

**Roscommon County Council**

## **Appropriate Assessment Screening**

### **Roscommon Town Centre West Enhancement Scheme**

Prepared by LUC  
May 2024



Roscommon County Council

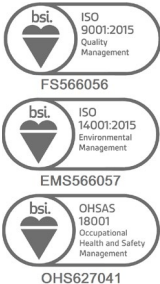
Appropriate Assessment Screening  
Roscommon Public Realm Enhancements

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# Contents

## Chapter 1 Introduction

Aims	1
Project Overview	1
Appropriate Assessment: An Overview	2
Part 8 Planning Applications: An Overview	3
Structure of Report	4

## Chapter 2 Legislative Context

Legislation	5
Guidance Documents	8

## Chapter 3 Assessment Methodology

Purpose	10
Consultation	10
The Four Stages of Appropriate Assessment	11
Stage 1: Screening	11
Screening Conclusion Statement	14

## Chapter 4 Project Description and Site Context

Project Objective/s	15
Project Location and Site Context	15
Proposed Development Works	15

## Chapter 5 Identification of Relevant European Sites

Zone of Influence	17
European Sites Screened	17

## Chapter 6 Assessment of Likely Significant Effects

Direct and Indirect Impacts of Proposed Development	19
Potential Effects on European Sites	20
In-combination Effects	23

## Chapter 7 Screening Conclusions

Screening Conclusion Statement	24
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## Appendix A Concept Masterplan

A-1

# Chapter 1

## Introduction

### Aims

**1.1** LUC has been appointed by Roscommon County Council to provide an Appropriate Assessment Screening in support of the Part 8 application for the Roscommon Town Centre West Enhancement Scheme which is part of the second phase of public realm enhancements in the town centre and a continuation of the public realm scheme that was granted planning permission at the start of 2024..

**1.2** The project is “*part of a broader vision to reimagine Roscommon Town as a more compact, sustainable and people-friendly place*”<sup>1</sup>. Currently at design stage, this stage of the project involves 3 main components as follows:

- Enhancement of St Ciarans Street/Park from the Market Square to St Ciarans Road and linking back to Church Street.
- Sacred Heart Catholic Church Car Park
- St. Comán's Wood Primary School Car Park and St Ciarans Street

**1.3** Under the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended), it is a requirement that each project submitted for planning consent undergoes assessment of its implications on any European site. This process is referred to as Appropriate Assessment (AA).

**1.4** This report provides the Appropriate Assessment Screening at the current detailed design stage.

**1.5** The aims of this report are to:

- Assess the potential for the public realm enhancement to incur likely significant adverse effect/s on the qualifying interests<sup>2</sup> of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and/or Ramsar site if present within the zone of influence; and
- Collate all AA Screening information for the competent authority to determine whether full AA will be required for the works proposed.

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<sup>1</sup> LUC (2021) Roscommon Public Realm Enhancement Stage 1 Report v1.1. August 2021.

<sup>2</sup> 'Qualifying Interests' relate to the habitats and/or (non-bird) species for which an SAC or SPA is selected. Specifically, 'Special

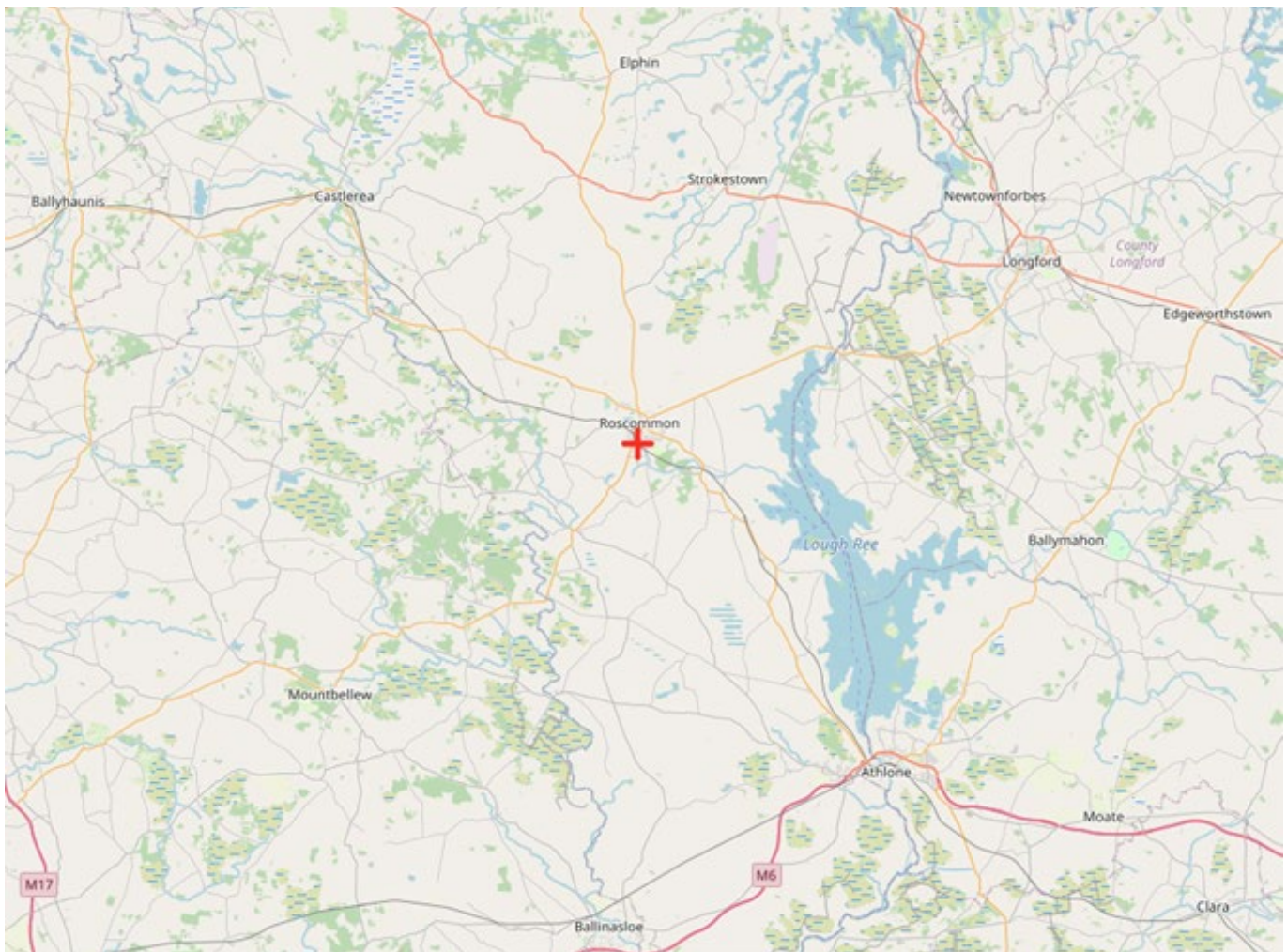
Conservation Interests' relate to bird species for which an SPA is selected. For the purposes of this report, the term 'qualifying interest' is used collectively to all.

**1.6** The initial AA screening report was been prepared by Ellie Mayhead, BSc (Hons) ACIEEM. Supporting input to identify relevant plans and projects to be considered for in-combination effects was provided by planning specialist Karolina Kaczor BA MSc IEMAGrad. Reviews were completed by Sofie Swindlehurst BSc (Hons) MSc MCIEEM CEnv in accordance with the internal Quality Assurance procedures of LUC.

## Project Overview

**1.7** The site is located within Roscommon town, Co. Roscommon, centred approximately at OSiGR: M 87662 64478 (see **Figure 1.1**).

**Figure 1.1:** Location of proposed project in Roscommon town centre<sup>3</sup>



**1.8** The project area is illustrated in **Figure 1.1**. This project area consists of improvements to St Ciarans Street and existing car parks that are accessed from this existing public highways.

**1.9** Given the town centre location of the proposals, all works are within existing urban land, typically highways, hardstanding or associated verge (**Figure 1.2**).

**1.10** There are no other watercourses within or adjacent to the proposed site boundary.

<sup>3</sup> Map extract from the publicly available European Protection Agency Maps [online]. Available at: <https://gis-stg.epa.ie/EPAMaps/> [Accessed 26.05.22]



1.11 Full town centre enhancement works is provided in **Appendix A**.

Figure 1.2: Red line boundary for Roscommon Town Centre West Enhancement Scheme<sup>4</sup>



## Appropriate Assessment: An Overview

1.12 The European Habitats Directive provides legal protection for habitats and species of European importance. The overall aim of the Habitats Directive is to maintain or restore the “*favourable conservation status*” of habitats and species of European Community Interest listed in the ‘Habitats Directive’ (Council Directive 92/43/EEC<sup>6</sup>) and the ‘Wild Birds Directive’ (Council Directive 2009/147/EC<sup>7</sup>). SAC established

under the Habitats Directive, and SPA designated under the Birds Directive are collectively known as European Protected Sites and form a framework for the Natura 2000<sup>8</sup> network.

1.13 The Habitats Directive is transposed into Irish legislation by the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended) and the Planning and Development Act (as amended). Appropriate Assessment (AA) is required under the Habitats Regulations to assess the potential for adverse effects of a plan or project, in isolation or

<sup>4</sup> LUC, May 2024.

<sup>6</sup> Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Available at: [https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>7</sup> Council Directive 2009/147/EC on the Conservation of Wild Birds. Available at: [https://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

<sup>8</sup> Pan-European network of all sites designated under the Habitats and Birds Directives, to which the requirements for appropriate assessment under Article 6(3) of the Habitats Directive apply.

in-combination with other plans or projects, on the conservation objectives of a European site.

**1.14** AA focuses on the qualifying interests<sup>9</sup> of qualifying (European) sites, and on the designation's conservation objectives. It is completed by the competent authority<sup>10</sup>, informed by information provided by the applicant. An initial Screening Assessment identifies likely significant effects (LSE). Full AA is subsequently conducted for any LSE which cannot be screened out at the initial stage.

**1.15** The initial Screening stage of AA identifies whether significant effects on a European site are likely to arise from the project assessed. If significant effects are likely to occur or if it is unclear whether significant effects are likely to occur, then the process moves on to full AA and is reported in a Natura Impact statement (NIS). Further information on the stages of AA is provided in **Chapter 3**.

## Part 8 Planning Applications: An Overview

**1.16** Part 8 applications do not require full AA or Environmental Impact Assessment (EIA). The application process, following submission to the planning authority is summarised as follows:

- Public consultation – minimum six weeks (four weeks public display plus two weeks for submissions to be accepted).
- Report by planning authority Chief Executive for its members – eight weeks (unless modifications/variations are to be made).
- Members to consider the proposals and make decision – within six weeks.
- Minimum 20 weeks total.

## Structure of Report

**1.17** This report is structured as follows:

- **Chapter 2** sets out the legal context and supporting guidance for this assessment;
- **Chapter 3** details the AA Screening methodology;
- **Chapters 4 to 6** provide the Screening assessment; and
- **Chapter 7** summarises the Screening conclusions.

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<sup>9</sup> The designation features of SACs are referred to as Qualifying Interests (and the designation features of SPAs are referred to as Special Conservation Interests which comprise bird species as well as wetland bird habitats. The term 'qualifying interests' will however be used throughout this report for simplicity to encompass both.

<sup>10</sup> The 'competent authorities' are those charged with or responsible for consenting, authorising, adopting or deciding to proceed with a plan or project; typically considered to be the planning authorities and An Bord Pleanála (Irish Planning Appeals Board).

## Chapter 2

### Legislative Context

**2.1** This AA Screening Report is based on best scientific knowledge and has utilised ecological expertise. It follows the approach outlined in current legislation and case law, guidance documents and Departmental Circulars as set out below.

### Legislation

#### European Legislation

**2.2** The 'Habitats Directive' (Directive 92/43/EEC)<sup>11</sup> is the principal legislative instrument for the protection and conservation of biodiversity within the European Union and lists certain habitats and species that must be protected within wildlife conservation areas. The 'Birds Directive' (Directive 2009/147/EC)<sup>12</sup> provides for a network of sites within the European Union which protect birds at their breeding, feeding, roosting and wintering areas. The Habitats Directive and the Birds Directive form the cornerstone of Europe's nature conservation policy.

**2.3** The requirement for AA is set out in Articles 6(3) and 6(4) of the Habitats Directive (92/43/EEC) which 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 or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public...”*

#### National Legislation and Case Law

**2.4** The Habitats Directive and the Birds Directive are transposed into Irish legislation by the European Communities

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<sup>11</sup> Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora. Available at: [https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>12</sup> Council Directive 2009/147/EC on the Conservation of Wild Birds. Available at: [https://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](https://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)



(Birds and Natural Habitats) Regulations 2011<sup>13</sup>, and Part XAB of the Planning and Development Act 2000, as amended<sup>14</sup>.

**2.5** This AA Screening Report has been prepared with regard to relevant rulings by the Court of Justice of the European Union (CJEU), the High Court, and the Supreme Court, including but not limited to the following rulings. The rulings have been grouped into relevant topics.

#### Interpretation of 'Likely Significant Effect' (LSE)

- European Court of Justice 7<sup>th</sup> September 2004 by Advocate General Kokott; Case C-127/02 Waddenzee - v- Secretary of State for Agriculture, Nature Conservation and Fisheries – The CJEU ruled on the interpretation of Article 6(3) of the Habitats Directive:
  - An effect should be considered 'likely', if it cannot be excluded, on the basis of objective information, that it will have a significant effect on a European site.
  - An effect should be considered 'significant', if it undermines the conservation objectives of a European site.
  - Where a plan or project has an effect on a site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on a European site.

#### Interpretation of Direct, Indirect and In-combination Effects

- European Court of Justice Opinion 22<sup>nd</sup> November 2012 by Advocate General Sharpston; Case C 258/11 Peter Sweetman and Others -v- An Bord Pleanála – The CJEU ruled that in determining whether a project or plan has an adverse effect on the integrity of a site (to which Article 6(3) of the Habitats Directive applies), an effect which is permanent or long lasting must be regarded as an adverse effect.
- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - All the habitats and species for which a European site is protected must be catalogued.
  - An AA must identify and examine the implications of the proposed project for species present on the European site, including species for which the site has been listed and those for which it has not,

provided those implications are liable to affect the conservation objectives of the site.

- An AA must identify and examine the implications of the proposed project for species and habitats outside the boundaries of the European site, provided those implications are liable to affect the conservation objectives of the site.
- High Court Ruling 2<sup>nd</sup> December 2020 by Mr. Justice Denis McDonald; Neutral Citation [2020] IEHC 622; High Court Record No. 2020 238 JR; Highlands Residents Association and Protect East Meath Limited -v- An Bord Pleanála, Ireland and The Minister For Culture Heritage and The Gaeltacht, Ireland and The Attorney General – The High Court ruled that An Bord Pleanála (the competent authority) erred in law in screening out (in the course of the Stage 1 screening exercise carried out by the competent authority) the possibility of significant effects on four European sites in relation to potential risk arising from the mobilisation of silt and pollutants from the development site in this particular Strategic Housing Development application, where the relevant application documentation (Environmental Impact Assessment Report, AA, CEMP) referenced protection of the River Boyne within the context that the proposed development site has a relatively close hydrological connection to the four relevant European sites.

#### Application of the Precautionary Principle

- European Court of Justice Judgement 11<sup>th</sup> April 2013 by the Third Chamber; Case C 258/11 Peter Sweetman and Others -v- An Bord Pleanála – The CJEU ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that a project not directly linked to it is not immediately necessary for the management of a site to prejudice the integrity of that site if it is likely to prevent the preservation of the constituent characteristics of the site concerned in relation to the presence of a natural priority habitat whose purpose is to maintain gave the reason for registering that site in the list of sites of Community importance within the meaning of that directive. Therefore, the precautionary principle must be applied throughout the preparation of an AA.

#### Application of Mitigation/'Best Practice Measures'

- European Court of Justice Judgement 12<sup>th</sup> April 2018 by the Seventh Chamber; Case C 323/17; People Over Wind & Sweetman -v- Coillte Teoranta – The CJEU ruled that measures intended to avoid or reduce the

<sup>13</sup> S.I. No. 477 of 2011 – European Communities (Birds and Natural Habitats) Regulations 2011.

<sup>14</sup> Planning and Development Act 2000, as amended.

harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Stage 1 screening stage when judging whether a proposed plan or project is likely to have a significant effect on the integrity of a European designated site.

- European Court of Justice 19<sup>th</sup> April 2018; Case C 164/17; Grace & Sweetman -v- An Bord Pleanála – The CJEU ruled there is a *“distinction to be drawn between protective measures forming part of a project and intended [to] avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project”*. The CJEU held that it is only when it is sufficiently certain that a measure will make an effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area, that such a measure may be taken into consideration when the appropriate assessment is carried out under Article 6(3). Article 6 of the Habitats Directive must be interpreted as meaning:

*“Where it is intended to carry out a project on a site designated for the protection and conservation of certain species, of which the area suitable for providing for the needs of a protected species fluctuates over time, and the temporary or permanent effect of that project will be that some parts of the site will no longer be able to provide a suitable habitat for the species in question, the fact that the project includes measures to ensure that the part of the site that is likely to provide a suitable habitat will not be reduced and may actually be enhanced may not be taken into account for the purpose of the appropriate assessment under Article 6(3).”*

- High Court Ruling 2<sup>nd</sup> February 2019 by Mr. Justice Barnville; Neutral Citation [2019] IEHC 84; High Court Record No. 2017 883 JR; Kelly -v- An Bord Pleanála & Anor – The High Court ruled that Sustainable Drainage Systems (SuDS) are not mitigation measures which a competent authority is precluded from considering at the Stage 1 screening stage.
- High Court Ruling 21<sup>st</sup> June 2019 by Mr. Justice Simons; Neutral Citation [2019] IEHC 450; High Court Record No. 2019 20 JR; Heather Hill Management Company clg & anor -v- An Bord Pleanála & Anor – The High Court ruled that a competent authority is not entitled to rely on 'best practice measures' for the purposes of a Stage 1

screening determination where the legal test is whether measures are intended to avoid and/or reduce a potential harmful effect on a European site.

- High Court Ruling 31<sup>st</sup> January 2020 by Mr. Justice Denis McDonald; Neutral Citation [2020] IEHC 39; High Court Record No. 2019 33 JR; Peter Sweetman -v- An Bord Pleanála, Ireland and The Attorney General – The High Court ruled that the competent authority was not entitled to take the measures described in the Construction Environmental Management Plan (CEMP) to protect the Blackwater River SAC into account in carrying out the screening exercise for AA in this particular solar farm development case.

### Appropriate Assessment

- High Court Ruling 25<sup>th</sup> July 2014 by Ms. Justice Finlay Geoghegan; Neutral Citation [2014] IEHC 400; High Court Record No. 2013 802 JR; Kelly -v- An Bord Pleanála – The High Court ruled that for an AA to be lawfully conducted it:
  - Must identify, in the light of the best scientific knowledge in the field, all aspects of the plan or project which can, by itself or in-combination with other plans or projects, affect a European site in the light of its conservation objectives. This requires both examination and analysis.
  - Must contain complete, precise and definitive findings and conclusions and may not have lacunae or gaps. The requirement for precise and definitive findings and conclusions appears to require analysis, evaluation and decisions. Further, the reference to findings and conclusions in a scientific context requires both findings following analysis and conclusions following an evaluation each in the light of the best scientific knowledge in the field.
  - May only include a determination that the proposed development will not adversely affect the integrity of any relevant European site where upon the basis of complete, precise and definitive findings and conclusions made the Board decides that no reasonable scientific doubt remains as to the absence of the identified potential effects.
- High Court Ruling 25<sup>th</sup> February 2016 by Mr. Justice Barton; Neutral Citation [2016] IEHC 134; High Court Record No. 2013 450 JR; Balz & Heubach -v- An Bord Pleanála – The High Court ruled that an assessment made under Article 6(3) of the Habitats Directive cannot be regarded as appropriate if it contains gaps and lacks complete, definitive and precise findings, and conclusions capable of removing all reasonable scientific



doubt as to the effects of the plan or project on a European site.

- Supreme Court Ruling 17<sup>th</sup> July 2018 by Mr Justice Clarke; Neutral Citation [2018]; Supreme Court Record No. 2014/488 JR; Connelly -v- An Bord Pleanála – The Supreme Court ruled with the decision of the High Court that An Bord Pleanála (ABP) had breached its obligations regarding the recording of the screening assessment of the AA, the AA itself and the EIA in its decision to grant planning permission for the wind farm. The AA was found to be invalid due to the failure of ABP to make complete, precise and specific scientific findings which justified its conclusion. The Supreme Court found that the decision by ABP nor the materials referred to in ABP's decision could be *“shown to contain the sort of complete, precise and definitive findings which would underpin a conclusion that no reasonable scientific doubt remained as to the absence of any identified potential detrimental effects on a protected site having regard to its conservation objectives”*.
- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - Where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the AA must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

#### Developer's Responsibilities

- European Court of Justice 7<sup>th</sup> November 2018; Case C 461/17; Holohan & Others v. An Bord Pleanála – The CJEU ruled that:
  - The competent authority may grant consent for a plan or project that leaves the developer free to determine certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, if the competent authority is certain (i.e. no reasonable

scientific doubt) that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

- Article 5(1) and (3) of, and Annex IV to, Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment, must be interpreted as meaning that the developer is obliged to supply information that expressly addresses the significant effects of its project on all species identified in the statement that is supplied pursuant to those provisions.
- Article 5(3)(d) of Directive 2011/92/EU must be interpreted as meaning that the developer must supply information in relation to the environmental impact of both the chosen option and of all the main alternatives studied by the developer, together with the reasons for his choice, taking into account at least the environmental effects, even if such an alternative was rejected at an early stage.

## Guidance Documents

**2.6** This AA Screening Report has been prepared with regard to the following European and national guidance documents. The list is ordered by publication date.

### European

- Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on of Article 6(3) and (4) of the Habitats Directive 92/43/EEC<sup>15</sup>
- Guidance document on the strict protection of animal species of Community interest under the Habitats Directive<sup>16</sup>
- Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC<sup>17</sup>
- Commission guidance on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU)<sup>18</sup>

<sup>15</sup> European Commission (2021) Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC [pdf]. Available at: [https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance\\_2021-10/EN.pdf](https://ec.europa.eu/environment/nature/natura2000/management/pdf/methodological-guidance_2021-10/EN.pdf)

<sup>16</sup> European Commission (2021) Guidance document on the strict protection of animal species of Community interest under the Habitats Directive [online]. Available at: <https://op.europa.eu/en/publication-detail/-/publication/a17dbc76-2b51-11ec-bd8e-01aa75ed71a1/language-en/format-PDF/source-search>

<sup>17</sup> European Commission (2018) Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC [online]. Available at: <https://op.europa.eu/en/publication-detail/-/publication/11e4ee91-2a8a-11e9-8d04-01aa75ed71a1>

<sup>18</sup> European Commission (2016) Commission guidance document on streamlining environmental assessments conducted under Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) [pdf]. Available at: <https://eur->

- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC. Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission<sup>19</sup>
- Communication from the Commission on the precautionary principle<sup>20</sup>

## National

- OPR Practice Note PN01: Appropriate Assessment Screening for Development Management<sup>21</sup>
- Guidance on the strict protection of certain animal and plant species under the Habitats Directive in Ireland<sup>22</sup>
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities<sup>23</sup>
- Circular NPW 1/10 & PSSP 2/10. Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities<sup>24</sup>
- Circular SEA 1/08 & NPWS 1/08. Appropriate Assessment of Land Use Plans<sup>25</sup>
- Circular PD 2/07 & NPWS 1/07. Compliance conditions in respect of developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites<sup>26</sup>

[lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0727\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0727(01)&from=EN)

<sup>19</sup> European Commission (2007) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the Concepts of: Alternative Solutions, Imperative Reasons of Overriding Public Interest, Compensatory Measures, Overall Coherence, Opinion of the Commission [pdf]. Available at:

[https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance\\_art6\\_4\\_en.pdf](https://ec.europa.eu/environment/nature/natura2000/management/docs/art6/guidance_art6_4_en.pdf)

<sup>20</sup> European Commission (2000) Communication from the Commission on the precautionary principle [pdf]. Available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52000DC0001&from=EN>

<sup>21</sup> Office of the Planning Regulator (2021) Appropriate Assessment Screening for Development Management – OPR Practice Note PN01 [pdf]. Available at: <https://www.opr.ie/wp-content/uploads/2021/03/9729-Office-of-the-Planning-Regulator-Appropriate-Assessment-Screening-booklet-15.pdf>

<sup>22</sup> Department of Housing, Local Government and Heritage (2021) Guidance on the Strict Protection of Certain Animal and Plant Species under the Habitats Directive in Ireland [pdf]. Available at: <https://www.npws.ie/sites/default/files/files/strict-protection-of-certain-animal-and-plant-species.pdf>

<sup>23</sup> Department of Environment, Heritage and Local Government (2009, revised 2010) Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities [pdf]. Available at: [https://www.npws.ie/sites/default/files/publications/pdf/NPWS\\_2009\\_A\\_A\\_Guidance.pdf](https://www.npws.ie/sites/default/files/publications/pdf/NPWS_2009_A_A_Guidance.pdf)

<sup>24</sup> Department of Environment, Heritage and Local Government (2010) Circular NPW 1/10 & PSSP 2/10 – Appropriate Assessment under Article 6 of the Habitats Directive: guidance for Planning Authorities [pdf]. Available at: <https://www.npws.ie/sites/default/files/general/Circular%20NPW1-10%20%26%20PSSP2-10%20Final.pdf>

<sup>25</sup> Department of Environment, Heritage and Local Government (2008) Circular Letter SEA 1/08 & NPWS 1/0 – Appropriate Assessment of Land Use Plans [pdf]. Available at: <https://www.npws.ie/sites/default/files/general/circular-sea-01-08.pdf>

<sup>26</sup> Department of Environment, Heritage and Local Government (2007) Circular Letter PD 2/07 & NPWS 1/07 – Compliance Conditions in respect of Developments requiring (1) Environmental Impact Assessment (EIA); or (2) having potential impacts on Natura 2000 sites [pdf]. Available at: <https://www.npws.ie/sites/default/files/general/circular-pd-02-07.pdf>



## Chapter 3

### Assessment Methodology

#### Purpose

**3.1** The purpose of this Screening assessment is to determine the potential of the proposed urban realm enhancements to result in likely significant effects to the conservation objectives of European sites either alone or in-combination with other plans or projects. It has been undertaken to comply with the requirements of the Habitats Directive Article 6(3).

**3.2** The following NPWS Generic Conservation Objectives have been considered in the Screening:

- For SACs, to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected; and
- For SPAs, to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA. Where available, Site-Specific Conservation Objectives (SSCOs) designed to define favourable conservation status for a particular habitat<sup>27</sup> or species<sup>28</sup> at that site have been considered.

#### Consultation

##### Pre-application

**3.3** Consultation with the planning authority was completed regarding the project in October 2021 by LUC's Design team. The design team can confirm that there are no other watercourses within or adjacent to the proposed site boundary.

**3.4** Consultation with NPWS took the form of email exchange in November 2022 regarding the wider town centre design and key advice in terms of AA Screening was as follows:

"Note that any car parks should be designed using natural-based SUDs design with native trees and other biodiversity enhancement features and dark sky

<sup>27</sup> Favourable conservation status of a habitat is achieved when: its natural range, and area it covers within that range, are stable or increasing; the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable.

<sup>28</sup> The favourable conservation status of a species is achieved when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

appropriate lighting. Any other underpasses should have a ledge included, a simple concrete pipe is not sufficient for otters and barriers such as this may drive otters onto roads”.

**3.5** . Whilst this advice was applicable to the wider town centre scheme because there are no other watercourses within or adjacent to the proposed site boundary the advice concerning otters is not applicable for the Roscommon Town Centre West Enhancement Scheme.

## The Four Stages of Appropriate Assessment

**3.6** AA is a four-stage process with tests at each stage, as summarised in **Table 3.1**. An important aspect of the process is that the outcome at each successive stage determines whether a further stage in the process is required.

**3.7** This report delivers Stage 1: Screening.

**Table 3.1: The four stage AA screening process**

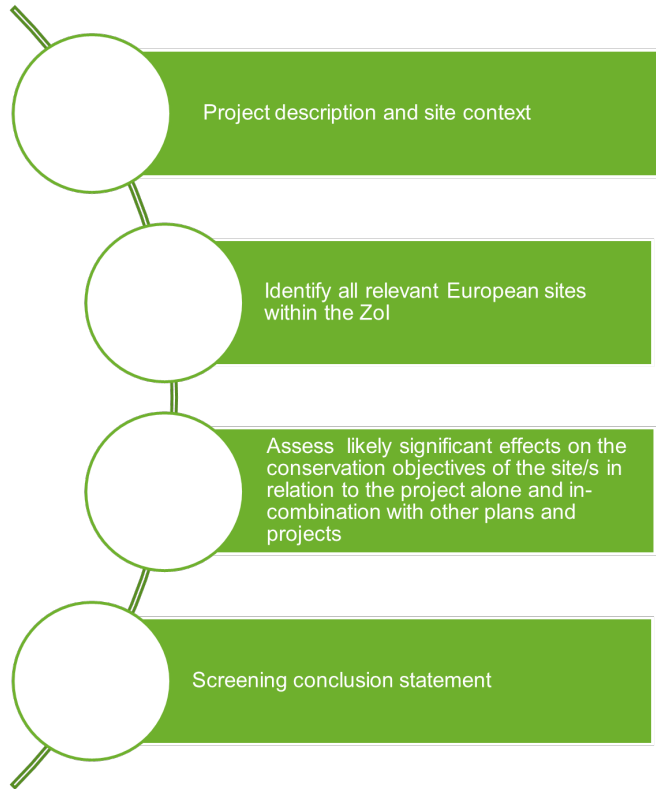
Stage	Process	Output
Stage 1: Screening	Identifies whether the proposed project is directly connected to, or necessary for, the management of a European site(s).  Identifies whether the project may have significant impact/s upon European site/s, either alone or in-combination with other plans or projects.	The output from this stage is a determination of not significant, significant, potentially significant, or uncertain effects. The latter three determinations will cause the project to be brought forward to Stage 2.
Stage 2: Appropriate Assessment	Assess impact/s of the proposed development on the integrity of a European site(s), either alone or in-combination. Integrity is assessed with respect to: (i) site conservation objectives; and (ii) site structure, function and overall integrity.	The output from this stage is a Natura Impact Statement (NIS). This document must include sufficient information for the competent authority to carry out the appropriate assessment, If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded despite incorporation of measures to avoid or reduce the adverse effects, then the process must consider alternatives (Stage 3).
Stage 3: Assessment of Alternatives	Assess alternative ways of achieving the objectives of the project that avoid adverse impacts on the integrity of a European site. May be carried out concurrently with Stage 2 in order to find the most appropriate solution.	If no alternatives exist or all alternatives would result in negative impacts to site integrity, then the process either moves to Stage 4 or the project is abandoned.  Also reported in the NIS.
Stage 4: Assessment where Adverse Impacts Remain	Undertaken when it has been determined that a project will have adverse effects on the integrity of a European site, but where no alternatives exist.  Identifies compensatory measures where, in the context of Imperative Reasons of Overriding Public Interest (IROPI), it is deemed that the project or plan should proceed.	This stage should be avoided if at all possible, The test of IROPI and the requirements for compensation are extremely onerous.  Also reported in the NIS.

## Stage 1: Screening

**3.8** **Figure 3.1** illustrates the four steps of Screening. The method for each is described under the subsequent subheadings, and the results in **Chapters 4 to 7** respectively.



Figure 3.1: The four steps of AA Screening



### Project Description and Site Context

**3.9** The project aims to improve the connectivity and experience within the town centre, focusing on the promotion of active transport as well as rationalised vehicular access, and increase in tree planting and green spaces.

**3.10** In summary, the proposed urban realm enhancements entail the following components<sup>29</sup>:

- Improved pedestrian connectivity and experience;
- Strengthening cycle infrastructure within the town centre;
- Strengthening green and blue infrastructure; and
- Rationalisation of car parking.

**3.11** As outlined in **Chapter 1** 'Project Overview', the project lies entirely within an urban footprint. The majority is existing hardstanding, with integration of existing trees, hedgerows and the vast majority of planting and verges where these occur. The overall benefit will bring significant increase in vegetated area. The public realm design will conform to both Transport Infrastructure Ireland (TII) and Design Manual for urban Roads and Street Trees (DMURS) standards giving the

highest priority to pedestrians and cyclists. The new drainage system will be consistent with a high-quality public space suitable for pedestrians and cyclists. Current issues with drainage lie with the road shape in relation to the gully positions rendering the gullies ineffective. Reshaping of the carriageways and public realm would resolve these issues and prevent surface water run-off or reductions in water quality or quantity within the local ditch and watercourse network. Gully locations are subject to a detailed design.

**3.12** Connectivity of pedestrian or cycle access beyond the town centre into the wider landscape may benefit as a result of a shift in the population toward these modes of active transport. However, increased levels of recreational activity beyond the urban centre such that may incur adverse impact at distance within the wider landscape are anticipated to be minimal and, as such, are reasonably excluded from this assessment.

**3.13** Further detail of the project description and site context are provided in **Chapter 4**.

### Spatial Scope: Identification of Relevant European Sites

**3.14** Identification of relevant sites to include in the assessment followed the Source-Pathway-Receptor model. If there is no pathway or the Qualifying Interests of the European site are not vulnerable (either directly or indirectly) to any impact predicted from the proposed development then a site has not been screened in.

**3.15** European sites are taken to include:

- Special Areas of Conservation (SAC) and candidate SAC designated under the Habitats Directive for particular habitat types (Annex I) and species (Annex II);
- Special Protection Areas (SPA) and proposed SPA designated under Article 4(1) of the Birds Directive for rare and vulnerable birds listed in Annex I, or Article 4(2) for regularly occurring migratory species not listed in Annex I; and
- Ramsar sites identified as internationally important wetland habitat under the 'Ramsar Convention' 1971<sup>30</sup> are also considered in the assessment despite being at the wider international level.

### Zone of Influence

**3.16** The Zone of Influence (Zol) for a project is the area over which qualifying interests may be subject to significant effects as a result of the proposed project and associated activities. The Zol is likely to extend beyond the project site where there

<sup>29</sup> LUC (2021) Roscommon Public Realm Enhancement Stage 1 Report v1.1. August 2021.

<sup>30</sup> Convention on Wetlands of International Importance especially as Waterfowl Habitat 1971.

are ecological or hydrological links beyond the site boundaries which may result in an impact upon qualifying interests, in line with the Source-Pathway-Receptor model. The zone of influence will vary for different ecological features depending on their sensitivity to an environmental change<sup>31</sup>.

**3.17** An initial 2km Zol was applied to the project area, to identify European Sites for consideration in this Screening. Habitats within the project area do not include Annex 1 habitats, nor do they serve as Functionally Linked Land (FLL) for Annex I species.

**3.18** As noted earlier under 'Project Description and Site Context', the project focuses on enhancing connectivity for users within the town centre. Potential off-site recreational impact at distance from the project area is predicted to be minimal. Whilst potential impact of recreational activity in habitats immediately adjacent to the project area are included (on otter), no extension of the Zol was considered appropriate for specific consideration of recreational impact on qualifying bird species at distance.

**3.19** Other European Sites occurring outside of this distance are not included as part of this Screening assessment as no pathways link these sites to the project areas. No Ramsar sites occur within the assessed Zol.

**3.20** Roscommon is located in central Ireland and has just one European Site within proximity to the project area, Lough Ree SAC, which 3.3km from the project area (measured by direct distance or 13.4km when measured along the route of connected watercourses). As this SAC is hydrologically connected, it has been considered in this Screening Assessment. Typically, a 500m Zol is applied for freshwater hydrological pathways to reflect potential pollution impacts that may result from construction. Risk of pollution impacts beyond this distance are considered proportionately.

**3.21** Spatial mapping of European sites was downloaded from NPWS. Qualifying interests and conservation objectives of the sites concerned were determined from the NPWS designated site website<sup>32</sup>.

### Assessment of Likely Significant Effects

**3.22** A risk-based approach using the precautionary principle was adopted in the assessment of LSE. A conclusion of 'no significant effect' therefore has only been reached where it is considered very unlikely, based on current knowledge and the information available.

**3.23** When assessing impact, qualifying interests of conservation interest are only considered relevant where a tangible Source-Pathway-Receptor link exists between the proposed development and qualifying species or habitats. In order for an impact to occur, there must be a risk initiated by having a 'source' (e.g. construction works), a 'receptor' (e.g. a protected species, associated aquatic, terrestrial or marginal habitats), and an impact pathway between the source and the receptor (e.g. a watercourse which connects the proposed development site to the designated site).

**3.24** If there is no pathway or the qualifying interests of the European site are not vulnerable (either directly or indirectly) to any impact resulting from the proposed development, then a likely significant effect has been ruled out.

### Qualifying Interests and Conservation Objectives Potentially Affected

**3.25** Knowledge of the proposed construction and operation was used to determine which qualifying interests/conservation objectives could be affected by the proposed development. Consideration has been given to the potential for the development proposed to result in significant effects associated with:

- Physical loss of/damage to habitat (including FLL);
- Non-physical disturbance (noise, vibration and light);
- Changes to hydrology (water quality and quantity);
- Air pollution (including that resulting from increased traffic, dust); and
- Recreational pressure.

### In-combination Effects

**3.26** In-combination assessment considers potential impacts of the project that may not be significant but, in-combination with other plans or projects, may collectively become so. It focuses on the qualifying interests that may be affected during construction, operation and/or decommissioning. In-combination assessment is completed as part of the Screening if none of the potential impacts identified have LSE.

**3.27** In-combination assessment is not however completed if no potential impact (of any scale) is identified, as is the case for the Screened development.

<sup>31</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.

<sup>32</sup> National Parks & Wildlife Service (undated) Maps and Data [online]. Available at: <https://www.npws.ie/maps-and-data>

### Screening Conclusion Statement

**3.28** To support the decision-making of the competent authority, clear statement of the conclusion reached, and the basis upon which it was reached is provided in **Chapter 7**. Where significant effects cannot be excluded – either alone or in-combination – full appropriate assessment is required to inform determination of the planning decision.



## Chapter 4

# Project Description and Site Context

### Project Objective/s

**4.1** The project forms one of several elements for public realm enhancements which will come forward in future years as funding becomes available. Together these “*seek to create a functionally diverse, connected and people friendly sequence of town centre spaces which frame and celebrate the architecture that surrounds them*”<sup>33</sup>.

**4.2** The proposed urban realm enhancements at Roscommon are not in direct connection with, nor are they currently considered necessary to, the conservation management of any nearby European sites.

### Project Location and Site Context

**4.3** The project location is described in **Chapter 1** ‘Project Overview’.

**4.4** A summary of the ‘Project Description and Site Context’ is provided in **Chapter 3**.

### Proposed Development Works

**4.5** The Concept Masterplan is provided in **Appendix A**.

### Construction

**4.6** The timeline for commencement and delivery is anticipated to be in 2025, although the delivery of the project is dependent upon securing URDF funding.

**4.7** Detailed drawings are provided in the 2024 Environmental Screening Report<sup>34</sup>. The works are summarised as follows:

- Wider pedestrian footways, additional routes/connectivity, and increased and enhanced crossing points;
- Reduction of junction widths at select locations to accommodate active transport modes, green infrastructure, and to ensure slower vehicular speeds;
- Green infrastructure to soften streetscape, improve urban biodiversity and enhance contact with nature;
- Integration of existing mature trees and hedgerows;

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<sup>33</sup> Consultants Brief, August 2020.

<sup>34</sup> LUC (2022) Roscommon Public Realm Enhancements: The Proposed Development Environmental Screening Report.

- Landscape improvements to the boundary interface with adjacent development, parking and road network;
- Rationalisation and improvements to existing car parking; and
- Waymarking and improved access at key destinations.

**4.10** Construction will be carried out in accordance with the standard contractual requirements of the council for best environmental practice. To ensure the implementation of any required environmental activities that are identified as part of the consenting process, a Construction Environmental Management Plan (CEMP) will be produced prior to the commencement of onsite activities and will be adopted by the Principal Contractor during the construction phase. This will document procedures on pollution, noise and dust controls, hours of construction activity, waste management procedures and construction mitigation measures.

### Operation

**4.11** The project is anticipated to be in place for perpetuity.

**4.12** As the project supports the shift from vehicular to active transport modes within Roscommon town, no adverse air quality impacts are predicted during operation in relation to traffic.

**4.13** Increased levels of recreational activity beyond the urban centre such that may incur adverse impact within the wider landscape are anticipated to be minimal and, as such, are reasonably excluded from this assessment.

**4.14** The existing site currently has limited areas of grassland and trees, however, the design retains the existing vegetation and trees and includes increased areas of grassland verges, tree planting and ornamental planting which will increase the natural drainage on the Site.

**4.15** Included in the Proposed Development is also 'rain gardens'. Rain gardens help to manage rainwater runoff on hard surfaces after heavy downpours. The Site has the potential to be more climate resilient as a result of the Proposed development compared to the existing conditions. In

**4.8** Design of the highways and associated drainage will be in accordance with the current best practice requirements of the TII and DMURS.

**4.9** With the exception of excavations to accommodate tree pits and underground utilities, the works are typically superficial. Modification of ground levels will be required only to deliver safe transfer of people, cycles and vehicles between adjacent existing levels.

addition the scheme includes new a new footpath along St Ciarans Road and by improving active travel routes could encourage people to choose more sustainable transport routes in and through the town centre.

**4.16** Consideration of climate change will form part of the proposals during the detailed design stage. This will include tree species selection, use of sustainable urban drainage systems, hard landscape materials selection etc.

### Decommissioning

**4.17** As the project is anticipated to continue in perpetuity, decommissioning is not assessed.

## Chapter 5

### Identification of Relevant European Sites

**5.1** European Sites and their associated qualifying interests that represent receptors to potential impacts occur in the project ZOI where an impact pathway establishes a link between the project site and European site receptor. Alternatively, where the project site is likely to play an important role in supporting populations of mobile species listed as qualifying interests (i.e. 'functionally linked land') for surrounding European sites.

**5.2** Relevant European Sites were identified using the Source-Pathway-Receptor model, and information on the qualifying interests and conservation objectives. This information was used to conduct a high level assessment with consideration of the nature, extent and programme of work in order to screen out European sites. Adopting the precautionary principle, all SACs within a 2km radius of the proposal sites were included. There are no Ramsar sites or SPAs within this radius.

### Zone of Influence

**5.3** The relevant ZOIs applied to this assessment, as detailed in **Chapter 3**, are:

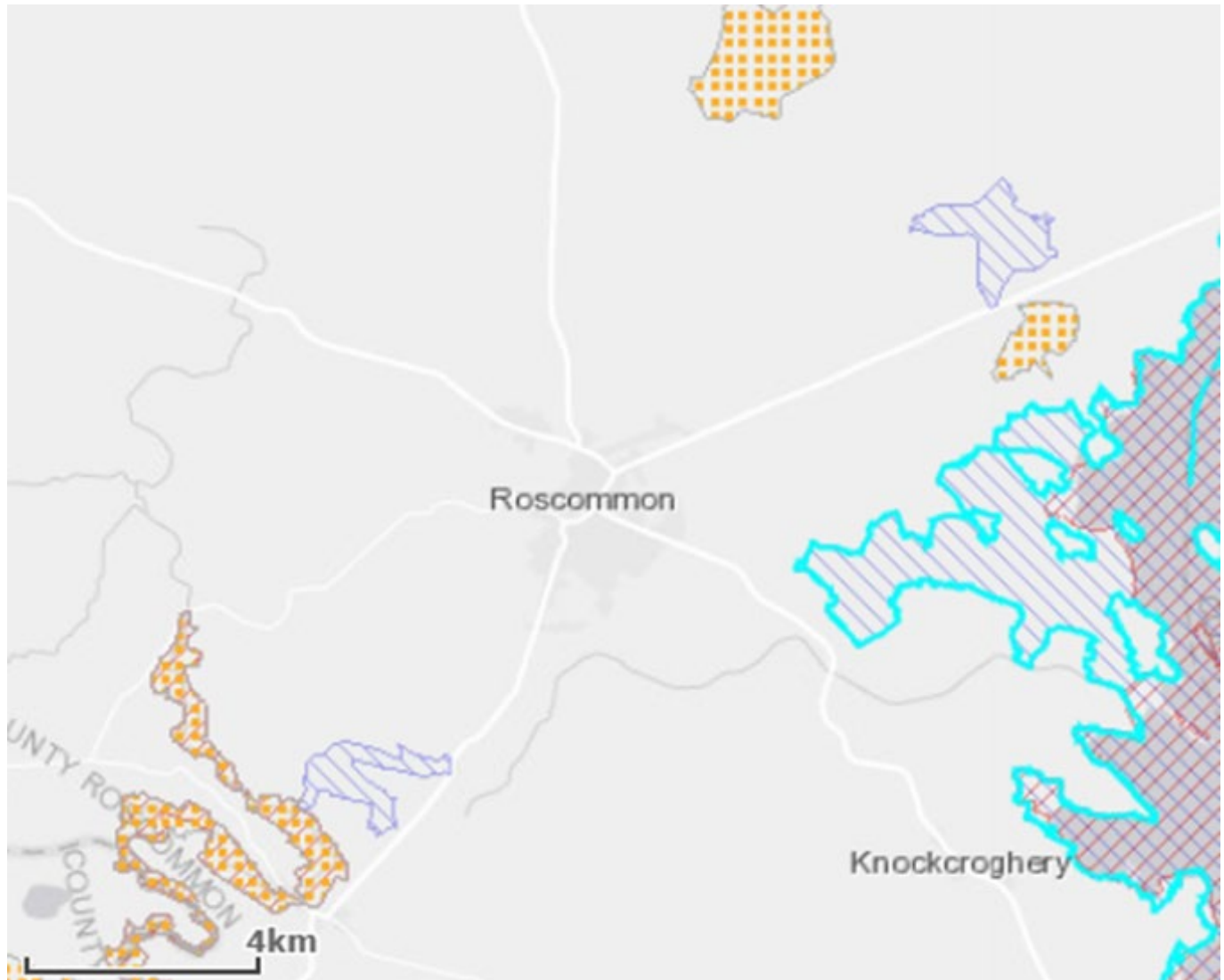
- 2km for all European sites; and
- 500m for freshwater hydrological connectivity.

### European Sites Screened

**5.4** One European site, Lough Ree SAC has been screened in to this assessment given its location 3.3km from the project area and potential hydrological connectivity. The location of Lough Ree SAC in relation to the project area at Roscommon is illustrated in **Figure 5.1**.



Figure 5.1: Location of Lough Ree SAC (as highlighted in blue) to the east of Roscommon town centre<sup>35</sup>



Areas with red line fill are SACs and areas with blue line fill are SPAs.

<sup>35</sup> Map extract from the publicly available EUNIS Protected Sites [online]. Available at: [https://maps.eea.europa.eu/wab/ProtectedSites\\_EUNIS/](https://maps.eea.europa.eu/wab/ProtectedSites_EUNIS/) [Accessed: 25.05.22]

## Chapter 6

### Assessment of Likely Significant Effects

**6.1** The maintenance of habitats and species within individual European sites at favourable conservation condition contributes to the overall maintenance of favourable conservation status of those habitats and species at a national and international level. It is therefore necessary to identify any potential impacts of the proposed development on the conservation status of European sites.

**6.2** In this section theoretical impacts associated with the proposed development will be identified to inform the assessment as to whether these are likely to cause significant impacts on the Lough Ree SAC in view of the site's conservation objectives.

**6.3** Identification of a theoretical risk does not constitute a prediction either that it will occur, or that it will cause or create an adverse impact. However, identification of the risk does mean that there is a possibility of ecological or environmental damage occurring, with the level and significance of the impact depending upon the nature and exposure to the risk and the characteristics of the receptor.

### Direct and Indirect Impacts of Proposed Development

#### Physical Loss of/Damage to Habitat

**6.4** The Lough Ree SAC lies approximately 3.3km direct distance from the project area, or 13.4km when measured along the route of connected watercourses. There is no risk of habitat loss or damage from any European site.

**6.5** Habitats within the site do not include those listed as of qualifying interest, nor may they support species of qualifying interest, for European sites within the ZOI. There is no risk of habitat loss or damage from any FLL.

#### Non-physical Disturbance

**6.6** There will be no risk of non-physical disturbance, such as noise vibration or lighting, upon qualifying species given the localised extent of work within the urban centre of Roscommon.

#### Changes to Hydrology

**6.7** There are no watercourses within or adjacent to the site that provide hydrological connectivity to the Lough Ree SAC. The nature of proposed works do not change the existing

urban land use in anything other than localised scale. Further, the nature of change is typically surface reconfiguration of the road and active transport layout, rationalisation of car parking, or from existing hard standing to natural surface green infrastructure.

**6.8** As the SAC lies over 13.4km downstream from the project area, any potential event of pollution or silt-laden run-off event during construction or operation is not reasonably predicted to incur an LSE on the qualifying interest or conservation objectives of the SAC.

### Air Pollution

**6.9** Risk of air pollution through increased vehicular activity during construction is considered minimal and temporary. Once operable, the proposed project is predicted to reduce the overall level of vehicular activity in favour of active transport within the town centre.

**6.10** There is no tangible risk of air pollution to the SAC during construction or operation.

### Recreational Pressure

**6.11** There is no anticipated increase in recreational activity along the bank of the drainage ditch in the east of the site or associated disturbance to resident ecology as people will be parking their cars and then walking towards the town centre.

**6.12** Increased levels of recreational activity beyond the urban centre, such that may incur adverse impact within the wider landscape, are predicted to be minimal. There is no tangible risk of recreational pressure on European sites or associated FLL as a result of the urban realm enhancements proposed.

### Potential Effects on European Sites

**6.13 Table 6.1: Assessment of Likely Significant Effects** considers the qualifying interests of the Lough Ree SAC with the potential ecological impacts identified above and determines whether the proposed development is likely to have any LSE.



Appropriate Assessment Screening

Table 6.1: Assessment of likely significant effects

European Site	Code	Qualifying Interest	Potential Functional or Physical Connectivity between Qualifying Interests and Location of Proposed Works	Justification	Potential Source-Pathway-Receptor Identification	Likely Significant Effect/s?
Lough Ree SAC (3.3km east)	[3150]	Natural eutrophic lakes with <i>Magnopotamion</i> or <i>Hydrocharition</i> – type vegetation	No	The site is not hydrologically connected to the SAC, the distance between the project area and SAC measures over 13.km away.	<p>The SAC is located over 13km (direct measured distance) from the project area.</p> <p>No loss of habitat or changes to the distribution or quality of terrestrial or wetland habitat communities will result from the proposed project.</p> <p>The detailed design of highways is required to meet DMURS standards, and the construction contractor will also work to standard best practice requirements set out in the CEMP. Given the nature of the works which is restricted to existing urban hard standing, there is no risk of the works resulting in impact on the water quality of the SAC through accidental pollution or silt-laden run-off occurring during construction or operation.</p> <p>There is no LSE on the qualifying terrestrial or wetland features of the SAC.</p>	No LSE
	[6210]	Semi-natural dry grasslands and scrubland facies on calcareous substrates ( <i>Festuco-Brometalia</i> ) (*important orchid sites)				
	[7110]	Active raised bogs				
	[7120]	Degraded raised bogs still capable of natural regeneration				
	[7230]	Alkaline fens				
	[8240]	Limestone pavements				
	[91D0]	Bog woodland				
	[91E0]	Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> ( <i>Alno-Padion</i> , <i>Alnion incanae</i> , <i>Salicion albae</i> )				
	[1355]	<i>Lutra lutra</i> (Otter)	No	There is no potential for direct impact upon otter habitat as the works are restricted to lands not in	<p>As described above, no LSE is predicted on the qualifying terrestrial or wetland features of the SAC.</p> <p>The construction and operation will not have any direct impact on the survival of otter or indirectly via the food chain as a result of pollution or silt-laden run-off.</p>	No LSE

Chapter 6  
Assessment of Likely Significant Effects

Appropriate Assessment Screening

European Site	Code	Qualifying Interest	Potential Functional or Physical Connectivity between Qualifying Interests and Location of Proposed Works	Justification	Potential Source-Pathway-Receptor Identification	Likely Significant Effect/s?
				proximity of watercourses.	Otters can travel a distance of over 20km in a single night, where suitable interconnecting habitat exists, however, given that no watercourses are in close proximity to the site, the works will not result in LSE to otter. .	

## In-combination Effects

**6.14** In summary, no LSE are predicted in **Table 6.1** and there are no impacts associated with the project alone. As such, there are no impacts to consider in combination.

**6.15** No recommendations for mitigation are made.



## Chapter 7

### Screening Conclusions

#### Screening Conclusion Statement

**7.1** The AA Screening has been completed in accordance with best practice guidance, based on the available detailed design information.

**7.2** There are no impacts associated with the proposed project, as summarised in **Chapter 6**. This Screening concludes that there would be no potential for LSE upon any European site alone. This is due to the nature and scale of work proposed, which are restricted to the urban setting of Roscommon town centre.

**7.3** Whilst there is no LSE in relation to the qualifying otter population within the SAC, the species would still require full ecological assessment, which is expected to accompany any planning application.

## **Appendix A**

### **Concept Masterplan**

Appendix A  
Concept Masterplan

Appropriate Assessment Screening

Figure A.1: Roscommon town centre overall concept masterplan

