



OPR Practice Note PN01

Appropriate Assessment Screening for Development Management



Óifig an
Rialaitheora Pleanála
Office of the
Planning Regulator

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management

18th June 2021

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What is a 'Practice Note'?



Paper that examines a specific subject matter from the perspective of the practitioner.



Key messages translated from policy and legislation into pragmatic advice for day-to-day work of a planning practitioner.



Complementary tool to give support and reassurance.



Sharing collective knowledge and learnings

A 'Practice Note' is not



- ✗ **Not** a substitute for learning, understanding or reading the principal legislation, guidelines or case law.
- ✗ **Not** binding – a planning authority does not have to adopt or incorporate any recommendations outlined.
- ✗ **Not** a legal digest – it does reflect recent case law.

Overview of Screening and Appropriate Assessment

Screening:

Is the project likely to have a significant effect, either individually or in combination with other plans or projects, on European site(s) in view of the site's conservation objectives?

..... No

Decisions and reasons recorded - No further action required

Yes/Uncertain



Appropriate Assessment:

Will the project adversely affect the integrity of a European site(s) either individually or in combination with other plans and projects in view of the site's conservation objectives?

..... No

Planning Permission can be granted

Yes/Uncertain

Planning Permission cannot be granted (unless proceeding to consideration of alternatives or IROPI)

Key Concepts in Focus:

Best Scientific Knowledge:

- ▶ Based on scientific information
- ▶ Up-to-date
- ▶ Best available techniques & methods



Good news

For the vast majority of cases adequate information is publicly available:



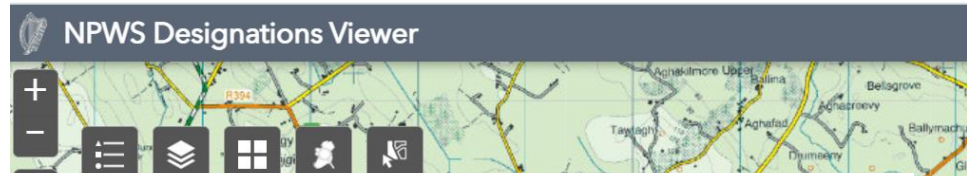
<https://www.npws.ie/>

<https://gis.epa.ie/EPAMaps/AAGeoTool>

<https://gis.epa.ie/EPAMaps/Water>

Example:

Lough Sheelin SPA




Site Documents

Download Conservation Objectives

 [CO004065.pdf](#) [242 KB]

Download Natura 2000 form

 [NF004065.pdf](#) [74 KB]

Download Site Synopsis

 [SY004065.pdf](#) [10 KB]

Statutory Instrument

<http://www.irishstatutebook.ie/2011/en/si/0290.html>

Site Details

Site code	004065
Designation	Special Protection Area (SPA)
Counties	Cavan Meath Westmeath
Coordinates	Latitude: 53.804 Longitude: -7.32739

Qualifying Interests

Great Crested Grebe (*Podiceps cristatus*) [A005]
Pochard (*Aythya ferina*) [A059]
Tufted Duck (*Aythya fuligula*) [A061]
Goldeneye (*Bucephala clangula*) [A067]
Wetland and Waterbirds [A999]



QI

Qualifying Interest

- ▶ Habitats
- ▶ Species (non-bird)



SCI

Special Conservation Interest

- ▶ SPA
- ▶ Named bird species



Q Key Concepts in Focus:

Source- Pathway-Receptor

S-P-R

No pathway/link

=

No potential impact

Zone of Influence

- The area that the effects could reach.
- Arbitrary distances (15km) no longer relevant
- Case-by-Case assessment

Examples:

Case study 1 – Site 1.7km from SAC & SPA but **no** pathway

Case study 3 – SPA 20km from site but potential/unknown impacts

Source-Pathway-Receptor Model:



Source

Identify the characteristics of the proposed development such as the nature, size and location and the type of impacts.



Pathway

Identify the existence and characteristics of the pathways that could link European sites and their Qualifying Interests to the proposed development.



Receptor

Establish the location, nature and sensitivities of the qualifying species and habitats, the ecological conditions underpinning their survival and the conservation objectives specified to maintain or restore favourable conservation status.

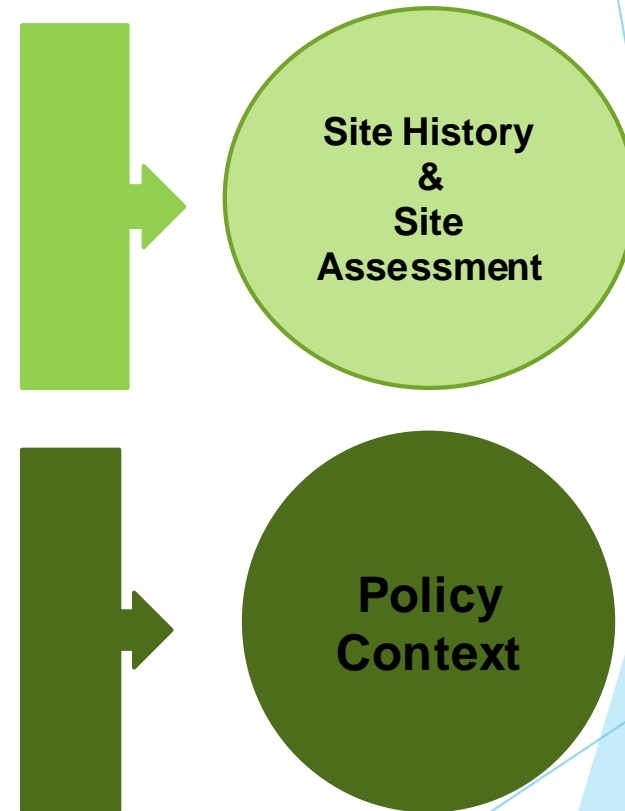
Examples

- Freshwater Pearl Mussel extreme sensitivity to siltation in water.
- Lesser Horseshoe Bat sensitivity to noise and light.
- Turlough sensitivity to changes in groundwater levels.

Key Concept in Focus: In-combination Effects

In-combination effects must examine plans or projects that are:

- ▶ Projects completed,
- ▶ Projects approved but not started or uncompleted,
- ▶ Projects proposed, i.e. for which an application for approval or consent has been made, including refusals subject to appeal and not yet determined,
- ▶ Proposals in adopted plans, *and*
- ▶ Proposals in finalised draft plans formally published or submitted for consultation or adoption.



Key Concepts in Focus:



Integrity of European site; this is considered through AA.
Do not use this term in screening.



Mitigation measures **cannot** be considered for the purpose
of screening.

Key Concepts in Focus:

‘Likelihood’ + the ‘Precautionary principle’



Possibility



Based on Information



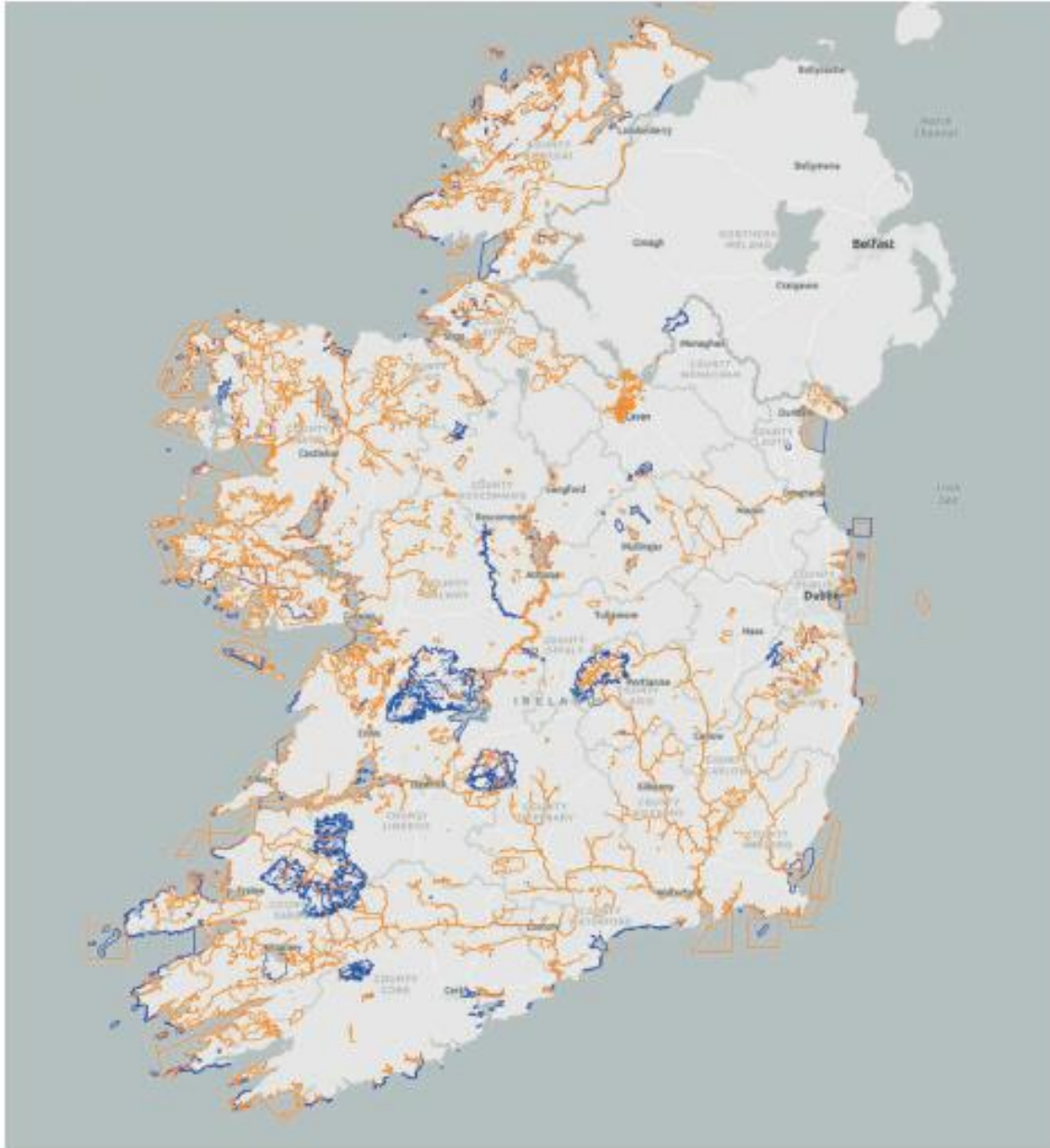
Obvious Doubt

Sources of Information:

NPWS/EPA; internal/external reports; submissions/observations;
new/emerging plans.

Transboundary Effects:

Figure 1. Map illustrating the Natura 2000 Network in Ireland



Note:

Since 1 January 2021 nature conservation areas in the UK (including Northern Ireland) are no longer part of the Natura 2000 network.

Screening for Appropriate Assessment:

Cases where it is obvious that the proposal could no have any conceivable effect.

Examples include small scale developments:

- ▶ Signage
- ▶ Domestic extension (in serviced urban area)
- ▶ Small scale changes of use in town centres
- ▶ **Must** be reasoned.
- ▶ **Must** be documented.

Recommend:

Avoid statements:

'the site is not located in an SAC or SPA; so I have no concerns in relation to AA'

'this development doesn't require AA screening'

'there are no AA issues here'

'this development doesn't need AA'

'the site is Xkm from SAC/SPA, so there are no AA issues here'

Do refer to Case Study 1.

Sample Case Study 1.

Sample Template Completed:

The subject site is located 1.7km from Baldoye Bay SAC and SPA.

The proposed development is located within an established residential area and comprises a domestic extension (50m²), together with landscaping works and associated site development works. The property is connected to the mains drainage system and surface water is attenuated on-site.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area so that any construction surface water runoff will be managed via the existing drainage system,
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Sample Template:

The subject site is located *[insert general description of location of site relative to Natura 2000 sites]*.

The proposed development comprises *[insert the specifics of the case including the nature and scale of the development]*.

Having regard to:

- *insert specifics of the nature, scale and location and identify any pathways]*.

It is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Undertaking Screening for Appropriate Assessment

Steps and matters to be considered:



1. **Describe** the proposed development and local site characteristics.



2. **Identify** the relevant European sites and compile information on qualifying interests and conservation objectives.

- (a) Identify all European sites that might be affected using the Source-Pathway-Receptor model.
- (b) Identify the qualifying interests of the site concerned and the conservation objectives.
- (c) Determine which of those qualifying interests/conservation objectives could be affected by the proposed development.



3. **Assess** the likely significant direct and indirect effects on the conservation objectives of the site(s) in relation to:

- (a) the project alone, and
- (b) In combination with other plans and projects.



4. **Screening determination statement and conclusion:**
In the absence of mitigation measures, determine if the project alone or in combination with other plans and projects could undermine the conservation objectives of the site(s) and give rise to likely significant effects.

Case Study 2. Housing Development

STEP 1. Description of the project/proposal and local site characteristics:	
(a) File Reference No:	
(b) Brief description of the project or plan:	97 no. residential units and associated site works.
(c) Brief description of site characteristics:	<p>The application site (6.3 ha in area) is located on the eastern side of the village which is just south of the N7 dual carriageway. The site comprises greenfield agricultural land and slopes downward generally from east to west.</p> <p>To the SW of the site is a small stream, which connects to the Kill river at a distance of 300m to the SE. The River Kill is part of the River Liffey catchment, which outfalls to Dublin Bay.</p> <p>Land immediately adjacent is currently under construction for housing and there are a number of extant permissions for housing within the village boundary.</p> <p>The subject site is not located within or immediately adjacent to any Natura/European site.</p>
(d) Relevant prescribed bodies consulted: e.g. DHLGH (NPWS), IFI, EPA, OPW	DHLGH, An Taisce, Heritage Council, Inland Fisheries Ireland, TII, NTA and IW.
(e) Response to consultation:	Inland Fisheries Ireland (site is within the catchment of Kill River and the River Liffey).

STEP 2. Identification of relevant Natura 2000 sites using Source-Pathway-Receptor model and compilation of information Qualifying Interests and conservation objectives.

European Site (code)	List of Qualifying Interest/Special Conservation Interest ¹	Distance from proposed development ² (km)	Connections (Source- Pathway- Receptor)	Considered further in screening Y/N
North Dublin Bay SAC 000206	10 QIs https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO000206.pdf	>25km East	Yes Weak hydrological connections exist through:	Yes – see step 3.
South Dublin Bay SAC 000210	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals	>25km East	(i) Surface water ultimately discharges to Kill river, a tributary of River Liffey, connecting to	Yes – see step 3.
North Bull Island SPA 004006	QI – 18 bird species https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004006.pdf	>25km East	No North Bull Island is located within the water body of Dublin Bay. The pathway is however significantly remote.	No
Poulaphuca Reservoir SPA 004063	Greylag Goose (Anser anser) [A043] Lesser Black-backed Gull (Larus fuscus) [A183] https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004063.pdf	>25km East	No Due to distance and the lack of any relevant ex-situ factors of significance to these species.	No

Case Study 3. Pig house

STEP 3. Assessment of Likely Significant Effects

(a) Identify all potential direct and indirect impacts that may result in significant effects on the conservation objectives of a European site, taking into account the size and scale of the project under the following headings:

Construction phase

- Potential impact on water quality; silt laden surface water run-off from site clearance.
- Temporary; significant due to the QI (aquatic species)

Operational phase

- Potential water pollution from animal effluent/nutrient rich surface water to watercourse
- Potential ground water contamination
- No detail of attenuation or disposal
- Spreading of slurry (no detail)
- Atmospheric emissions relating to airborne ammonia from pig manure

Likely significant effects... In-combination



- Proposal is within a complex with two existing pig houses.
- No detail provided on the existing systems
- No detail on location of land spreading

=

Therefore potential for **in-combination** effects with the existing pig houses

Step 3 (b) Likely changes to the European site

(b) Describe any likely changes to the European site arising as a result of:

Examples of the type of change that should be given consideration to include:

- Reduction or fragmentation of habitats
- Disturbance to QI species
- Habitat or species fragmentation
- Reduction or fragmentation of habitats leading to a loss of density
- Changes in key indicators of environmental status value (water quality etc.)
- Changes to areas of sensitivity or threats to QI
- Interference with the key relationships that define the **structure** or ecological **function** of the site
- Climate change

(c) Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?

☐ Yes ☒ No

While best practice construction methods are referenced these are not required to avoid or reduce any effects on a European site. These measures are not relied upon to reach a conclusion of no likely significant effects on any European site.

turn, affect the conservation objectives of the site having regard to the characteristics and sensitivities of the QI to changes in water quality and levels of sedimentation.

The lack of detail regarding surface water management and disposal of slurry during the operational phase results in **uncertainty**.

Although weaners have significantly lower ammonia emission levels than production pigs, the in-combination effects with the existing pig houses (production pigs) has the potential to impact significantly on the atmospheric concentrations of ammonia which could, in turn, affect the conservation objectives of the SAC having regard to the characteristics and sensitivities of the QI to deposition.

Wexford Harbour & Slobbs SPA:

Unknown changes in relation to the wetland habitats of Wexford Slobbs SPA as the locations of slurry spreading have not been provided in the application documentation. Likely significant effects **cannot be ruled out with certainty**.

Step 4. Screening Determination Statement

Step 4. Screening Determination Statement:

The assessment of significance of effects:

Describe how the proposed development (alone or in-combination) is/is **not likely** to have **significant effects** on European site(s) in view of its conservation objectives.

On the basis of the information on file, and having regard to:

- the effluent likely to arise due to the nature and scale of the proposed development,
- the close proximity of the site (c.800m) and direct connections to the Slaney River Valley SAC (000781),
- the absence of detail on the locations where the disposal of effluent arising from the development will occur,
- the uncertainty and potential for pathways to the Wexford Harbour and Sloba SPA (004076),
- the ammonia emissions due to the nature and scale of the proposed development and the close proximity of the site to Old sessile oak woods [91A0] within the Slaney River Valley SAC (000781),
- the potential for in-combination effects with the existing pig houses within the agricultural holding,

it is concluded that the proposed development, individually or in-combination with other plans or projects, is likely to have a significant effect on the above listed European Sites, in view of the sites' conservation objectives.

An appropriate assessment is, therefore, required to determine if adverse effects on site integrity can be excluded in view of the conservation objectives of the Slaney River Valley SAC and Wexford Harbour and Sloba SPA.

Conclusion:

	Tick as Appropriate:	Recommendation:
(i) It is clear that no likelihood of significant effects arises.	<input type="checkbox"/>	The proposal can be screened out: Appropriate assessment not required.
(ii) It is uncertain whether the proposal, will have a significant effect on a European site.	<input type="checkbox"/>	<input type="checkbox"/> Request further information to complete screening <input type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
(iii) Significant effects are likely.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Request NIS <input type="checkbox"/> Refuse planning permission
Signature and Date of Recommending Officer:	Planning Officer XXX	
Signature and Date of the Decision Maker:	Delegated Decision Maker XXX	

- Synopsis of the assessment
- Conclusion and recommendation

Common Issues

Q. When should AA screening be carried out?



*'the execution of construction **works** or of other **installations** or **schemes**, other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.'*

i.e. almost all applications and DM functions

Q Is screening necessary if a NIS is submitted?



Yes. Must ensure that all potential sites are captured. Competent authority is the PA not the applicant.

Q. What's the status of a screening report submitted by applicant?



No legislative status. No statutory requirement. Competent authority is the PA. May have regard to any supplementary report provided.

Common Issues

Q. Does the requirement for EIA trigger a need for appropriate assessment?



No

Q. What happens if further information is submitted?



If further information is submitted after the screening has been undertaken, it **must be reviewed** in light of those details or changes before the decision is made

Implications for Development Management:



Section 247 Pre-application consultation - Opportunity



Cannot process an Outline application if a NIS or AA required



Cannot process a Retention application if a NIS or AA required



Planning Conditions



Section 5 Declarations [Section 4(4)]



Don't forget – Timeframes and Public notices



Golden Rule

- The wider provisions of the European Communities (Birds and Natural Habitats) Regulations 2011 [**S.I. No. 477/2011**], as amended, **will still be relevant**.
- **Regulation 42(1)** requires that any public authority (including a local authority) **must** carry out a screening for appropriate assessment of a plan or project, for which an application for consent is received or which a public authority wishes to undertake or adopt.

Final Note

Appendix D



Annex I habitats (59) incl. priority habitats (16)



Annex II Animal & Plant Species (25)



Birds Directive Annex I Species (37)

Appendix C



Further Reading and Reference Material (including Case Law)



Thank You!

<https://www.opr.ie/planning-practice/>