interests/special conservation interests of the European sites within the potential zone of influence. It is therefore concluded, beyond reasonable scientific doubt, that the proposed project will not give rise to significant effects, either individually or in combination with other plans and projects, within the identified European Site(s).

On the basis of objective scientific information, this Screening has therefore excluded the potential for the proposed project, individually or in combination with other plans or projects, to give rise to any significant effect on a European Site. Consequently, it is concluded that the proposed works does not require Appropriate Assessment.



Appendix I: Construction Methodology



CONSTRUCTION METHODOLOGY (Tarmonbarry Jetty)

Site Setup, Demolition & Clearance

- A site compound shall be established at Waterways Ireland owned property, U/S of Tarmonbarry Bridge on the opposite Eastern bank.
- There shall be no removal of any trees along the riverbank, with only minor trimming of any overhanging branches or shrubs that fall within the working area.
- An environmental barrier (geotextile screen and boom) capable of filtering out all silt, cement and other colloidal matter shall be secured around the perimeter of the proposed floating jetty location in the river prior to commencement of any operations.
- An oil / hydrocarbon barrier at the geotextile screen shall be attached to the full length of the floating boom on the side where the works takes place.
- Construction shall be a mix of land based (from the existing river bank) and water based (from floating pontoons and/or workboat) with no requirement to reduce or interfere with water levels on the river.

Floating Mooring

- The 36 metre floating mooring shall be assembled at Waterways Ireland owned allotment, U/S of Tarmonbarry Bridge on the opposite Eastern bank and launched into the river using a mobile crane and towed to the location.
- Piles will be delivered to the proposed development site by means of the existing N5 road adjacent to the river.
- The steel locating piles 355mmdia. (3nr) shall be cored / driven into the riverbed and anchored to a depth of approximately 3.0m below the bed level to provide structural stability and anchorage for the new moorings. The piles shall be cored / driven into position from a piling rig / excavator working from floating pontoons in the river.
- Disturbed areas shall be reinstated to pre works standard.

General

- There will be no fuel stored on the site at any time. Any refueling of plant will be carried out in a designated area as far from the riverbank as possible within the confines of the site compound. A fuel spill kit shall be retained on the site for the period of construction. The appointed contractor shall be required to provide and implement an Environmental Management Plan that will cover these issues and assess risks and put controls in place to prevent any pollutant entering the water course.
- The floating jetty will act only as a waiting platform and will not provide access to land. There shall be no affixed access gangway or concrete plinth structure connecting to the bankside.

