Rialtas na hÉireann
Government of Ireland

# Screening for Appropriate Assessment

## Adoption of necessary conservation measures within Kenmare River SAC in accordance with Regulation 42A EC (Birds and Natural) Habitats Regulations 2011-2021

Prepared by the Department of Housing, Local Government and Heritage
**npws.ie**

# Contents


1. Introduction ..... 3

2. Background ..... 4

3. Legislation and Guidance ..... 5

3.1. Guidance and Data Sources ..... 5

3.2. Assessment Methodology ..... 6

3.3. Legislative Background ..... 6

4. Overview of the Project ..... 9

4.1. Purpose ..... 9

4.2. Project Description ..... 9

5. Part 1: Necessary conservation measures ..... 11

6. Part 2: Identification of European Sites within the Potential Zone of Influence of proposed activities ..... 22

7. Part 3: Assess the likelihood of significant effects ..... 22

8. Part 4: In Combination Effects ..... 23

9. Part 5: Findings of the Screening for AA ..... 24

10. Part 6: Conclusion ..... 24

11. Supplementary Information ..... 25

# 1. Introduction

This determination on Screening for Appropriate Assessment (AA) has been made by the Ecological Assessment Unit (EAU) of the Department of Housing, Local Government and Heritage (DHLGH) in accordance with Regulation 42A(8) of the European Communities (Birds and Natural Habitats) Regulations 2011-2021 ('the 2011 Regulations").[1]

On the 21st October 2024, in accordance with the requirements of Regulation 42A(3) of the 2011-2021 Regulations, the Minister for Housing, Local Government and Heritage ('the Minister') furnished the EAU with a request for a Screening for Appropriate Assessment (AA) determination for the proposed creation of a new pond for the conservation of Natterjack Toads, a species intrinsic to the coastal wetlands within the Kenmare River Special Area of Conservation (SAC) [Site Code: 002158]. The location of the proposed measure is also dual designated as the Iveragh Peninsula Special Protection Area (SPA) [Site Code:004154]. Hereafter referred to as "the project".

The EAU have evaluated and analysed the information contained in the referred to above documents and location maps provided and carried out a determination. The purpose of this document is to provide a record and an audit trail of the EAU reasoned thinking in view of best scientific knowledge and the Conservation Objectives of European Sites.

[1] As inserted by Regulation 7 of the European Union (Birds and Natural Habitats) (Amendment) Regulations 2021.

## 2. Background

Pursuant to Regulation 42A(1) of the 2011-2021 Regulations, a Screening for AA is required to be carried out on the project. AA is a process required under Article 6(3) of the EU Habitats Directive. Article 6(3) is transposed in Ireland by the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477 of 2011), as amended, and by Part XAB of the Planning and Development Act, 2000, as amended.

All plans and projects which are not directly connected with or necessary to the management of a European Site, but which either individually or in combination with other plans or projects, are likely to have a significant effect on a “European Site”, require that an AA of these effects to determine if they will adversely affect the integrity of these sites. The proposed pond creation is considered to fall under the requirements of AA as applied to all plans and projects.

The Screening for AA process scrutinises the plan or project to determine if there is potential for likely significant effects either individually or in combination with other plans or projects, on a European Site. European Sites are part of the Natura 2000 network and include those designated as Special Areas of Conservation (SAC), Candidate SACs (cSACs) or Special Protection Areas (SPA). This Screening for Appropriate Assessment describes the outcome of this analysis in respect of the project.

# 3. Legislation and Guidance

This section provides details on the adopted methodology with sources of guidance and information gathered to inform the preparation of the report.

## 3.1. Guidance and Data Sources

- Communication from the Commission on the precautionary principle. European Commission (2000);
- European Commission. (2001) Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodical Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC;
- European Commission. (2007) Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC;
- Department of Environment, Heritage and Local Government. (2010) Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities;
- Appropriate Assessment under Article 6 of the Habitats Directive; Guidance for Planning Authorities. Circular NPW 1/10 and PSSP 2/10;
- European Commission. (2018) Managing Natura 2000 Sites: The Provision of Article 6 of the Habitats Directive 92/43/EEC;
- Office of the Planning Regulator. (2021) Practice Note PN01 - AA Screening for Development Management;
- Official Journal of the European Union. (2021) Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (Volume 64; 2021/C 437/01); and,
- Reyne, M., Aubry, A., Martin, Y., Helyar, S. Emmerson, M. & Reid, N. (2019) Natterjack Toad (Epidalea calamita) Monitoring and Conservation Status 2016-2018 Irish Wildlife Manuals, No. 107. National Parks and Wildlife Service, Department of Culture, Heritage and the Gaeltacht, Ireland.

## 3.2. Assessment Methodology

This report is based on review of desktop data. Sources of information utilised for this report and accessed during October 2024 include the following:

- National Parks & Wildlife Service (NPWS) Designations Viewer[2]; and,
- National Biodiversity Data Centre (NBDC) Maps[3].

## 3.3. Legislative Background

According to the EU Habitats Directive (92/43/EEC) and the EU Birds Directive (79/409/EEC), Member States are required to establish a Natura 2000 network of sites of highest biodiversity importance for rare and threatened habitats and species across the EU.

In Ireland, the Natura 2000 network of European sites comprises SACs, candidate SACs and SPAs.

SACs are selected for the conservation of Annex I habitats (including priority types which are in danger of disappearance) and Annex II species (other than birds). SPAs are selected for the conservation of Annex I birds and all migratory birds and their habitats. The Annex habitats and species, for which each site is selected, are the Qualifying Interests (QI) for SACs and Special Conservation Interests (SCI) for SPAs of each site. Conservation Objectives for the site are defined for these QI or SCI.

A key requirement of the Habitats Directive is that the effects of any plan or project, which is not directly connected with or necessary to the management of a European Site, but which alone, or in combination with, other plans or projects, are likely to have a significant effect on a European Site, should be assessed before any decision is made to allow that plan or project to proceed. The obligation to undertake a screening for AA, and if necessary, an AA, derives from Article 6(3) of the Habitats Directive and both involve a number of steps and tests that need to be applied in sequential order.

Article 6(3) is concerned with the strict protection of sites, while Article 6(4) is the procedure for allowing derogation from this strict protection in certain restricted circumstances.

[2] National Parks & Wildlife Service Designation Viewer. Accessed at ArcGIS Web Application 25/10/2024

[3] National Biodiversity Data Centre Maps. Accessed at Maps - Biodiversity Maps (biodiversityireland.ie) 25/10/2024

Article 6(3) of the Habitats Directive states:

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

Article 6(4) states:

> "If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.
>
> Where the site concerned hosts a priority natural habitat type and/or a priority species, the only considerations which may be raised are those relating to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of overriding public interest."

The competent authority is required to carry out a screening for AA, and if necessary, an AA as required by Article 6(3) of the Habitats Directive. If the competent authority determines that the plan or project will adversely affect the integrity of a European site, it may only authorise that plan or project by following the Article 6(4) procedure.

The Article 6(3) and 6(4) procedures are outlined as follows:

**Stage 1 - Screening for Appropriate Assessment** – to assess, in view of best scientific knowledge, if the project or plan, individually or in combination with another plan or project is likely to have a significant effect on the Natura 2000 site.

**Stage 2 - Appropriate Assessment** – This is required if it cannot be excluded, on the basis of objective information, that the project or plan, individually or in combination with other plans or projects, will have a significant effect on a Natura 2000 site. The AA must include a final determination by the competent authority as to whether or not a proposed project would adversely affect the integrity of a Natura 2000 site. In order to reach a final determination, the competent authority must undertake examination, analysis and evaluation, followed by findings, conclusions and a final determination. The appropriate assessment must contain complete, precise and definitive findings and conclusions, and may not have lacunae or gaps.

**Stage 3 – Assessment of alternative solutions** - the process which examines alternative ways of achieving the objectives of the project or plan that avoid adverse impacts on the integrity of the Natura 2000 site.

**Stage 4 - Assessment where no alternative solutions exist and where adverse impacts remain** - an assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest (IROPI), it is deemed that the project or plan should proceed.

Under Regulation 42A(1) of the 2011-2021 Regulations, the Ecological Assessment Unit is the competent authority in relation to screening for AA of projects and plans (such as the proposed pond creation) which the Minister proposes to undertake or adopt.

# 4. Overview of the Project

The Natterjack Toad (*Epidalea calamita*) is widely distributed across Europe, ranging from the Iberian Peninsula in the west and as far east as the Baltic coast with several isolated populations in Ireland and Great Britain. It prefers coastal marsh, heath and sand dune habitats where temporary shallow pools form. The Natterjack Toad is among the few amphibians that can tolerant brackish water. During the day, toads stay borrowed in moist sandy soil or under debris and stones. They are nocturnal being most active at night when they predate invertebrates and emerge en mass to breed. Adult toads do not have many natural predators due to poisonous glands on their skin which produce noxious compounds. Tadpoles are also toxic to avoid predation by fish.

Despite its widespread distribution in Europe, the Natterjack Toad population is declining. There have been recent concerns about its current status, with its range having contracted by >50% during the latter half of the 20th century. Recent surveys indicate that the species' range may have contracted even further, with very poor and irregular breeding activity recorded in the most westerly parts of its current range. The species is listed on Annex IV of the EU Habitats and Species Directive with EU member states where it is found (including the Republic of Ireland) required to report regularly to the European Commission on the species' conservation status [see Article 17, Habitats Directive 92/43/EEC].

The last two Article 17 reports assessed the species' conservation status throughout Europe as 'unfavourable' except for in the Mediterranean region. In Ireland, the Natterjack Toad is the most range restricted and rarest amphibian; it is Red-listed as 'Endangered'. Prior to the initiation of the Pond Creation Scheme in 2008 by the National Parks and Wildlife Service (NPWS), toads were restricted to 12 discrete sites in County Kerry, all designated as Special Areas of Conservation or SACs. Natterjack Toads are protected under the Irish Wildlife Acts.

## 4.1. Purpose

The project is for the creation of a new pond for Natterjack Toads within the townland of Darrynane More, Co. Kerry (known as Caherdaniel). Previous Natterjack Toad monitoring at Caherdaniel estimated low toadlet survival indicating that the population was likely to decline. Small declines (3%) in the number of egg strings have been observed at the site since 2004. A recommendation of monitoring at this site is the creation of additional ponds in the area.

## 4.2. Project Description

The location of the new pond is within the Kenmare River SAC in Co. Kerry (Figure 1), which is a long, narrow, south-west facing bay. It is a deep, drowned glacial valley and the bedrock is mainly Old Red Sandstone which forms reefs along the middle of the bay throughout its length.

Kenmare River SAC has a wide range of marine communities from exposed coast to ultra-sheltered areas. The site contains three marine habitats listed on Annex I of the E.U. Habitats Directive, namely reefs, large shallow bay and marine caves. There is also a very high number of rare and notable marine species present and some uncommon communities.

Within the Darrynane Bay area on the south side of the Iveragh Peninsula there are good examples of a number of habitats listed on Annex I of the E.U. Habitats Directive including dry heath, fixed dunes, Marram dunes, sea cliffs and salt meadows (both Atlantic and Mediterranean types). Kenmare River SAC contains an exceptional complement of marine and terrestrial habitats, many of which are listed on Annex I of the E.U. Habitats Directive, as well as four species that are listed on Annex II of this Directive.

The location for new pond was identified during field trip with Office of Public Works (OPW) staff, Dr. Aoife Delaney of NPWS Scientific Advisory and Research Directorate and NPWS Regional Management on 4th June 2024. The location identified is suitable as it is within migration distance of toads from existing ponds, subject to some flooding, but outside Annex I dune habitats.

Pond creation will involve the removal of the surface sod from generally a circular area *c.*10 metre diameter. Smooth-sided, gradually shelving pond to be dug to max depth of 1 metre.

Duration of the works will be *c.*1-2 days. Required plant for the task includes 1 No. mini-excavator operated by Darrynane based OPW staff during Nov/Dec 2024, as water levels and weather conditions allow. Tractor and tipper trailer to be used to transport material away from the SAC.

Prior and during works, a NPWS Authorised Officer will ensure the project can progress (access, route and egress) in compliance with Section 22 and Section 23 of the Wildlife Acts 1976-2012 prior to works (where applicable).

## 5. Part 1: Necessary conservation measures

Answer these questions if the activity is “directly connected with or necessary to the management of the site”. Otherwise go to Part 2.

a). List the European site(s) and the relevant Conservation Objectives (include version number of the Conservation Objective).

**Kenmare River SAC** [Site code: 002158].

NPWS (2013) Conservation Objectives: Kenmare River SAC 002158. Version 1. Accessed 29th October 2024.

Available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO002158.pdf

**Qualifying Interests**

Large shallow inlets and bays [1160]

Reefs [1170]

Perennial vegetation of stony banks [1220]

Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]

Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]

Mediterranean salt meadows (Juncetalia maritimi) [1410]

Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]

Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]

European dry heaths [4030]

Juniperus communis formations on heaths or calcareous grasslands [5130]

Calaminarian grasslands of the Violetalia calaminariae [6130]

Submerged or partially submerged sea caves [8330]

Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]

Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]

Lutra lutra (Otter) [1355]

Phocoena phocoena (Harbour Porpoise) [1351]

Phoca vitulina (Harbour Seal) [1365]

**Conservation Objectives for Qualifying Interests.**

**Large shallow inlets and bays [1160]**

To maintain the favourable conservation condition of Large shallow inlets and bays in Kenmare River SAC, which is defined by the following list of attributes and targets:

- Habitat area.
- Community extent.
- Community structure: Zostera density; and, biological composition.
- Community distribution.

**Reefs [1170]**

To maintain the favourable conservation condition of Reefs in Kenmare River SAC, which is defined by the following list of attributes and targets:

- Distribution.
- Habitat area.
- Community structure.

**Perennial vegetation of stony banks [1220]**

To maintain the favourable conservation condition of Perennial vegetation of stony banks in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Physical structure: sediment supply; creeks and pans; flooding regime
- Vegetation structure: zonation; vegetation height; vegetation cover; negative indicator species - *Spartina anglica*
- Vegetation composition: typical species and sub-communities.

### Vegetated sea cliffs of the Atlantic and Baltic coasts

To maintain the favourable conservation condition of Vegetated sea cliffs of the Atlantic and Baltic coasts in Kenmare River SAC, which is defined by the following list of attributes and targets:

- Habitat length.
- Habitat distribution.
- Physical structure: functionality and hydrological regime.
- Vegetation structure: zonation.
- Vegetation structure: vegetation height.
- Vegetation composition: typical species and sub-communities.
- Vegetation composition: negative indicator species.
- Vegetation composition: bracken and woody species.

### Atlantic salt meadows (Glauco-Puccinellietalia maritimae) [1330]

To maintain the favourable conservation condition of Atlantic salt meadows in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Physical structure: sediment supply; creeks and pans; and, flooding regime.
- Vegetation structure: zonation; vegetation height; vegetation cover; and, negative indicator species - *Spartina anglica.*
- Vegetation composition: typical species and sub-communities.

### Mediterranean salt meadows (Juncetalia maritimi) [1410]

To restore the favourable conservation condition of Mediterranean salt meadows (Juncetalia maritimi) in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.

- Habitat distribution.
- Physical structure: sediment supply; creeks and pans; and, flooding regime.
- Vegetation structure: zonation; vegetation height; and, vegetation cover.
- Vegetation composition: typical species and sub-communities; and, negative indicator species - *Spartina anglica.*

**Shifting dunes along the shoreline with Ammophila arenaria (white dunes) [2120]**

To maintain the favourable conservation condition of Shifting dunes along the shoreline with Ammophila arenaria (white dunes) in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Physical structure: functionality and sediment supply.
- Vegetation structure: zonation.
- Vegetation composition: plant health of dune grasses; typical species and sub-communities; and, negative indicators species.

**Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130]**

To maintain the favourable conservation condition of Fixed coastal dunes with herbaceous vegetation (grey dunes) in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Physical structure: functionality and sediment supply.
- Vegetation structure: zonation.
- Vegetation composition: plant health of dune grasses; typical species and sub-communities; and, negative indicators species.

### European dry heaths

To maintain the favourable conservation condition of European dry heaths in Kenmare River SAC, which is defined by the following list of attributes and targets:

- Habitat area.
- Habitat distribution.
- Ecosystem function: soil nutrients.
- Community diversity.
- Vegetation composition: lichens and bryophytes; number of positive indicator species; cover of positive indicator species; dwarf shrub composition; negative indicator species; non-native species; native trees and shrubs; bracken; and, soft rush.
- Vegetation structure: senescent ling; signs of browsing; burning; and, growth phases of ling.
- Physical structure: disturbed bare ground.
- Indicators of local distinctiveness.

### Juniperus communis formations on heaths or calcareous grasslands [5130]

To maintain the favourable conservation condition of *Juniperus communis* formations on heaths or calcareous grasslands in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Juniper population size.
- Vegetation composition: typical species; and, negative indicator species.
- Vegetation structure: cone-bearing plants; seedling recruitment; and, dead juniper.

### Calaminarian grasslands of the Violetalia calaminariae [6130]

To maintain the favourable conservation condition of Calaminarian grasslands of the Violetalia calaminariae in Kenmare River SAC, which is defined by the following list of attributes:

- Habitat area.
- Habitat distribution.
- Physical structure: bare ground.
- Soil toxicity: copper content.
- Vegetation structure: height and cover.
- Vegetation composition: metallophyte bryophytes.

### Submerged or partially submerged sea caves [8330]

To maintain the favourable conservation condition of Submerged or partially submerged sea caves in Kenmare River SAC, which is defined by the following list of attributes:

- Distribution.
- Community structure.

### Vertigo angustior (Narrow-mouthed Whorl Snail) [1014]

To maintain the favourable conservation condition of Narrow-mouthed Whorl Snail in Kenmare River SAC, which is defined by the following list of attributes and targets:

- Distribution: occupied sites.
- Presence on transect.
- Presence.
- Transect habitat quality.
- Transect optimal wetness.
- Habitat extent.

**Rhinolophus hipposideros (Lesser Horseshoe Bat) [1303]**

To maintain the favourable conservation condition of Lesser Horseshoe Bat in Kenmare River SAC, which is defined by the following list of attributes:

- Population per roost.
- Winter roosts.
- Summer roosts.
- Number of auxiliary roosts.
- Extent of potential foraging habitat.
- Linear features: length.
- Light pollution.

**Lutra lutra (Otter) [1355]**

To maintain the favourable conservation condition of Otter in the Kenmare River SAC, which is defined by the following list of attributes:

- Distribution.
- Extent of terrestrial habitat.
- Extent of freshwater (river) habitat.
- Extent of freshwater (lake) habitat.
- Couching sites and holts.
- Fish biomass available.
- Barriers to connectivity.

**Phocoena phocoena (Harbour Porpoise) [1351]**

To maintain the favourable conservation condition of Harbour Porpoise in Kenmare River SAC, which is defined by the following list of attributes:

- Access to suitable habitat.
- Disturbance.

**Phoca vitulina (Harbour Seal) [1355]**

To maintain the favourable conservation condition of Harbour Seal in the Kenmare River SAC, which is defined by the following list of attributes:

- Access to suitable habitat.
- Breeding behaviour.
- Moulting behaviour.
- Resting behaviour.
- Disturbance.

**Iveragh Peninsula SPA** [Site code: 004154].

NPWS (2022) Conservation objectives for Iveragh Peninsula SPA [004154]. First Order Site-specific Conservation Objectives Version 1.0. Accessed 1st November 2024.

Available at: https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004154.pdf

**Special Conservation Interests**

Fulmar (Fulmarus glacialis) [A009]

Peregrine (Falco peregrinus) [A103]

Kittiwake (Rissa tridactyla) [A188]

Guillemot (Uria aalge) [A199]

Chough (Pyrrhocorax pyrrhocorax) [A346]

**Conservation Objective:**

To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.

b). State how this activity furthers the Conservation Objective(s)

Under Article 6 of the EU Habitats Directive, DHLGH is required to ensure the favourable conservation status of all Annex I habitats and Annex II species within SACs. The Conservation Objectives seek to maintain protected SAC feature(s) where evidence exists that it is in favourable condition in the site, or where there is uncertainty concerning the assessed condition of a feature but no reason to suspect deterioration in condition since designation.

Where evidence exists that a feature is declining and/or damaged and therefore not in a favourable condition in the site, the Conservation Objectives will seek to restore the protected feature.

In this unique case, the Natterjack Toad is not on Annex II of the EU Habitats Directive so is not a Qualifying Interest of the Kenmare River SAC. However, is a species listed on Annex IV of the Directive and in need of strict protection.

The main aim of the Habitats Directive is to contribute towards the conservation of biodiversity by requiring Member States to take measures to maintain and restore natural habitats and wild species listed on the Annexes of the Directive at a favourable conservation status (Article 1).

The conservation status of a species is defined as the sum of influences acting on a species concerned that may affect the long term distribution and abundance of its populations within the territory of the Member States. The assessment brings together information on four parameters for species, notably, range, population, habitat and future prospects. The conservation status is assessed at a national level, not just in Special Areas of Conservation.

The project implements the recommendations for the conservation of an Annex IV species and is directly related to enhancing the status of a species dependent and intrinsic to the coastal dune QI habitats within the SAC. Due to this intrinsic connection between an Annex IV species and Annex II habitat for which the site is designated the project is considered as a necessary conservation measure.

The project will be beneficial to maintaining and working towards achieving favourable conservation status of the Natterjack Toad which is dependent on the coastal dune habitats within the site.

The measures proposed have all been trialled and shown to be practical and effective.

c). Does this activity have the potential to impact negatively on any Conservation Objective (CO), Qualifying Interest (QI)/Special Conservation Interest (SCI) for this or any other European site?

The effect on all European Sites and their QI/SCI within a defined Zone of Influence of the proposed project has been assessed using expert opinion, reviewing all available spatial data on QI and SCI within the Kenmare River Special Area of Conservation, and the Iveragh Peninsula SPA Special Protection Area.

The selected location for the creation of a new pond for Natterjack Toad is not within a QI habitat and this has been assessed by NPWS Scientific Advisory and Research Directorate.

There is a proven and planned route of accessibility for pond creation without impacting on any QI habitats.

In relation to any perceived conflict of objectives in habitat creation for an Annex IV species which is not a QI of the SAC, the EAU refer to the case law where conflicting objectives in the management of Natura 2000 site have arisen and received Court of Justice of the European Union (CJEU) ruling.

The CJEU has been clear in Case 241/08 Commission v France and in this instance both the Judgement and the Advocate General's Opinion are instructive. In particular, attention should be focused on paragraph 53 of the Judgement which refers to the need for reconciliation of conflicting objectives in developing conservation and restoration objectives for Natura 2000 sites. This is further elaborated on in paragraphs 43-44 and paragraphs 70-71 of the Advocate General's Opinion. In paragraph 71 she states:

*"Contrary to the Commission's opinion, Article 6(3) of the Habitats Directive does not compel measures relating to the management of the site to be subject to the assessment of the implications for the site if such measures could have an effect on certain conservation objectives. Setting conservation and restoration objectives may in fact require decisions to be made on conflicts between various objectives. Therefore, it may be necessary to accept adverse effects on certain habitat types or species in order to facilitate other developments. Here, the relative importance of the respective conservation and restoration objectives for Natura 2000 is decisive."*

It is the position of the EAU, in view of that the measure is to benefit a species intrinsically linked to QI dune habitats and the project does not affect the ability of QI dune habitats within to achieve their Conservation Objectives that this can be considered a necessary conservation measure that is directly connected with or necessary for the management of this European site.

The potential effect of human / machinery disturbance on the SCI of the Iveragh Peninsula SPA while undertaking the pond creation is considered negligible due to the short-term duration of activity and specific targeted location of the measure.

There is not considered to be any potential for disturbance beyond a de minimus level on any SCI for which the Iveragh Peninsula SPA is designated.

No significant adverse impacts on the QI or SCI features of any other SAC or SPA are anticipated.

Yes ☐ No ☑

d). Are there aspects of this activity which are NOT directly connected with the management of the site?

Yes ☐ No ☑

If the answer to EITHER of the above questions is **Yes** a Screening for AA is required, go to Part 2.

If the answer to BOTH questions is **No** go to Part 5.

## 6. Part 2: Identification of European Sites within the Potential Zone of Influence of proposed activities

List all European sites which may be affected by this activity because they are linked by an ecological pathway. If the site has a second European designation (SAC, SPA) this also needs to be considered.

## 7. Part 3: Assess the likelihood of significant effects

Provide this information for **each site** listed in Part 2.

List the QI/SCIs for the site(s), their current conservation condition and the Site Specific Conservation Objectives (SSCO) for that QI/SCI. Then answer the questions about the impact on that QI/SCI.

Tick all the boxes below which may apply.

Your answer will determine if the activity is likely to have a (negative) effect on this QI/SCI. Negative effects may arise because of the activity's location within the site; its proximity to the QI/SCI or the size of the land take involved; the abstraction of water or minerals; emissions or waste arising; the types of transport or machinery being used; the length of time involved or seasonality of the work.

a). There is likely to be a reduction in the area of QI/SCI habitat ☐

b). The physical/chemical quality of the environment is likely to be changed in a way which may cause the deterioration of the QI/SCI habitat (e.g. applying lime to an acidic soil) ☐

c). The structure of the ecological community is likely to be altered (e.g. through altered species composition) in a way which will have negative impact on the QI/SCI. ☐

d). A QI/SCI species is likely to be disturbed (e.g. through noise, vibrations) ☐

e). The population size, characteristics or reproductive success of a QI/SCI species is likely to be changed either directly or indirectly (e.g. lighting close to a bat roost entrance) ☐

f). QI/SCI species or habitats are likely to be more vulnerable to change or less resilient to external change (e.g. to flooding, fire or drought) ☐

g). There are likely to be effects on other species /habitats (not a QI/SCI for this site) which are ecologically linked with this QI/SCI and, as a consequence, there are likely to be negative effects on this QI/SCI (e.g. the impacts on geese which are the SCI when their non-QI feeding areas are damaged). ☐

h). This activity will cause a deterioration in the conservation condition of this QI/SCI. ☐

i). There are likely to be other ecological effects not listed above which are likely to have a significant effect on the QI/SCI. ☐

Explain the effects:

_____

**If you have ticked a box for any QI/SCI in any of the sites affected by this activity the likelihood of a significant effect cannot be ruled out and the activity MUST be screened IN for AA.**

## 8. Part 4: In Combination Effects

Is this activity likely to cause negative effects in combination with any other plan or project?

(In answering this question you should consider any other consents which have been applied for or granted. For example, other ARCs, planning consents, forestry consents, or activities authorised as part of an agreed farm or land management plan. List the plans or projects considered).

_____

_____

**No** ☑ **Yes** ☐ **Uncertain** ☐

**If the answer is Yes or Uncertain the activity MUST be screened IN for AA. Fill in Part 5 accordingly.**

## 9. Part 5: Findings of the Screening for AA

Screening not carried out as the activity is “directly connected with or necessary to the management of the site”. ☑

Likely significant effects are expected or uncertain.

This activity Screens **IN** and AA **is** required. ☐

Likely significant effects are NOT expected.

This activity Screens **OUT** AA **is not** required. ☐

Signature: Ryan Wilson-Parr, Head of Ecological Assessment

Date: 4th November 2024

## 10. Part 6: Conclusion

Following an analysis of the activity, the EAU determines[4], in accordance with Regulation 42A(8) of the 2011-2021 Regulations, that the habitat creation within the Kenmare River SAC to enhance the population dynamics and natural range of the Annex IV species Natterjack Toad, a species dependent on the SACs coastal dune habitats, is a necessary conservation measure that is directly connected with or necessary for the management of this European site.

[4] Ryan Wilson-Parr (Head of Ecological Assessment, Department of Housing, Local Government and Heritage) 4th November 2024

# 11. Supplementary Information

Figure 1. (below): Location of Kenmare River SAC as per the NPWS (2013) Conservation Objectives: Kenmare River SAC 002158. Version 1. (Red arrow indicates project location).

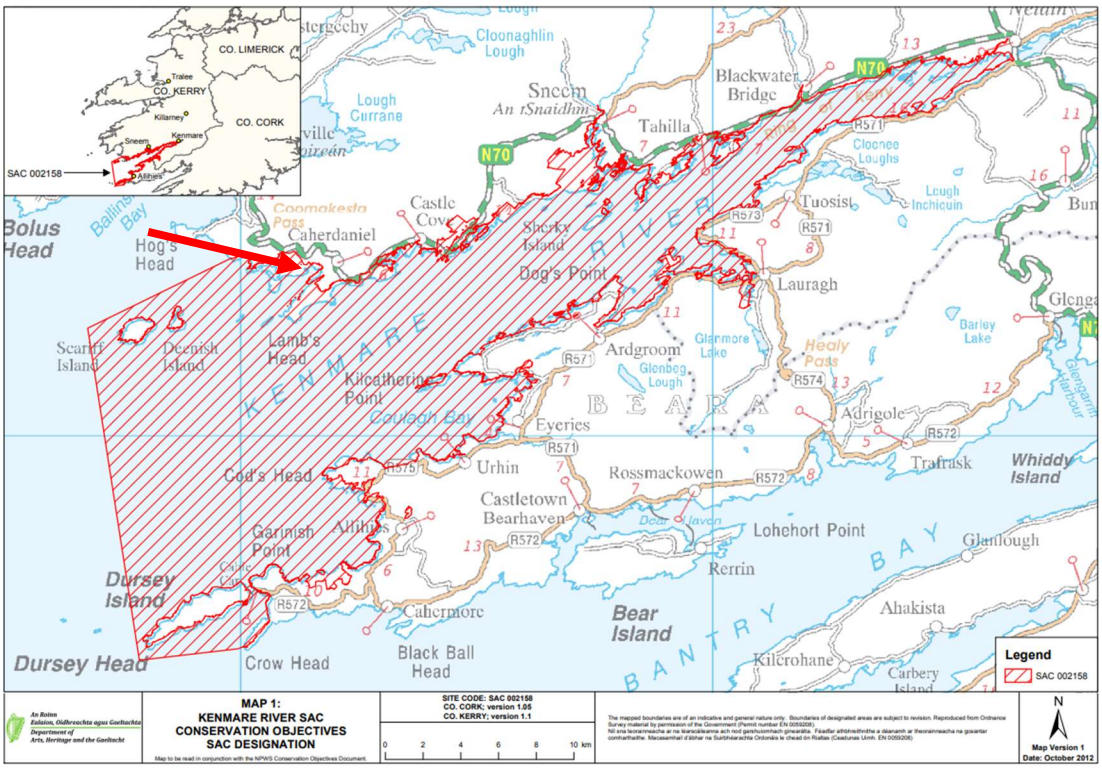


Figure 2. (below): Location of overlapping, adjoining and adjacent Natura 2000 sites in relation to Kenmare River SAC. (Red arrow indicates project location).

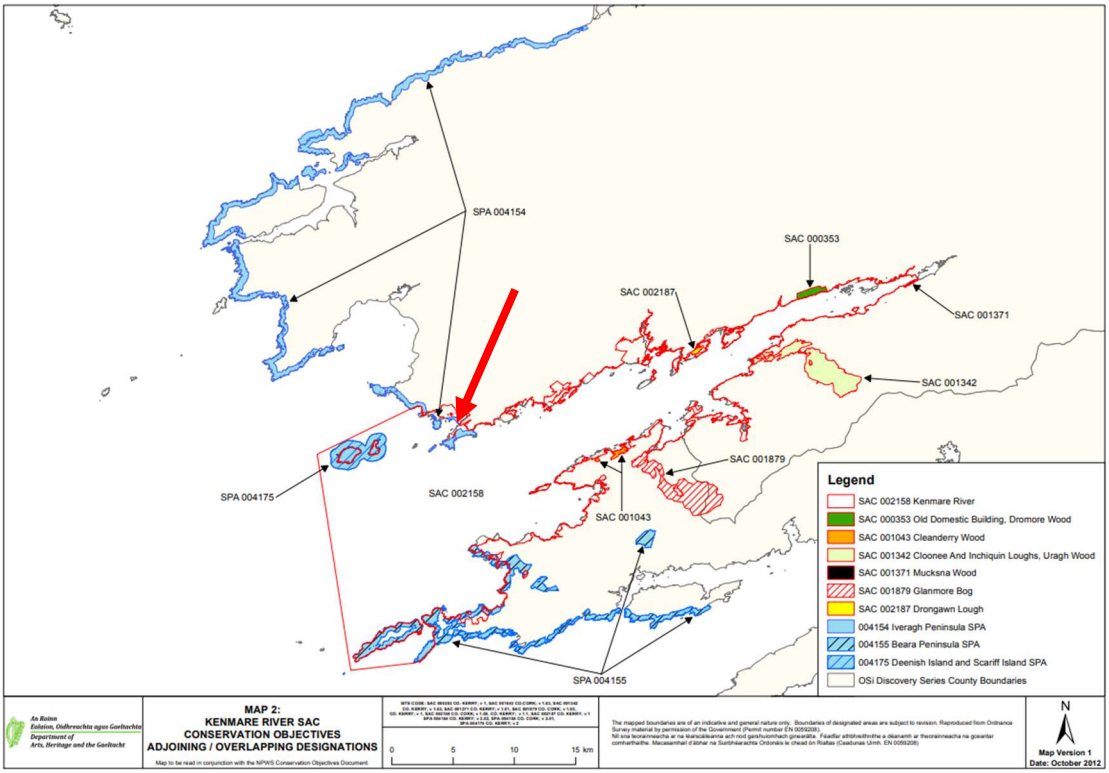


Figure 3. (below): NPWS Map Viewer showing Ordnance Survey Ireland Discovery basemap of Darrynane Bay. The red arrow indicates project location.

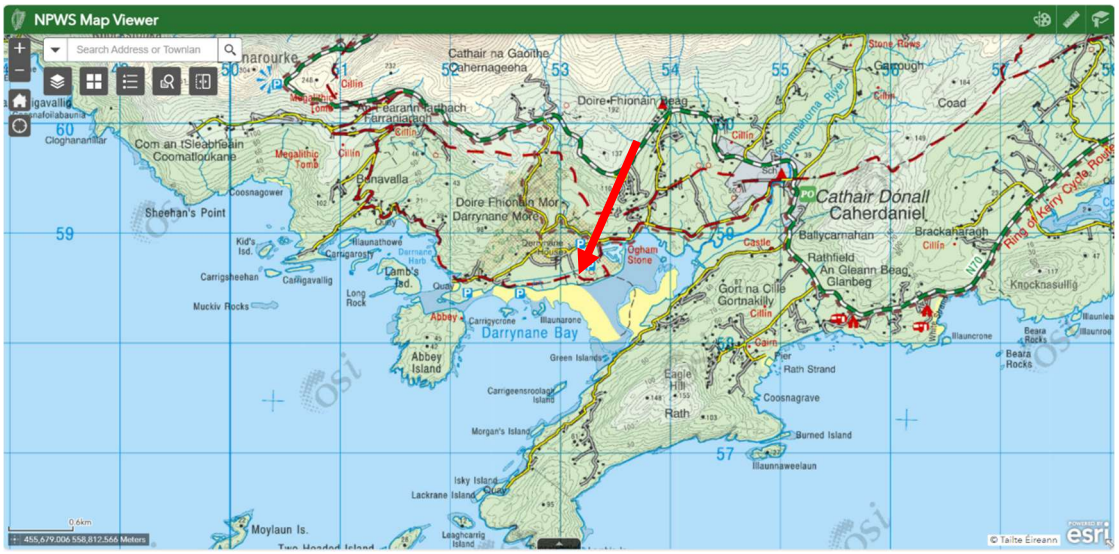
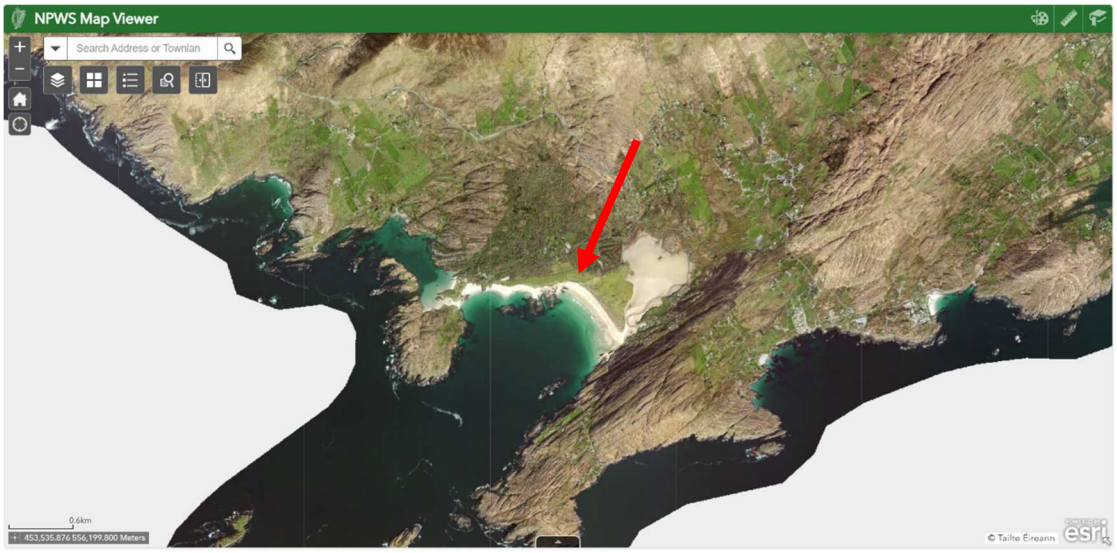



Figure 4. (below): NPWS Map Viewer showing Orthophotography basemap of Darrynane Bay. The red arrow indicates project location.



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