An Roinn Talmhaíochta, Bia agus Mara
Department of Agriculture, Food and the Marine

European Communities (Environmental Impact Assessment) (Agriculture) Regulations SI No. 456 of 2011

Application to the Minister of Agriculture, Food and Marine under Section 7

Assessment for an EIA Screening Decision

Inspection Type:	EIA
Business Identifier:	xxxxxxxxxx
Business Name:	xxxxxx xxxxxxx
Business Address:	xxxxxxxxxxxx
Reference No:	xxxxxxxxx
Inspecting Officer:	Martina Walsh
Date Signed Off:	08/12/2023

Criteria for determining if proposed activities are likely to have significant effects on the environment

Project Description

1 **Project Description**

The description and characteristics of the activity outlined in the above application form have been examined? Yes

All details submitted on Form EIA1, associated maps and all correspondence and consultations in relation to this file must be examined before this question can be ticked 'yes'

Size of the proposed activity

2 **Size of the proposed activity**

Does the extent of the proposed activity exceed the thresholds for mandatory EIA? Yes

See Annex 2 of EIA Inspectorate Procedures Manual for thresholds

Cumulative effect

3 **Cumulative effect**

Is the cumulative effect of this application likely to have a significant environmental impact? No

Is the amount and type of the proposed activity in this locality known to be a significant issue? No

If 'yes' to either of both questions describe in Inspectors comments box below.
See Section 4.2.13 of EIA Inspectorate Procedures Manual for accumulation.

Inspectors comments

No previous applications applied for.

Pollution and nuisance

4	**Pollution and nuisance**	
	Will the activity generate pollution or nuisance?	No
	If 'yes' to this question describe in Inspectors comments box below *Where it is thought that the activity will generate water, air or soil pollution or cause a nuisance to people living in the surrounding area then this question should be ticked 'yes'*	
	Inspectors comments	N/A

Rarity of Landscape Feature

5	**Rarity of Landscape Feature**	
	Will the proposed works remove a rare landscape feature?	No
	If 'yes' to this question describe in Inspectors comments box below *See Section 4.2.5*	
	Inspectors comments	
	Abundance of hedgerows, woodland and forestry present on the estate.	

Proximity of Proposed Works to High Value Environmental Sites

6	**Proximity of Proposed Works to High Value Environmental Sites**	
	Are the proposed works close to areas of high environmental quality?	Yes
	If 'yes' to this question describe in Inspectors comments box below *See Section 4.2.6*	
	Inspectors comments	
	Part of parcels within the FWP Catchment (6km zone) however proposed works should have no effect on this catchment area.	

Habitats

7	**Habitats**	
	Is there an abundance of the habitat in the area?	Yes
	If 'no' to this question describe in Inspectors comments box below *See Section 4.2.7*	

Inspectors comments

Abundance of hedgerows, woodland and forestry present on the estate.

Existing land use

8 **Existing land use**

Has the existing land use been examined? Yes

The SPS system must be consulted before answering 'yes' to this question

Water

9 **Are the proposed works within an area that are likely to cause:**

A. Siltation No

B. Pollution from pesticides/fertilisers No

C. Land drainage issues No

D. Flooding No

E. Leachates (from reclamation of land) No

If 'yes' to any of these question describe in Inspectors comments box below

A. Siltation is the pollution of water by fine silt or clay particles. If it is thought that the activity will cause siltation to water then this question must be answered 'yes'. Siltation is of particular importance where the activity is near or discharging into a salmon or trout spawning river.

B. If it is thought that the proposed works will cause pollution from pesticides/fertilisers then this question must be answered 'yes'.

C. If the activities are likely to damage an area of high environmental importance, e.g. drain a bog in the vicinity, then this question must be answered 'yes'.

D. Where it is thought that the activity will cause flooding downstream then this question must be answered 'yes'.

E. Leachate is the movement of solids in water and can occur during or following land reclamation. If it is thought that the activity will cause the occurrence of leachate then this question must be answered 'yes'.

	Inspectors comments	n/a

Soil

10	**Are the proposed works within an area that are likely to cause:**	
	A. Soil erosion	No
	B. Stability/settlement issues	No
	C. Drainage problems	No
	D. Flooding	No
	E. Alteration of soil structure/fertility	No

If 'yes' to any of these question describe in Inspectors comments box below

A. Where it is thought that the activity will cause significant soil erosion then this question must be answered 'yes'.

B. If the activity will lead to soil stability and or settlement issues then this question must be answered 'yes'.

C. Where it is thought that the activity will impede on drainage then this question must be answered 'yes'.

D. Where the inspector believes that the activity may cause flooding issues downstream this question must be answered 'yes'.

E. If the activity alters existing soil structure and/or fertility then this question must be answered 'yes'.

	Inspectors comments	n/a

Flora

11	**Are the proposed works within an area of high nature value that are likely to cause:**	
	Loss of indigenous vegetation	No
	Introduction of invasive species	No

If 'yes' to any of these question describe in Inspectors comments box below
A. If the proposed works will result in the loss of indigenous vegetation to an area then this question must be answered 'yes'.
B. Where it is thought that the proposed works are likely to introduce invasive species then this question must be answered 'yes'.

Inspectors comments	n/a

Fauna

12	**Are the proposed works within an area of high nature value that are likely to cause:**	
	A. Changes to extent/diversity of habitat	No
	B. Introduction of invasive species	No
	C. Shift in species mix/abundance	No

If 'yes' to any of these question describe in Inspectors comments box below
A. Where it is thought that the activity will cause changes to the extent and/or diversity of the habitat this question must be answered 'yes'.
B. If the activity is likely to introduce invasive species then this question must be answered 'yes'.
C. If the inspector believes that the activity will cause a shift in the mix and/or abundance of the activity then this question must be answered 'yes'.

Inspectors comments	n/a

Protection of Fresh Water Pearl Mussel (FPM)

13 **Protection of Fresh Water Pearl Mussel (FPM)**

Are there populations of the Fresh Water Pearl Mussel likely to be affected by the proposed works? No

If 'yes' describe in Inspectors comments box below

The iFORIS system will identify the catchments for the FPM. Where the inspector believes that the activity will affect the populations of FPM then this question must be answered 'yes'.

Inspectors comments

Part of parcels within the FWP Catchment (6km zone) however proposed works should have no effect on this catchment area.

Archaeology

14 **Archaeology**

Does the area contain or adjoin a listed archaeological site or monument, archaeological area, zones of archaeological amenity or World Heritage Sites? Yes

If 'yes' describe in Inspectors comments box below

The record of Monuments and Places (RMP) and iFORIS system will identify archaeological features in the area of the proposed activity.

Inspectors comments

Listed monument (CW022-004 (NMS)) is within 70-80m of the proposed works; these works should have no impact on this site. Applicant stated that his father sought to have this site listed many years ago and he believes that it is incorrectly listed. Described on NMS as concentration of stones and larger boulders that are probably formed part of the landscape design associated with Borris House and the area was heavily overgrown at the time of their inspection.

15 **Referral to the National Monuments Service comments were received containing recommendations:**

1. Specific conditions regarding buffer zones etc n/a

2. Archaeological Monitoring during ground preparation drainage works n/a

3. Archaeological Assessment n/a

4. Agree with proposal n/a

Landscape

16 **Are the proposed works within an area that are likely to cause major changes in landscape character such as:**

- Obstruction of views	No
- Changes in elevation	No
- Changes in landcover/vegetation	No
- Creation of ditches/dykes	No
- Changes in coastal defences	No

If 'yes' to any of these question describe in Inspectors comments box below

Where it is thought that the activity will cause one or more of the above then the answer to this question must be 'yes'

Inspectors comments n/a

17

Is this site within a prime scenic area in the County Development Plan or within an area listed in the Inventory of Outstanding Natural Landscapes or in a Landscape Conservation Area? No

If 'yes' describe in Inspectors comments box below

County Development Plans are available on each of the County Council's websites.

Inspectors comments

Borris is within the Barrow River Valley on the Carlow Council Landscape Character Areas and are described as farmed lowlands area of decreasing landscape sensitivity.

18

Were comments from the Local Authority requested? n/a

If 'yes' describe in Inspectors comments box below

Inspectors comments n/a

19

Were comments from the Local Authority received and examined? n/a

If 'yes' describe in Inspectors comments box below

Inspectors comments n/a

20 **Designated Habitats: Nature reserves and national parks, special protection areas and areas of conservation designated pursuant to Directive 79/409/EEC and 92/43/EEC, SACs, etc Candidate, indicative and proposed sites are also included**

Is this proposed area within a European or national designation, including; SAC, cSAC SPA, iSPA, NHA, pNHA Nature Reserves or National Parks? No

Is this proposed area within 3km upstream of a European or national designation including; SAC, cSAC, SPA, iSPA, NHA, pNHA, Nature Reserves or National Parks? Yes

If 'yes' describe in Inspectors comments box below

Inspectors comments

River Barrow & River Nore SAC (002162) is 240m west of the proposed works. The intended works will have no direct connectivity to this SAC area.

22 **Following referral to NPWS the following comments were received:**

1. Agree with part of the proposal n/a

2. EIA recommended n/a

3. Agree with proposal n/a

Social

23

Do the proposed works impact on an area commonly used by the general public for recreation? No

If 'yes' describe in Inspectors comments box below

	Inspectors comments	n/a

24

	Do the proposed works impact on a densely populated area?	No
	If 'yes' describe in Inspectors comments box below *Densely populated areas are the Cities: Dublin, Cork, Limerick, Galway, Waterford and Kilkenny*	
	Inspectors comments	n/a

Transfrontier

25 **Transfrontier**

	Is the proposed application within 3km upstream of the border with Northern Ireland?	No
	Is the proposed application within 500m of the border with Northern Ireland?	No
	Will the proposed project be likely to have a significant transfrontier impact?	No
	If 'yes' describe in Inspectors comments box below	
	Inspectors comments	n/a

Accidents

28

	1. Is there a significant risk of accidents, having regard in particular to substances or technologies used?	No
	If 'yes' describe in Inspectors comments box below	
	Inspectors comments	n/a

Comments

Comments

xxxx. xxxxxx intends to remove approximately 614m of field boundaries. These field boundaries contain a base of stonewalls with hedgerows which have developed naturally. The hedgerows consist of whitethorn, furse and bramble with some tree species dispersed along both lengths identified for removing. Maintenance work has been carried out the field boundary close to the monument where the applicant has carried out coppicing of the hedge. There is a dry drainage ditch at one side of both lengths of hedgerow which is fully vegetated. The proposed works will not pose any risk of sediment flowing down stream or to the River Barrow and River Nore SAC. The listed archaeological monument is c. 70-80m outside the proposed works and should have no impact on this site. There are no badger setts present (both sides of the two lengths of hedgerows inspected) and verified from WAU database prior to the inspection.
xxxxx. xxxxxx intends to plant the replacement hedge in parcels xxxxxx, xxxxx, xxxxx, xxxxxxx, xxxxx, xxxxxx and xxxxxx. He has changed the location of hedge to be planted in these parcels and was asked to forward a revised map to identify the updated location of the proposed hedges. There are no issues found on the ground to impede the works from being carried out. In my opinion, the proposal should be allowed to proceed, subject to the applicant meeting all requirements of the replacement hedgerow.

Any significant potential effects identified above must be considered having regard in particular to:

- the extent of the impact (geographical area and size of the affected population)

- the transfrontier nature of the impact

- the magnitude and complexity of the impact

- the probability of the impact

- the duration, frequency and reversibility of the impact
the combined impacts and interactions

Decision

2. The project may proceed	Yes
3. The project exceeds the threshold for mandatory EIA and may not proceed without consent	n/a
4. The project is likely to have a significant effects on the environment and may not proceed without consent	n/a

5. The project is likely to damage a monument and may not proceed	n/a
6. The project as constituted is likely to damage a monument but may proceed with modifications as listed:	n/a

It is recommended that the proposal should be allowed to proceed, subject to the applicant meeting conditionality requirements.

An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

Provision of Information for Appropriate Assessment Screening: Removal of hedgerow on lands at Borris, Co. Carlow.

Contents

1. Introduction 1
1.1. Appropriate Assessment 1
1.1.1. Screening for Appropriate Assessment 1
1.1.2. Appropriate Assessment (Natura Impact Statement) 2
2. Description of the Proposed Development 2
2.1. Site Location & Characteristics of the Proposed Works 2
3. Identification of relevant European Sites 4
3.1. Background to European Sites 4
3.2. Identification of the Designated Sites within the Likely Zone of Influence. 5
4. Identification and Description of Effects 9
4.1. Elements of the proposed works with potential to give rise to significant effects 9
4.2. In-combination/ Cumulative Impacts 9
5. Article 6(3) Screening Statement and Conclusions 10
5.1. Assessment of Significance of Effects 10
5.2. Data Reviewed during the Assessment 10
5.3. Concluding Statement 11

1. Introduction

The following report details the information that was used to provide the information necessary to allow the competent authority, Department of Agriculture Food and the Marine (DAFM), to complete an Article 6(3) Screening for Appropriate Assessment (AA) for the removal of field boundaries on lands at Borris, Co. Carlow, 2023/EIA/S/15.

It is noted that under the Environmental Impact Assessment (Agriculture) Regulations (2011), the proposed works description, See Section 2.1, do exceed the established thresholds for EIA Screening (length of field boundary to be removed). Therefore, the proposed works are required to be considered for EIA, subject to screening validation following a site inspection by DAFM Inspectorate.

This report will only assess for potential impacts risks with regards to Article 6(3) of the Habitats Directive with regards to Appropriate Assessment of the proposed works. The assessment in this report is based initially on a desk assessment and further informed by a subsequent site walkover survey by DAFM Inspectorate Staff. It specifically assesses the potential for the proposed works to impact on European Sites (Special Areas of Conservation and Special Protection Areas). This report conclusion is to be considered in conjunction with the EIA inspectorate reporting conclusions as mentioned above.

This Report has been prepared in accordance with, and in consideration of, the following:

- European Commission 2021. Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC.
- European Commission. 2018. Commission notice: Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC. Available at: www.ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm
- European Commission. Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission.
- DEHLG. 2010. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of Environment, Heritage & Local Government. Available at: www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

1.1. Appropriate Assessment

1.1.1. Screening for Appropriate Assessment

Screening for Appropriate Assessment is the process for determining whether a Stage 2 Appropriate Assessment (Natura Impact Statement) is required for a plan or project by assessing the potential for likely significant impacts to the European Site network. Under Part XAB of the Planning and Development Act, 2000, as amended, screening must be carried out by the Competent Authority to assess, in view of best scientific knowledge, if a land-use plan or proposed development, individually or in combination with another plan or project, is likely to have a significant effect on a European Site. The Competent Authority's, DAFM, determination as to whether an Appropriate Assessment is required must be made on the basis of objective information and should be recorded and made publicly available. The competent authority may request relevant information to be supplied to enable it to carry out screening effectively.

Consultants or project proponents may undertake a form of screening (Stage 1) to establish if an Appropriate Assessment is required and provide advice or may submit the information necessary to allow the Competent Authority to conduct a screening with an application for consent.

Where it cannot be excluded, on the basis of objective information, if a plan or project, individually or in combination with other plans or projects will have a significant effect on a European Site, a Stage 2 (Natura Impact Statement) Appropriate Assessment of the plan or project is required. The screening for Appropriate Assessment, and Natura Impact Statement (if required) must be completed in view of best scientific knowledge available.

1.1.2. Appropriate Assessment (Natura Impact Statement)

Should the Screening for AA findings conclude that as a result of the proposed project, likely significant effects to the European Site network cannot be excluded, a Natura Impact Statement (NIS) is required. This is the second stage of the Appropriate Assessment process used to determine likely effects of plan or project defined in legislation, European Communities (Birds and Natural Habitats) Regulations 2011. An NIS, where required, should present the data, information and analysis necessary to reach a definitive determination as to 1) the implications of the plan or project, alone or in combination with other plans and projects, for potential significant impacts to a European Site in view of its conservation objectives, and 2) whether there will be adverse effects on the integrity of a European Site. The NIS should be underpinned by best scientific knowledge, objective information and by the precautionary principle.

2. Description of the Proposed Development

2.1. Site Location & Characteristics of the Proposed Works

Proposed works involve the removal of ca 614m of field boundaries on lands at Borris, Co. Carlow (see Application for EIA Screening dated 15/09/2023). Note that this application was submitted by xxxxxx xxxxx, under Herd Number xxxxxxx. The field was inspected by the Agricultural Inspectors on 08/12/2023 and a report is on file. The location of the works is shown in Figure 1.

The proposed works are sited on lands comprising grasslands, bordered by stone wall and hedgerow. The landscape is dominated by agricultural grasslands, whilst Borris Village is located to the north and the River Barrow and River Nore SAC (Sitde code: 002162) ca 240m south-west. The field bundaries proposed for removal are situated on the eastern boundaries of LPIS parcels xxxxxx and xxxxxxx. The other field boundary is located between LPIS parcels xxxxx, xxxxxx, xxxxxx and xxxxxxxx.

The linear field boundaries proposed for removal consist of dry vegetated drains, stone wall and hedgerow. The field boundary parallel to the farm track had some mature trees along its length. Frequently encountered hedgerow species included hawthorn, bramble and european gorse. Sheep were grazing the parcels at inspection. The soil type is coarse loamy drift with igneous and metamorphic stones[1].

The site hosts point-to-point horse racing. The applicant proposes to remove these linear features as they pose a serious safety issue to horses and participants. They also intend to replant double the linear length of hedgerow in alternate locations within the farm holding.

[1] SIS National Soils layer- EPA Maps

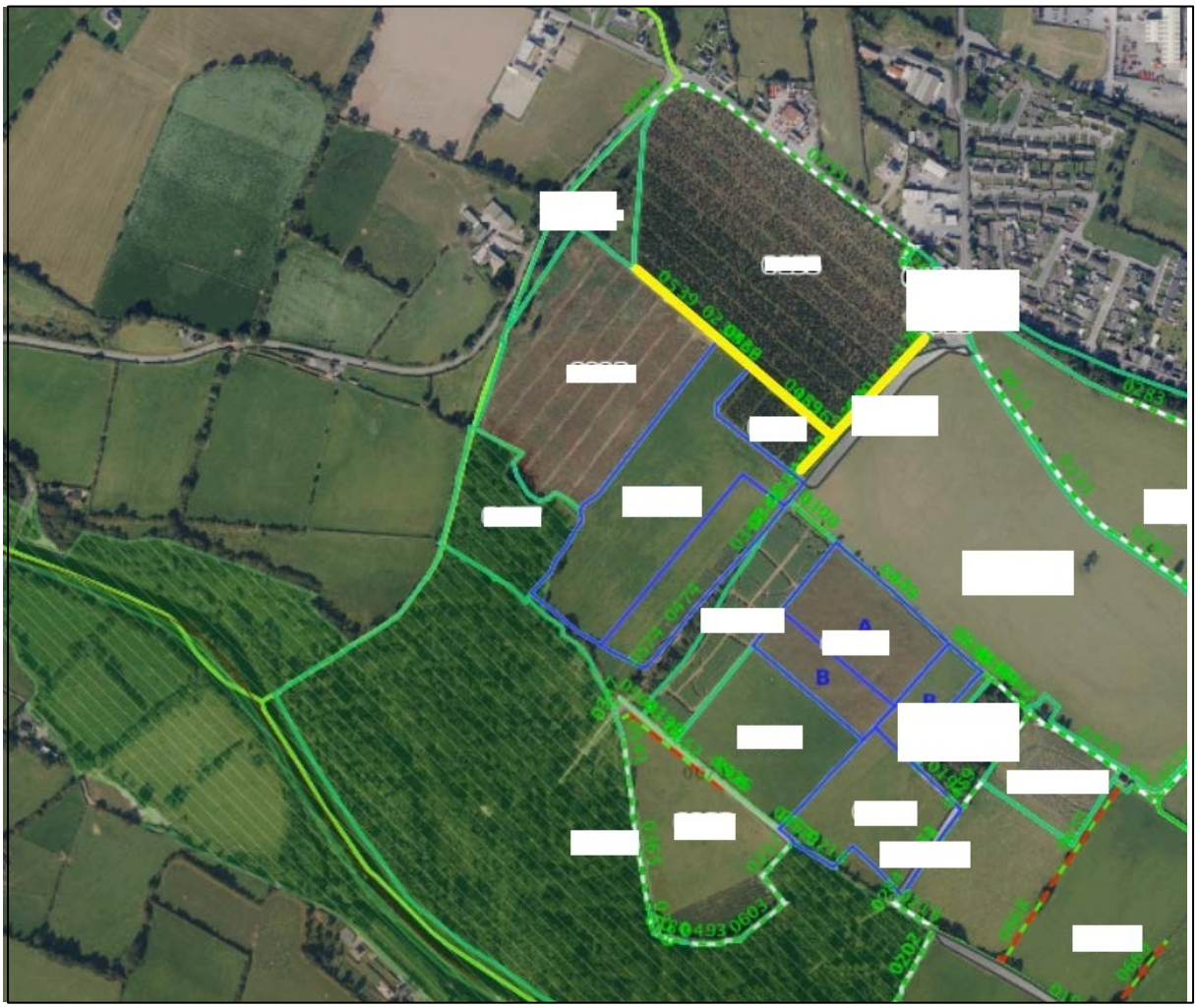

Figure 1. Location of proposed works at Borris, Borris, Co. Carlow from EIA Screening Application dated 15/09/2023). ***Note: Yellow line showing location of proposed field boundary removal. Green hatch area displaying River Barrow and River Nore SAC.***

3. Identification of relevant European Sites

3.1. Background to European Sites

The Habitats Directive (92/43/EEC) (together with the Birds Directive (2009/147/EC)) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites ("European Sites") and the strict system of species protection associated with those sites. All in all the directive protects over 1,000 animal and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European Importance, and consequently of the highest priority level of conservation protection measures.
With the introduction of the EU Habitats Directive and Birds Directive which were transposed into Irish law as S.I. No. 94/1997 *European Communities (Birds and Natural Habitats) Regulations 1997*, the European Union formally recognized the significance of protecting rare and endangered species of flora and fauna, and also, more importantly, their habitats. The 1997 regulations and the amendments were subsequently revised and consolidated on S.I. No. 477/2011 *European Communities (Birds and Natural Habitats) regulations 2011*. This legislation requires the establishment and conservation of a network of sites of particular conservation value that are to be termed "European Sites".

Habitats Directive/Special Areas of Conservation

Articles 3 – 9 of the EU Habitats Directive (92/43/EEC) provide the EU legislative framework of protecting rare and endangered species of flora and fauna, and habitats. Annex I of the Directive lists habitat types whose conservation requires the designation of Special Areas of Conservation (SAC). Priority habitats, such as Turloughs, which are in danger of disappearing within the EU territory are also listed in Annex I. Annex II of the Directive lists animal and plant species (e.g. Marsh Fritillary butterfly (*Euphydryas aurinia*), Atlantic Salmon (*Salmo salar*) and Killarney Fern (*Trichomanes speciosum*) whose conservation status and presence within an area also fits criteria for the designation of SAC status. Annex IV lists animal and plant species in need of the same degree of strict conservation protection, though they can occur outside of European Sites boundaries, such as Lesser Horseshoe Bat (*Rhinolophus hipposideros*) and Otter (*Lutra lutra*), and Annex V lists animal and plant species whose taking in the wild and exploitation may be subject to maintaining their population's favourable conservation status, under certain management measures. In Ireland, species listed under Annex V include Irish Hare (*Lepus timidus hibernicus*), Common Frog (*Rana temporaria*) and Pine Marten (*Martes martes*).

Species can be listed on more than one Annex, as is the case with Otter and Lesser Horseshoe Bat which are listed on both Annex II and Annex IV.

Birds Directive/Special Protection Areas

Council Directive 74/409/EEC of 2 April 1979 on the conservation of wild birds (Birds Directive) has been substantially amended several times. In the interests of clarity and rationality the said Directive was codified in 2009 and is now cited as Directive 2009/147/EC. The Directive instructs Member States to take measures to maintain populations of all bird species naturally occurring in the wild state in the EU (Article 2). Such measures may include the maintenance and/or re-establishment of habitats in order to sustain these bird populations (Article 3).

A subset of bird species has been identified in the directive and listed in Annex I as requiring special conservation measures in relation to their habitats. These species have been listed on account of inter

alia: their risk of extinction, vulnerability to specific changes in their habitat, and/or due to their relatively small population size or restricted distribution. Special Protection Areas (SPAs) are to be identified and classified for these Annex II listed species and for regularly occurring migratory species, paying particular attention to the protection of wetlands (Article 4).

3.2. Identification of the Designated Sites within the Likely Zone of Influence.

The most up to date GIS datasets for European designated sites were consulted from the NPWS website (www.npws.ie), and EPA Appropriate Assessment Tool[2] and the following rationale was used to assess which sites occur within the likely zone of influence of the proposed works.
Initially, sites within a 15km radius of the proposed works were identified (following the DEHLG Guidance, 2010[3]). In addition, using the precautionary principle, European Sites outside the 15km buffer zone were also taken into account and assessed where potential pathways for impact were identified and particularly where hydrological connectivity could be established. In this case, no potential effects on sites located outside the 15km zone were identified.
Any likely direct or indirect impacts of the proposed development, both alone and/or in combination with other plans and projects, on European Sites by virtue of the following criteria: size and scale, land take, distance from European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction/operation have been considered in this Screening Assessment.

Table 3.1 provides the Screening Assessment and identification of the European Sites located within the likely zone of influence. The site synopsis and conservation objectives of these sites, as per the NPWS website, were considered at time of preparation of this report.

[2] https://gis.epa.ie/EPAMaps/AAGeoTool

[3] DEHLG. 2010. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of Environment, Heritage & Local Government. Available at: www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

Table 3.1: Designated sites within the Likely Zone of Influence, with screening recommendation[4] for proposed works involving the proposed removal of filed boundaries on lands at Borris, Co. Carlow, application for EIA Screening dated 15/09/2023.

European Site, Site Code and Distance from Proposed Works	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) for which the European Site has been designated (* Priority Habitat)	Conservation Objectives	Screening (in/out) and rationale
River Barrow and River Nore SAC 002162 ca 240m SW of project	**Habitats** 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide 1170 Reefs 1310 *Salicornia* and other annuals colonising mud and sand 1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) 1410 Mediterranean salt meadows (*Juncetalia maritimi*) 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and the *Callitricho-Batrachion* vegetation 4030 European dry heaths 6430 Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels 7220 Petrifying springs with tufa formation (*Cratoneurion*) 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padoin, Alnion incanae, Salicion albae*) **Species** 1016 Desmoulin's Whorl Snail (*Vertigo* moulinsiana) 1029 Freshwater Pearl Mussel (*Margaritifera margaritifera*) 1092 White-clawed Crayfish (*Austropotamobius pallipes*)	Detailed conservation objectives for this site were reviewed as part of the assessment and are available at: Site_specific_cons_obj (npws.ie)	Screen out. The SAC is located partially in the same WFD catchment (Barrow 14) and sub-catchment (Barrow_SC_140) as the project. There are no surface hydrological features or flooding risk on or adjoining the project site, so there is no possibility of significant effects on the European site through a surface hydrology pathway. The project site is partially located within the Mountain *Margarifiera* SAC Catchment, however there is no hydrological connectivity between site and watercourses. Therefore, no negative impacts on this QI are foreseen. Due to the nature of the Qualifying Interests and the lack of source-receptor pathways, there is no likelihood of effects on the Conservation Objectives of this SAC.

[4] Based on potential sources & pathways, the nature of the receptor, & excluding any mitigation measure, is there a possibility of the project itself (i.e. 'alone') having a significant effect, on this European Site(s)?

European Site, Site Code and Distance from Proposed Works	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) for which the European Site has been designated (* Priority Habitat)	Conservation Objectives	Screening (in/out) and rationale
	1095 Sea Lamprey (*Petromyzon marinus*) 1096 Brook Lamprey (*Lampetra planeri*) 1099 River Lamprey (*Lampetra fluviatilis*) 1103 Twaite Shad (*Alosa fallax fallax*) 1106 Salmon (*Salmo salar*) 1355 Otter (*Lutra lutra*) 1421 Killarney Fern (*Trichomanes speciosum*) 190 Nore Pearl Mussel (*Margaritifera durrovensis*)		
Blackstairs Mountains SAC 000770 ca 9.0km SE of project	**Habitats** 4010 Northern Atlantic wet heaths with *Erica tetralix* 4030 European dry heaths	Detailed conservation objectives for this site were reviewed as part of the assessment and are available at: Blackstairs Mountains SAC | National Parks & Wildlife Service (npws.ie)	Screen out. The SAC is located partially in the same WFD catchment (Barrow 14) and sub-catchment (Barrow_SC_140) as the project. There are no surface hydrological features or flooding risk on or adjoining the project site, so there is no possibility of significant effects on the European site through a surface hydrology pathway. Due to the nature of the Qualifying Interests and the lack of source-receptor pathways, there is no likelihood of effects on the Conservation Objectives of this SAC.
Slaney River Valley SAC 000781 ca 14.4km NE of project	**Habitats** 1130 Estuaries 1140 Mudflats and sandflats not covered by seawater at low tide	Detailed conservation objectives for this site were reviewed as part of the assessment and are available at: Site_specific_cons_obj (npws.ie)	Screen out. The SAC is located in a different WFD catchment and sub-catchment as the project. There are no surface

European Site, Site Code and Distance from Proposed Works	Qualifying Interests (QIs)/Special Conservation Interests (SCIs) for which the European Site has been designated (* Priority Habitat)	Conservation Objectives	Screening (in/out) and rationale
	1330 Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*) 1410 Mediterranean salt meadows (*Juncetalia maritimi*) 3260 Water courses of plain to montane levels with the *Ranunculion fluitantis* and the *Callitricho-Batrachion* vegetation 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles 91E0 Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padoin, Alnion incanae, Salicion albae*) **Species** 1029 Freshwater Pearl Mussel (*Margaritifera margaritifera*) 1095 Sea Lamprey (*Petromyzon marinus*) 1096 Brook Lamprey (*Lampetra planeri*) 1099 River Lamprey (*Lampetra fluviatilis*) 1103 Twaite Shad (*Alosa fallax fallax*) 1106 Salmon (*Salmo salar*) 1355 Otter (*Lutra lutra*) 1365 Harbour Seal (*Phoca vitulina*)		hydrological features or flooding risk on or adjoining the project site, so there is no possibility of significant effects on the European site through a surface hydrology pathway. The project site is partially located within the Mountain *Margaritifera* SAC Catchment, however there is no hydrological connectivity between site and watercourses. Therefore, no negative impacts on this QI are foreseen. Due to the nature of the Qualifying Interests and the lack of source-receptor pathways, there is no likelihood of effects on the Conservation Objectives of this SAC.

4. Identification and Description of Effects

Ecological receptors of the potentially affected European Sites that are sensitive to potential impacts from the proposed development are species/habitats for which the sites are designated. The characteristics, location and scale of the proposed works together with the ecological requirements of the conservation interests of the European Sites potentially affected have been taken into consideration in identifying potential impacts.

4.1. Elements of the proposed works with potential to give rise to significant effects

The proposed works involve the removal of ca 614m of stone wall and hedgerow that form field boundaries on lands at Borrris, Co. Carlow. Details of works outlined in Section 2, above.

Given the nature and scale of the works, no potential exists for direct or indirect impacts to the European Site Network as a result of the proposed works (See Section 3, above)

4.2. In-combination/ Cumulative Impacts

It is a requirement of Appropriate Assessment that the combined effects of the proposed works together with other plans and projects[5] in the area be considered. A search of the local planning applications online planning search tool found there were no relevant planning applications in proximity to the works that would contribute to any in-combination impact risk to European Sites. Desktop studies found no other applications or potential projects that are proposed within the vicinity of the proposed works area. Based on the absence of potential impacts due to the proposed works in isolation, it is concluded that there is no potential for cumulative or in-combination impacts to occur.

[5] ePlan::Find a planning application (eplanning.ie)

5. Article 6(3) Screening Statement and Conclusions

The findings of the Screening Assessment are presented following:

- European Commission 2021. Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC.
- DEHLG. 2010. Appropriate Assessment of Plans and Projects in Ireland: Guidance for Planning Authorities. Department of Environment, Heritage & Local Government. Available at: www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_AA_Guidance.pdf

5.1. Assessment of Significance of Effects

Are the works directly connected with or necessary to the management of any European Site?

The project site is not directly located within the boundaries of identified European Sites:

- River Barrow and River Nore SAC 002162
- Blackstairs Mountains SAC 000770
- Slaney River Valley SAC 000781

The nature of the works will not alter the nature or characteristics of the European Sites in question, the land use and characteristics of the European Sites will not change and there is no significant risk likely to the Conservation Objectives of these European Sites. Therefore, there is no risk of significant negative direct or indirect effects on the European Sites identified within this report.

Are there any other projects or plans that together with the proposed works being assessed could affect any European Site?

No, there are no active plans or projects that would contribute to in-combination or cumulative effects with the proposed works resulting in potential negative impacts to the identified European Sites. Therefore, cumulative or in-combination impacts are not anticipated to the Natura 2000/European Site Network as a result of the proposed works.

Describe how the works are likely to affect the European Sites

The proposed works will not have any significant effects on any European Sites. Complete impact source-pathway-receptor chains for direct or indirect effects were not identified.

Explain why these effects are not considered significant

- There will be no negative direct or indirect effects or reduction in any habitat area within any European Site.
- There will be no reduction in key habitats supporting populations of Annex I (Birds Directive) bird species and no reduction in the populations of any Annex II (Habitats Directive) species.
- The works themselves will not involve disruption or disturbance above routine agricultural activity as is typical in the region during the completion of the proposed works.

5.2. Data Reviewed during the Assessment

In preparation of the report, the following sources were used to gather information and inform the assessment findings:

- Review of NPWS Site Synopses, Conservation Objectives for the European Sites.

- Review of online web-mappers: National Parks and Wildlife Service (NPWS), Teagasc, EPA, Water Framework Directive (WFD), Geological Survey of Ireland (GSI) and Irish Wetland Bird Survey (I-WeBS).
- Review of Prime 2 Water datasets from OSI.
- Review of Bird Atlases (Sharrock; 1976, Lack, 1986; Gibbons et al 1993; Balmer et al, 2013).
- Review of Birds of Conservation Concern in Ireland 2020 – 2026 (Gilbert, Stanbury and Lewis (2021).
- Review of OS maps and aerial photographs of the site of the proposed works.
- Review of relevant natural environment databases including National Biodiversity Data Centre.
- Review of plans and projects in the area.

5.3. Concluding Statement

In view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European Sites, it is concluded that the proposed works, whether individually or in combination with other plans or projects, beyond reasonable scientific doubt will not have significant effects on any European Sites.

There is no requirement for Stage 2 Appropriate Assessment.

An Roinn Talmhaíochta, Bia agus Mara Department of Agriculture, Food and the Marine	**Prepared by** **Michael Chapman** **Department of Agriculture, Food & the Marine** **21/12/2023**

APPENDIX: Locations for Approved works.

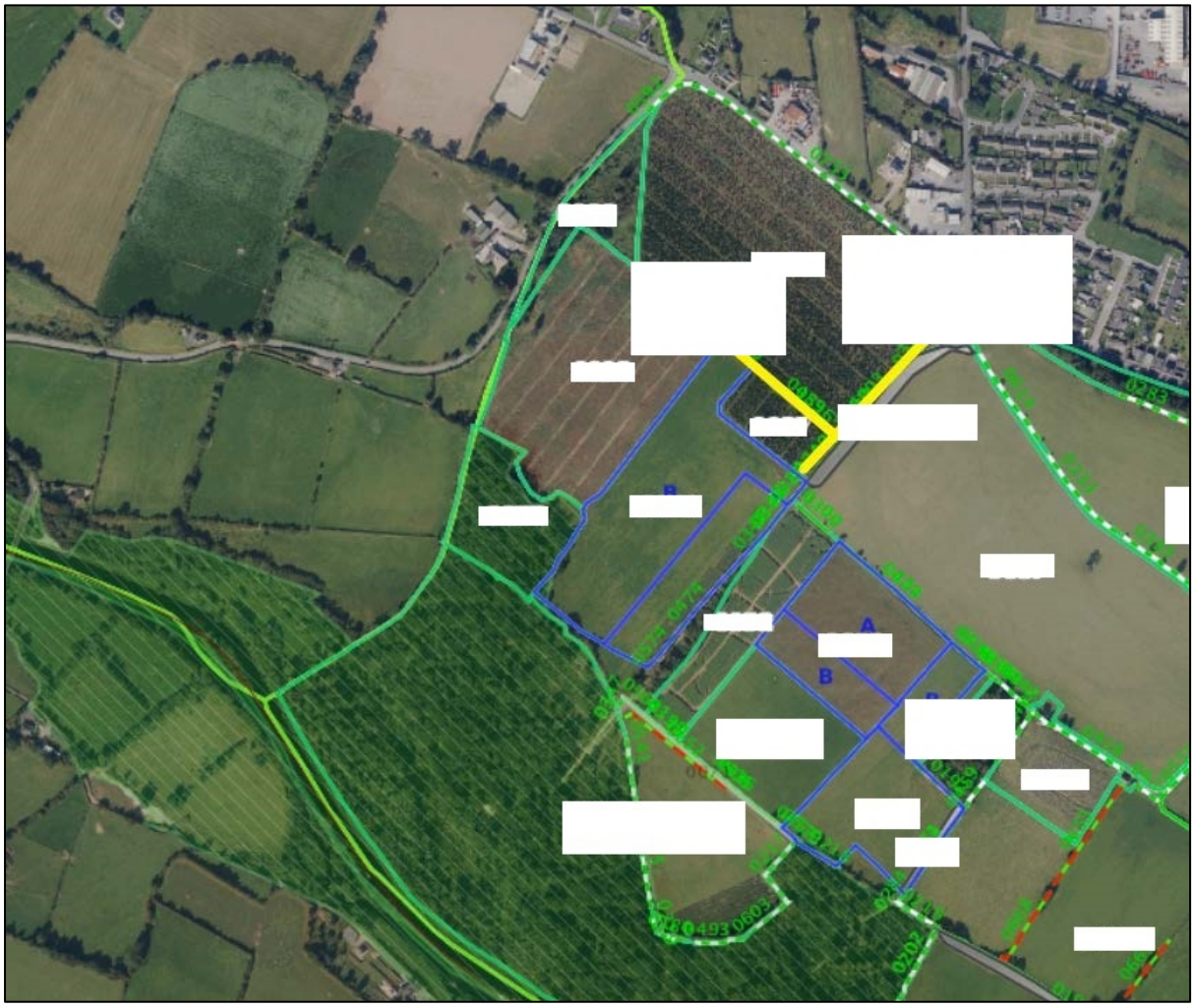

Figure 1. Location of proposed works at Borris, Co. Carlow (from EIA Screening Application dated 15/09/2023). Note: Yellow line showing location of proposed field boundary removal. Green hatch area displaying River Barrow and River Nore SAC.

An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine

xxxxxx

xxxxxx

xxxx

Our Ref: 2023/EIA/S/15
Department ID: xxxxxx
Date: 12/01/2024

Application for an EIA Screening Decision

under European Communities (Environmental Impact Assessment) (Agriculture) Regulations S.I. No 456 of 2011, as amended by S.I. 142 of 2013 and S.I. 407 of 2017.

Dear Herdowner,

I refer to your application outlined above received on **26/09/2023**. Having considered all the relevant material, including the criteria set out in Schedule 2 of Statutory Instrument No. 456 of 2011, as amended S.I. 142 of 2013 and S.I. 407 of 2017, which included an on-site visit, I am pleased to inform you that the activities as outlined in your application may proceed. The activity approved is for removal of 614 metres of stone wall and hedgerow (field boundaries on **LPIS parcels xxxxxx, xxxxxxx, xxxxxxx and xxxxxxx**) on lands at Borris, Co. Carlow (see map in Appendix).

Please be aware that this approval is on the basis that a replacement hedgerow of 1228 metres is planted prior to removal and please be advised of other relevant DAFM requirements as set out on page 2 of this approval notice.

This approval will be valid until **11/01/2027**. If the proposed activities are not carried out before this date, and you intend to carry them out at a later date, you must re-apply for an EIA Screening Decision.

Please note that this approval is granted to you and can be transferred to your spouse, son or daughter if the ownership of the lands in question is transferred to them within the period of the validity of the approval. The approval is not valid for transfer to anyone else under any circumstances.

It is also your responsibility to ensure that you remain fully compliant with all other relevant Department of Agriculture, Food and the Marine scheme requirements and regulations (see reverse), and any other statutory requirements that may be applicable.

Please Note:

- Under Article 15 of the European Communities (Environmental Impact Assessment) (Agriculture) Regulations 2011 (as amended), a permission of the Minister for Agriculture, Food and the Marine made under these regulations can be challenged by way of Judicial Review within three months of the permission being granted. Any decision to implement or act on a permission before the expiration of this three month period is at your own risk. This does not affect any of your legal obligations in respect of the proposed works. The Minister for Agriculture, Food and the Marine will not be responsible for any loss, damage, or expense incurred in the event that a permission is impugned by the courts.

- The Department of Agriculture, Food and the Marine is subject to the provisions of Data Protection legislation including the Freedom of Information Act (FOI) and EU Directive 2003/4/EC 'Access to information on the Environment' and SI 133/2007 European Communities (Access to Information on the Environment) Regulations 2007-2017 as amended. This application and the Department of Agriculture, Food and the Marines assessment of this application will be published on the DAFM website.

Yours sincerely,

_____

EIA Screening & Consent
Nature and Land Use division

<u>Please be aware of the following other Department of Agriculture, Food & Marine requirements</u>:
Basic Income Support for Sustainability (Conditionality) under CAP Strategic Plan 2023 - 2027

Hedgerows and drains/ditches

Hedgerows and drains/ditches have been designated as landscape features under Good Agricultural and Environmental Condition. This means that it is not necessary to make deductions to parcel areas to account for these features but they must be retained. Also, as of 1st January 2023, they cannot be removed apart from certain limited exceptional circumstances; these being for building work associated with farmyard expansion and widening gaps to facilitate larger machinery, road safety issues and defined farm safety circumstances that can be demonstrated to cause an unacceptable level of risk to current farming practice.

Failure to abide with this rule will result in a conditionality penalty. Hedgerows cannot be removed on land designated as SAC or SPA without the prior approval of the National Parks and Wildlife Service.

Where removal is required and in line with these exceptional circumstances hedgerows must be replaced with twice the proposed removal length prior to removal. This must be planted in the vicinity of the removal. The replacement hedgerow must comprise of traditional hedgerow species and cannot include amenity species such as laurel or conifers.

Forestry (Felling of trees)

If the hedgerow/ditch being removed contains any trees, the applicant must hold a valid felling licence before the trees can be removed. To apply for a felling licence the applicant must complete a Tree Felling Licence Application. Forms are available to download from https://www.gov.ie/en/collection/c04fb-forestry-grants-and-premium-schemes-2014-2020-circulars/ or by phone request on 076 1064459. The application form must be accompanied by a 6 inch ordnance survey map with the trees clearly marked, and a discovery location map. Felling licences typically take 16 weeks from the date received and will issue to the applicant in due course. Where relevant, a tree volume calculator is available at the following link: https://www.gov.ie/en/publication/ea3cf-forest-management-tools/

Agri-Climate Rural Environment Scheme (ACRES)

Where any restructuring, land drainage or intensification of use of agricultural land impacts on commitments under the Agri-Climate Rural Environment Scheme (ACRES), this may result in a reduction of payment under the scheme and a recoupment of all or part aid already paid. Screening by DAFM or the existence of an Environmental Impact Assessment under the Environmental Impact Assessment (Agriculture) Regulations 2011 will not exempt farmers from their obligations to deliver all voluntary undertakings under ACRES or any other DAFM scheme.

Wildlife Acts

The applicant must be cognisant of requirements under the Wildlife Act 1976 and the Wildlife (Amendment) Act 2000. Including, but not limited to Section 40 of the Wildlife Act 1976, as amended by Section 46 of the Wildlife (Amendment) Act 2000, restricts the cutting, grubbing, burning or destruction by other means of vegetation growing on uncultivated land or in hedges or ditches during the nesting and breeding season for birds and wildlife, from 1 March to 31 August.

Appendix