

Appendix 3: Habitats Directive Screening Report

Comhairle Chontae an Longfoirt

Longford County Council



N63LD 001.9 Major's Well Road

Habitats Directive Screening Report

July 2018



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SECTION 1: Introduction

1.1 General

Longford County Council are seeking to progress the upgrade of the N63 Major's Well under Part 8 of the Planning and Development Act. The over-riding purpose of the upgrade (referred to as the "**Proposed Scheme**" throughout this report) is to provide a high quality, continuous and consistent cycle route along the N63 and at the Major's Well Junction and also to improve pedestrian facilities.

Barry Transportation was commissioned by Longford County Council to prepare a Habitats Directive Screening Report (HDSR) to provide the information necessary to allow the Competent Authority to conduct an Appropriate Assessment of the Proposed Scheme in accordance with Article 6(3) of the EU Habitats Directive 92/43/EEC. That is to determine whether aspects of the Proposed Scheme have the potential to cause significant adverse effects on the designated conservation areas that are known as 'Natura 2000 sites' under the Directive and European Sites in Irish Legislation.

In that regard it provides a focused assessment of potential for likely significant effects (if any) that the Proposed Scheme may have on the qualifying interests and the conservation objectives for which the Natura 2000 sites have been designated.

1.2 Legislative Context

European sites are protected at a European level by the EU Habitats Directive (92/43/EEC) and the EU Birds Directive (79/409/EEC) amended in 2009 as the Directive 2009/147/EC. These Directives have been transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No 477 of 2011).

Under these Directives and Acts, European sites are designated to legally protect faunal and floral species and important/vulnerable habitats. The categories of designation are as follows;

- Candidate Special Areas of Conservation (SAC) are designated under the EU Habitats Directive (92/43/EEC) which are transposed into Irish law by the European Communities (Birds and Natural Habitats) Regulations, 2011 (S.I. No 477 of 2011).
- Special Protection Areas (SPAs) are designated under the EU Birds Directive (79/409/EEC) amended in 2009 as the Directive 2009/147/EC.

These SACs and SPAs are considered to be of international importance.

Under Article 3 of the EU Habitats Directive "a coherent European network of special areas of conservation shall be set up under the title Natura 2000" and "the Natura 2000 network shall include special protection areas classified by the Member States pursuant to Directive 79/409/EEC". In an Irish context, these Natura 2000 sites (referred to as European sites in Irish Legislation) include only SACs and SPAs.

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

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

Under Article 6(3) of the EU Habitats Directive (92/43/EEC), (which is given effect in Ireland by Part XAB of the Planning and Development Act 2000) any plan or project, which is not necessary to the management of a European site and has the potential to significantly affect the integrity of a European Site (i.e. SAC or SPA)

or have a significant effect on the conservation objectives of the site, must be subject to an Appropriate Assessment. The integrity of a site can be regarded as the coherence of ecological structure and function, across the entirety of a site, which enables it to sustain all the ecological resources for which it has been valued.

The main conservation objective of all the Special Areas of Conservation is “to maintain or restore the favourable conservation condition of the Annex I habitat(s) and /or the Annex II species for which the SAC has been selected”.

The main conservation objective of the Special Protection Areas is “to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA”.

The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing, and
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future, and
- the conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and
- the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The statutory agency responsible for European sites in Ireland is the National Parks and Wildlife Service of the Department of Culture, Heritage and the Gaeltacht. Guidelines on AA for Planning Authorities were issued by the Department of Environment, Heritage and Local Government in 2009 and revised in 2010 (DOCHLG, 2010).

1.3 The Stages in the Appropriate Assessment process

There are four stages in the Appropriate Assessment process as outlined in the document *Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities* (2010). The following is a summary of these steps;

Stage 1 – Screening for Appropriate Assessment:

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the EU Habitats Directive and Section 177U of the Planning and Development Act 2000:

- 1) whether a project is directly connected to or necessary for the management of the European site;
- 2) whether a project, alone or in combination with other plans and projects is likely to have significant effects on a European site in view of its conservation objectives.

Where it is likely that a plan or project will have significant effects on a site, or where it is uncertain whether there will be significant effects, then a stage 2 Appropriate Assessment is required.

Stage 2 - Appropriate Assessment:

This stage considers whether the project, alone or in combination with other projects or plans, including mitigation measures will have adverse effects on the integrity of a European site, and includes mitigation measures. The proponent of the project is required to submit a Natura Impact Statement to identify and

characterise any possible implications for a European site in view of the site's Conservation Objectives, taking account of in-combination effects. To grant planning permission, the Board must have determined that the proposed development would not adversely affect the integrity of the European site if carried out with the consent and the modifications or conditions attaching thereto.

Stage 3 - Assessment of Alternative Solutions:

Should the Appropriate Assessment determine that adverse impacts are likely upon a European site, this stage examines alternative ways of implementing the project that, where possible, avoid these adverse impacts. The alternative can be permitted either through modifications to the existing planning application or a new application.

Stage 4 - Assessment where no alternative solutions exist and where adverse impacts remain:

This stage examines whether there are imperative reasons of overriding public interest (IROPI) for allowing a project that will have adverse effects on the integrity of a European site to proceed in cases where it has been established that no less damaging alternative solution exists. Replacement measures must be proposed and assessed at this stage.

1.4 Guidance

This Appropriate Assessment Screening Report and Natura Impact Statement has been prepared in accordance with the following guidance documents where relevant:

- Assessment of Plans and Projects significantly affecting Natura 2000 Sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, European Commission, 2001.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the 'Habitats Directive' 92/43/EEC, European Commission, 2000.
- Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. National Parks and Wildlife Service, Department of the Environment, Heritage and Local Government. Dublin, 2009 (with revision notes published in February 2010).

1.5 Authors' qualification and expertise

Ben Huskinson is a Senior Environmental Consultant with Barry Transportation Limited. He holds a Bachelor (Hons.) Degree in Environmental Science from University College Cork and a Diploma in Planning and Environmental Law from the Law Society of Ireland. He is also a Chartered Environmentalist (CEnv) with the Society for the Environment (Soc Env) and a full Member of the Institute of Environmental Sciences (MIEnvSc). He has worked in environmental consultancy for over eleven years and is a highly experienced consultant, specialising in Environmental Assessments of medium to large scale infrastructural projects and in the coordination and management of Appropriate Assessment and Environmental Impact Assessment processes.

SECTION 2: Adopted Methodology and Information Collected

2.1 Introduction

This section provides detail on the adopted methodology and the information gathered to inform the overall assessment process.

The information for the purposes of informing Stage 1 (Screening) of the AA Process is presented in Section 3 of this document.

2.2 Methodology

This Habitats Directive Screening Report has been prepared in accordance with relevant guidance document listed in Section 1.4 above.

Screening for Appropriate Assessment

Screening for Appropriate Assessment involves the following:

- Determining whether a project or plan is directly connected with or necessary to the conservation management of any European Site.
- Description of plan or project and determination of the spatial extent of the impacts that may be associated with project ('zone of influence').
- Identification of relevant European sites, and compilation of information on their qualifying interests and conservation objectives
- Assessment of the potential of likely effects of the proposed project on relevant European sites.

The assessment includes direct, indirect and in-combination effects – which is based on available information such as a desk studies, consultation with statutory and non-statutory authorities, field surveys and other primary research as necessary. Screening is undertaken without the consideration of mitigation measures, unless potential impacts can clearly be avoided through modification or redesign of the project.

If, on the basis of objective information provided at Stage 1, the Competent Authority cannot exclude that the proposed development will have a significant effect on a European Site then it must determine that a Stage 2 Appropriate Assessment be undertaken for the proposed scheme.

2.3 Information collected

The information gathered for the purposes of this report was based on a desktop study and consultation with statutory and non-statutory organisations.

A desk study was carried out to collate available information on the Proposed Scheme and the existing ecological environment. The following sources of information were accessed:

Preliminary Design Report

This report has been informed by the Preliminary Design Report (PDR) prepared for the Part 8 application. The PDR contains a detailed description of the proposed works, together with a description of the Proposed Scheme.

Of particular relevance to this assessment are the following:

- Project Description
- Proposed Design
- Drainage Design

Qualifying Sites and Conservation Objectives

The National Parks and Wildlife Service (NPWS) database was consulted concerning all European sites, their Conservation Objectives and supporting documents.

2.4 Relationship between the Proposed Works and other Plans and Projects.

Article 6(3) of the Habitats Directive requires that in-combination effects of the project with other plans or projects are considered in an Appropriate Assessment. As the underlying intention of the in-combination provision is to take account of cumulative effects, and as these effects often only occur over time, plans or projects that are completed, approved but uncompleted, or proposed (but not yet approved) should be considered in this context (Department of Environment, Heritage and Local Government, 2010).

The Proposed Works sits within and under other strategic plans that influence development in the local and wider area and therefore will be developed alongside other policies and objectives contained therein. The following resources were examined to identify potential plans or projects with the potential to give rise to cumulative impacts:

- Longford County Development Plan 2015-2021 (LCC,2015)
- Longford Local Area Plan 2016-2022 (LCC,2016)
- The planning database and Planning file register.
- EPA Appropriate Assessment Mapping Resource (<https://gis.epa.ie/EPAMaps/AAGeoTool>)

The potential for 'in-combination' effects of the Proposed Works with the plans, projects and studies listed above, on European sites as a result of the implementation of the Proposed Scheme has been considered in this report.

SECTION 3: Screening for Appropriate Assessment

3.1 Description of the Proposed Works.

For the purposes of this screening assessment, the description of the Proposed Works has been informed by the Preliminary Design Report.

The N63 forms part of the National Secondary Road Network and crosses through Longford in a south west to north east direction. The N63 distributes traffic entering Longford town from the N5 (West) and N4 Longford By-pass (East). The route is predominately residential with facilities such as St. Mel's College and Scoil Eimear.

The over-riding purpose of the scheme is to provide a high quality, continuous and consistent cycle route along the N63 and at the Major's Well Junction, also improving and providing pedestrian facilities. The scheme further includes the following:

- Phase 1: Reconstruction of the N63 Major's Well Road from Junction at Ardnacassa Avenue to Junction with Local Road L-3003 at Temple Michael Terrace, including:
 - Pavement reconstruction for a 500m section of N63 Majors Well Road (Ballinalee Rd);
 - Footpath repair of 500m section of N63 Major's Well Rd (Ballinalee Rd); and
 - Provision of cycle lanes/cycle paths.
- Phase 2: Realignment of the junction of N63 with local roads L-3003 (Temple Michael Terrace) and L-7015 (Ard Michael), including:
 - Pavement realignment as per designs.
 - Inclusion of pedestrian and cycle facilities at the Junction.

The location of the works are displayed in Figure 3.1 and Figure 3.2 below.

Figure 3.1: Location N63 Majors Wells Scheme

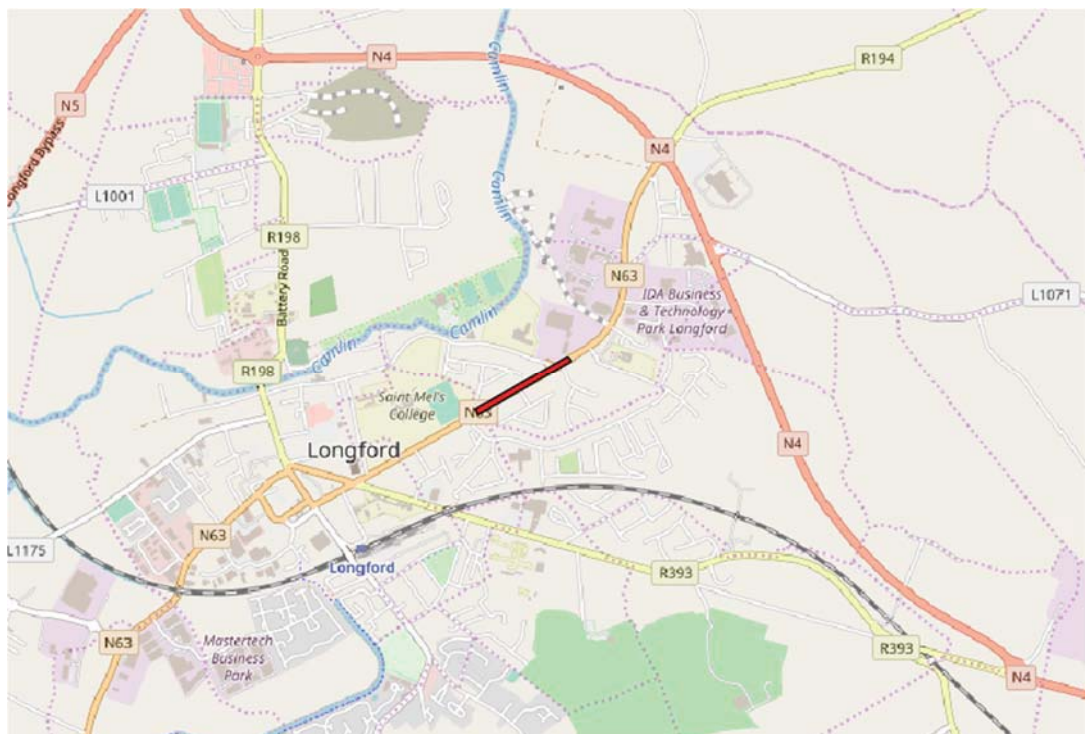


Figure 3.2: N63 Majors Wells Scheme

The Proposed Scheme also comprise the following:

- Provision of formal 1.5m and 1.75m wide cycle lanes along the N63 Ballinalee Road and improve and provision of new pedestrian facilities along the road.
- Provision of formal pedestrian/cyclist crossing facilities, including provision of surface treatment and pedestrian friendly infrastructure.
- Provision of a new 3-arm staggered priority junction with ghost island, including dedicated crossing facilities for pedestrians and cyclist at the new priority junction.
- Provision of upgraded Public Lighting
- Drainage Works including the provision of culverts and incorporating SuDS; The drainage works will utilise the existing outfall at the western extent of the works, that discharges to a tributary of the Camlin River.
- Utility Diversions, including diversion of overhead ESB Line underground
- Roadworks, Road Pavement, Traffic Signage and Road Markings; and
- Access and Accommodation Works
- Traffic Management

The proposed scheme will require the removal of existing trees that are present within the works area and replacement with existing with semi mature trees, together with the use of tree pits. This is to allow room for segregated footpaths and segregated cycle lanes in both directions.

The existing road is drained by a kerb and gully drainage system with gullies at approximately 40-70m intervals on either side of the road. The gullies discharge into carrier drains which in turn discharge directly into a stream at the south-western end of the scheme. The existing network does not provide any form of attenuation or pollution control.

The new road layout will result in a slight increase in paved area of approximately 9000 m² from the existing 7925 m². The preliminary drainage design retains existing carrier drains, manholes and outfalls, and new gullies will connect into these existing carrier drains.

3.2 Determination of Zone of Influence

There is no set recommended distance from a proposal for which European sites should be considered for inclusion in the assessment. The DoEHLG guidance (NPWS, 2010) recommends that *'the distance should be evaluated on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors, and the potential for in combination effects'*.

A Source-Pathway-Receptor model has been used to determine the spatial extent to which the proposed scheme may result in the rise of significant effects. For screening purposes, the presence of the following are required:

- 'Source' of impact – in this case, activities or emissions that may be associated with the construction and operation of the Proposed Scheme.
- 'Receptor' - European sites or their qualifying interests,
- A Pathway between the source and the receptor (e.g. waterbodies connecting the Proposed Scheme to a European site).

The presence of a pathway does not automatically mean that significant effects will arise. The likelihood for significant effects will depend upon the characteristics and relationship between all three elements.

The zone of influence has been informed by the preliminary design report (PDR) as well as EPA data, NPWS data and maps of European Sites. Objective information has been used where available. Where there is a degree of uncertainty regarding the extent of a potential impact (for example construction noise), then a conservative or pre-cautionary estimate or buffer has been placed around the project.

For the purposes of this assessment, the determination of the zone of influence has been determined for each component prior to determination on an overall project basis.

- Potential Pathway from Proposed Scheme to the via the surface water network and the Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA.
- A conservative 5km buffer has been employed to cater for all other identified potential impacts (e.g. construction noise impacts).

The extent of the zone of influence is displayed in Figure 3.3 overleaf.

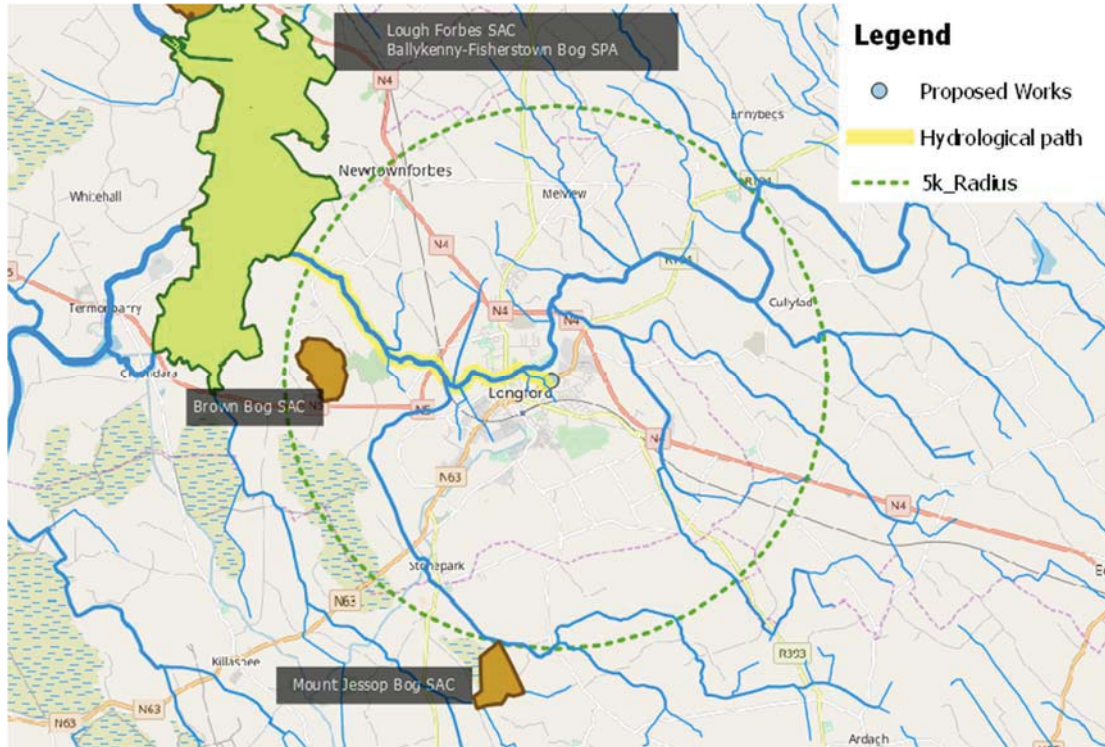
3.3 Identification of European Sites

There are four European sites which are either within 5km of the boundary of the proposed works, or within the potential zone of influence from the drainage outfall to the tributary of the Camlin River. These are

- Lough Forbes Complex SAC
- Ballykenny-Fisherstown Bog SPA
- Brown Bog SAC
- Mount Jessop Bog SAC

Their locations relative to the project location is displayed in Figure 3.3 overleaf. The qualifying interests for each site are provided in Table 1. The site synopses and full versions of the Conservation Objectives for each of the European sites can be found on the NPWS website at: <http://www.npws.ie/protectedsites/>

Figure 3.3: Zone of Influence of the Proposed Works



(*Lough Forbes SAC and Ballykenny-Fisherstown Bog SPA lie within the same boundary)

3.4 Assessment of Likely Effects

This section of the Screening determines whether Appropriate Assessment is necessary. It does this by:

- 1) Confirming in this instance that the proposed scheme is not directly connected with or necessary to, the conservation management of any of the European sites;
- 2) Describing the details of the project/plan proposals and other plans or projects that may cumulatively affect any European sites. These details are presented in Table 1 on the following page.

Table 1: Qualifying Interests for European sites identified

European Site (Site Code)	Distance from proposed works	Qualifying Interests	Source – Pathway – Receptor Linkages between the Ringsend WwTP Component and the European Site, with the potential to result in significant adverse effects.	Further Assessment Required
Lough Forbes Complex 0001818	<p>Approx. 5.5km direct.</p> <p>Approx. 6.7km via hydrological pathways</p>	<p>Natural eutrophic lakes with Magnopotamion or Hydrocharition - type vegetation [3150]</p> <p>Active raised bogs [7110]</p> <p>Degraded raised bogs still capable of natural regeneration [7120]</p> <p>Depressions on peat substrates of the Rhynchosporion [7150]</p> <p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p>	<p>Direct Effects None identified</p> <p>Indirect Effects: Surface Water Run-Off: The drainage design for the proposed Scheme is to outfall to a tributary at the western extent of the proposed works. This presents a potential pathway for accidental discharge of hazardous material to enter the surface water network that flow to the European site. If of sufficient magnitude or duration, this could result in significant impacts on receiving watercourses and the habitats that are downstream from the site.</p> <p>However, it is noted that the works are localised and minor in scale. The Proposed scheme will be undertaken using standard design practices and construction methodologies, which include Environmental Management Plans and Spill Response Plans as standard requirements within the construction contract documents.</p> <p>Secondly the European site, is located approximately 6.7km downstream from the Proposed Scheme. Given the nature of the works, the European site is considered sufficiently remote from the site so as not to require specific or additional mitigation measures to protect water quality.</p> <p>It is extremely unlikely that an accident or spill event within the boundary of the Proposed Scheme would be of sufficient magnitude, duration or extent to cause significant adverse effects on this European site.</p>	No

<p>Ballykenny-Fisherstown Bog SPA (0004101)</p>	<p>Approx. 5.5km direct. Approx. 6.7km via hydrological pathways</p>	<p>Greenland White-fronted Goose (<i>Anser albifrons flavirostris</i>) [A395]</p>	<p>Direct Effects None identified Indirect Effects: Noise & Disturbance: The European site and presence of its qualifying interest (Greenland White-Fronted Geese), is considered sufficiently remote from the Proposed Scheme so as not be susceptible to significant adverse effects. Surface Water Run-Off: The drainage design for the proposed Scheme is to outfall to a tributary at the western extent of the proposed works. This presents a potential pathway for accidental discharge of hazardous material to enter the surface water network that flow to the European site. If of sufficient magnitude or duration, this could result in significant impacts on receiving watercourses and the habitats that the Greenland White-Fronted Geese occupy and feed on. It is extremely unlikely that an accident or spill event within the boundary of the Proposed Scheme would be of sufficient magnitude, duration or extent to cause significant adverse effects on this European site.</p>	<p>No</p>
<p>Brown Bog SAC (002346)</p>	<p>Approx. 3.8km direct No hydrological pathways</p>	<p>Active raised bogs [7110] Degraded raised bogs still capable of natural regeneration [7120] Depressions on peat substrates of the Rhynchosporion [7150]</p>	<p>Direct Effects None identified Indirect Effects: There are no hydrological or hydrogeological pathways present. The European site is sufficiently remote from the proposed scheme to objectively conclude a finding of no significant effect.</p>	<p>No</p>
<p>Mount Jessop Bog SAC (002202)</p>	<p>Approx. 5km Direct No hydrological pathways</p>	<p>Degraded raised bogs still capable of natural regeneration [7120] Bog woodland [91D0]</p>	<p>Direct Effects None identified Indirect Effects: There are no hydrological or hydrogeological pathways present. The European site is sufficiently remote from the Proposed Scheme to objectively conclude a finding of no significant effect.</p>	<p>No</p>

3.5 Cumulative Assessment

In considering potential cumulative effects, the Longford County Council planning database was inspected on the 11th June 2018. No planning applications or approved consents were present that have the potential to interact with the proposed scheme during the construction phase.

The proposed scheme lies within the boundary of the WFD Sub-Catchment Shannon[Upper]_SC_060.

No planning applications within the sub-catchment are present that may give rise to cumulative impacts.

The EPA website (gis.epa.ie) was accessed to identify other projects and developments within the sub-catchment area and zone of influence of the project.

Point source discharge points within the sub-catchment, include:

- Stormwater outflows in Longford town, (Emission ID TPEFF2000D0060SW002)
- Longford Waste Water Treatment Plant (D0060)
- Glennon Bros. Timber Limited Sawmills (IPPC License P0327-01).

The above projects are all regulated and monitored discharge points and do not give rise to potential cumulative impacts with the Proposed Scheme. There are no other plans or projects present with the potential to cause in-combination effects with the proposed scheme.

3.6 Summary and Concluding Statement.

The Proposed Scheme primarily consists of the upgrade of an existing stretch of the Major's Well Road, in order to provide a high quality, continuous and consistent cycle route along the N63 and at the Major's Well Junction, as well as improving and providing pedestrian facilities.

This will involve a slight increase in paved area to approx. 9000 m² from 7925 m². The new drainage network utilise existing carrier drains, manholes and outfalls, and new gullies brought under the Proposed Scheme will connect into these existing carrier drains. The drainage network will continue to outfall at its existing location at the south-western extent of the works.

The outfall is a tributary of the Camlin river which feeds into River Shannon, the confluence of which forms lies within the boundary of the Lough Forbes Complex SAC and Ballykenny-Fisherstown Bog SPA.

The works will not result in direct effects on any European Sites. There exists a potential pathway for accidental discharge of hazardous material to enter the surface water network that flow to the European site. If of sufficient magnitude or duration, this could result in significant impacts on receiving watercourses and the habitats that are downstream from the site.

However, it is noted that the works are localised and minor in scale and being situated approximately 6.7km from the European sites, are considered sufficiently remote so as not to present any significant effects. Both in the construction and operation phase of the proposed scheme, it is considered extremely unlikely that an accident or spill event within the boundary of the Proposed Scheme would be of sufficient magnitude, duration or extent so as to cause significant adverse effects on this European site.

Consequently, it can be objectively concluded that the Proposed Scheme will not give rise to significant effects, and thus does not require a Stage 2 Appropriate Assessment.

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