

NATURA IMPACT STATEMENT IN SUPPORT OF APPROPRIATE  
ASSESSMENT OF A PROPOSED DEVELOPMENT AT LAYTOWN, CO  
MEATH  
MAY 2023



Prepared  
May 2023 by:



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## EXECUTIVE SUMMARY

*Meath Co Council are proposing a public park at Laytown, Co. Meath as a component of the improvement of the Public Realm. The proposed park at Laytown is located in an ecologically sensitive area (part of the park area is within the River Nanny Estuary and Shore Special Protection Area), with numerous Natura 2000 sites potentially impacted upon by any developments. As such, Appropriate Assessment screening of any plan/project in this sensitive location is required. In May of 2023, FERS Ltd was commissioned by Meath Co Council to undertake an Appropriate Assessment screening of the proposed park at Laytown. Please note that boundaries indicated within are indicative. In addition, while the full scheme of upgrades was assessed within this document, only those parts which are proposed on lands in Meath Co. Council ownership are proposed in the current application*

*Screening having identified significant potential impacts, Phase II Appropriate Assessment was undertaken, and a Natura Impact Statement prepared. Following an examination, analysis, and evaluation of the relevant information, and applying the precautionary principle, it is considered that there would be no adverse impact of the proposed development (assuming the implementation of mitigation measures) on the Qualifying Interests, nor the attainment of specific conservation objectives, either alone or in-combination with other plans or projects on the Natura 2000 sites described herein.*

*In order for Appropriate Assessment (AA) to comply with the criteria set out in the Habitats Directive and Part XAB of the Planning and Development Act 2000, an AA undertaken by the Competent Authority must include an examination, analysis, evaluation, findings, conclusions, and a final determination.*

# 1 Introduction

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## 1.1 FERS Ltd. Company background

Forest, Environmental Research and Services have been conducting ecological surveys and research since the company's formation in 2005 by Dr Patrick Moran and Dr Kevin Black. Dr Moran, the principal ecologist with FERS, holds a 1<sup>st</sup> class honours degree in Environmental Biology (UCD), a Ph.D. in Ecology (UCD), a Diploma in EIA and SEA management (UCD) a Diploma in Environmental and Planning Law (King's Inn) and a M.Sc. in Geographical Information Systems and Remote Sensing (University of Ulster, Coleraine). Patrick has in excess of 20 years of experience in carrying out ecological surveys on both an academic and a professional basis. Dr Emma Reeves, senior ecologist with FERS holds a 1<sup>st</sup> class honours degree in Botany, and a Ph.D. in Botany. Emma has in excess of 15 years of experience in undertaking ecological surveys on an academic and professional basis. Ciarán Byrne, a senior ecologist with FERS holds a 1<sup>st</sup> class honours degree in Environmental Management (DIT) and a M.Sc. in Applied Science/Ecological Assessment (UCC). Ciarán has in excess of 10 years in undertaking ecological surveys on both an academic and a professional basis.

FERS client list includes National Parks and Wildlife Service, An Bord Pleanála, various County Councils, the Heritage Council, Teagasc, University College Dublin, the Environmental Protection Agency, Inland Waterways Association of Ireland, the Department of Agriculture, the Office of Public Works and Coillte in addition to numerous private individuals and companies. FERS Ltd. has prepared in excess of 300 Appropriate Assessment Screenings/Natura Impact Statements for a wide range of plans and projects.

## 1.2 The aim of this report

This report has been prepared in compliance with Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities (DoEHLG 2009, February 2010) and the European Communities (Birds and Natural Habitats) Regulations 2011 (DoEHLG 2011) in support of the Appropriate Assessment of a proposed park (upgrades) at Laytown, Co Meath. This report provides the information required in order to establish whether or not the proposed plan is likely to have a significant ecological impact on any Natura 2000 sites, in the context of their conservation objectives and specifically on the habitats and species for which the sites have been designated.

This report has similarly 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:

- [2013] C-258/11 Peter Sweetman and Others v An Bord Pleanála. The CJEU ruled that Article 6 (3) of Council Directive 92/43 / EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora 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. For this verification, the precautionary principle must be applied;
- [2018] C – 164/17 Edel Grace and Peter Sweetman v An Bord Pleanála. The CJEU ruled that Article 6 of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, 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, after an appropriate assessment of the implications of the project has been carried out and throughout the lifetime of the project, the part of the site that is in fact likely to provide a suitable habitat will not be reduced and indeed may be enhanced may not be taken into account for the purpose of the assessment that must be carried out in accordance with Article 6(3) of the directive to ensure that the project in question will not adversely affect the integrity of the site concerned; that fact falls to be considered, if need be, under Article 6(4) of the directive;
- [2018] C-323/17 People Over Wind and Sweetman v Coillte Teoranta - The (CJEU) ruled that Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site;

- [2018] C-461/17 Holohan v An Bord Pleanála – The CJEU ruled that:
  1. Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an ‘appropriate assessment’ must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.
  2. Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain 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.
  3. Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the ‘appropriate assessment’ 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.
  4. 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.
  5. Article 5(3)(d) of Directive 2011/92 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.
- [2018] IESC 31 Connelly v An Bord Pleanála – Appropriate Assessment must contain complete, precise, and definitive findings;
- [2019] IEHC 84 Kelly v An Bord Pleanála - The Irish High Court concluded that SUDS form part of the development and are not mitigation measures which a competent authority cannot consider at the screening for AA stage.

Furthermore, there have been a number of recent Judicial Reviews that are pertinent as regards this report (e.g. [2020] No. 238 J.R.).



### 1.3 An outline of the Appropriate Assessment process

The “Habitats Directive” (Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna) is the main 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, considered to be important at a European as well as at a national level. A “Special Conservation Area” or SAC is a designation under the Habitats Directive.

The “Birds Directive” (Council Directive 2009/147/EC on the Conservation of Wild Birds) provides for a network of sites in all member states to protect birds at their breeding, feeding, roosting, and wintering areas. This directive identifies species that are rare, in danger of extinction or vulnerable to changes in habitat and which need protection. A “Special Protection Area” or SPA, is a designation under The Birds Directive.

Special Areas of Conservation and Special Protection Areas form a pan-European network of protected sites known as Natura 2000 sites.

The Habitats Directive sets out the protocol for the protection and management of SACs. The Directive sets out key elements of the system of protection including the requirement for Appropriate Assessment of plans and projects. The requirements for an Appropriate Assessment are set out in the EU Habitats Directive. Articles 6(3) and 6(4) of the Directive respectively, state:

*“...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...”*

*“...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 over-riding 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...”*

## 1.4 Methodology for Appropriate Assessment

A number of guidance documents on the appropriate assessment process have been consulted during the preparation of this NIS. These are:

- Managing Natura 2000 Sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (2000);
- Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (Nov. 2001 – published 2002);
- EU Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC (2007);
- Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG 2009, Revised February 2010);
- European Communities (Birds and Natural Habitats) Regulations 2011 (DoEHLG 2011);
- Commission notice "Managing Natura 2000 sites The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Brussels, 21.11.2018 C (2018) 7621 final;
- Commission notice "Guidance document on the strict protection of animal species of Community interest under the Habitats Directive" Brussels, 12.10.2021 C (2021) 7301 final;

The assessment requirements of Article 6 are generally dealt with in a stage-by-stage approach. The stages as outlined in "Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities" are:

### 1.4.1 Stage (1) Appropriate Assessment (Habitats Directive) Screening

This initial process identifies the likely impacts of a proposed project or plan upon a Natura 2000 site, either alone, or in combination with other projects or plans and considers whether these impacts are likely to be significant. A recent judgement in the ECJ (C323/17) that has large implications for appropriate assessment screening in Ireland has found that:

"...Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site..."

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#### 1.4.2 Stage (2) Preparation of Natura Impact Statement

The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the sites structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.

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#### 1.4.3 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.

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#### 1.4.4 Stage (4) Assessment 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.

At each stage, there is a determination as to whether a further stage in the Appropriate Assessment process is required. If, for example, the conclusions of the Screening stage indicate that there will be no significant impacts on the Natura 2000 site, there is no requirement to proceed further. Appropriate Assessment stages 1 and 2 deal with the main requirements for assessment under Article 6.3. Stage 3 may be part of Article 6(3) or a necessary precursor for Stage 4. This report is comprised of the ecological impact assessment and testing required under the provisions of Article 6(3) by means of the first stage of Appropriate Assessment, the screening process (as set out in the EU Guidance documents).

EU guidance states:

*“...This stage examines the likely effects of a project or plan, either alone or in combination with other projects or plans, upon a Natura 2000 site and considers whether it can be objectively concluded that these effects will not be significant...”.*

This report has been undertaken in accordance with the European Commission’s Guidance on Appropriate Assessment (European Commission, 2001) which comprises the following:

1. Description of the Plan.
2. Identification of Natura 2000 sites potentially affected by the Plan.
3. Identification and description of individual and cumulative impacts likely to result from the Plan.
4. Assessment of the significance of the impacts identified on the conservation objectives of the site(s).

5. Exclusion of sites where it can be objectively concluded that there will be no significant impacts on conservation objectives.

## 1.5 Consultations

### 1.5.1 NPWS

The primary body consulted with regard to matters involving Natura 2000 sites is the National Parks and Wildlife Service (NPWS). The role of the NPWS is:

- To secure the conservation of a representative range of ecosystems and maintain and enhance populations of flora and fauna in Ireland.
- To implement the EU Habitats and Birds Directives.
- To designate and advise on the protection of Natural Heritage Areas (NHA) having particular regard to the need to consult with interested parties.
- To make the necessary arrangements for the implementation of National and EU legislation and policies and for the ratification and implementation of the range of international Conventions and Agreements relating to the natural heritage.
- To manage, maintain and develop State-owned National Parks and Nature Reserves.

Information pertaining to Natura 2000 sites within the Republic of Ireland is typically held by NPWS and is publicly accessible through their on-line database at [www.npws.ie](http://www.npws.ie). Consultations carried out involved querying the NPWS database for information pertaining to Natura 2000 sites within 15 km of the plan area.

### 1.5.2 NBDC Database

The National Biodiversity Database Centre database was queried for records of species of conservation concern present within the immediate vicinity of the plan area.

### 1.5.3 I-WeBS Data

Each winter over 400 skilled volunteers, NPWS Rangers and BirdWatch Ireland staff monitor wintering waterbird populations at their wetland sites across the Republic of Ireland. The Irish Wetland Bird Survey (I-WeBS) is coordinated by BirdWatch Ireland and funded by the National Parks and Wildlife Service. The available online I-WeBS data for the vicinity of the plan was queried.

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#### 1.5.4 Other relevant data-sources

Other relevant data-sources were queried, as necessary.

## 2 Screening

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Following the guidelines set out by NPWS (2009), Appropriate Assessment Screening (Phase I Appropriate Assessment) is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3) of the EU Habitats Directive. According to the guidelines as laid by NPWS (2009), Appropriate Assessment Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- (1) Is the plan or project directly connected to or necessary for the management of the site?
- (2) Is the plan or project, alone or in combination with other such plans or projects likely to have significant negative effects on a Natura 2000 site(s) in view of the conservation objectives of that site(s)?

The proposed Laytown park (upgrades) does not comply with the first screening test (i.e., the proposed development is not directly connected to, or necessary for the management of any Natura 2000 site). The screening exercise will therefore inform the Appropriate Assessment process in determining whether the proposed plan, alone or in combination with other plans and projects, has any potential to have significant effects on the Natura 2000 sites within the study area. If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then applying the Precautionary Principle and in accordance with Article 6(3) of the Habitats Directive, a Stage 2 Appropriate Assessment is required stage, i.e., *“The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the sites structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.”*

## 2.1 Description of proposed development

The design objectives of the proposed “upgrading” of the existing Laytown Park will comprise:

- 1) Creating a network of new links and connections between the town and the seashore that activate the area;
- 2) Making the Park functional and safe by providing open space and panoramic views, as well as adequate signage and landscape furniture;
- 3) Offering a wide range of interactive and innovative play experiences catering for all age groups and abilities;
- 4) Making Laytown Park a destination for the town by offering a wide range of activities, spaces to relax, gathering with friends and families;
- 5) Promote education through supporting interaction and interpretation of the site and all components within it; and
- 6) Protecting the natural habitat and environment of the sand dunes and enhancing biodiversity value of existing green spaces.

One of the primary drivers behind the design, given the ecological sensitivity of the site must be that any impact on the existing natural characteristics of the site is minimal. The indicative boundary of the proposed development site is illustrated in Figure 1, Figure 2, Figure 3 and Figure 4. Please note that boundaries indicated are indicative. In addition, while the full scheme of upgrades was assessed within this document, only those parts which are proposed on lands in Meath Co. Council ownership are proposed in the current application. An excerpt from the Architect’s Drawings of the proposed park layout is illustrated in Figure 5. A drawing illustrating an Artist’s Impression of the park is illustrated in Figure 6.



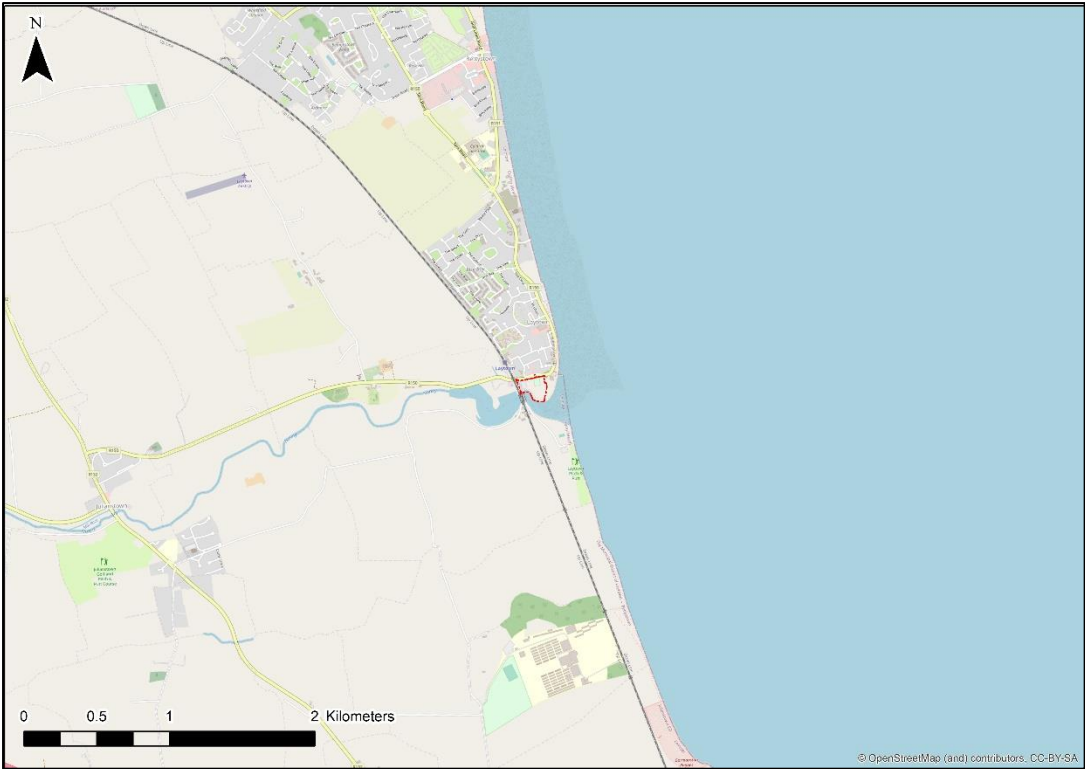


Figure 1: Approximate location of proposed park upgrades site (1:25,000)

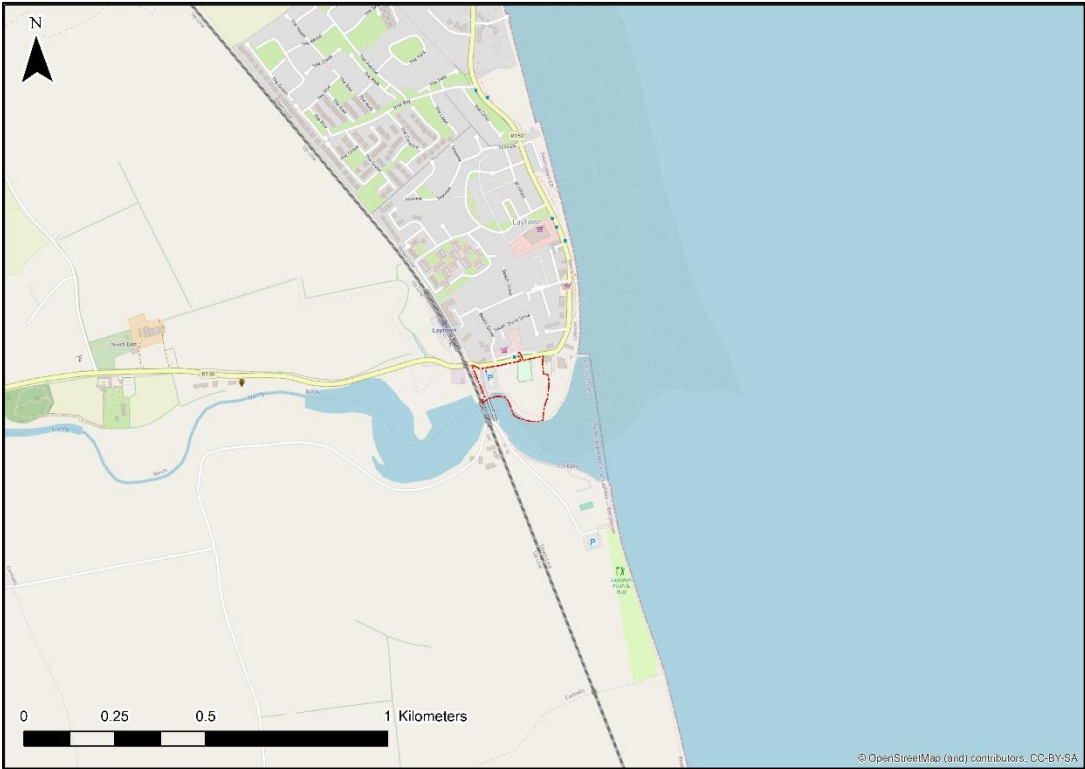


Figure 2: Approximate location of proposed park upgrades site (1:10,000)

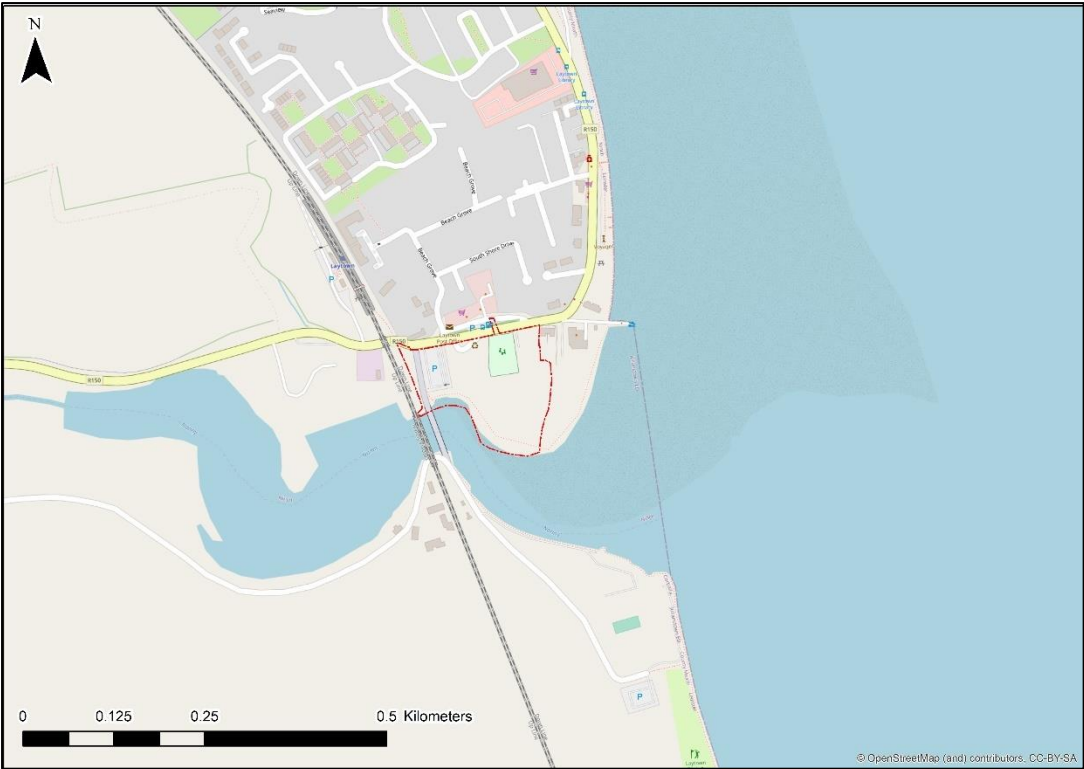


Figure 3: Approximate location of proposed park upgrades site (1:5,000)



Figure 4: Approximate location of proposed park upgrades site (1:1,500)



Figure 5: Proposed park layout



Figure 6: Artist's Impression of Laytown Park

## 2.2 Description of existing conditions on site

A site visit was undertaken by Dr Patrick Moran on the morning of the 14<sup>th</sup> of April 2022. Aerial images of the habitats occurring in the vicinity of the proposed Laytown park are provided in Figure 7, Figure 8, Figure 9 and Figure 10. An aerial image indicating the locations of the primary features of the proposed Laytown park relative to existing habitats is presented in Figure 11 (DJI Mavic 3).

Some photographs of the primary habitats present are provided in Figure 13, Figure 14, Figure 15, Figure 16, and Figure 17. The habitats largely comprise Artificial surfaces and Built Land (for example car park, bus stop), amenity grassland (for example area adjacent to playground) and a severely degraded dune system adjacent to the beach. This habitat is heavily eroded by numerous desire lines such as that indicated in Figure 13. Under suitable conditions (primarily lack of disturbance), numerous Qualifying Interests would utilise the grassland habitats present and coastal habitat (for example, see Figure 18, Figure 19 and Figure 20). Given the location of the habitats present, numerous species of conservation concern utilise the area of the proposed park and immediately adjacent, primarily overwintering bird species.



Figure 7: Aerial image overview of area in question, with River Nanny Estuary clearly visible



Figure 8: Aerial image of south of proposed park



Figure 9: Aerial image of view north of proposed park



Figure 10: Aerial view of existing carpark



Figure 11: Existing playground in context of wider area



Figure 12: Aerial image with locations of main features of proposed park indicated



Figure 13: Existing "Natural Area" with numerous desire lines





Figure 14: Existing beach access



Figure 15: Existing facilities



Figure 16: Existing pedestrian crossing and playground facility



Figure 17: Short-term carpark (to be retained for time being)



Figure 18: Light-bellied Brent Geese are known to feed at the mouth/estuary of the River Nanny in the winter season



Figure 19: Black-tailed Godwit foraging adjacent to playground area during the winter months



Figure 20: Flocks of Sanderling are a common sight at the waters' edge in winter

## 2.3 Description of scope

The geographical scope of the assessment is to determine if the proposed works/development has the potential to have any significant negative impact on the Natura 2000 sites occurring within 15 km of the proposed development.

The NBDC database was accessed on 25/05/23 to query records occurring within the vicinity of the proposed Laytown park (2 km square, O17Q see Figure 21). The species of conservation concern as recorded within this 2 km square are illustrated in Table 1.

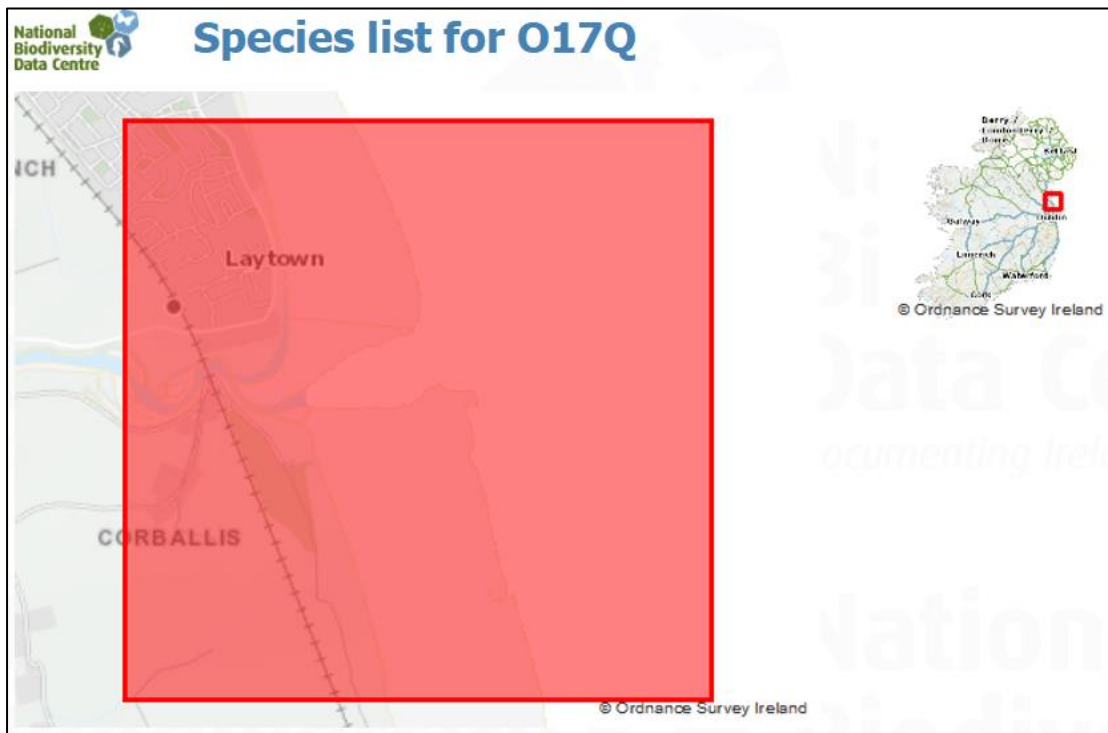


Figure 21: Location of polygon queried (National Biodiversity Data Centre)

Table 1: Species of conservation concern recorded in the vicinity of the proposed development site(\* indicates invasive)

Scientific name	Common Name	Date of last record
<i>Acer pseudoplatanus</i> *	Sycamore	10/07/2014
<i>Anas clypeata</i>	Northern Shoveler	31/12/2001
<i>Anas crecca</i>	Eurasian Teal	31/12/2011
<i>Anas penelope</i>	Eurasian Wigeon	31/12/2011
<i>Anas platyrhynchos</i>	Mallard	31/12/2011
<i>Anas strepera</i>	Gadwall	31/12/2011
<i>Anser anser</i> *	Greylag Goose	31/12/2001
<i>Arthurdendyus triangulatus</i> *	Arthurdendyus triangulatus	23/08/2012
<i>Aythya fuligula</i>	Tufted Duck	31/12/2001
<i>Branta bernicla</i>	Brent Goose	31/12/2011
<i>Buddleja davidii</i> *	Butterfly-bush	10/07/2014

<b>Scientific name</b>	<b>Common Name</b>	<b>Date of last record</b>
<i>Calidris alpina</i>	Dunlin	26/12/2020
<i>Calidris canutus</i>	Red Knot	31/12/2011
<i>Carduelis cannabina</i>	Common Linnet	31/12/2011
<i>Charadrius hiaticula</i>	Ringed Plover	26/12/2020
<i>Columba palumbus</i>	Common Wood Pigeon	31/12/2011
<i>Cygnus cygnus</i>	Whooper Swan	31/12/2001
<i>Cygnus olor</i>	Mute Swan	31/12/2001
<i>Delichon urbicum</i>	House Martin	31/12/2011
<i>Delphinus delphis</i>	Common Dolphin	03/12/2009
<i>Egretta garzetta</i>	Little Egret	31/12/2011
<i>Erinaceus europaeus</i>	West European Hedgehog	04/05/2020
<i>Fulica atra</i>	Common Coot	31/12/2001
<i>Gallinago gallinago</i>	Common Snipe	31/12/2011
<i>Gavia immer</i>	Great Northern Diver	02/01/2018
<i>Gavia stellata</i>	Red-throated Diver	31/12/2001
<i>Haematopus ostralegus</i>	Eurasian Oystercatcher	19/08/2019
<i>Harmonia axyridis*</i>	Harlequin Ladybird	09/11/2021
<i>Hirundo rustica</i>	Barn Swallow	31/12/2011
<i>Larus argentatus</i>	Herring Gull	02/01/2018
<i>Larus canus</i>	Mew Gull	02/01/2018
<i>Larus fuscus</i>	Lesser Black-backed Gull	02/01/2018
<i>Larus marinus</i>	Great Black-backed Gull	31/12/2011
<i>Larus melanocephalus</i>	Mediterranean Gull	31/12/2001
<i>Larus ridibundus</i>	Black-headed Gull	02/01/2018
<i>Limosa lapponica</i>	Bar-tailed Godwit	31/12/2011
<i>Limosa limosa</i>	Black-tailed Godwit	24/01/2018
<i>Lutra lutra</i>	European Otter	15/01/2014
<i>Lymnocyptes minimus</i>	Jack Snipe	31/12/2001
<i>Melanitta fusca</i>	Velvet Scoter	02/01/2018
<i>Melanitta nigra</i>	Common Scoter	02/01/2018
<i>Mergus serrator</i>	Red-breasted Merganser	31/12/2011
<i>Morus bassanus</i>	Northern Gannet	19/08/2019
<i>Numenius arquata</i>	Eurasian Curlew	15/08/2018
<i>Orobanche minor*</i>	Common Broomrape	10/07/2014
<i>Oxyura jamaicensis*</i>	Ruddy Duck	31/12/2001
<i>Passer domesticus</i>	House Sparrow	31/12/2011
<i>Phalacrocorax carbo</i>	Great Cormorant	02/01/2018
<i>Phasianus colchicus</i>	Common Pheasant	31/12/2011
<i>Philomachus pugnax</i>	Ruff	31/12/2001
<i>Phocoena phocoena</i>	Common Porpoise	13/08/2019
<i>Pluvialis apricaria</i>	European Golden Plover	02/01/2018
<i>Pluvialis squatarola</i>	Grey Plover	02/01/2018
<i>Podiceps cristatus</i>	Great Crested Grebe	02/01/2018
<i>Rana temporaria</i>	Common Frog	02/02/2020
<i>Rattus norvegicus*</i>	Brown Rat	15/10/2013
<i>Rissa tridactyla</i>	Black-legged Kittiwake	31/12/2001
<i>Sciurus carolinensis*</i>	Eastern Grey Squirrel	04/12/2012

Scientific name	Common Name	Date of last record
<i>Somateria mollissima</i>	Common Eider	02/01/2018
<i>Sterna hirundo</i>	Common Tern	31/12/2001
<i>Sterna paradisaea</i>	Arctic Tern	31/12/2001
<i>Sterna sandvicensis</i>	Sandwich Tern	31/12/2001
<i>Sturnus vulgaris</i>	Common Starling	31/12/2011
<i>Tachybaptus ruficollis</i>	Little Grebe	02/01/2018
<i>Tadorna tadorna</i>	Common Shelduck	31/12/2011
<i>Tringa nebularia</i>	Common Greenshank	31/12/2011
<i>Tringa totanus</i>	Common Redshank	02/01/2018
<i>Vanellus vanellus</i>	Northern Lapwing	31/12/2011

As would be expected given the ecological importance of the vicinity, there are a wide range of species of conservation concern present.

## 2.4 I-WeBS data

The data regarding long-term trends of species including QIs at the River Nanny Shore and Estuary<sup>1</sup> and Boyne Estuary<sup>2</sup> (species regularly move between the two) have recently been released by Bird Watch Ireland. These figures indicate that the majority of QIs are exhibiting long-term declines in population (presented in Table 2 and Table 3).

The overriding objective of the Habitats Directive is to ensure that the habitats and species covered achieve ‘favourable conservation status’ and that their long-term survival is secured across their entire natural range within the EU. In its broadest sense, favourable conservation status means that an ecological feature is being maintained in a satisfactory condition, and that this status is likely to continue into the future. The majority of QIs at these Natura 2000 sites currently have long term unfavourable (declined) conservation status.

Table 2: % change since baseline (Natura 2000 data form) in numbers of QIs recorded at the Nanny Estuary and Shore

Code	Common Name	Scientific Name	LONG TERM TREND
A130	Oystercatcher	<i>Haematopus ostralegus</i>	INTERMEDIATE DECLINE
A137	Ringed Plover	<i>Charadrius hiaticula</i>	LARGE DECLINE
A140	Golden Plover	<i>Pluvialis apricaria</i>	LARGE DECLINE
A143	Knot	<i>Calidris canutus</i>	STABLE/INCREASING
A144	Sanderling	<i>Calidris alba</i>	STABLE/INCREASING

1 [https://birdwatchireland.ie/app/uploads/2022/04/iwebs\\_trends\\_0V401\\_Nanny\\_Estuary\\_shore.html](https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_0V401_Nanny_Estuary_shore.html)

2 [https://birdwatchireland.ie/app/uploads/2022/04/iwebs\\_trends\\_0Z402\\_Boyne\\_Estuary.html](https://birdwatchireland.ie/app/uploads/2022/04/iwebs_trends_0Z402_Boyne_Estuary.html)

A184	Herring Gull	<i>Larus argentatus</i>	N/A
A999	Wetlands	N/A	N/A

**Table 3: % change since baseline (Natura 2000 data form) in numbers of QIs recorded at the Boyne Estuary**

Code	Common Name	Scientific Name	LONG TERM TREND
A048	Shelduck	<i>Tadorna tadorna</i>	MODERATE DECLINE
A130	Oystercatcher	<i>Haematopus ostralegus</i>	STABLE/INCREASING
A140	Golden Plover	<i>Pluvialis apricaria</i>	LARGE DECLINE
A141	Grey Plover	<i>Pluvialis squatarola</i>	LARGE DECLINE
A142	Lapwing	<i>Vanellus vanellus</i>	MODERATE DECLINE
A143	Knot	<i>Calidris canutus</i>	STABLE/INCREASING
A144	Sanderling	<i>Calidris alba</i>	MODERATE DECLINE
A156	Black-tailed Godwit	<i>Limosa limosa</i>	STABLE/INCREASING
A162	Redshank	<i>Tringa totanus</i>	STABLE/INCREASING
A169	Turnstone	<i>Arenaria interpres</i>	MODERATE DECLINE
A195	Little Tern	<i>Sterna albifrons</i>	N/A
A999	Wetlands	N/A	N/A

In the Conservation Objectives supporting document for the River Nanny Estuary and Shore SPA an assessment of the disturbance activities recorded included:

- Walking (incl. dogs);
- Powered watercraft;
- Shooting;
- Motorised vehicles; and
- Horse-riding.

Disturbance is almost certainly the single biggest threat to the continued ecological integrity of these Natura 2000 sites.



## 2.5 Identification of Natura 2000 sites potentially impacted upon by the development

It is general practice, when screening a plan or project for compliance with the Habitats Directive, to identify all Natura 2000 sites within the functional area of the plan/project itself and within 15 km of the boundaries of the area the plan/project applies to (with an appropriate “Zone of Influence” identified from any Source-Pathway-Receptor linkages). This approach is currently recommended in the Department of the Environmental, Heritage and Local Government’s document Guidance for Planning Authorities and as a precautionary measure, to ensure that all potentially affected Natura 2000 sites are included in the screening process. The maintenance of habitats and species within individual Natura 2000 sites at favourable conservation condition contributes to the overall maintenance of favourable conservation status of those habitats and species at a national level. It is therefore necessary to identify any potential impacts of the proposed development on the conservation status of Natura 2000 sites. The National Parks and Wildlife Service deem that the favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, is stable or increasing.
- The ecological factors that are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future.
- The conservation status of its typical species is favourable.

The National Parks and Wildlife Service deem that the favourable conservation status of a species is achieved when:

- Population data on the species concerned indicate that it is maintaining itself.
- The natural range of the species is neither being reduced, or likely to be reduced in the foreseeable future.
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

There are four areas designated as a special area of conservation (SAC) and five areas designated as a Special Protection Area within 15 km of the proposed development site (see Table 4, Figure 22 and Figure 23).

**Table 4: Natura 2000 sites within 15km of the proposed development**

<b>SITE CODE</b>	<b>DESIGNATION</b>	<b>SITE NAME</b>
001459	SAC	CLOGHERHEAD
001957	SAC	BOYNE COAST AND ESTUARY
002299	SAC	RIVER BOYNE AND RIVER BLACKWATER
003000	SAC	ROCKABILL TO DALKEY ISLAND
004014	SPA	ROCKABILL
004080	SPA	BOYNE ESTUARY
004122	SPA	SKERRIES ISLANDS
004158	SPA	RIVER NANNY ESTUARY AND SHORE
004232	SPA	RIVER BOYNE AND RIVER BLACKWATER

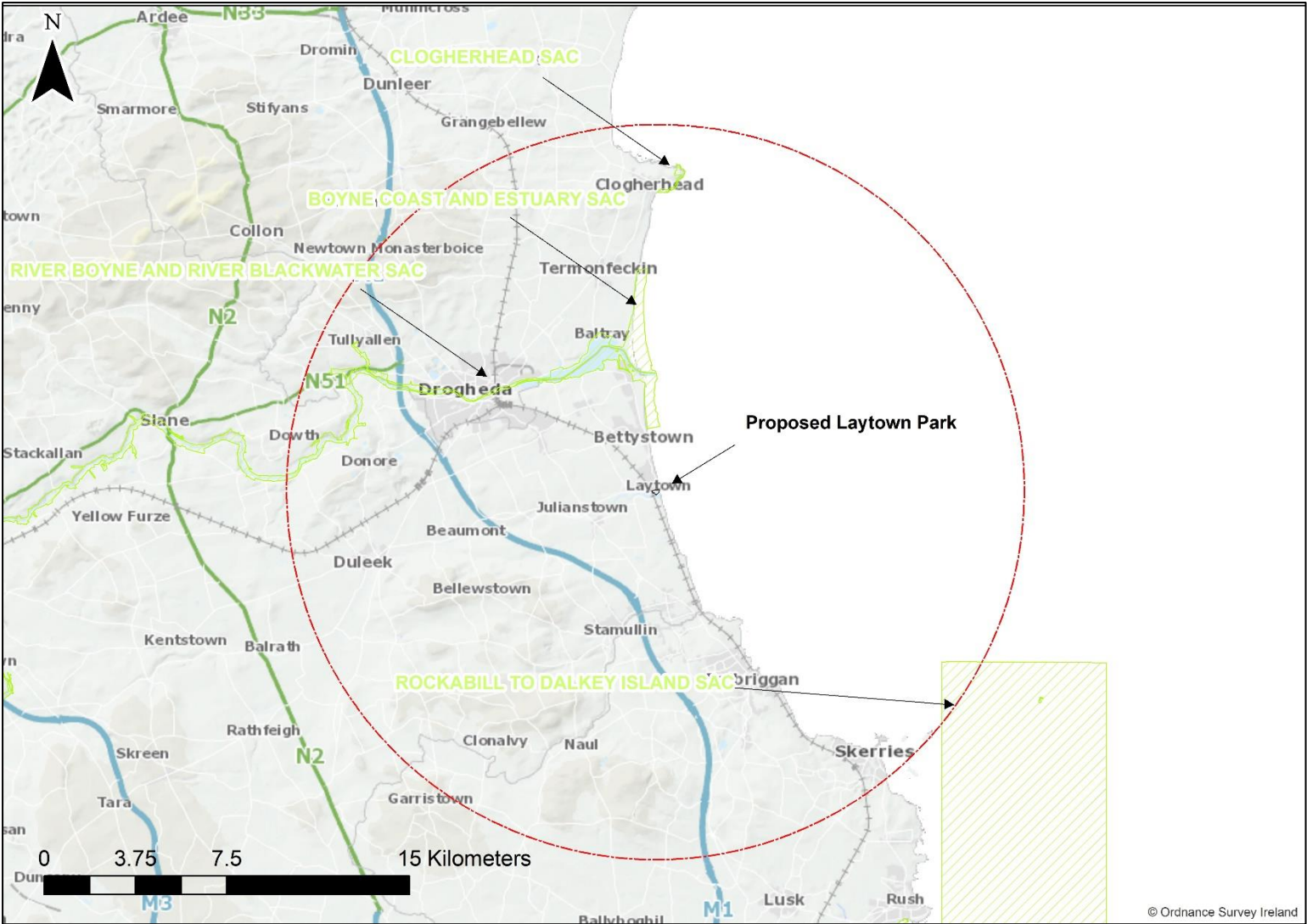


Figure 22: Location of SACs within 15 km of proposed Laytown park

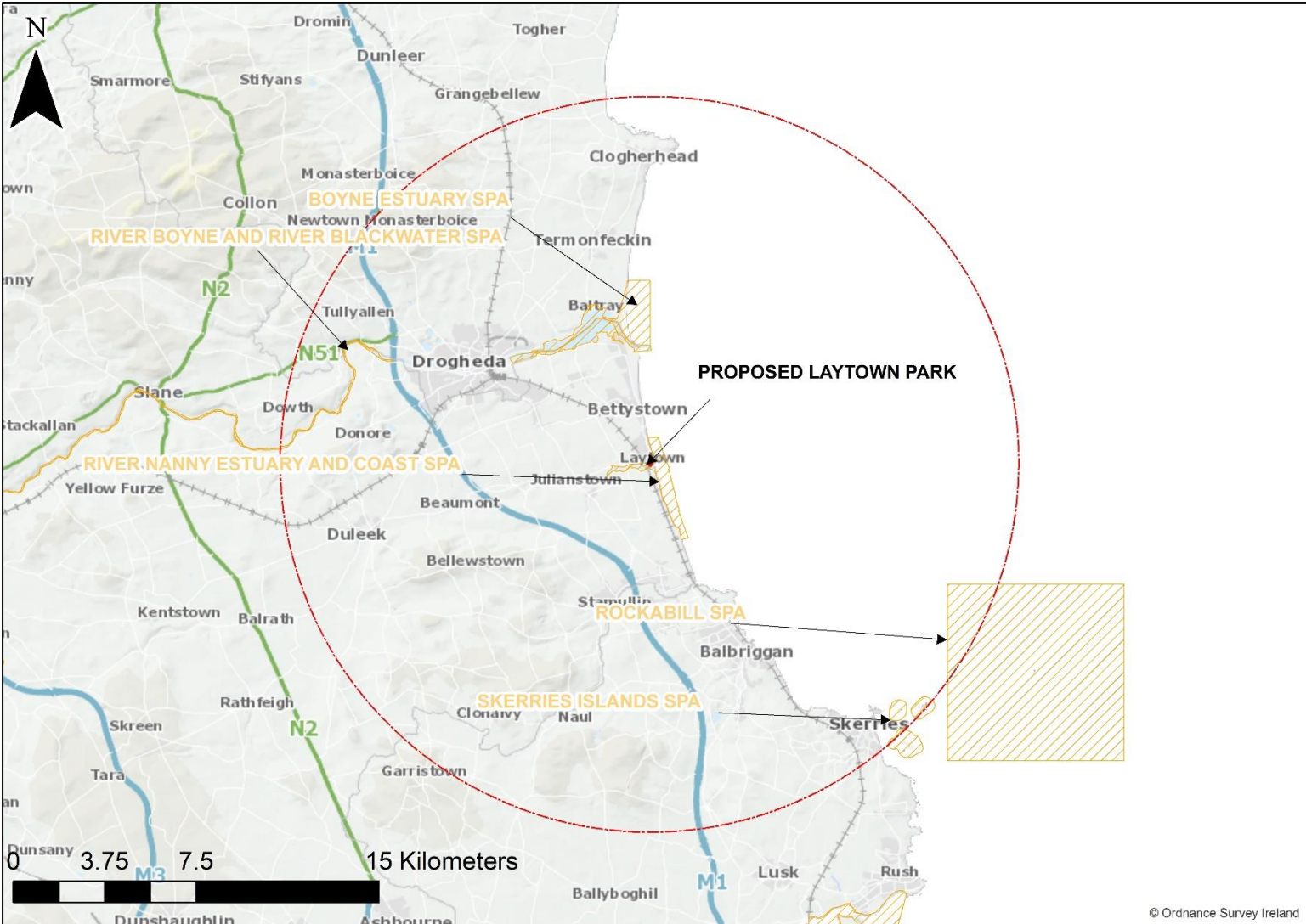


Figure 23: Location of SPAs within 15 km of proposed Laytown park

## 2.6 Summary of Natura 2000 sites potentially impacted upon by the proposed development

There are 9 Natura 2000 sites within 15 km of the proposed Laytown Park (upgrades). A portion of the proposed park is included within The River Nanny Estuary and Shore SPA. Given the scale and nature of the proposed park, impacts (on qualifying interests in the form of disturbance) are likely to be within a relatively narrow “Zone of Influence” of approximately 500m (based on peer-reviewed flight initiation distances<sup>3, 4</sup> – this is a very generous figure, especially in light of peer reviewed research<sup>5</sup>). A summary of the qualifying interests, availability of detailed conservation objectives, general conservation objectives and whether or not the Natura 2000 site is within 500m of the proposed Laytown park is presented in Table 5.

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<sup>3</sup> Laursen K, Kahlert J and Frikke J (2005). Factors affecting escape distances of staging waterbirds. *Wildlife Biology*, **11**, pp 13-19.

<sup>4</sup> Collop C, Stillman R, Garbutt A, Yates M, Rispin E and Yates T (2016). Variability in the area, energy and time costs of wintering waders responding to disturbance. *Ibis*, **158**, pp 711 – 725.

<sup>5</sup> Goss-Custard J, Hoppe C, Hood M and Stillman R (2020). Disturbance does not have a significant impact on waders in an estuary close to conurbations: importance of overlap between birds and people in time and space. *Ibis*, **162**, pp 845 – 862.

**Table 5: Summary of Natura 2000 sites within 15000 km**

SITE CODE	SITE NAME	QUALIFYING INTEREST(S)	CONSERVATION OBJECTIVES DOCUMENT	CONSERVATION OBJECTIVES (GENERIC)	WITHIN 500m OF THE PROPOSED PARK
001459	CLOGHERHEAD SAC	[1230], [4030]	YES	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	NO
001957	BOYNE COAST AND ESTUARY SAC	[1130], [1140], [1210], [1310], [1330], [2110], [2120], [2130] PRIORITY HABITAT	YES	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	NO
002299	RIVER BOYNE AND RIVER BLACKWATER SAC	[7230], [91E0] PRIORITY HABITAT, [1099], [1106], [1355]	YES	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	NO
003000	ROCKABILL TO DALKEY ISLAND SAC	[1170], [1351]	YES	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	NO
004014	ROCKABILL SPA	[A148], [A192], [A193], [A194]	YES	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO
004080	BOYNE ESTUARY SPA	[A048], [A130], [A140], [A141], [A142], [A143], [A144], [A156], [A162], [A169], [A195], [A999]	YES	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO
004122	SKERRIES ISLANDS SPA	[A017], [A018], [A046], [A148], [A169], [A184]	NO	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO
004158	RIVER NANNY ESTUARY AND SHORE SPA	[A130], [A137], [A140], [A143], [A144], [A184], [A999]	YES	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	YES
004232	RIVER BOYNE AND RIVER BLACKWATER SPA	[A229]	NO	To maintain or restore the favourable conservation condition of the bird species listed as special conservation interests for this SPA	NO

## 2.7 Identification and evaluation of likely significant effects

### 2.7.1 Description of source-pathway-receptor linkages and identification of “Zone of Influence”

The basis for identifying potential impacts/significance thereof and defining the zone of influence is the “Source-Pathway-Receptor” (S-P-R) model. This model underpins all water-protection schemes in Ireland, as well as the EU Water Framework Directive on which both surface water and groundwater regulations are based. This model is applied to all possible impacts (i.e., not just water-based impacts). When examining S-P-R relationships in regard to impacts on Natura 2000 sites, the main questions to be considered are:

- 1) Source characterisation – Identification of potential source(s) of the impact(s);
- 2) Pathways analysis – Identification of means through which potential impacts could take place, for example is there a hydrogeological or hydrological link that can deliver a pollutant source to a nearby receptor; and
- 3) Receptor identification – identification of Natura 2000 sites/qualifying interests potentially affected.

The proposed park upgrade are of a relatively small scale, but the area involved is very sensitive as regards ecology. The most likely source of any negative impacts will be associated with:

- Impacts on surface/ground water; or
- Impacts through disturbance.

Therefore, the key questions to be considered are:

- 1) Is there any source(s) of impact(s) on water quality associated with the proposed development?
- 2) Is there any source(s) of impact(s) through disturbance?
- 3) Is there a pathway present between the source of impact and a Natura 2000 site; and
- 4) What are the Natura 2000 sites/qualifying interests potentially impacted upon?

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### 2.7.2 Sources of potential impacts

Given the sensitive location, nature and scale of the proposed development, the primary sources of potential impacts are:

- Impacts associated with contamination of surface and/or ground water during construction and/or operation; and
- Impacts associated with disturbance during construction and/or operation.

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### 2.7.3 Presence of pathway and receptor

It is important to note that there is an existing park and playground within the proposed Laytown park site. The location for the proposed Laytown Park (upgrades) is in a sensitive coastal location within a sensitive ecological receptor (River Nanny Estuary and Shore SPA). Any construction activity in such close proximity to a sensitive receptor could potentially result in contamination of ground and/or surface water providing a pathway between the proposed development and the adjacent environment.

The proposed Laytown Park is immediately adjacent to the River Nanny, the primary component of the River Nanny Estuary and Shore SPA. The qualifying interests of the River Nanny Estuary and Shore SPA and Boyne Estuary SPA are highly likely to move between the sites and any impacts should be considered for both sites. The Conservation Status of the Qualifying Interests of these sites is directly or indirectly dependent on water quality. These sites (River Nanny Estuary and Shore SPA and the Boyne Estuary SPA) are the primary receptors of concern given the scale, nature and location of the proposed Laytown park upgrades.



#### 2.7.4 Natura 2000 site(s) with potential to be impacted upon and Zone of Influence

There is a potential for impacts on the Conservation Objectives of the Qualifying Interests of the River Nanny Estuary and Shore SPA owing to the location of the proposed Laytown park within and immediately adjacent to this Natura 2000 site. There is also potential for negative impacts associated with the proposed Laytown park on the Boyne Estuary SPA. The Zone of Influence is considered, therefore, to include the following Natura 2000 sites within 15 km of the application site:

- River Nanny Estuary and Shore SPA; and
- Boyne Estuary SPA.

## 2.7.5 Sources of potential Direct, Indirect or Secondary Impacts

### 2.7.5.1 Direct Impacts

There is no habitat for which any relevant Natura 2000 sites are designated that will be lost through land-take, etc. associated with the proposed Laytown park. There is habitat, however, within and adjacent to the SPA boundary that is utilised by Qualifying Interests that may be altered/lost (see Figure 24). There is, therefore, potential for direct impacts on Qualifying Interests.



Figure 24: Location of proposed Laytown park relative to the SPA

### 2.7.5.2 Indirect Impacts

#### 2.7.5.2.1 Impacts on water quality

Construction of any scale in such close proximity to sensitive water-course inherently has the potential to impact on water quality. The Qualifying Interests of both SPAs are indirectly dependent on water quality and any impacts on water quality could impact on prey/forage items.

### 2.7.5.2.2 Impacts associated with disturbance of Qualifying Interests

In addition to being within/adjacent to the River Nanny Estuary and Shore SPA, the proposed Laytown park is located proximate to the Boyne Estuary SPA (with Qualifying Interests almost certain to move between the River Nanny Estuary and Shore SPA and the Boyne Estuary SPA depending on numerous factors, including disturbance). QI's of the Boyne Estuary must also be considered. For example, Black-tailed Godwit are not a QI of the River Nanny Estuary and Shore SPA but are a QI of the Boyne Estuary SPA. Black-tailed Godwit are just one of numerous species that have been observed utilising the habitats present at the proposed park location (Figure 25).

There is potential for disturbance of these Qualifying Interests. Given the nature of the habitats occurring (high amenity area used by the public), disturbance during construction is the primary potential impact as any Qualifying Interests utilising the area have habituated to human disturbance.



Figure 25: Black-tailed Godwit utilising habitat within the proposed park area adjacent to the Bus-stop

### 2.7.5.3 *Secondary and or Residual Impacts*

Given the location, nature and scale of the proposed park, there are no significant residual/secondary impacts foreseen presuming any indirect impacts are mitigated against.

A summary of the potential for primary impacts upon Natura 2000 sites within the zone of influence of the proposed development is summarized in Table 6. The potential for impacts upon the Natura 2000 sites identified in the event of negative impacts is summarized in Table 7. The potential impacts on the qualifying interests of identified Natura 2000 sites are summarized in Table 8.

Table 6: Summary of the potential for impacts upon Natura 2000 sites.

Site Name	Direct Impacts	Indirect/ Secondary Impacts	Resource requirements (water abstraction etc.)	Emissions (to land, water or air)	Excavation requirements	Duration of construction, operation and decommissioning
CLOGHERHEAD SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
BOYNE COAST AND ESTUARY SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
IRELAND'S EYE SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
ROCKABILL TO DALKEY ISLAND SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
ROCKABILL SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
BOYNE ESTUARY SPA	NONE FORESEEN	POTENTIAL	NONE FORESEEN	POTENTIAL	NONE FORESEEN	POTENTIAL
SKERRIES ISLANDS SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER NANNY ESTUARY AND SHORE SPA	POTENTIAL	POTENTIAL	NONE FORESEEN	POTENTIAL	POTENTIAL	POTENTIAL
RIVER BOYNE AND RIVER BLACKWATER SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN

Table 7: Summary of the potential for changes to Natura 2000 sites.

Site Name	Reduction of habitat area	Disturbance to key species	Habitat/species fragmentation	Reduction in species density	Changes in Key Indicators of Conservation Value	Climate change
CLOGHERHEAD SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
BOYNE COAST AND ESTUARY SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
IRELAND’S EYE SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER BOYNE AND RIVER BLACKWATER SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
ROCKABILL TO DALKEY ISLAND SAC	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
ROCKABILL SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
BOYNE ESTUARY SPA	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL
SKERRIES ISLANDS SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN
RIVER NANNY ESTUARY AND SHORE SPA	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL	POTENTIAL
RIVER BOYNE AND RIVER BLACKWATER SPA	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN	NONE FORESEEN

**Table 8: Summary of potential impacts on Qualifying Interests of Natura 2000 sites identified as at risk of impact**

Site name	Qualifying Interest	Potential Impact
Boyne Estuary SPA	Shelduck ( <i>Tadorna tadorna</i> ) [A048]	Potential indirect impacts
	Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]	Potential indirect impacts
	Golden Plover ( <i>Pluvialis apricaria</i> ) [A140]	Potential indirect impacts
	Grey Plover ( <i>Pluvialis squatarola</i> ) [A141]	Potential indirect impacts
	Lapwing ( <i>Vanellus vanellus</i> ) [142]	Potential indirect impacts
	Knot ( <i>Calidris canutus</i> ) [A143]	Potential indirect impacts
	Sanderling ( <i>Calidris alba</i> ) [A144]	Potential indirect impacts
	Black-tailed Godwit ( <i>Limosa limosa</i> ) [A156]	Potential indirect impacts
	Redshank ( <i>Tringa totanus</i> ) [A162]	Potential indirect impacts
	Turnstone ( <i>Arenaria interpres</i> ) [A169]	Potential indirect impacts
	Little Tern ( <i>Sterna albifrons</i> ) [A195]	Potential indirect impacts
	Wetlands [A999]	None foreseen
River Nanny Estuary and Shore SPA	Oystercatcher ( <i>Haematopus ostralegus</i> ) [A130]	Potential direct impact through habitat alteration, disturbance, impacts associated with changes in water quality
	Ringed Plover ( <i>Charadrius hiaticula</i> ) [A137]	Potential direct impact through habitat alteration, disturbance, impacts associated with changes in water quality
	Golden Plover ( <i>Pluvialis apricaria</i> ) [A141]	Potential direct impact through habitat alteration, disturbance, impacts associated with changes in water quality
	Knot ( <i>Calidris canutus</i> ) [A143]	Potential direct impact through habitat alteration, disturbance, impacts associated with changes in water quality
	Sanderling ( <i>Calidris alba</i> ) [144]	Potential direct impact through habitat alteration, disturbance, impacts associated with changes in water quality
	Herring Gull ( <i>Larus argentatus</i> ) [184]	None foreseen
	Wetlands [A999]	None foreseen

**2.7.6 Potential cumulative/in-combination impacts in association with other plans**

Article 6(3) of the Habitats Directive requires an assessment of a plan/project to consider other plans/projects that might, in combination with the proposed plan/project, have the potential to adversely impact upon Natura 2000 sites. Any plan/project with the potential to impact on water quality/hydrology within the Nanny Estuary and any plan/project with the potential to have an impact through disturbance has the potential to have cumulative/in-combination impacts.

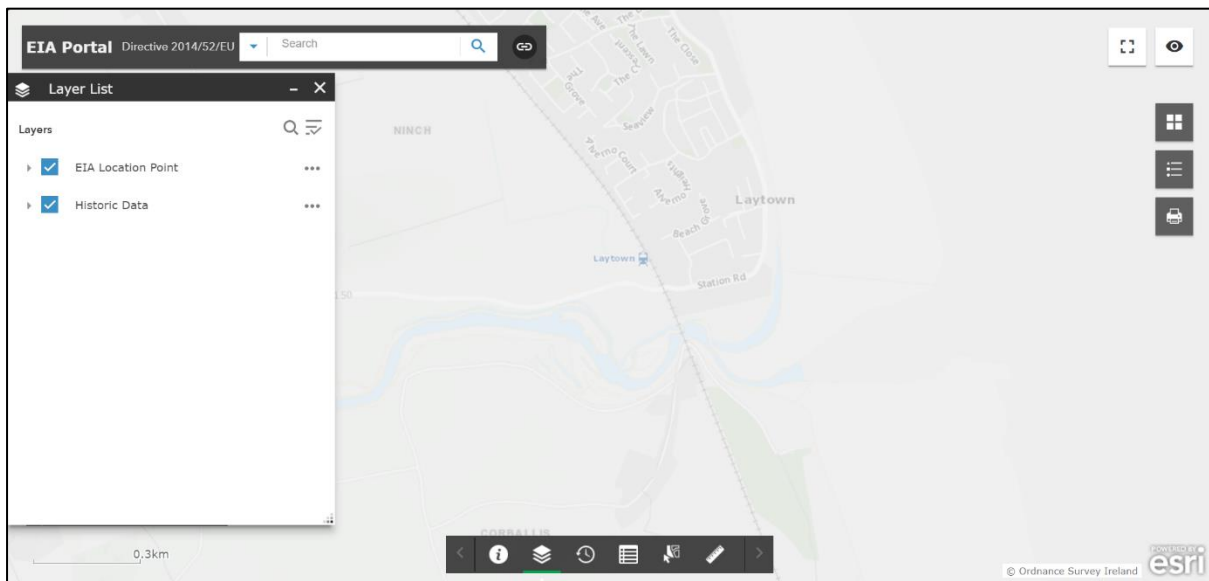
**Table 9: Potential cumulative impacts.**

<b>Plan/Project</b>	<b>Purpose</b>	<b>Cumulative impact</b>
EU Water framework Directive	Maintain and enhance water quality within the EU	None predicted
EU Freshwater Fish Directive	Protect freshwater bodies within the EU suitable for sustaining fish populations	None predicted
EU Groundwater Directive	Maintain and enhance the quality of groundwater within the EU	None predicted
EU Floods Directive	The Floods Directive applies to river basins and coastal areas at risk of flooding	None predicted
Nitrates Directive	Reducing water pollution within the EU	None predicted
Urban Waste-water treatment Directive	Protecting the environment from adverse impacts of waste-water discharge	None predicted
Sewage Sludge Directive	Regulate the use of sewage sludge	None predicted
The IPPC Directive	To achieve a high level of environmental protection	None predicted
National Development Plan	To promote more balanced spatial and economic development	None predicted
National Spatial Strategy	To achieve a better balance of social, economic and physical development across Ireland	None predicted
Eastern CRFAM	Long-term planning for reducing and managing flood risk	Potential in combination impacts on water quality in the absence of mitigation measures
Local Area Development Plans	Various	None predicted
Bettystown and Laytown Public Realm Plan	Improvement of the Public Realm in Bettystown and Laytown	Potential in combination impacts on water quality and disturbance in the absence of mitigation measures
Meath and Louth County Development Plans	Sustainable development of Counties Louth and Meath	Potential in combination impacts on water quality and disturbance in the absence of mitigation measures
Quarrying activities, water abstraction, discharge, etc	Various	Potential in-combination impacts on water quality in the absence of mitigation measures
Current and future planning permissions –	Various	An Appropriate Assessment Screening exercise of any planning permission would be undertaken.
Part 8's	Various	An Appropriate Assessment Screening exercise of any Part 8 would be undertaken
Land spreading of organic waste by farmers in the locality	Fertilising land, disposing of organic waste	Potential in-combination impacts on water quality in the absence of mitigation measures

The primary source of any cumulative impacts concerns impacts on ground and/or surface water quality and impacts on the foraging and/or roosting activity of overwintering waders.

As regards any cumulative impacts, **all** future developments must be subject to the Appropriate Assessment process. The primary concern as regards the majority developments is the capacity for foul sewage effluent at the Wastewater Treatment Plant.

A query of the EIA portal<sup>6</sup> would indicate that there are no projects in the vicinity of the proposed Laytown park requiring EIA (see Figure 26).



**Figure 26: Excerpt of the area of the proposed Laytown park from the EIA Portal online resource**

A query of recent planning applications in the vicinity of the proposed Laytown park was undertaken. No recent planning applications (within the last 2 years) appear in the database in the vicinity of the proposed park.

<sup>6</sup> <https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>



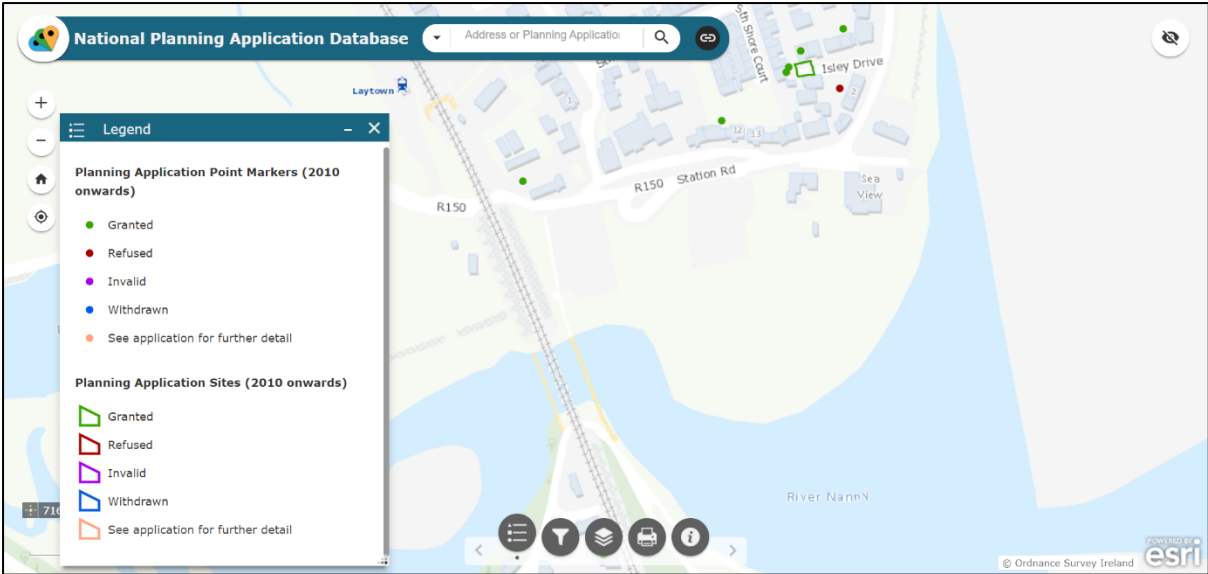


Figure 27: Excerpt from NPAD for proposed Laytown park area

2.7.7 “Do nothing” scenario

Any potential negative impacts associated with the proposed Laytown park would be avoided. Of note, the development of the Laytown park is one of the objectives of the Bettystown and Laytown Public Realm Plan, and the overall objective of the Public Realm Plan is to improve the Public Realm, including as regards environmental impacts.

**2.7.8 Gauging of Impacts on Natura 2000 sites – Integrity of site checklist**

The potential impacts of the proposed development on Natura 2000 sites are gauged using a checklist, which aids in determining the potential of development to have a significant impact on any Natura 2000 site. This checklist consists of a number of pertinent questions as set out in Table 10.

**Table 10: Potential of the proposed development to impact on Natura 2000 sites in the absence of suitable mitigation/preventative measures**

Does the Plan have the potential to:	Yes/No
Cause delays in progress towards achieving the conservation objectives of the Natura 2000 site?	YES
Interrupt progress toward achieving the conservation objectives of the Natura 2000 site?	YES
Disrupt those factors helping to maintain the favourable conditions at the Natura 2000 site?	YES
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the Natura 2000 site?	YES
Cause changes to the vital defining aspects (e.g., nutrient balance) that determine how the Natura 2000 site functions as a habitat or ecosystem?	YES
Change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the Natura 2000 site?	YES
Interfere with predicted or expected natural changes to the Natura 2000 site (such as water dynamics or chemical composition)?	YES
Reduce the area of key habitats within the Natura 2000 site?	YES
Reduce the population of key species of the Natura 2000 site?	YES
Alter the balance between key species of the Natura 2000 site?	YES
Reduce the biodiversity of the Natura 2000 site?	YES
Result in disturbance that could affect population size or density or the balance between key species within the Natura 2000 site?	YES
Result in fragmentation?	YES
Result in the loss or reduction of key features of Natura 2000 sites?	YES

## 2.8 Conclusions of screening

According to the guidance published by the NPWS (DoEHLG, 2009), Screening for Appropriate Assessment can either identify that a Natura Impact Statement (NIS) is not required where:

- (1) A project/proposal is directly related to the management of the site; or
- (2) There is no potential for significant impacts affecting the Natura 2000 network

Where the screening process identifies that significant impacts are certain, likely or uncertain the project must either proceed to Stage II Appropriate Assessment or be rejected.

The potential impacts that will arise from the proposed Laytown park upgrades have been examined in the context of a number of factors that could potentially impact upon the integrity of the Natura 2000 network. On the basis of the findings of this Screening for Appropriate Assessment, it is concluded that the proposed plan:

- (1) Is not directly connected with or necessary to the management of a Natura 2000 site and
- (2) May have significant impacts on one or more Natura 2000 sites.

Following an examination, analysis and evaluation of the relevant information and the potential for significant effects on the conservation objectives of Natura 2000 sites, and applying the Precautionary Principle, it is not possible to exclude (on the basis of objective information and in the absence of specific prescribed precautionary/mitigation measures) that the proposed plan individually or in combination with other plans or projects, has the potential to have significant negative impacts on the following Natura 2000 sites:

- Boyne Estuary SPA; and
- River Nanny Estuary and Shore SPA.

Screening having identified potential impacts of the proposed plan upon these Natura 2000 sites and in accordance with Article 6(3) of the Habitats Directive, a Stage 2 Appropriate Assessment is required, i.e., *“The consideration of the impact of the project or plan on the integrity of the Natura 2000 Site, either alone or in combination with other projects or plans to the sites structure and function and its conservation objectives. Additionally, where there are adverse impacts, an assessment of the potential mitigation of those impacts.”*

## 3 Appropriate Assessment

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The potential for significant negative impacts of the proposed Laytown park on the ecological integrity of the following sites, in light of the conservation objectives of those sites, is examined in this section, namely:

- Boyne Estuary SPA; and
- River Nanny Estuary and Shore SPA.

### 3.1 Stage 2 Appropriate Assessment background

Screening having identified potential impacts Stage 2 Appropriate Assessment is carried out to determine if the plan/project will have any significant negative impacts on the integrity of the Natura 2000 site(s) identified as being at risk. For the purposes of Appropriate Assessment, a significant effect is any effect that may affect the Conservation Objectives of the Qualifying Interest for which a site was designated but excluding inconsequential effects. If the effect is not relevant to the conservation objective, then it cannot be a significant effect for the purposes of Appropriate Assessment. A likely significant effect, for the purpose of Appropriate Assessment must be:

- (a) Significant;
- (b) Relevant to the conservation objective for that site; and
- (c) The possibility of effects cannot be reasonably excluded.

This stage of the Appropriate Assessment process includes:

- 1) Impact Prediction - the potential impact of the proposed development on the ecological integrity of Natura 2000 sites in terms of the conservation objectives of those sites is assessed; and
- 2) Mitigation Measures – mitigation/preventative measures are identified (either in place or to be implemented) in relation to any significant negative impacts associated with the proposed development on the Natura 2000 sites as described herein.

This stage of the Appropriate Assessment process involves the identification of potentially affected sites, the identification of the qualifying interests of those sites, and an assessment of the significance of impacts on the conservation objectives of those sites. Any negative impacts on the integrity of structure, function or conservation objectives of these sites will require the implementation of

avoidance or mitigation measures to avoid progression to Stages 3 and 4 of the Appropriate Assessment process.

### 3.2 Summary of Natura 2000 sites relevant to the Stage Two Appropriate Assessment

It is the goal of NPWS to draw up conservation plans for all areas designated for nature conservation, and that these plans will, among other things, set clear objectives for the conservation of the features of interest within a site. Where a detailed Conservation Objectives Document is not available, NPWS have provided a site synopsis, generic Conservation Objectives and a Natura 2000 data form. All of the relevant sites have, in this case, a detailed Conservation Objectives Document available.

In this section, the Natura 2000 sites potentially impacted upon by the proposed development are described according to:

- 1) General description of the site;
- 2) Qualifying Interests (QI) of the site;
- 3) Threats, pressures and activities with negative impacts on the site;
- 4) Conservation Objectives of the site; and
- 5) Conservation status of the site.

The codes utilized within the Natura 2000 forms are available from

[http://bd.eionet.europa.eu/activities/Natura\\_2000/reference\\_portal](http://bd.eionet.europa.eu/activities/Natura_2000/reference_portal)

A summary of the Natura 2000 sites potentially impacted upon by the proposed development including general description, qualifying interests, conservation objectives, vulnerability/threats, and conservation status of habitats/species within individual sites and conservation status of qualifying interests on a national basis, is provided as follows.

### 3.2.1 Boyne Estuary SPA (Site synopsis version date 30/05/15, Natura 2000 form update 09/18, Conservation Objectives version 1.0)

#### 3.2.1.1 General Description

This moderately-sized coastal site, which is situated below the town of Drogheda, comprises most of the estuary of the Boyne River, a substantial river which drains a large catchment. Apart from one section which is over 1 km wide, the width is mostly less than 500 m. The main river channel, which is navigable and dredged, is defined by training walls, the latter being breached in places. Intertidal flats occur on the sides of the channelled river. The sediments vary from fine muds in the innermost areas to sandy muds or sands towards the mouth. The linear stretches of intertidal flats to the north and south of the river mouth are mainly sands. Intertidal areas are fringed by salt marshes in the inner sheltered areas. *Spartina* is frequent on the flats and salt marshes. The Boyne Estuary is one of the most important sites for wintering waterfowl on the east coast. It has a total of 10 species with populations of national importance - of particular note is that it supports 7.0% of the national total of *Calidris canutus* and 4.0% of the total for *Pluvialis apricaria*. Other species which have populations of national importance include *Tadorna tadorna*, *Haematopus ostralegus*, *Vanellus*, *Limosa limosa*, *Tringa totanus* and *Arenaria interpres*. The site provides both feeding and roosting areas for the birds. *Sterna albifrons* bred in the past but successful breeding has not occurred since 1996.

#### 3.2.1.2 Qualifying Interests

A detailed Conservation Objectives Document has been prepared for this site. The qualifying interests of the site are identified in Table 11.

Table 11

Qualifying Interests	
* indicates a priority habitat under the Habitats Directive	
004080	Boyne Estuary SPA
A048	Shelduck <i>Tadorna tadorna</i>
A130	Oystercatcher <i>Haematopus ostralegus</i>
A140	Golden Plover <i>Pluvialis apricaria</i>
A141	Grey Plover <i>Pluvialis squatarola</i>
A142	Lapwing <i>Vanellus vanellus</i>
A143	Knot <i>Calidris canutus</i>
A144	Sanderling <i>Calidris alba</i>
A156	Black-tailed Godwit <i>Limosa limosa</i>
A162	Redshank <i>Tringa totanus</i>
A169	Turnstone <i>Arenaria interpres</i>
A195	Little Tern <i>Sterna albifrons</i>
A999	Wetlands

### 3.2.1.3 Threats, pressures, and activities with negative impacts on the site

Details as to the threats, pressures, and activities with negative impacts on the site are identified from the Natura 2000 data form for the sites and are illustrated in Table 12.

Table 12: Threats, pressures and activities with impacts on the site

Negative Impacts				Positive Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]	Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
M	E01		o	H	G02.01		o
M	F01		i	M	F01		i
M	G02.01		o	L	F02.03		i
H	G01.02		i				
H	I01		i				
H	J02.11		i				
H	J02.01.02		i				
H	J02.05		i				
L	F02.03		i				

Rank: H = high, M = medium, L = low  
 Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification, T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions  
 i = inside, o = outside, b = both

### 3.2.1.4 Conservation Objectives of the site

A detailed Conservation Objectives Document has been prepared for this site and is available to download from:

[https://www.npws.ie/sites/default/files/protected-sites/conservation\\_objectives/CO004080.pdf](https://www.npws.ie/sites/default/files/protected-sites/conservation_objectives/CO004080.pdf)

Details from this document are reproduced here. The Conservation Objectives of the site are outlined in Table 13, Table 14, Table 15, Table 16, Table 17, Table 18, Table 19, Table 20, Table 21, Table 22, Table 23 and Table 24.

Table 13

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A048</b>		<b>Shelduck <i>Tadorna tadorna</i></b>	
<b>To maintain the favourable conservation condition of Shelduck in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by shelduck, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 14

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A130</b>		<b>Oystercatcher <i>Haematopus ostralegus</i></b>	
<b>To maintain the favourable conservation condition of Oystercatcher in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing and intensity of use of areas by oystercatcher, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document



Table 15

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A140</b>		<b>Golden Plover <i>Pluvialis apricaria</i></b>	
<b>To maintain the favourable conservation condition of Golden Plover in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by golden plover, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 16

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A141</b>		<b>Grey Plover <i>Pluvialis squatarola</i></b>	
<b>To maintain the favourable conservation condition of Grey Plover in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by grey plover, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 17

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A142</b>		<b>Lapwing <i>Vanellus vanellus</i></b>	
<b>To maintain the favourable conservation condition of Lapwing in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by lapwing, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 18

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A143</b>		<b>Knot <i>Calidris canutus</i></b>	
<b>To maintain the favourable conservation condition of Knot in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by knot, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 19

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A144</b>		<b>Sanderling <i>Calidris alba</i></b>	
<b>To maintain the favourable conservation condition of Sanderling in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by sanderling, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 20

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A156</b>		<b>Black-tailed Godwit <i>Limosa limosa</i></b>	
<b>To maintain the favourable conservation condition of Black-tailed Godwit in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by black-tailed godwit, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 21

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A162</b>		<b>Redshank <i>Tringa totanus</i></b>	
<b>To maintain the favourable conservation condition of Redshank in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by redshank, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 22

Conservation Objectives for : Boyne Estuary SPA [004080]			
<b>A169</b>		<b>Turnstone <i>Arenaria interpres</i></b>	
<b>To maintain the favourable conservation condition of Turnstone in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Population trend	Percentage change	Long term population trend stable or increasing	Population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	No significant decrease in the range, timing or intensity of use of areas by turnstone, other than that occurring from natural patterns of variation	Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 23

Conservation Objectives for : Boyne Estuary SPA [004080]			
A195		Little Tern <i>Sterna albifrons</i>	
<b>To maintain the favourable conservation condition of Little Tern in Boyne Estuary SPA, which is defined by the following list of attributes and targets:</b>			
Attribute	Measure	Target	Notes
Breeding population abundance: apparently occupied nests (AONs)	Number	No significant decline	Measure based on standard tern survey methods (see Walsh et al., 1995). Mitchell et al. (2004) provides summary population information for Louth. The Seabird Monitoring Programme (SMP) also provides background data (JNCC, 2013). In 2010, 43 breeding pairs were recorded at this colony (Reilly, 2010)
Productivity rate: fledged young per breeding pair	Mean number	No significant decline	Measure based on standard tern survey methods (see Walsh et al., 1995). For 2010, an estimated productivity rate of 2.2 fledged birds per breeding pair was reported (Reilly, 2010)
Distribution: breeding colonies	Number; location; area (Hectares)	No significant decline	Little tern nest in well-camouflaged shallow scrapes on sand and shingle beaches, spits or inshore islets (Mitchell et al., 2004). For a description of the area used by the colony in 2010, see Reilly (2010)
Prey biomass available	Kilogrammes	No significant decline	Key prey items: Mainly small, often juvenile, fish; invertebrates, especially crustaceans and insects. Key habitats: Very shallow water, advancing or receding tidelines, brackish lagoons and saltmarsh creeks, sand-banks close to the coast. Foraging range: Max 11km, mean max 6.94km, mean 4.14km (BirdLife International Seabird Database (Birdlife International, 2013))
Barriers to connectivity	Number; location; shape; area (hectares)	No significant increase	Seabird species can make extensive use of the marine waters adjacent to their breeding colonies. Foraging range: Max 11km, mean max 6.94km, mean 4.14km (BirdLife International Seabird Database (Birdlife International, 2013))
Disturbance at the breeding site	Level of impact	Human activities should occur at levels that do not adversely affect the breeding little tern population	Little tern nest in well-camouflaged shallow scrapes on sand and shingle beaches, spits or inshore islets (Mitchell et al., 2004)

Table 24

Conservation Objectives for : Boyne Estuary SPA [004080]			
A999		Wetlands	
<b>To maintain the favourable conservation condition of the wetland habitat in Boyne Estuary SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attribute and target:</b>			
Attribute	Measure	Target	Notes
Habitat area	Hectares	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 594ha, other than that occurring from natural patterns of variation	The wetland habitat area was estimated as 594ha using OSi data and relevant orthophotographs. For further information see part three of the conservation objectives supporting document

### 3.2.1.5 Baseline Conservation Status of the site

A synopsis of the conservation status of this site is provided in Table 25.

Table 25: Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

Species			Population in the site							Site assessment				
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D	A B C		
						Min	Max				Pop.	Con.	Iso.	Glo.
B	A052	<a href="#">Anas crecca</a>			w	230	230	i		G	C	B	C	C
B	A050	<a href="#">Anas penelope</a>			w	454	454	i		G	C	B	C	C
B	A053	<a href="#">Anas platyrhynchos</a>			w	197	197	i		G	C	B	C	C
B	A169	<a href="#">Arenaria interpres</a>			w	175	175	i		G	C	B	C	B
B	A046	<a href="#">Branta bernicla</a>			w	172	172	i		G	C	B	C	C
B	A144	<a href="#">Calidris alba</a>			w	69	69	i		G	C	B	C	B
B	A149	<a href="#">Calidris alpina</a>			w	480	480	i		G	C	B	C	C
B	A143	<a href="#">Calidris canutus</a>			w	1771	1771	i		G	B	B	C	A
B	A137	<a href="#">Charadrius hiaticula</a>			w	80	80	i		G	C	B	C	C
B	A130	<a href="#">Haematopus ostralegus</a>			w	1099	1099	i		G	C	B	C	B
B	A182	<a href="#">Larus canus</a>			w	145	145	i		G	C	B	C	C
B	A179	<a href="#">Larus ridibundus</a>			w	593	593	i		G	C	B	C	C
B	A157	<a href="#">Limosa lapponica</a>			w	76	76	i		G	C	C	C	C
B	A156	<a href="#">Limosa limosa</a>			w	471	471	i		G	B	A	C	A
B	A069	<a href="#">Mergus serrator</a>			w	14	14	i		G	C	B	C	C
B	A160	<a href="#">Numenius arquata</a>			w	395	395	i		G	C	B	C	C
B	A017	<a href="#">Phalacrocorax carbo</a>			w	97	97	i		G	C	B	C	C
B	A140	<a href="#">Pluvialis apricaria</a>			w	6070	6070	i		G	B	B	C	B
B	A141	<a href="#">Pluvialis squatarola</a>			w	98	98	i		G	C	B	C	B
B	A195	<a href="#">Sterna albifrons</a>			r				P	M	C	C	C	C
B	A048	<a href="#">Tadorna tadorna</a>			w	218	218	i		G	C	B	C	B
B	A164	<a href="#">Tringa nebularia</a>			w	6	6	i		G	C	B	C	C
B	A162	<a href="#">Tringa totanus</a>			w	583	583	i		G	C	A	C	B
B	A142	<a href="#">Vanellus vanellus</a>			w	4657	4657	i		G	B	B	C	B

### 3.2.2 River Nanny Estuary and Shore SPA (Site synopsis version date 20/01/15, Natura 2000 form update 09/18, Conservation Objectives version 1.0)

There is a conservation objectives document for this site ([www.npws.ie](http://www.npws.ie)) from which the following is sourced, in addition to site synopses and Natura 2000 data form.

#### 3.2.2.1 General Description

The site comprises the estuary of the River Nanny and sections of the shoreline to the north and south of the estuary (c.3 km in length). The estuarine channel, which extends inland for almost 2 km, is narrow and well sheltered. Sediments are muddy in character and edged by saltmarsh and freshwater marsh/wet grassland. The shoreline, which is approximately 500 m in width to the low tide mark, comprises beach and intertidal habitats. It is a well-exposed shore, with coarse sand sediments. The well-developed beaches, which are backed in places by clay cliffs, provide high tide roosts for the birds. The village of Laytown occurs on the northern side of the River Nanny estuary. This is an important east coast site, with nationally important populations of *Pluvialis apricaria*, *Haematopus ostralegus*, *Charadrius hiaticula*, *Calidris cantus*, *Calidris alba* and *Larus argentatus*. The population of *Calidris canutus* and *Calidris alba* are of particular note as they represent 4% and 3.8% of the respective all-Ireland totals. A range of other waterfowl species also occur, including *Branta bernicla hrota*, as well as *Larus* gulls.

#### 3.2.2.2 Qualifying Interests

A detailed Conservation Objectives Document has been prepared for this site. The qualifying interests of the site are identified in Table 26.

Table 26

Qualifying Interests		
* indicates a priority habitat under the Habitats Directive		
004158	River Nanny Estuary and Shore SPA	
A130	Oystercatcher <i>Haematopus ostralegus</i>	wintering
A137	Ringed Plover <i>Charadrius hiaticula</i>	wintering
A140	Golden Plover <i>Pluvialis apricaria</i>	wintering
A143	Knot <i>Calidris canutus</i>	wintering
A144	Sanderling <i>Calidris alba</i>	wintering
A184	Herring Gull <i>Larus argentatus</i>	wintering
A999	Wetlands	

### 3.2.2.3 Threats, pressures and activities with negative impacts on the site

Details as to the threats, pressures, and activities with negative impacts on the site are identified from the Natura 2000 data form for the sites and are illustrated in Table 27.

Table 27: Threats, pressures and activities impacting on the site

Negative Impacts				Positive Impacts			
Rank	Threats and pressures [code]	Pollution (optional) [code]	inside/outside [i o b]	Rank	Activities, management [code]	Pollution (optional) [code]	inside/outside [i o b]
M	G01.02		i	M	G01.02		i
M	E01.01		o				

Rank: H = high, M = medium, L = low  
 Pollution: N = Nitrogen input, P = Phosphor/Phosphate input, A = Acid input/acidification, T = toxic inorganic chemicals, O = toxic organic chemicals, X = Mixed pollutions  
 i = inside, o = outside, b = both

### 3.2.2.4 Conservation Objectives

A detailed Conservation Objectives Document has been prepared for this site ([www.npws.ie](http://www.npws.ie)). The Conservation Objectives of the site are outlined in Table 28, Table 29, Table 30, Table 31, Table 32, Table 33 and Table 34.

Table 28

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A130 Oystercatcher <i>Haematopus ostralegus</i></b>			
<b>To maintain the favourable conservation condition of Oystercatcher in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by oystercatcher other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 29

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A137 Ringed Plover <i>Charadrius hiaticula</i></b>			
<b>To maintain the favourable conservation condition of Ringed Plover in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by ringed plover other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document



Table 30

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A140 Golden Plover <i>Pluvialis apricaria</i></b>			
<b>To maintain the favourable conservation condition of Golden Plover in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by golden plover other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 31

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A143 Knot <i>Calidris canutus</i></b>			
<b>To maintain the favourable conservation condition of Knot in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by knot other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 32

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A144 Sanderling <i>Calidris alba</i></b>			
<b>To maintain the favourable conservation condition of Sanderling in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by sanderling other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 33

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A184 Herring Gull <i>Larus argentatus</i></b>			
<b>To maintain the favourable conservation condition of Herring Gull in River Nanny Estuary and Shore SPA, which is defined by the following list of attributes and targets:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Population trend	Percentage change	Long term population trend stable or increasing	Waterbird population trends are presented in part four of the conservation objectives supporting document
Distribution	Range, timing and intensity of use of areas	There should be no significant decrease in the range, timing or intensity of use of areas by herring gull other than that occurring from natural patterns of variation	As determined by regular low tide and other waterbird surveys. Waterbird distribution from the 2011/2012 waterbird survey programme is discussed in part five of the conservation objectives supporting document

Table 34

<b>Conservation objectives for: River Nanny Estuary and Shore SPA [004158]</b>			
<b>A999 Wetlands</b>			
<b>To maintain the favourable conservation condition of the wetland habitat in River Nanny Estuary and Shore SPA as a resource for the regularly-occurring migratory waterbirds that utilise it. This is defined by the following attribute and target:</b>			
<b>Attribute</b>	<b>Measure</b>	<b>Target</b>	<b>Notes</b>
Wetland habitat	Area (ha)	The permanent area occupied by the wetland habitat should be stable and not significantly less than the area of 230ha, other than that occurring from natural patterns of variation	The wetland habitat area was estimated as 230ha using OSi data and relevant orthophotographs. For further information see part three of the conservation objectives supporting document

### 3.2.2.5 Baseline Conservation Status of site

A synopsis of the conservation status of the site is provided in Table 35.

Table 35: Species referred to in Article 4 of Directive 2009/147/EC and listed in Annex II of Directive 92/43/EEC and site evaluation for them

Species			Population in the site							Site assessment				
G	Code	Scientific Name	S	NP	T	Size		Unit	Cat.	D.qual.	A B C D		A B C	
						Min	Max				Pop.	Con.	Iso.	Glo.
B	A053	<a href="#">Anas platyrhynchos</a>			w	76	76	i		G	C	B	C	C
B	A169	<a href="#">Arenaria interpres</a>			w	59	59	i		G	C	B	C	C
B	A046	<a href="#">Branta bernicla</a>			w	145	145	i		G	C	B	C	C
B	A144	<a href="#">Calidris alba</a>			w	240	240	i		G	B	A	C	A
B	A149	<a href="#">Calidris alpina</a>			w	721	721	i		G	C	B	C	C
B	A143	<a href="#">Calidris canutus</a>			w	1190	1190	i		G	B	A	C	B
B	A137	<a href="#">Charadrius hiaticula</a>			w	185	185	i		G	C	B	C	B
B	A130	<a href="#">Haematopus ostralegus</a>			w	1014	1014	i		G	C	B	C	B
B	A184	<a href="#">Larus argentatus</a>			w	609	609	i		G	C	B	C	C
B	A182	<a href="#">Larus canus</a>			w	66	66	i		G	C	B	C	C
B	A179	<a href="#">Larus ridibundus</a>			w	926	926	i		G	C	B	C	C
B	A157	<a href="#">Limosa lapponica</a>			w	63	63	i		G	C	B	C	C
B	A160	<a href="#">Numenius arquata</a>			w	107	107	i		G	C	B	C	C
B	A017	<a href="#">Phalacrocorax carbo</a>			w	35	35	i		G	C	B	C	C
B	A140	<a href="#">Pluvialis apricaria</a>			w	1759	1759	i		G	C	B	C	C
B	A141	<a href="#">Pluvialis squatarola</a>			w	55	55	i		G	C	B	C	C
B	A162	<a href="#">Tringa totanus</a>			w	150	150	i		G	C	B	C	C
B	A142	<a href="#">Vanellus vanellus</a>			w	1112	1112	i		G	C	B	C	C

### **3.3 Summary of Conservation Objectives of Natura 2000 sites potentially exposed to significant negative impacts**

The focus of the Appropriate Assessment process at the second stage must be on the integrity of European sites “in light of their conservation objectives.” A detailed analysis of Natura 2000 sites is given in Section 3.2 as regards:

- General Description;
- Qualifying Interests;
- Threats, Pressures and Activities with negative impacts;
- Conservation Objectives; and
- Conservation Status

A summary of the current conservation status of the qualifying interests (Nationally as indicated in the NPWS document “Status of EU Protected Habitats and Species in Ireland (2019)”, and site specific as recorded in the individual Natura 2000 form) and conditions underpinning site integrity is presented in Table 36.

**Table 36: Summary of Conservation Status of Qualifying Interests according to Natura 2000 dataform and conditions underpinning site integrity**

SITE NAME/CODE	QUALIFYING INTERESTS HABITAT/SPECIES CODE	SITE ASSESSMENT OF CONSERVATION STATUS (NATURA 2000 DATA FORM)		CONDITIONS UNDERPINNING SITE INTEGRITY
BOYNE ESTUARY SPA	A048	POPULATION	C	<ul style="list-style-type: none"> <li>• WATER QUALITY</li> <li>• APPROPRIATE AGRICULTURAL AND SILVICULTURAL PRACTICES</li> <li>• NATURAL EROSION/ SEDIMENTATION PROCESSES</li> <li>• SURFACE AND GROUND WATER QUALITY</li> <li>• APPROPRIATE LEVELS OF DISTURBANCE</li> <li>• AIR QUALITY</li> </ul>
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A130	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A140	POPULATION	B	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A141	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A142	POPULATION	B	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
A143	POPULATION	B		
	CONSERVATION	B		
	ISOLATION	C		
	GLOBAL	A		

SITE NAME/CODE	QUALIFYING INTERESTS HABITAT/SPECIES CODE	SITE ASSESSMENT OF CONSERVATION STATUS (NATURA 2000 DATA FORM)		CONDITIONS UNDERPINNING SITE INTEGRITY
	A144	POPULATION	C	<ul style="list-style-type: none"> <li>• WATER QUALITY</li> <li>• APPROPRIATE AGRICULTURAL AND SILVICULTURAL PRACTICES</li> <li>• NATURAL EROSION/ SEDIMENTATION PROCESSES</li> <li>• SURFACE AND GROUND WATER QUALITY</li> <li>• APPROPRIATE LEVELS OF DISTURBANCE</li> <li>• AIR QUALITY</li> </ul>
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A156	POPULATION	B	
		CONSERVATION	A	
		ISOLATION	C	
		GLOBAL	A	
	A162	POPULATION	C	
		CONSERVATION	A	
		ISOLATION	C	
		GLOBAL	B	
	A169	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A195	POPULATION	C	
		CONSERVATION	C	
		ISOLATION	C	
		GLOBAL	C	
A999	POPULATION	N/A		
	CONSERVATION	N/A		
	ISOLATION	N/A		
	GLOBAL	N/A		

SITE NAME/CODE	QUALIFYING INTERESTS HABITAT/SPECIES CODE	SITE ASSESSMENT OF CONSERVATION STATUS (NATURA 2000 DATA FORM)		CONDITIONS UNDERPINNING SITE INTEGRITY
River Nanny Estuary and shore SPA	A130	POPULATION	C	<ul style="list-style-type: none"> <li>• WATER QUALITY</li> <li>• APPROPRIATE AGRICULTURAL AND SILVICULTURAL PRACTICES</li> <li>• NATURAL EROSION/ SEDIMENTATION PROCESSES</li> <li>• SURFACE AND GROUND WATER QUALITY</li> <li>• APPROPRIATE LEVELS OF DISTURBANCE</li> <li>• AIR QUALITY</li> </ul>
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A137	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	B	
	A140	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	C	
	A143	POPULATION	B	
		CONSERVATION	A	
		ISOLATION	C	
		GLOBAL	B	
	A144	POPULATION	B	
		CONSERVATION	A	
		ISOLATION	C	
		GLOBAL	A	
	A184	POPULATION	C	
		CONSERVATION	B	
		ISOLATION	C	
		GLOBAL	C	
	A999	POPULATION	N/A	
		CONSERVATION	N/A	
		ISOLATION	N/A	
		GLOBAL	N/A	



## 3.4 Impact Prediction

### 3.4.1 Identified Pathways

As identified in Section 2, a portion of the proposed Laytown park upgrades includes the ecological corridor associated with the River Nanny, a chief component of the River Nanny Estuary and Shore SPA. The proposed park has the potential to impact further on the Boyne Estuary SPA indirectly (qualifying interests move between these proximate sites).

The design objectives of the proposed “upgrading” of the existing Laytown Park will comprise:

- 1) Creating a network of new links and connections between the town and the seashore that activate the area;
- 2) Making the Park functional and safe by providing open space and panoramic views, as well as adequate signage and landscape furniture;
- 3) Offering a wide range of interactive and innovative play experiences catering for all age groups and abilities;
- 4) Making Laytown Park a destination for the town by offering a wide range of activities, spaces to relax, gathering with friends and families;
- 5) Promote education through supporting interaction and interpretation of the site and all components within it; and
- 6) Protecting the natural habitat and environment of the sand dunes and enhancing biodiversity value of existing green spaces.

Demolition and construction activities will be of a very small scale. Any form of construction in this ecologically sensitive area has the potential, however, to impact on water quality, indirectly impacting on Qualifying Interests. The creation of the park will lead to an increased usage of the area, which has the capacity to increase disturbance of Qualifying Interests. It must be noted, however, that the provision of organised pathways and viewing platforms will likely reduce the use of existing desire lines and may consolidate disturbance into a more specific area, reducing direct disturbance. This could be encouraged utilising signage and the provision of “Hides” at viewing platforms.

### 3.4.2 Potential Impacts on Qualifying Interests of sites

A summary of potential impacts indicating Qualifying Interests (habitat/species), location of Qualifying Interests, Primary Sensitivities of Qualifying Interests and Potential Impacts affecting Qualifying Interests provided in Table 37.

**Table 37: Summary of potential impacts on Qualifying Interests of relevant Natura 2000 sites in the absence of mitigation measures**

SITE	QI	LOCATION	SENSITIVITIES	POTENTIAL IMPACT
BOYNE ESTUARY SPA	A048 Shelduck Tadorna tadorna A130 Oystercatcher Haematopus ostralegus A140 Golden Plover Pluvialis apricaria A141 Grey Plover Pluvialis squatarola A142 Lapwing Vanellus vanellus A143 Knot Calidris canutus A144 Sanderling Calidris alba A156 Black-tailed Godwit Limosa limosa A162 Redshank Tringa totanus A169 Turnstone Arenaria interpres A195 Little Tern Sterna albifrons A999 Wetlands	THROUGHOUT IN SUITABLE AREAS	DISTURBANCE, SECONDARY IMPACTS ON PREY ITEMS	DISTURBANCE, IMPACTS ON PREY/FORAGE ITEMS ASSOCIATED WITH IMPACTS ON WATER QUALITY
RIVER NANNY ESTUARY AND SHORE SPA	A130 Oystercatcher Haematopus ostralegus wintering A137 Ringed Plover Charadrius hiaticula wintering A140 Golden Plover Pluvialis apricaria wintering A143 Knot Calidris canutus wintering A144 Sanderling Calidris alba wintering A184 Herring Gull Larus argentatus wintering A999 Wetlands	THROUGHOUT IN SUITABLE AREAS	DISTURBANCE, SECONDARY IMPACTS ON PREY ITEMS	LOSS OF FORAGING HABITAT, DISTURBANCE, IMPACTS ON PREY/FORAGE ITEMS ASSOCIATED WITH IMPACTS ON WATER QUALITY

### 3.4.3 Sources of Potential Impacts associated with proposed Laytown park

The sources of potential indirect and secondary impacts related to the proposed plan are identified in Section 2.6. The sources of impacts are primarily associated with:

- Impacts on water quality; and
- Impacts associated with disturbance (construction and/or operation).

### 3.5 Mitigation Measures – avoiding potential impacts

The primary sources of potential impacts associated with the proposed Laytown park are:

- Impacts on water quality; and
- Impacts associated with increased disturbance.

#### 3.5.1 Impacts on water quality

The primary source of potential negative impacts on the conservation objectives of the Natura 2000 sites in question regards the potential for impacts on water quality.

The primary mitigation measures to be implemented will involve the protection of water quality. During any works, protection of water quality is paramount, and should be ensured by implementing the following mitigation measures in addition to any site-specific mitigation measures identified by the site engineer, etc.:

The Contractor shall undertake all proposed works in such a manner as to avoid degradation of water quality either by pollution (in particular, from any paint-chips, chemicals utilised to remove paint/rust, etc.) from oil spills, or contamination due to concreting or grouting operations, or by causing turbidity due to disturbance of silt or spoil from operations.

Specific measures to be taken to prevent the above shall include the following:

- The Undertaker shall take special precautions in relation to protection of watercourses. Temporary environmental screens shall be erected sufficient to prevent construction debris (paint chips/rust, etc.), abrasive materials, oils, chemicals or other construction materials from entering any watercourse/drain for the duration of the works. The Undertaker's method statement should make specific reference to measures for the protection of river quality;
- Undertaker's plant, equipment etc. shall be free of any mechanical defects, and be well maintained so as to prevent soil or fuel leaks into the river;
- Undertaker's plant, equipment etc. must arrive on site free of propagules of any plant species listed on Part (1) of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations of 2011;
- The Undertaker shall so arrange that the cleaning out of concrete delivery trucks and equipment does not cause run-off to enter any watercourse/drains, etc.;
- The Undertaker's method statement should make specific reference to measures for the protection of river water quality, to include measures to ensure no spillage of fuel or

cement/lime-based material or any other leakages occur to any drains/water courses for the duration of the works;

- All works will be undertaken in accordance with the following best practice guidelines for working alongside watercourses:
  - CIRIA Control of Water Pollution from Construction sites – Guidance for Consultants and Contactors (2001).
  - Eastern Regional Fisheries Board Guidance Notes ‘Requirements for the Protection of Fisheries Habitat during Construction and Development Works at River Sites’ (Eastern Regional Fisheries Board, 2006);
  - NRA Guidelines (2006) NRA Guidelines for the Crossing of Watercourses during the Construction of National Road Schemes.

It is essential that there be no impact on water quality of any water courses/drains/etc. discharging to the Irish Sea associated with the operation of the proposed Laytown park. To this end:

- 1) There must be no changes in discharge of any kind (including storm drains, etc.). There must be, for example, protective elements put in place associated with any new car parking areas such that any contamination during operation (leaking hydrocarbons from cars/ water associated with the extinguishing of a fire, etc.) does not enter ground and/or surface waters;
- 2) If car-parking spaces *de novo* are planned, these facilities must be planned with the capacity to deal with worst-case scenarios – for example, the extinguishing of vehicular fires – there must be in place facilities to prevent any water associated with firefighting from impacting on ground and/or surface waters through the use of interceptors, etc.

### 3.5.2 Impacts associated with disturbance

There should be no works undertaken within the SPA and no major works within the semi-natural habitats occurring to prevent any Direct disturbance impacts through loss of habitat.

There is potential for increased disturbance of fauna, in particular the Qualifying Interests of the River Nanny Estuary and Shore SPA. During the period January – March (inclusive) 2023, overwintering bird surveys comprising High/rising tide surveys, Low/falling tide surveys and post sunset surveys within the park area were undertaken. The results of these surveys are presented in Table 38. The area associated with the existing and proposed park upgrades is utilised by Qualifying Interests, with Oystercatcher being observed on numerous occasions. Of note, the birds were habituated to human presence and the nature of the proposed park will not significantly change the habitats present. As such, there are no mitigation measures required during operation (indeed, the provision of paths and

the discouraging of use of desire lines is likely to positively impact with regard to disturbance). The primary disturbance impact is, therefore, during construction. By means of mitigation, the construction period should be limited to April – September in order to avoid disturbance impacts on overwintering Qualifying Interests.

**Table 38: Results of winter bird surveys (January - March 2023)**

DATE	SURVEY	SURVEYOR	WEATHER CONDITIONS	QUALIFYING INTERESTS FORAGING/ ROOSTING	OBSERVATIONS OF NOTE	GENERAL NOTES
20/01/23	HIGH TIDE	PM	START 09:00, -5C, CLEAR SUNNY COLD HARD FROST	YES	36 OYSTERCATCHER ROOSTING ON MOUND IN PLAYGROUND MOVE TO AREA BEHIND PLAYGROUND	
27/01/23	LOW TIDE	ER	START 08:15, 3C, CLOUDY	YES	12 OYSTERCATCHER IN AND AROUND PLAYGROUND	
27/01/23	POST SUNSET	PM	4C, PART CLOUD, CALM	NO		LOTS OF WALKERS AND DOG WALKERS ON BEACH. DOGS OFF LEAD
23/02/23	HIGH TIDE	ER	START 13:10	NO	CORMORANT AND BRENT FLYING OVER	
24/02/23	POST SUNSET	PM	START 20:00, 7C CLEAR, MODERATE BREEZE	NO	NO	VERY LITTLE ACTIVITY
14/02/23	LOW TIDE	PM	START 10:25, 10C, MODERATE BREEZE, INTERMITTENT RAIN	YES	FLOCK OF APP 25 STARLIN IN PG. PUT UP BY PEOPLE 3 OYSTERCATCHER FORAGING IN GRASS TO REAR OF PG. WITHIN FENCE, MOVE AWAY BUT DO NOT TAKE FLIGHT WHEN PEOPLE GET CLOSE – DON'T LEAVE CONFINES OF PG. EVENTUALLY MORE PEOPLE ARRIVE AND 3 BIRDS MOVE TO GRASS BEHIND PG. DOG IN PG. DESPITE SIGN	12 BRENT IN ESTUARY FEEDING, LOTS OF WALKERS AND DOGS ON BEACH. DOGS OFF LEAD
01/03/23	LOW TIDE	ER	START 12:30, 10C, PART CLOUDY, LIGHT BREEZE	NO	30 BRENT IN ESTARY NEAR BRIDGE	LOTS OF WALKER AND DOG WALKERS – DOGS OFF LEAD
07/03/23	HIGH TIDE	PM	START 11:00, 4C SUNNY NO WIND	NO	MEADOW PIPIT PAIR BEHIND PG., FLOCK OF STARLING, VERY LITTLE BIRD ACTIVITY	FLOCK OF 15 OYSTERCATCHER FLY ALONG COAST. LOTS OF PEOPLE AND DOG WALKERS – DOGS OFF LEAD
27/03/23	POST SUNSET	pm	Start 20:00, 8C Light breeze, high cloud	NO	NO	VERY LITTLE ACTIVITY



Figure 28: Oystercatcher foraging adjacent to bus-stop



Figure 29: Oystercatcher foraging/roosting immediately adjacent to existing playground

The significance of potential impacts on the conservation objectives of qualifying interests following the implementation of mitigation measures is outlined in Table 39.



**Table 39: Significance of potential impacts following implementation of mitigation measures**

SITE	QI	LOCATION	POTENTIAL IMPACTS IN ABSENCE OF MITIGATION MEASURES	SIGNIFICANCE OF POTENTIAL IMPACTS FOLLOWING IMPLEMENTATION OF MITIGATION MEASURES
BOYNE ESTUARY SPA	A048 Shelduck Tadorna tadorna A130 Oystercatcher Haematopus ostralegus A140 Golden Plover Pluvialis apricaria A141 Grey Plover Pluvialis squatarola A142 Lapwing Vanellus vanellus A143 Knot Calidris canutus A144 Sanderling Calidris alba A156 Black-tailed Godwit Limosa limosa A162 Redshank Tringa totanus A169 Turnstone Arenaria interpres A195 Little Tern Sterna albifrons A999 Wetlands	THROUGHOUT IN SUITABLE AREAS	DISTURBANCE, IMPACTS ON PREY/FORAGE ITEMS ASSOCIATED WITH IMPACTS ON WATER QUALITY	NOT SIGNIFICANT

<p>RIVER NANNY ESTUARY AND SHORE SPA</p>	<p>A130 Oystercatcher Haematopus ostralegus wintering A137 Ringed Plover Charadrius hiaticula wintering A140 Golden Plover Pluvialis apricaria wintering A143 Knot Calidris canutus wintering A144 Sanderling Calidris alba wintering A184 Herring Gull Larus argentatus wintering A999 Wetlands</p>	<p>THROUGHOUT IN SUITABLE AREAS</p>	<p>DISTURBANCE, IMPACTS ON PREY/FORAGE ITEMS ASSOCIATED WITH IMPACTS ON WATER QUALITY</p>	<p>NOT SIGNIFICANT</p>
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## 4 Conclusions

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In order for AA to comply with the criteria set out in the Habitats Directive and the Planning and Development Act 2000, an AA undertaken by the Competent Authority must include an examination, analysis, evaluation, findings, conclusions, and a final determination.

Following the identification of a potential impact(s) upon one or more Natura 2000 sites through an Appropriate Assessment Screening exercise, a Stage 2 Appropriate Assessment of the proposed park upgrades at Laytown has been carried out in accordance with the requirements of Article 6(3) of the Habitats Directive (Council Directive 92/43/EEC). The information to enable the Competent Authority to perform its statutory function in this regard is presented within this NIS.

Following an examination, analysis, and evaluation of the relevant information, and applying the precautionary principle, it is the professional opinion of the author of this report that there will be no adverse impact on the integrity of any of relevant Natura 2000 sites, assuming the implementation of all mitigation/preventative measures as outlined. Consequently, there will be no risk of adverse effects on Qualifying Interest habitats or species, nor the attainment of specific conservation objectives, either alone or in-combination with other plans or projects, for the relevant Natura 2000 sites. The ecological integrity of the Natura 2000 sites concerned (connected with qualifying interests for which the sites have been designated) will not be significantly impacted.

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DCHG (2019). The Status of EU Protected Habitats and Species in Ireland 2013. DAHG.

[www.meath.ie](http://www.meath.ie) – official website of Meath County Council.

[www.npws.ie](http://www.npws.ie) – website of the National Parks and Wildlife Service, source of information for data regarding Natura 2000 sites and Article 17 Conservation Assessments.

[www.europa.eu](http://www.europa.eu) – official website of the European Union, source of information on EU Directives.