



**Rosslare Harbour and Kilrane  
Local Area Plan  
2012-2018**

**Appendix 2  
Appropriate Assessment**



Wexford County Council  
Planning & Development



## **Introduction**

In accordance with Article 6(3) of the Habitats Directive Wexford County Council carried out a formal screening process for the Draft Rosslare Harbour and Kilrane Local Area Plan to determine whether Appropriate Assessment was required. A screening report was prepared which concluded that sufficient evidence was not available to conclude that significant effects would not occur as a result of implementing the plan and an Appropriate Assessment would therefore need to be carried out in conjunction with the Plan.

A Natura Impact Report (NIR) on the Draft Plan was subsequently prepared by Openfield Ecological Services. This NIR predicted four potential significant effects, either alone or in combination, on the integrity of Natura 2000 sites:

- Unknown impacts to important marine habitats arising from a key objective to facilitate the expansion of Rosslare Europort;
- Unknown impacts to important marine habitats arising from a key objective to implement coastal protection measures;
- Unknown impacts arising from an objective to increase the accessibility of the coastal area to the east of Rosslare Harbour; and
- Unknown impacts from wastewater discharge from the Europort.

The full scale and nature of these impacts could not be assessed at the time of preparing the Draft Plan and the NIR stated that any project proposal would need to be screened for Appropriate Assessment. The NIR concluded that the requirement for project level screening for appropriate assessment provides for adequate mitigation to ensure that implementing the key objectives of the Plan will not result in significant effects on the Natura 2000 network. The requirement for project level screening was emphasised in the policies and objective of the Draft Plan.

Material Alterations were subsequently proposed to the Draft Plan. The Material Alterations were screened for Appropriate Assessment by Openfield Ecological Services. A screening report was prepared which concluded that

the proposed alterations to the Draft Plan would not result in significant impacts on Natura 2000 sites.

In accordance with Article 6(3) of the Habitats Directive and Section 177V of the Planning and Development Act 2000 (as amended), Wexford County Council determined that the Draft Plan would not adversely affect the integrity of a European site prior to making the Rosslare Harbour and Kilrane Local Area Plan 2012-2018. The determination is set out in Part 1 of this report.

In the interests of clarity, a final NIR which details the assessment of the Plan as made (i.e. the Draft Plan as made with the Material Alterations) was prepared. This final NIR was prepared by Openfield Ecological Services and is contained in Part 2 of this report.

## **Part 1**

**Determination as to whether or not the plan  
would adversely affect the integrity of any  
Natura 2000 site**

**Prepared by Wexford County Council**

In accordance with Article 6(3) of the Habitats Directive 92/43/EEC an Appropriate Assessment of a plan must be carried out where it is likely to have a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects. This Directive was transposed into Irish legislation through the Planning and Development (Amendment) Act 2010, the European Union (Environmental Impact Assessment and Habitats) Regulations 2011 and the Environment (Miscellaneous Provisions) Act 2011 all of which amend the Planning and Development Act 2000.

Section 177V(1) of the Planning and Development Act 2000 (as amended) requires an Appropriate Assessment to include a determination by the competent authority under Article 6(3) of the Habitats Directive as to whether or not a draft land use plan or proposed development would adversely affect the integrity of a European site. The determination must be made before the land use plan is made.

In carrying out an appropriate assessment for a land use plan the competent authority must take into account the following:

- The Natura Impact Report;
- Any supplementary information furnished in relation to any such report;
- Any additional information furnished to the competent authority at its request in relation to a Natura Impact Report;
- Any information or advice obtained by the competent authority;
- Any other relevant information.

Section 177V(3) of the Planning and Development Act 2000 (as amended) states that a competent authority shall make a land use plan only after having determined that the land use plan shall not adversely affect the integrity of a European site.

The NIR carried out for the Draft Rosslare Harbour and Kilrane Local Area Plan 2011 concludes that the requirement for project level screening for Appropriate Assessment provides for adequate mitigation to ensure that implementing the key objectives of the Plan will not result in significant effects

on the Natura 2000 network. The screening report for the proposed Material Alterations to the Draft Rosslare Harbour and Kilrane Local Area Plan concluded that the proposed alterations to the Draft Plan would not result in significant impacts on Natura 2000 sites.

In accordance with Article 6(3) of the Habitats Directive and Section 177V of the Planning and Development Act 2000 (as amended) Wexford County Council, before making the Rosslare Harbour and Kilrane Local Area Plan 2012-2018, took into account the following:

- The NIR prepared for the Draft Plan;
- The screening report prepared for the proposed Material Alterations to the Draft Plan; and
- Any submissions and observations received during the statutory public display periods for the Draft Plan and the proposed Material Alterations.

The Council determined that the Plan, either individually or in combination with other plans or projects, would not adversely affect the integrity of any Natura 2000 site.



## **Part 2**

### **Natura Impact Report**

**Prepared by Openfield Ecological Services**



# Natura Impact Report of the Rosslare Harbour and Kilrane Local Area Plan 2012 - 2018

Compiled by OPENFIELD Ecological Services

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for Wexford County Council



[www.openfield.ie](http://www.openfield.ie)

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## Introduction

Biodiversity is a contraction of the words 'biological diversity' and describes the enormous variability in species, habitats and genes that exist on Earth. It provides food, building materials, fuel and clothing while maintaining clean air, water, soil fertility and the pollination of crops. A study by the Department of Environment, Heritage and Local Government placed the economic value of biodiversity to Ireland at €2.6 billion annually (Bullock et al., 2008) for these 'ecosystem services'.

All life depends on biodiversity and its current global decline is a major challenge facing humanity. In 1992, at the Rio Earth Summit, this challenge was recognised by the United Nations through the Convention on Biological Diversity which has since been ratified by 193 countries, including Ireland. Its goal to significantly slow down the rate of biodiversity loss on Earth has been echoed by the European Union, which set a target date of 2010 for halting the decline. This target was not met but in 2010 in Nagoya, Japan, governments from around the world set about redoubling their efforts and issued a strategy for 2020 called 'Living in Harmony with Nature'. In 2011 the Irish Government incorporated the goals set out in this strategy, along with its commitments to the conservation of biodiversity under national and EU law, in the second national biodiversity action plan (Dept. of Arts, Heritage and the Gaeltacht, 2011).

The main policy instruments for meeting this target have been the Birds Directive of 1979 and the Habitats Directive of 1992. Among other things these Directives require member states to designate areas of their territory that contain important bird populations in the case of the former; or a representative sample of important or endangered habitats and species in the case of the latter. These areas are known as Special Protection Areas (SPA) and Special Areas of Conservation (SAC) respectively. Collectively they form a network of sites across the European Union known as Natura 2000. Unlike traditional nature reserves or national parks, Natura 2000 sites are not 'fenced-off' from human activity and are frequently in private ownership. It is

the responsibility of the competent national authority to ensure that 'good conservation status' exists for their SPAs and SACs and specifically that Article 6(3) of the Habitats Directive is met. Article 6(3) requires that an 'appropriate assessment' (AA) be carried out where projects, plans or proposals are likely to have a significant effect on the integrity of these sites. In some cases this is obvious from the start, for instance where a road is to pass through a designated site. However, where this is not the case, a preliminary screening must first be carried out to determine whether or not a full AA is required.

In this case Wexford County Council has already carried out a screening assessment and this concluded that sufficient evidence was not available to conclude that significant effects would not occur as a result of the plan. Wexford County Council therefore commissioned OPENFIELD to complete this Natura Impact Report (NIR) to provide for a full AA. It is important to note that the 'appropriate assessment' is carried out by the competent authority (in this case Wexford County Council) and that this NIR is designed to provide the data to assist in that decision.

#### About OPENFIELD

OPENFIELD Ecological Services is headed by Pádraic Fogarty who has worked for 15 years in the environmental field and in 2007 was awarded an MSc from Sligo Institute of Technology for research into Ecological Impact Assessment (EclA) in Ireland. Since its inception in 2007 OPENFIELD has carried out numerous EclAs for Environmental Impact Assessment (EIA), Appropriate Assessment in accordance with the EU Habitats Directive, as well as individual planning applications. Pádraic is a full member of the Institute of Environmental Management and Assessment (IEMA) and an affiliate member of the Institute of Ecology and Environmental Management (IEEM).

## The Purpose of this document

This report provides for a Natura Impact Report to assist Wexford County Council to make an 'appropriate assessment' of the Rosslare Harbour and Kilrane Local Area Plan (hereafter referred to as the LAP) in accordance with Article of 6(3) of the Habitats Directive and the Planning and Development Act 2000 (as Amended) . This legislation stipulates that *all* plans that may have an impact upon a Natura 2000 site must be screened for appropriate assessment. This NIR will determine whether significant effects are likely to arise to SACs or SPAs within the zone of influence of the LAP as a result of its implementation.

**NB:** It is important to note that this NIR is valid for the Rosslare Harbour and Kilrane Local Area Plan that was that was adopted by Wexford County Council in February 2012. Any subsequent alterations to the LAP will require screening for appropriate assessment so that the NIR refers to the current version of the LAP that is adopted by Wexford County Council. It is also vital to appreciate that this NIR does not preclude the need for project level screening for appropriate assessment or any relevant proposal that may arise as a result of implementing the objectives of the LAP.

## Methodology

The methodology for this NIR is clearly set out in a document prepared for the Environment DG of the European Commission entitled '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' (Oxford Brookes University, 2001). Chapter 3, part 1, of this document deals specifically with screening while Annex 2 provides the template for the screening/finding of no significant effects report matrices to be used.

In accordance with this guidance, the following methodology has been used to produce this NIR:

**Step 1: Management of the Site**

This determines whether the plan is necessary for the conservation management of the Natura 2000 site in question.

**Step 2: Description of the LAP**

This step describes the aspects of the LAP that may have an effect upon Natura 2000 sites.

**Step 3: Characteristics of the Natura 2000 Site**

This process identifies the conservation aspects of each of the SACs or SPAs and determines whether negative effects can be expected as a result of implementing the LAP. This is done through a literature survey and consultation with relevant stakeholders – particularly the National Parks and Wildlife Service (NPWS). All potential effects are identified including those that may act alone or in combination with other projects or plans.

Using the precautionary principle, and through consultation and a review of published data, it is normally possible to conclude at this point whether potential impacts are likely. Deficiencies in available data are also highlighted at this stage.

**Step 4: Assessment of Significance**

Assessing whether an effect is significant or not is dependant on whether the project is likely to have an effect on the integrity of the Natura 2000 site. In this case a NIR has been produced at the pre-draft stage which identified potential significant effects that may arise as a result of implementing the LAP (OPENFIELD, 2011) while a screening for appropriate assessment was subsequently carried out for proposed alterations to the draft LAP (OPENFIELD, 2011).

Reference is also made to published guidelines for Local Authorities from the Department of the Environment, Heritage and Local Government (DoEHLG, 2009) and *Appropriate Assessment of Plans* (2006, Scott-Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants & Land Use Consultants).

A full list of literature sources that have been consulted for this study is given in the References section to this report while individual references are cited within the text where relevant.

This LAP is not necessary for the management of any site within the Natura 2000 network and so Step 1 as outlined above is not relevant.

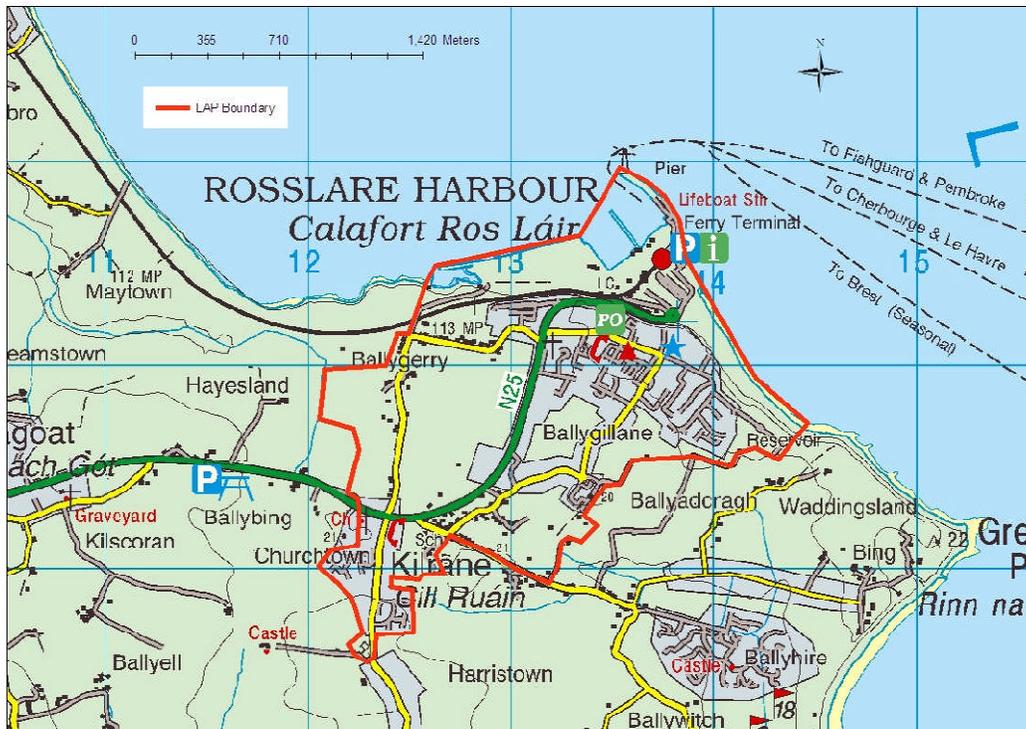
### **Brief description of the Plan**

The Rosslare Harbour and Kilrane area is located at the south-east corner of Ireland and is home to the Rosslare Europort, a major port of transit for people and goods between Ireland and the UK and mainland Europe. This LAP has been prepared in accordance with Regional Planning Guidelines for the South-East Region 2010 – 2022 and the Wexford County Development Plan 2007 – 2013. This area is shown in figure 1.



**Figure 1 – Location of Rosslare Harbour and Kilrane in the south-east of Ireland**

The purpose of this Plan is to set out a strategy for the proper planning and sustainable development of Rosslare Harbour and Kilrane. The boundary of the LAP is shown in figure 2.



**Figure 2 – Indicative boundary of the Rosslare Harbour and Kilrane LAP (please refer to the adopted LAP for actual boundary locations)**

The LAP sets out a vision for the Rosslare Harbour and Kilrane area: “To realise the potential of Rosslare Europort as a strategic asset of County Wexford while also ensuring the planned, integrated and sustainable development of Rosslare Harbour and Kilrane and ensuring the protection of our natural amenity areas.” It states that this vision will be realised through:

- Facilitating the proper and sustainable development of Rosslare harbour and Kilrane with appropriate amounts of residential, economic, tourism and recreational development and the provision of adequate services and facilities to serve the local community;
- Providing a strong and coherent town structure in which land uses are organised in a manner which is attractive, efficient and which facilitates ease of movement and protects the amenities of its residents;
- Supporting a Strategic Plan for Rosslare Europort and its hinterland so as to return the Port to growth and increase the value added generated by the port in terms of employment and enterprise in accordance with the Council’s Strategy Positioning Wexford for the Upturn;

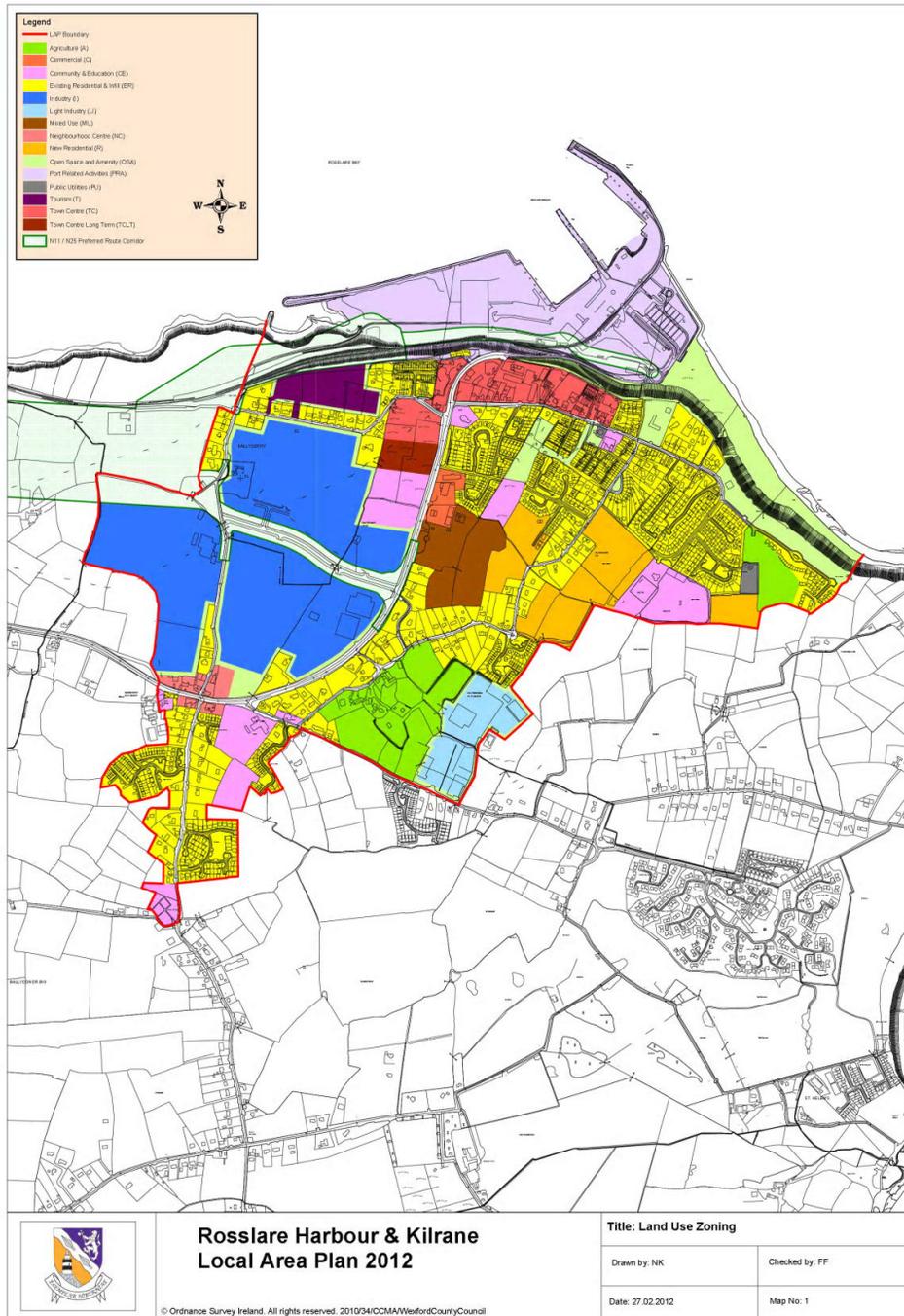
- Supporting the development of Rosslare Europort as a Sustainable Energy Zone (SEZ) in accordance with the Council's Strategy Job Creation from the Generation and Utilisation of Energy from Renewable Energy Resources. This involves the development of Rosslare Europort as a centre to support the renewable energy industry and electric vehicle developments;
- Supporting the provision of an efficient rail freight and passenger service between Rosslare Europort, Dublin and Limerick (via Waterford);
- Promoting and facilitating, through the development management process, 'visual gateways' and other improvements to the built environment to enhance the area and increase its attractiveness to investors and visitors;
- Ensuring the protection of natural heritage and amenity areas.

The Key Objectives of the LAP are states as follows:

- To support the sustainable development of Rosslare Europort, including the extension and deepening of the port, where feasible, in accordance with Article 6 of the Habitats Directive;
- To ensure that sufficient serviced lands are provided to facilitate international investment and enterprises in the vicinity of Rosslare Europort;
- To improve transport infrastructure and services in the area;
- To create a compact and vibrant town centre;
- To accommodate infill development in the undeveloped areas and pockets created in the existing development pattern;
- To sustain and enhance the role of the town as a service centre for the surrounding rural hinterland;
- To ensure that sufficient lands are provided to meet the identified housing needs in the area over the lifetime of the plan;
- To facilitate the provision of employment opportunities;
- To ensure a sufficient water supply, wastewater treatment and disposal infrastructure to serve existing and future development in the area;

- To provide opportunities for appropriate landmark buildings in the Rosslare Harbour area;
- To provide opportunities for improved urban design and form;
- To successfully integrate Rosslare Harbour and Kilrane through the provision of road, pedestrian and cycle linkages;
- To facilitate the provision of high quality public open spaces within the plan area;
- To promote the sustainable development of tourism and recreational facilities in the plan area;
- To conserve and protect the environment including the archaeological and natural heritage and EU designated sites;
- To have regard to coastal zone areas designated under the County Development Plan 2007-2013;
- To facilitate coastal protection works provided that such works do not give rise to significant adverse impacts on the integrity of any Natura 2000 site.

Key to any plan of this nature is the zoning of land parcels to indicate, without prejudice to the planning process, the types of development that can proceed in particular areas. The zoning objectives map for the LAP is shown in figure 3.



**Figure 3 – Zoning map of the Rosslare Harbour and Kilrane LAP 2012**

## **Brief description of Natura 2000 sites within the zone of influence**

Best practice guidance recommends that all Natura 2000 sites within 15km of the plan boundary be initially screened for impacts. This is a somewhat arbitrary distance and may be modified as this process progresses. Within this radius seven SACs and four SPAs have been identified from the NPWS website ([www.npws.ie](http://www.npws.ie)):

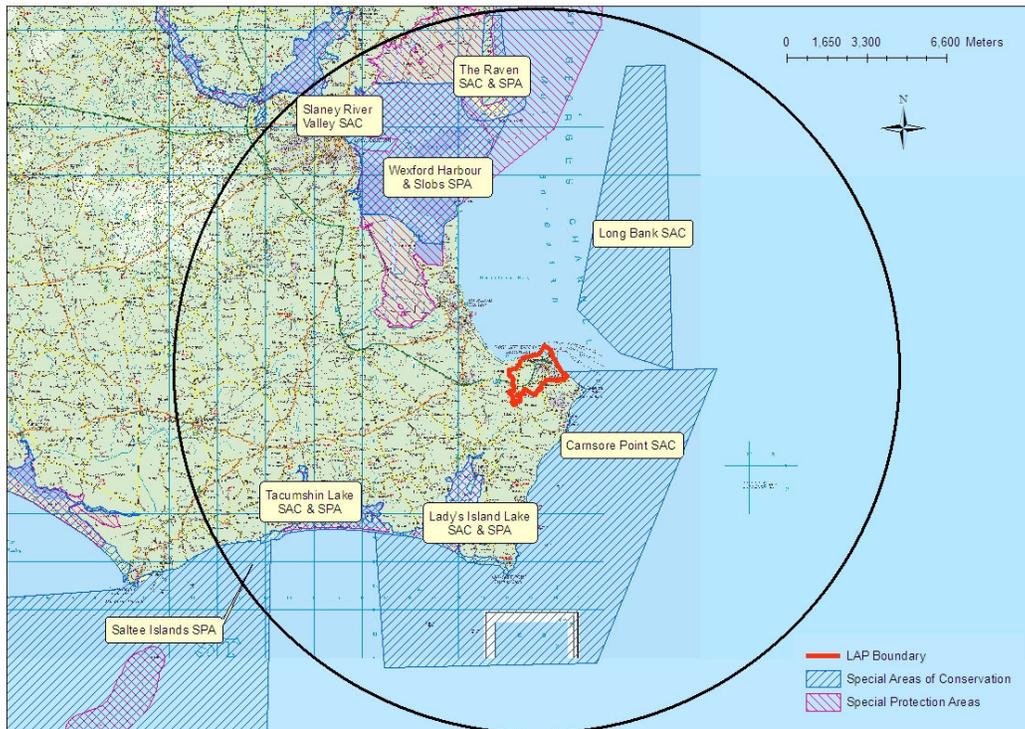
1. Carnsore Point SAC (site code: 2269)
2. Long Bank SAC (site code: 2161)
3. Tacumshin Lake SAC (site code: 0709)
4. Lady's Island Lake SAC (site code: 0704)
5. Raven Point Nature Reserve SAC (site code: 0710)
6. River Slaney Valley SAC (site code: 0781)
7. Saltee Islands SAC (site code: 0707)
8. Lady's Island Lake SPA (site code: 4009)
9. Tacumshin Lake SPA (site code:4092)
10. Wexford Harbour and Slobbs SPA (site code:4076)
11. The Raven SPA (site code: 4019)

The locations and extent of these areas within the 15km radius are shown in figure 2 below.

1. Carnsore Point SAC (site code: 2269)

This large marine and intertidal area is of importance for its rocky reef systems which are inhabited by rare communities of invertebrates. The water is shallow with a maximum depth of approximately 30m but much of the sea floor is nearer the surface than this. The eastern boundary of the SAC is marked by the high tide line and so it does not encompass coastal habitats that are not periodically submerged by the sea. Its qualifying interests (i.e. the reasons why it qualifies as an SAC) are shown in table 1. The 'status' heading reflects the assessment of the habitat by the NPWS in its most recent report

to the European Commission (NPWS, 2008). This assessment is at a national level and does not necessarily reflect its status within the SAC in question.



**Figure 4 – Natura 2000 sites within 15km of the Rosslare Harbour and Kilrane LAP area (from [www.npws.ie](http://www.npws.ie))**

**Table 1 – Qualifying interests for the Carnsore Point SAC**

Code	Feature of interest	Status
1140	Mudflats and sandflats not covered by seawater at low tide	Poor
1170	Reefs	Poor

## 2. Long Bank SAC (site code: 2161)

This SAC is entirely submarine in nature and is composed of two submerged sandbanks running in a north-south direction and situated several kilometres off the Wexford shore.

The currents here can be strong and so few animals are to be found on the surface of the sand and gravel banks. However there is an abundant 'meiofauna' i.e. animals that live in the sediment itself, and this can provide for rich feeding grounds for birds. It has one qualifying interest: Sandbanks which are slightly covered by sea water all the time (code: 111), which was assessed as being of 'poor' status by the NPWS.

### 3. Tacumshin Lake SAC (site code: 0709)

Formerly a shallow, open bay, continuous deposition of stones and sediments slowly extended a sand bar that has created Tacumshin lake. This area of brackish water is one of the largest lagoons of its type in Ireland and is home to a unique community of plants and animals. Its value is heightened by its population of summering and wintering birds and some rare plants, including Cottonweed *Otanthus maritima* – found nowhere else in Ireland. Table 2 shows its qualifying interests.

**Table 2 – Qualifying interests for Tacumshin Lake SAC**

Code	Feature of interest	Status
1150	Coastal lagoons	Bad
1220	Annual vegetation of drift lines	Poor
1210	Perennial vegetation of stony banks	Poor
2110	Embryonic shifting dunes	Poor
2120	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	Bad

### 4. Lady's Island Lake SAC (site code: 0704)

Like Tacumshin lake, Lady's Island is a sedimentary lagoon with a sand/shingle barrier. It is the largest example of its kind in Ireland and is

unique in its 'intact' nature in Europe. As well as a rare community of lagoon invertebrates it is home to rare plants and significant bird populations.

Table 3 details its qualifying interests.

**Table 3 – Qualifying interests for Lady’s Island Lake SAC**

Code	Feature of interest	Status
1150	Coastal lagoons	Bad
1210	Perennial vegetation of stony banks	Poor
1170	Reefs	Poor

#### 5. Raven Point Nature Reserve SAC (site code: 0710)

The Raven is a peninsula of land jutting in front of Wexford Harbour that was formerly a series of sand hills. They were planted with coniferous trees in the early 1930’s in order to stabilise the coast. Nevertheless remnant sand hill habitats including a variety of sand dune types remain in place and these are all of high conservation value. The Raven is also a National Nature Reserve and is an area of high amenity value. Its qualifying interests are given in table 4.

**Table 4 – Qualifying interests for Raven Point Nature Reserve SAC**

Code	Feature of interest	Status
1140	Mudflats and sandflats not covered by seawater at low tide	Poor
1210	Annual vegetation of drift lines	Poor
1330	Atlantic salt meadows	Poor
2110	Embryonic shifting dunes	Poor
2120	Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes)	Bad
2130	Fixed coastal dunes with herbaceous vegetation (grey)	Bad

	dunes)	
2170	Dunes with <i>Salix repens</i> ssp. <i>argentea</i> ( <i>Salix arenariae</i> )	Poor
2190	Humid dune slacks	Bad

#### 6. Slaney River Valley SAC (code: 0781)

This SAC covers a very large area stretching from the Wicklow mountains in the north to Wexford harbour and includes not only the main channel of the Slaney but also a number of its tributaries. While the Slaney and its tributaries are the principle features of the SAC, there are also important terrestrial habitats including a number of rare woodland types and the intertidal area.

**Table 5 – Qualifying interests of the Slaney River Valley SAC**

<b>Code</b>	<b>Feature of interest</b>	<b>Status</b>
91E0	Alluvial wet woodlands (code: 91E0)	Bad
91A0	Old oak woodlands (code: 91A0)	Bad
1130	Estuaries (code: 1130)	Poor
1140	Mudflats (code: 1140)	Poor
3260	Floating river vegetation (code: 3260)	Bad
1106	Atlantic salmon <i>Salmo salar</i>	Bad
1095	Sea lamprey <i>Petromyzon marinus</i>	Poor
1096	Brook lamprey <i>Lampetra planeri</i>	Good
1355	Otter <i>Lutra lutra</i>	Poor
1029	Freshwater pearl mussel <i>Margaritifera margaritifera</i>	Bad
1102	Allis shad <i>Alosa alosa</i>	Unknown
1099	River lamprey <i>Lampetra fluviatilis</i>	Good
1103	Twaite shad <i>Alosa fallax</i>	Bad

## 7. Saltee Island SAC (site code: 0707)

The two main Saltee islands lie at the centre of an archipelago of rocks and islets that compose a large, submerged reef system that runs from north-east to south-west. There are important marine habitats including not only the reef but caves and sheltered inlets. The islands themselves are internationally important for their populations of nesting sea birds and in this regard they are also designated as a Special Protection Area.

**Table 6 – Qualifying interests of the Saltee Islands SAC**

Code	Feature	Status
1140	Mudflats and sandflats not covered by seawater at low tide	Poor
1160	Large shallow inlets and bays	Poor
1170	Reefs	Poor
1230	Vegetated sea cliffs of the Atlantic and Baltic coasts	Poor
8330	Submerged or partly submerged sea caves	Good
1364	Grey seal ( <i>Halichoerus grypus</i> )	Good

## 8. Lady's Island Lake SPA (site code: 4009)

SPAs are designated for their rare species (listed on Annex I of the Birds Directive), or internationally important gatherings of birds (either congregations greater than 20,000 individuals or at least 1% of the international population). The Birds Directive also places an emphasis on the protection of important wetlands and their conservation. Lady's Island Lake is the largest lagoon of its type in Ireland. Qualifying interests are not published for SPAs but for certain sites the NPWS lists 'features of interest'. For Lady's Island Lake these are: Gadwall *Anas strepera*; Black-headed Gull *Larus ridibundus*, Sandwich Tern *Sterna sandvicensis*, Roseate Tern *S. dougallii*, Common Tern *S. hirundo*, Arctic Tern *S. paradisaea*, and Wetlands & Waterbirds. It recorded an average of 4,955 birds between the winters of

2005/06 and 2009/10 in addition to an internationally important population of Light-bellied Brent geese *Branta bernicula hrota* (Crowe et al., 2011).

#### 9. Tacumshin Lake SPA (site code:4092)

Like Lady's Island Lake this is a lagoon. Its 'special conservation interests' are listed as Little Grebe *Tachybaptus ruficollis* (wintering), Bewick's Swan *Cygnus columbianus* (wintering), Whooper Swan *C. cygnus* (wintering), Wigeon *Anas penelope* (wintering), Gadwall *A. strepera* (wintering), Teal *A. crecca* (wintering), Pintail *A. acuta* (wintering), Shoveler *A. clypeata* (wintering), Tufted Duck *Aythya fuligula* (wintering), Coot *Fulica atra* (wintering), Golden Plover *Pluvialis apricaria* (wintering), Grey Plover *P. squatarola* (wintering), Lapwing *Vanellus vanellus* (wintering), and Black-tailed Godwit *Limosa limosa* (wintering). It is home to nationally important numbers of wintering birds with a five-year average of 18,512 individuals (Crowe et al., 2011).

#### 10. Wexford Harbour and Slobs SPA (site code: 4076)

This large site stretches from the bridge at Ferrybank, in Wexford Town, across the harbour to a line from The Raven to Rosslare Point. This area is characterised by mudflats and sediments exposed at low tide and is a highly productive habitat. Birds use this area in large numbers, availing of the abundant food source. In fact Wexford Harbour and Slobs is second only to Dundalk Bay in terms of the numbers of birds and BirdWatch Ireland recorded an average of 47,667 individuals between the winters of 2005 and 2010. It also has internationally important populations of Whooper Swan, Greenland White-fronted Goose *Anser albifrons flavirostris* and Light-bellied Brent Goose.

## 11. The Raven SPA (site code: 4019)

The Raven is home to internationally important coastal habitats. It is contiguous with the north Slob area and so is home to many of the birds that can be found here. Its 'features of interest' are listed as: Red-throated Diver *Gavia stellata*, Cormorant *Phalacrocorax carbo*, Common Scoter *Melanitta nigra*, Grey Plover, Sanderling *Calidris alba*, Greenland White-fronted Goose, and Wetlands & Waterbirds. The western (seaward) shore of the sites is also of interest as it hosts a breeding population of Little Tern *Sterna albifrons* – a bird that is listed on Annex I of the Birds Directive.

Whether an impact to any of these Natura 2000 sites is significant or not must be measured against their conservation objectives. However management plans have not been prepared for any of these SACs or SPAs, with the exception of the River Slaney Valley SAC, and so only draft, generic conservation objectives are available. For SACs these are given in table 7 while those for SPAs is "to maintain the special conservation interests for this SPA at favourable conservation status...including waterbird populations and wetlands".

**Table 7: Draft conservation objectives for SACs**

<b>Objective 1:</b>	To maintain the Annex I habitats/Annex II species for which the SAC has been selected at favourable conservation status.
<b>Objective 2:</b>	To maintain the extent, species richness and biodiversity of the entire site.
<b>Objective 3:</b>	To establish effective liaison and co-operation with landowners, legal users and relevant authorities.

Site specific conservation objectives have been recently set for the Slaney River Valley SAC (NPWS, 2011). This document sets specific objectives for

each of the qualifying interests of the SAC. While it is not necessary to reproduce these in their entirety here the full text can be found by following this link:

<http://www.npws.ie/media/npwsie/content/images/protectedsites/conservation/objectives/CO000781.pdf>

### **Data collected to carry out the assessment**

*Describe the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 network:*

Potential impacts that may arise as a result of this plan are:

1. Direct loss of important habitats through the construction of new housing, transport or utility infrastructure, or amenity developments.
2. Direct loss of important habitats from the expansion of the Europort.
3. Habitat damage/degradation as a result of construction aspects of the plan including future expansion of the Europort
4. Habitat degradation as a result of amenity development
5. Impacts to species and habitats through land use changes leading to loss of ecological corridors and connectivity
6. Disturbance to species as a result of increased amenity pressure
7. Changes to water quality from surface water run-off
8. Changes to water quality from domestic and commercial wastewater
9. Impacts to water dependant habitats from increased demand for water

Figure 3 shows the zoning map from the LAP.

The following data were gathered to assess the impact pathways:

1. Figure 5 shows the location of the LAP in relation to the Carnsore Point SAC. This is the only Natura 2000 site within the LAP boundary. As can be seen there are no proposals for the construction of housing, commercial or civic structures, transport or utility infrastructure within, or directly adjacent to this SAC.

This SAC is designated for its intertidal and marine habitats and so the provision of additional amenity access to the cliff walk and shore will not directly affect its qualifying interests. Amenity pressures in this area can result in indirect effects however through the disturbance of coastal habitats. Sand

dune habitats can be particularly vulnerable to this pressure and while there are no data from the NPWS regarding sand dunes within the LAP area (Ryle et al., 2009) it is known from a brief site visit that such habitats are present.



**Figure 5 – Map showing the overlap between the LAP area and the Carnsore Point SAC**

2. There are no definite proposals for the expansion of the Rosslare Europort. At this point it is possible only to provide general indications of the types of impacts that can be expected from such a large-scale project. These would include the removal of coastal and marine habitats although an expansion to the west would be less sensitive than a eastward expansion since in the latter case it is likely that works would encroach on the Carnsore Point SAC.

Shipping lanes pass through protected areas (either the Carnsore Point SAC or the Long Bank SAC) but this in itself is unlikely to result in impacts to benthic (i.e. sea floor) habitats. Any proposal for dredging of the sea floor would have to be examined closely for its potential impact to these SACs. The expansion of the Europort would not be confined to the port but would include the upgrading of transport links. While habitat removal and

disturbance is more likely to occur as a result of proposed road building this is unlikely to result in effects to Natura 2000 sites as all the sites in the zone of influence are coastal or marine in nature. It has been clearly stated in the Key Objectives of the LAP, and again under item number 3 of the Transport Policy, that any expansion could only proceed with due regard to Article 6(3) of the Habitats Directive.

3. There are no major rivers flowing through the LAP area or directly adjacent to it. While there are some small water courses close to the LAP boundary none of these is monitored by the Environmental Protection Agency (EPA). In terms of the objectives of the Water Framework Directive the EPA states that water bodies in the region are of good status. Water quality in the marine environment is not monitored however.

4. Important areas for conservation can be affected by land use changes remote from the SAC or SPA through the loss of 'ecological corridors'. These are essentially 'green' pathways along which species can travel, e.g. hedgerows, streams and treelines. The benefit of these corridors is species-specific although it is generally accepted that their maintenance is important for the health of biodiversity within core areas of SACs and SPAs (Comhar, 2010). Within the LAP zone of influence there are no terrestrial sites of conservation importance and as can be seen from figure 3 land use zonings reflect an objective to promote the development of infill and brownfield sites, and to strengthen the core of the existing built centres. In addition, the importance of such ecological pathways has been recognised in section 5.10.3 of the LAP which refers to Article 10 of the Habitats Directive.

5. The Wastewater Treatment Plant at Rosslare Harbour was recently upgraded and now has a capacity of approximately 9,400 Population Equivalent with a current loading of nearly 4,000 (Monaghan et al, 2012). It is licenced by the EPA (licence no. D0165-01). The draft plan projects an increase in population by 328 persons over the period from 2011 - 2021 and so there is ample treatment capacity to accommodate this increase.

6. The Rosslare Europort is not connected to the Rosslare Harbour Wastewater Treatment Plant and Iarnród Éireann have stated that there is an on-site treatment system. This discharge is not licenced by the local authority and it is understood that the outfall point is to sea. It would appear that the discharge from this system is limited to toilet facilities within the terminal buildings and so does not include foul waste from ferry boats using the Europort.

7. Rain water flowing off hard surfaces can accumulate particulate matter and toxic substances such as hydrocarbons and so lead to pollution and degradation of water courses (Mason, 1996). This effect is particularly pronounced in built-up areas where a significant acreage of land has been concreted over. The Rosslare Harbour and Kilrane area is still largely rural in nature however the LAP does foresee a substantial increase in the area that will change in land use from rural to built surfaces. There is no evidence that surface water run-off is contributing to water pollution problems and the LAP contains a policy (item number 4; Flooding and Surface Water Disposal Policy) to require all new developments to incorporate sufficient water attenuation capacity and to avail of Sustainable Drainage Systems (SUDS).

8. Water for domestic and industrial use is currently being supplied from groundwater abstraction points and pumped to the Mayglass Water Treatment Plant, approximately 11km from Rosslare Harbour. Average daily demand here has been stated in the draft LAP as 10,000m<sup>3</sup>/day. The Plan states that the supply could be increased to 21,000m<sup>3</sup>/day should the demand require. The points of abstraction for this plant are widely dispersed and these locations are shown in figure 6. All of these boreholes are within the original zone of influence of the LAP (figure 4) and so additional SACs or SPAs are not potentially impacted by these abstraction sources.

9. Amenity pressure can bring negative impacts to adjacent areas of conservation value through the disturbance of wildlife. This can derive from humans and their pets (principally dogs) as well as artificial lighting. Some

habitats are more sensitive to this than others and sand dunes can be particularly susceptible.

10. One of the key objectives of the LAP is ‘to facilitate coastal protection works’ however no additional details are provided on the pressure that currently exists. It is understood that Wexford County Council will be undertaking a study to explore this issue. Depending on the location, nature and scale of such works there can be impacts to marine and coastal habitats through changes in the patterns of sediment deposition and erosion. The LAP is clear that any such works will be subject to Article 6(3) of the Habitats Directive (Policy AR05).



Figure 6 – Showing the locations of abstraction boreholes that feed into the Mayglass Water Treatment Plant.

## **The Assessment of Significance of Effects**

*Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.*

When assessing whether an effect from a plan is likely to impact upon a sensitive ecological area it is important to establish the pathway between the source and receptor. Where a pathway does not exist an impact cannot occur. Within a 15km radius of the Rosslare and Kilrane LAP area there were found to be 11 SACs and SPAs. Arising from the review of potential impacts in the previous section it can be concluded that there is no pathway for impacts to occur to the Tacumshin Lake SAC and SPA, Lady's Island Lake SAC and SPA, Raven Point Nature Reserve SAC, River Slaney Valley SAC, Wexford Harbour and Slobbs SPA and The Raven SPA. These Natura 2000 sites can therefore be screened out of the assessment process at this stage.

A small portion of the Carnsore Point SAC lies within the LAP area while this SAC, along with the Long Bank SAC, incorporate large areas of the marine area close to Rosslare Harbour. There are consequently direct and indirect pathways between these areas of conservation importance and the proposed activities that are envisaged in the LAP.

The following impacts have been assessed:

1. Direct loss/degradation of habitats within the Carnsore Point SAC and Long Bank SAC

Both of these SAC are designated for their marine features. Only the Carnsore Point SAC meets the shore at the high tide level. There are three potential sources of impact arising from the LAP:

- Increasing amenity access to the shore near Rosslare Harbour. The habitats here are intertidal with some coastal sand dunes (however they have not been subject to any detailed survey). Amenity pressure can act to

undermine the structure of sand dunes through trampling and recreational vehicle access (e.g. quad bikes).

While these habitats are not within the SAC they are directly connected to it. Since one of the conservation objectives is to maintain the biodiversity of the entire site it will be crucial to ensure these dunes are not damaged (they are also habitats listed on Annex I of the Habitats Directive and therefore require conservation in any case). There are no likely impacts arising from increasing access to the cliff walk since the habitats here are not as sensitive to the aforementioned pressures.

- The expansion of the Europort will likely result in some interference with coastal habitats during construction works at the port itself, as well as the loss or degradation of sea floor habitat from dredging works. While the immediate vicinity of the harbour is not within either of the SACs, there are likely knock-on impacts to them due to their proximity. These impacts are dependant in the first instance on the location, nature and scale of any proposed expansion, while are also likely to result in highly uncertain effects due to the lack of information about these marine habitats.
- The provision of coastal protection measures can impact upon important marine habitat by altering patterns of erosion and deposition of sediment. The prediction of such impacts is likely to be highly uncertain and will be dependant on the specific measures that are planned.

In each of these cases the LAP clearly states that any proposals are to be subject to 'appropriate assessment' screening.

## 2. Habitat damage and degradation as a result of construction aspects of the Plan

The provision of land for housing, amenity (away from the coast), commercial and industrial etc. is not likely to result in significant impacts to Natura 2000 sites since no SAC or SPA is within or adjacent to these activities.

## 3. Impact to habitats/species from loss of ecological corridors

All Natura 2000 sites in the zone of influence of the LAP are marine or coastal in nature. Development is planned to build on the existing core of the towns of Kilrane and Rosslare Harbour. While some semi-natural habitats are likely to be removed to accommodate this, it will not impact the interconnectivity of Natura 2000 sites.

## 4. Changes to water quality from surface water run-off

Surface water run-off from expanded areas of hard standing is unlikely to impact upon the quality of stream or coastal waters. The provision of a policy in the LAP to require SUDS measures to be incorporated into new developments will ensure that this impact is attenuated.

## 5. Changes to water quality from domestic and commercial wastewater

The towns of Kilrane and Rosslare harbour are well-served by the wastewater treatment plant. No impact to the quality of the marine environment is likely to arise from this source.

However, the Europort area is not connected to this treatment plant and this is resulting in an unlicensed discharge of wastewater to the sea. The impacts arising from this are unknown. While there is obviously a large dilution factor at sea there is no monitoring programme for non-bathing coastal waters (the nearest area that is monitored for bathing water quality is at Rosslare Strand and this was assessed in 2010 to be of 'good' quality (EPA, 2011)).

## 6. Potential impacts from increase water abstraction

Borehole abstraction points are shown in figure 6. The nearest of these to an SAC is Snailsbush, near Killinick, which is approximately 1.3km from the boundary of the Wexford Harbour and Slobs SPA. The South Eastern River Basin District Management Plan states that 'most water abstractions are currently sustainable' but that abstraction does pose a risk to 38 rivers and 4 lakes 'due to their possible impact on river flows and lake levels particularly during periods of low flow'. Map 3.4 of this Plan shows the groundwater status in the South Eastern River Basin District and this shows good status throughout County Wexford. There is no evidence therefore to suggest that increase abstraction to serve the Mayglass plant will result in significant impacts to Natura 2000 sites.

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*Are there other projects or plans that together with the project or plan being assessed could affect the site?*

The Rosslare Harbour and Kilrane LAP is consistent with the Wexford County Development Plan 2007 – 2013. Section 9 of this plan relates to the protection of the county's heritage and includes policies to ensure that the Habitats and Birds Directives are implemented. Chapter 3 – Transport includes the objective to facilitate the development of major national roads, including the N25 to Rosslare Harbour. It also contains a policy (TP14) to 'maximise the economic potential of the Rosslare port facilities'.

The Regional Planning Guidelines for the South-East Region 2010 – 2022 also stresses the importance of the Rosslare Europort for the economic development of this region and says that its potential should be exploited, along with developing better transport links between it and other regional hubs.

The Water Framework Directive sets legally binding targets to maintain good environmental quality for all waters, including the coastal environment. Currently water quality here has not been determined (SERBD, 2010).

The Marine Strategy Framework Directive became European law in 2008 and was transposed into Irish law in June 2011. This Directive requires that plans are developed to ensure 'good environmental status' exists in the marine environment by 2020.

The Shellfish Water Directive sets high standards of water quality in specially designated areas for the production of shellfish for human consumption and the protection of the aquatic habitat of bivalve molluscs and gastropods. The nearest shellfish area to the LAP area is outer Wexford Harbour.

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*List of agencies consulted*

The following bodies/agencies were contacted as part of the consultation process:

Development Applications Unit (DAU) of the NPWS (letter dated 17th June 2011). The District Conservation Officer, Mr Lorcan Scott and the Local Ranger Mr Tony Murray were contacted by phone and informed that an NIR of the draft LAP was being prepared.

Mr David Lyons, Marine Ecologist from the NPWS was also contacted and he responded by email. This approach was particularly in relation to the potential impacts arising to marine SACs as a result of harbour expansion. He highlighted the qualifying interests of the marine SACs near Rosslare Harbour and pointed out that the area is also noted for its population of Harbour Porpoise *Phocoena phocoena* – a species of small whale that is listed on

Annex II of the Habitats Directive. He also gave a list of information to be generated at project stage should an expansion of the Harbour be proposed:

1. Full description of proposed operation/activity

- A full description of the proposed construction and operational methodology.
- Are there similar operations/activities already in the locality? Would the proposed works act in conjunction with any existing developments?
- The facilities to be put in place to cope with waste generated during construction and operation of the proposed facility should be detailed e.g. EPA licencing.
- A copy of the pollution contingency plan for construction and operation of the proposed plan.

2. Baseline description of relevant environment

- The projected area of impact within and outside of the designated areas should be detailed
- If there is construction proposed over the designated areas then a description of the biological environment over which the activity will impact including the marine flora and fauna (infauna, epifauna etc.) must be included. Is there likely to be a change to the distribution of these communities/species?
- Consideration should be given to whether the likely construction/operation would result in disturbance to Annex I habitats (Mudflats and sandflats, or sand banks) within designated areas.
- Consideration should be given to whether the likely construction/operation would result in disturbance to Annex II & IV species (seals and harbour porpoise) listed on Article 12 of Council Directive 92/43/EEC. Mitigation should be proposed if the operations are likely to result in disturbance through noise vectors to those species.

The DAU of the NPWS was again contacted in a letter dated 25<sup>th</sup> October 2011 informing them that alterations to the draft LAP were being proposed. A response was received on November 3<sup>rd</sup> 2011 (reference no.: DAU-2011-WX-CON- G Pre00148/2011).

In this letter it was noted that previous comments were made by the DAU with regard to the NIR of the draft LAP. It made the following recommendation:

*“With regard to the findings of the appropriate assessment (AA) we note that significant effects are predicted for four proposed developments/issues, i.e. the expansion of Rosslare Europort, coastal protection measures, coastal access and unlicensed wastewater discharge from the Europort terminal. We recommend that these findings are incorporated into the LAP by way of a statement highlighting that at the project level for the above there may be a need to proceed to stage 3 alternatives, or stage 4 IROPI, if adequate mitigation is not possible”.*

This recommendation was duly incorporated into the LAP.

## Conclusion and Recommendations

An NIR has been prepared under the appropriate methodology to allow Wexford County Council to make an 'appropriate assessment' of the Rosslare Harbour and Kilrane LAP. It has found that eleven Natura 2000 sites are located within 15km of the Plan area but that pathways for impacts to occur only exist for two of these: the Long Bank SAC and the Carnsore Point SAC.

An NIR has been prepared under the appropriate methodology to allow Wexford County Council to make an 'appropriate assessment' of the draft Rosslare Harbour and Kilrane LAP. It has found that eleven Natura 2000 sites are located within 15km of the Plan area but that pathways for impacts to occur only exist for two of these: the Long Bank SAC and the Carnsore Point SAC.

Four significant effects are predicted to occur, either alone or in combination, to the integrity of these areas.

1. Unknown impacts to important marine habitats arising from a key objective of the LAP to facilitate the expansion of the Rosslare Europort. No specific proposals are available to fulfil this objective however impacts are likely to occur from dredging and possible damage to adjacent coastal habitats.

The full scale and nature of this impact cannot be assessed at this time. Any project proposal will need to be screened for appropriate assessment and this has been emphasised in the LAP.

2. Unknown impacts to important marine habitats arising from a key objective to implement coastal protection measures. Again, specific proposals are not available but this can result in impacts to the pattern of erosion and deposition of sediments within the Carnsore Point SAC.

The full scale and nature of this impact cannot be assessed at this time. Any project proposal will need to be screened for appropriate assessment and this has been emphasised in the LAP.

3. Proposals to increase the accessibility of the coastal area to the west of Rosslare could result in damage to coastal habitats and in particular sand dune systems in this area. No detailed survey of these habitats has been carried out but they are adjacent to the boundary of the Carnsore Point SAC as well as being likely Annex I Habitats.

The full scale and nature of this impact cannot be assessed at this time. Any project proposal will need to be screened for appropriate assessment and this has been emphasised in the LAP. In order to carry out a full AA in this area it is likely that detailed habitat survey data will need to be gathered.

4. Pollution may be occurring to the marine environment as a result of unlicensed wastewater being discharged from the Europort terminal and other associated buildings. Because it is unlicensed the quality of this discharge is unknown and no monitoring programme exists to assess the status of the marine environment in this area. In the absence of mitigation expansion of the Europort will lead to greater volumes of wastewater being discharged in this way. The impacts of the resultant pollution on marine biodiversity and the two off-shore SAC are unknown.

Full details of any wastewater treatment facility in the Europort must be gathered in order to gain a greater understanding of the scale of this impact. This discharge should be normalised through the Local Authority licencing system (as well as through any other relevant consents such as a foreshore licence). Discharges from this area should be complaint with any licencing consents from either Wexford County Council or the Department of the Environment, Community and Local Government.

In conclusion it can be stated that the requirement for project level screening for appropriate assessment provides for adequate mitigation to ensure that

implementing key objectives of the plan do not result in significant effects to the Natura 2000 network. Such assessment will require that additional data be gathered regarding coastal habitats within the LAP area as well as the regulation of wastewater discharges from the Europort.

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