

Appropriate Assessment Screening & Natura Impact Statements (NIS)

The logo features the letters 'CMG' in a bold, sans-serif font, centered within a circular maze-like pattern. The maze consists of several concentric rings with various openings and dead ends, creating a complex geometric design. The entire logo is rendered in a light teal color against a darker teal background.

CMG

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Why Appropriate Assessment Matters

AA provides a structured process to assess potential effects on European Sites and protected features.



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Course Objectives



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- Understand AA stages
- Apply Source–Pathway–Receptor reasoning
- Review AA Screening and NIS documents

Common AA Challenges



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- Incomplete project descriptions
- Weak pathway analysis
- Unsupported conclusions
- Poor linkage between evidence and effects

Seminar Structure



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Legal framework → European Sites → SPR → Screening → NIS →
Case Studies → Review

The Assessment Mindset

- Start with the proposal
- Understand ecological context
- Identify pathways
- Reach evidence-based conclusions



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What Makes an Assessment Defensible?

- Clear evidence
- Transparent reasoning
- Appropriate methodology
- Traceable conclusions

Introduction Exercise



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Delegates identify challenges they experience in preparing or reviewing AA documents



Module 1: Legal Framework

Habitats Directive

Introduce the legislative basis for protection of European Sites and Appropriate Assessment.

Birds Directive



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Explain protection of bird species and Special Protection Areas.

Irish AA Framework



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Explain the role of national planning and environmental assessment processes.

Legal Basis for AA



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AA requirements arise where plans or projects may affect European Sites.

Role of Competent Authority

The Competent Authority must have sufficient information to complete its assessment.



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Role of Consultant



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Provide objective ecological information and assessment to support decision making.

Stages of AA



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- Screening
- Appropriate Assessment
- Further stages where applicable

Screening Stage



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Determine whether likely significant effects can be excluded.



Appropriate Assessment Stage

Assess effects on site integrity using available evidence.

Precautionary Principle



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Where uncertainty remains, it must be addressed transparently.

Evidence-Based Decisions

Conclusions must follow logically from the information considered.



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Eco Advocacy C-721/21: Screening Design Measures

People Over Wind: do not rely on Natura-specific mitigation at Stage 1

Eco Advocacy: standard features inherent in the project may be considered at screening

The distinction depends on why the feature is part of the project

Screen-out reasons must show why reasonable scientific doubt is excluded

Module 2: European Sites

Introduction to European Sites

Introduce the Natura 2000 network and explain why European Sites are central to Appropriate Assessment.

Special Areas of Conservation (SACs)

SACs protect habitats and species listed under the Habitats Directive.



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Special Protection Areas (SPAs)

SPAs protect bird species and habitats supporting Special Conservation Interests.



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Qualifying Interests



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Assessment must identify the specific protected features relevant to the European Site.

Special Conservation Interests



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Explain the protected bird interests associated with SPAs.

Conservation Objectives

Conservation objectives provide the ecological context for assessing effects.



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Favourable Conservation Condition



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Explain the importance of maintaining protected features in favourable condition.



European Site Boundaries

Mapped boundaries are important but do not define all ecological relationships.

Ecological Connectivity



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Assess pathways including water, groundwater, coastal processes and species movement.

European Sites Exercise

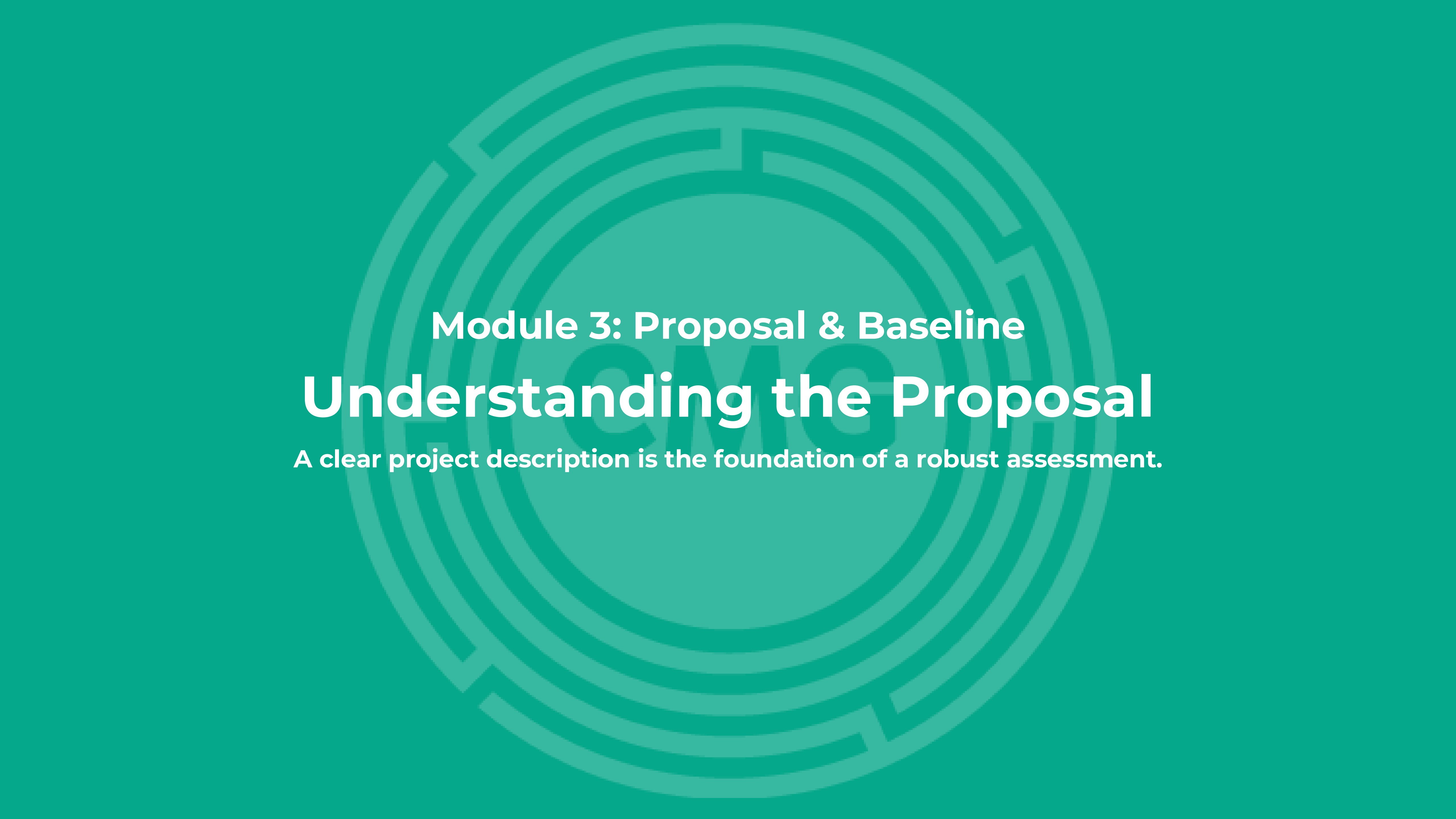


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Delegates identify relevant sites, protected features and potential pathways.

Coffee Break





Module 3: Proposal & Baseline

Understanding the Proposal

A clear project description is the foundation of a robust assessment.

Project Characteristics



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Consider location, scale, construction, operation and emissions.

Desk Study Information

Use available ecological information, mapping, conservation objectives and planning records.



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Mapping and Spatial Assessment



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Consider site location, European Sites, catchments and connectivity.

Site Visits



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Field verification confirms habitats, drainage, water features and potential pathways.

Habitat Assessment



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Identify habitats and their ecological relevance to protected features.

Water Features and Drainage

Assess surface water, drainage routes and receiving environments.



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Wastewater Considerations

Consider treatment systems, discharge routes and potential nutrient pathways.



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Construction Effects



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Assess sediment, noise, dust, disturbance and temporary impacts.

Operational Effects



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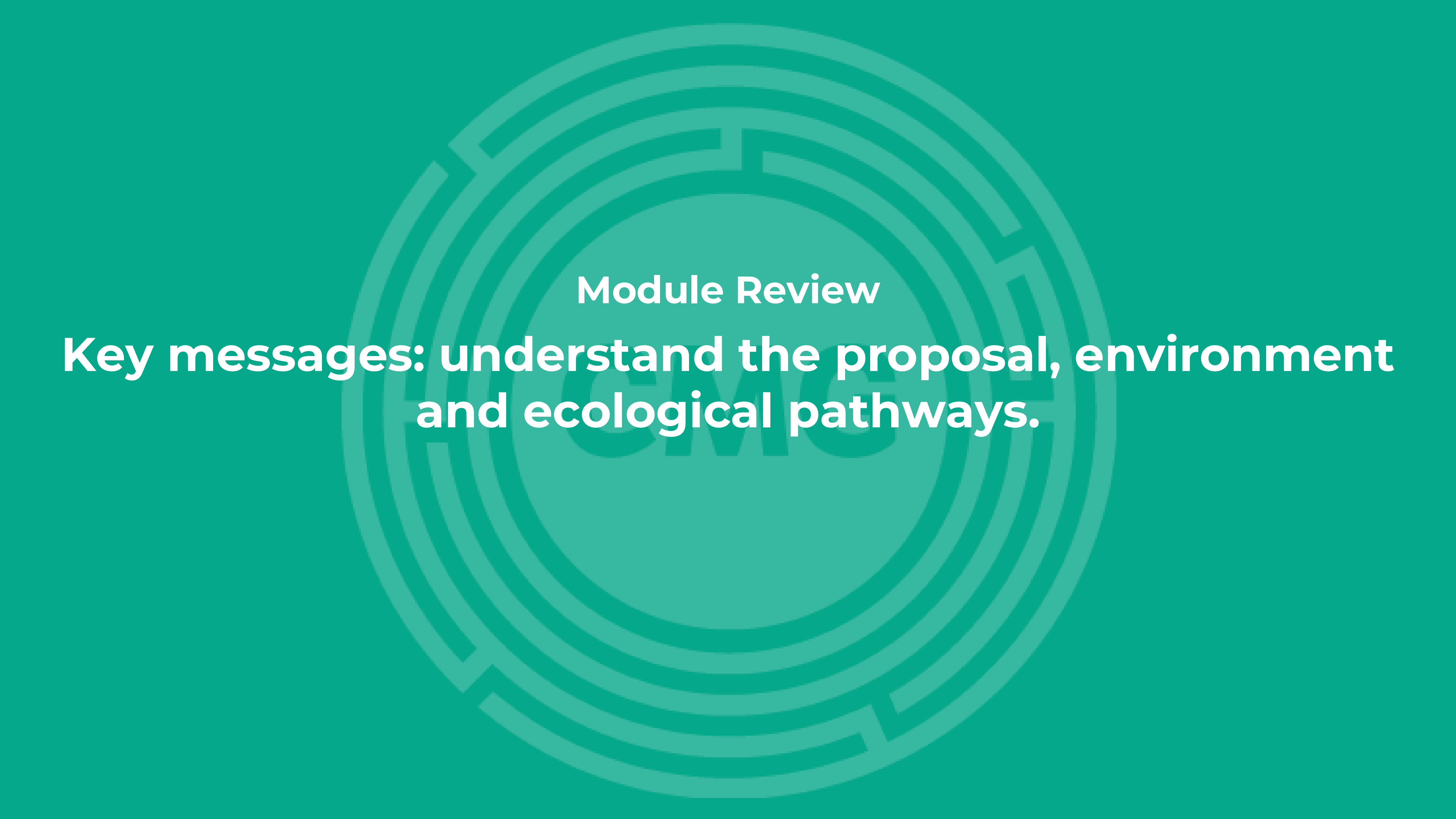
Assess ongoing pressures such as emissions, lighting and disturbance.

Ecological Baseline Exercise



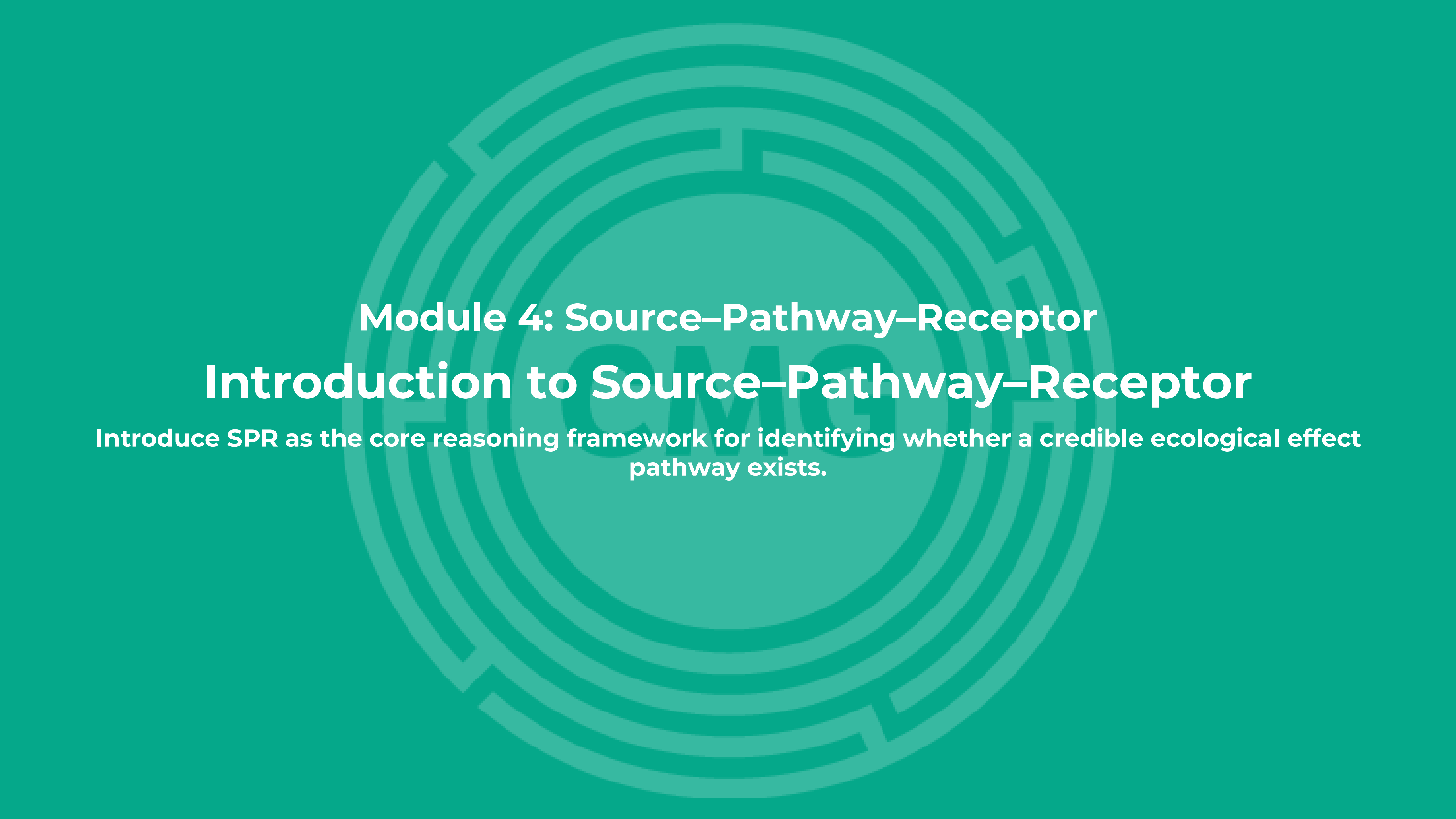
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Delegates identify baseline information required for assessment.



Module Review

Key messages: understand the proposal, environment and ecological pathways.



Module 4: Source–Pathway–Receptor

Introduction to Source–Pathway–Receptor

Introduce SPR as the core reasoning framework for identifying whether a credible ecological effect pathway exists.

Understanding the Source

Sources are pressures arising from a proposal, including wastewater, sediment, disturbance, habitat change and emissions.



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Understanding the Pathway

A pathway is the mechanism linking a source to a protected ecological feature. Examples include water, groundwater, air, disturbance and species movement.



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Understanding the Receptor



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The receptor is the protected feature that could potentially be affected, such as a qualifying habitat, species or Special Conservation Interest.

Complete and Incomplete Pathways



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A pressure alone does not establish an effect. A credible pathway and sensitive receptor must be identified.



Worked Example: Wastewater

- Source: wastewater discharge
- Pathway: groundwater/surface water connection
- Receptor: aquatic qualifying interest

Worked Example: Sediment and Surface Water



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- Source: earthworks
- Pathway: drainage network
- Receptor: river or aquatic European Site feature

Worked Example: Coastal Pathways



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Consider coastal processes, sediment movement, disturbance and mobile species connectivity.

SPR Delegate Workshop



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- Delegates identify:
 - 1. Source
 - 2. Pathway
 - 3. Receptor
 - 4. Evidence required
 - 5. Assessment conclusion

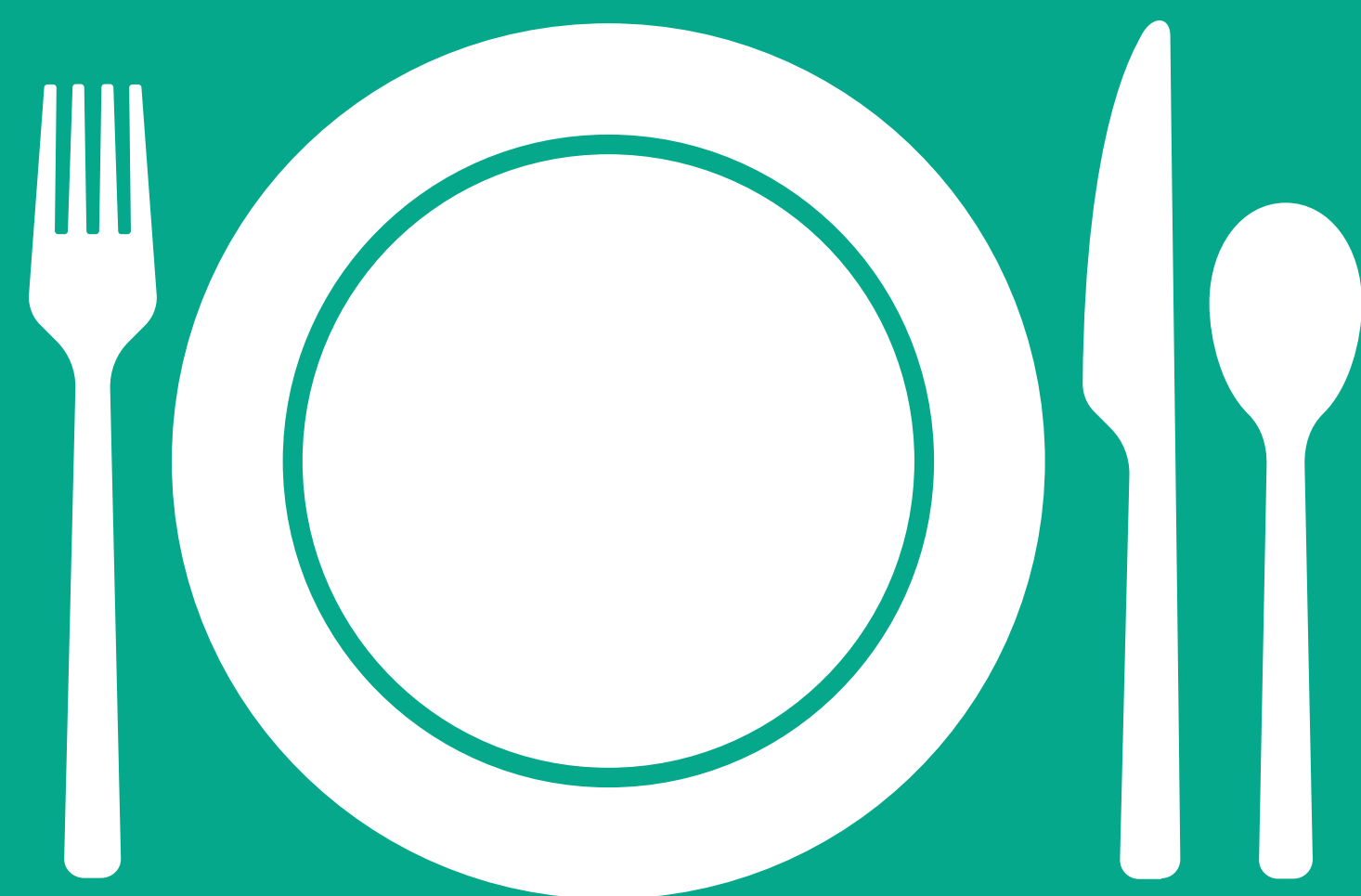
SPR Module Review



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- Key messages:
- SPR provides transparent assessment reasoning.
- Distance alone does not determine effects.
- Evidence must support conclusions.

Lunch



Module 5: AA Screening

Introduction to AA Screening

Explain the purpose of Stage 1 screening and the need to determine whether likely significant effects on European Sites can be excluded.

The Screening Question



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The key question is whether significant effects can be objectively excluded on the basis of available information.

Screening Information Requirements



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- Consider:
- Proposal description
- European Sites
- Protected features
- Potential pressures
- Pathways and receptors

Identifying Relevant European Sites



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European Sites should be identified based on ecological connectivity and credible pathways, not distance alone.

Assessing Likely Significant Effects

Assess potential effects considering the source, pathway, receptor relationship and conservation objectives.



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Uncertainty, People Over Wind & Eco Advocacy



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At Stage 1 distinguish:

Natura-specific mitigation - do not rely on it to screen out

Standard/inherent project features - may be considered under Eco Advocacy

If reasonable scientific doubt remains - proceed to Appropriate Assessment

In-Combination Effects



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Consider other plans, projects and activities that could combine with the proposal to affect European Sites.



Common AA Screening Errors

- Common weaknesses:
- Distance-only arguments
- Unsupported conclusions
- Generic statements
- Weak pathway analysis

AA Screening Report Structure



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- Recommended structure:
- 1. Introduction
- 2. Proposal description
- 3. European Sites
- 4. Assessment
- 5. Conclusion

Worked Screening Example: Residential Development



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Assess wastewater, drainage and construction pressures using Source–Pathway–Receptor reasoning.

Worked Screening Example: No Credible Pathway



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Demonstrate how effects may be excluded where no credible connection exists between source and receptor.

AA Screening Exercise



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- Delegates identify:
- European Sites
- Pressures
- Pathways
- Receptors
- Screening conclusion



Retention Applications: Section 34(12)

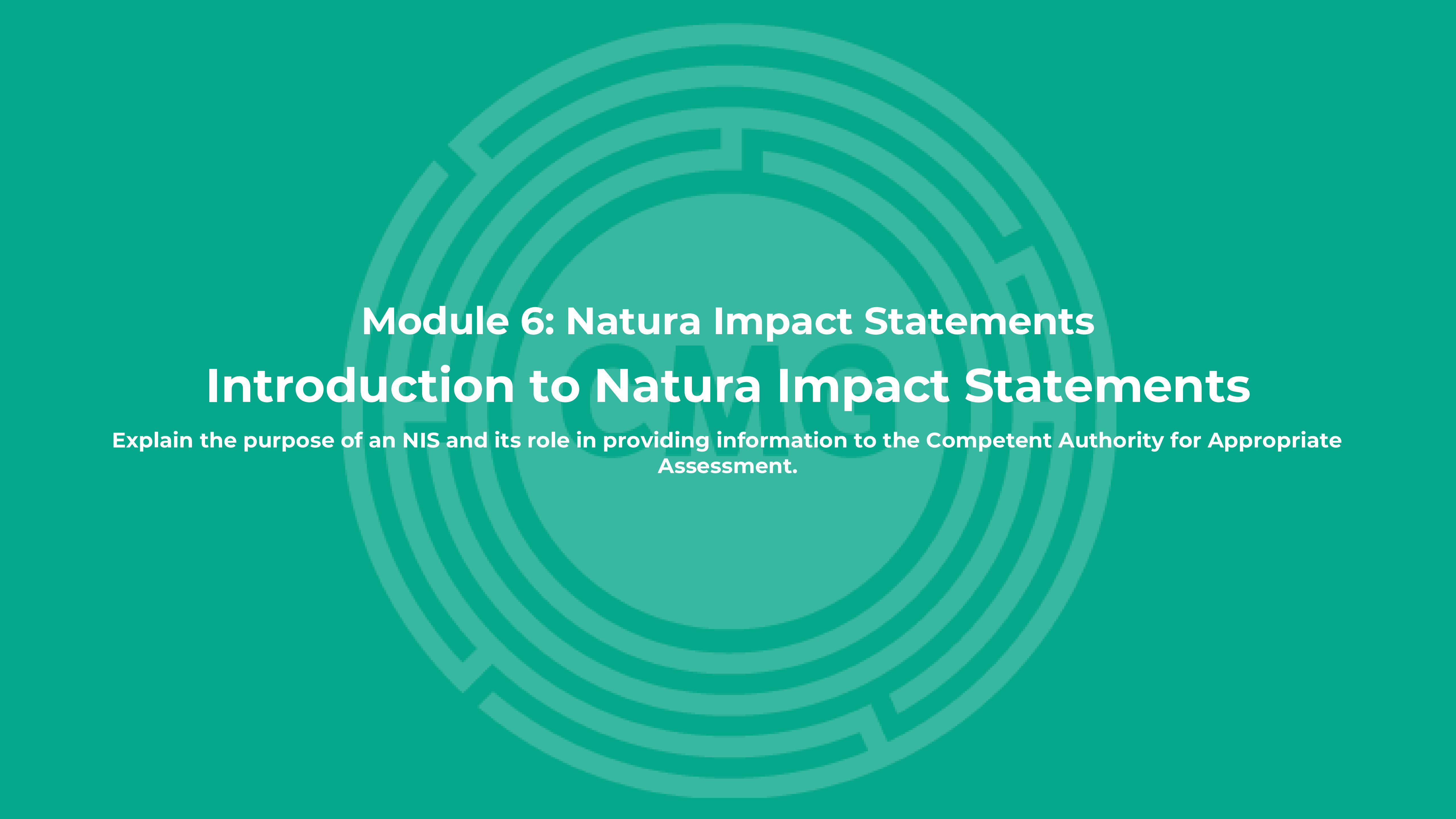
If EIA or Appropriate Assessment was or is required:

The planning authority must refuse to consider ordinary retention

A normal NIS cannot cure the retention application

Regularisation is through substitute consent to An Coimisiún Pleanála

Substitute consent requires exceptional circumstances



Module 6: Natura Impact Statements

Introduction to Natura Impact Statements

Explain the purpose of an NIS and its role in providing information to the Competent Authority for Appropriate Assessment.



When is an NIS Required?

Where likely significant effects cannot be objectively excluded at screening stage, further assessment through an NIS may be required.

NIS Structure



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- Recommended structure:
- Introduction
- Proposal description
- European Sites
- Conservation objectives
- Baseline information
- Effects assessment
- Mitigation
- Site integrity conclusion

Baseline Ecological Information

A robust NIS requires understanding of existing habitats, species, ecological conditions and pressures.



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Linking Effects to Protected Features



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Effects must be assessed against specific qualifying interests or special conservation interests, not just the European Site generally.



Direct Effects Assessment

Consider direct effects including habitat loss, physical disturbance, species displacement and direct interactions.

Indirect Effects Assessment



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Consider indirect pathways such as water quality changes, hydrological alteration, disturbance and ecological function.

Mitigation Measures in NIS



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Mitigation should be specific, measurable and directly linked to identified effects.

Mitigation Versus Best Practice



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Environmental good practice is not automatically mitigation. Measures must address the identified effect pathway.

Residual Effects Assessment



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Assess remaining effects after mitigation and determine whether uncertainty remains.

Site Integrity Conclusion



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The key question is whether adverse effects on the integrity of the European Site can be excluded.

Worked NIS Example



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- Example:
- Source – wastewater
- Pathway – hydrological connection
- Receptor – aquatic qualifying interest
- Assess baseline, effects, mitigation and residual risk.

NIS Review Exercise

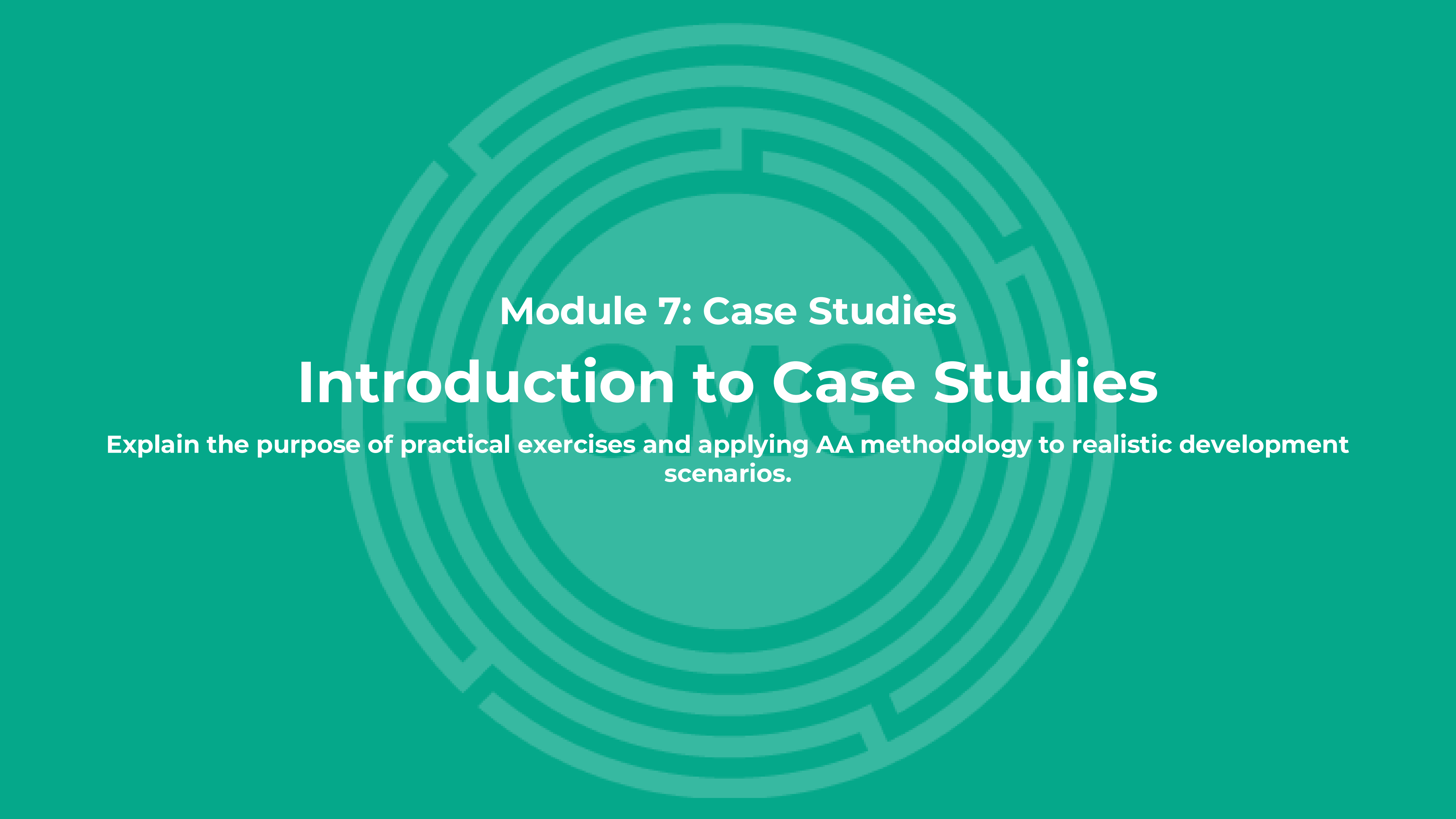


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- Delegates review:
- Baseline
- Protected features
- Effects
- Mitigation
- Residual effects
- Site integrity conclusion

Coffee Break





Module 7: Case Studies

Introduction to Case Studies

Explain the purpose of practical exercises and applying AA methodology to realistic development scenarios.

Case Study 1: Residential Development



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- Scenario:
- A proposed dwelling and wastewater system near a European Site.
- Consider:
- European Sites
- Protected features
- Wastewater
- Drainage
- Construction effects

Residential Development SPR Assessment



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- Source:
- Wastewater discharge
- Pathway:
- Groundwater/surface water connection
- Receptor:
- Aquatic qualifying interest
- Assess whether the pathway is credible.

Residential Screening Conclusion



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Determine whether effects can be objectively excluded or whether further assessment through NIS is required.



Case Study 2: Aquatic European Site

- Scenario:
 - A proposal within a catchment connected to an aquatic European Site.
- Potential pressures:
 - Sediment
 - Nutrients
 - Water quality changes

Aquatic Pathway Exercise



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- Delegates identify:
- Source
- Pathway
- Receptor
- Evidence required
- Potential conclusion

Case Study 3: Coastal Development



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- Assess:
- Coastal habitats
- Disturbance
- Sediment movement
- Mobile species connectivity

Case Study 4: Retention & Substitute Consent



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Mountmellick remedial NIS example:
Hydrological connection and retrospective effects assessed
rNIS addresses past, continuing and future effects
Substitute-consent assessment is separate from the exceptional-
circumstances gateway



AA Screening Review Exercise

- Review a sample screening report:
- Proposal description
- European Sites
- Pathways
- Effects assessment
- Conclusion

NIS Review Exercise



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- Review:
- Baseline information
- Protected features
- Effects assessment
- Mitigation
- Residual effects
- Site integrity conclusion



Module 8: Quality Review

Quality Review Principles

Explain how to review AA Screening and NIS documents.

A quality assessment should be:

- Clear
- Transparent
- Evidence based
- Traceable

AA Screening Quality Checklist



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- Review:
- Proposal description
- European Sites identified
- Protected features considered
- Pathways assessed
- In-combination effects
- Evidence-based conclusion

NIS Quality Checklist



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- Review:
- Baseline information
- Effects assessment
- Conservation objectives
- Mitigation measures
- Residual effects
- Site integrity conclusion



Common AA Screening Errors

- Common weaknesses:
- Reliance on distance alone
- No pathway analysis
- Generic conclusions
- Poor description of proposal

Common NIS Errors



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- Common weaknesses:
- Inadequate baseline
- Weak linkage between effects and features
- Generic mitigation
- Unsupported conclusions

Learning from Planning Decisions



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- AA documents may be reviewed by planning authorities, competent authorities and appeal bodies.
- The assessment must be capable of demonstrating a logical evidence trail.



Lessons from Reviews, Appeals & Retention

Key lessons:

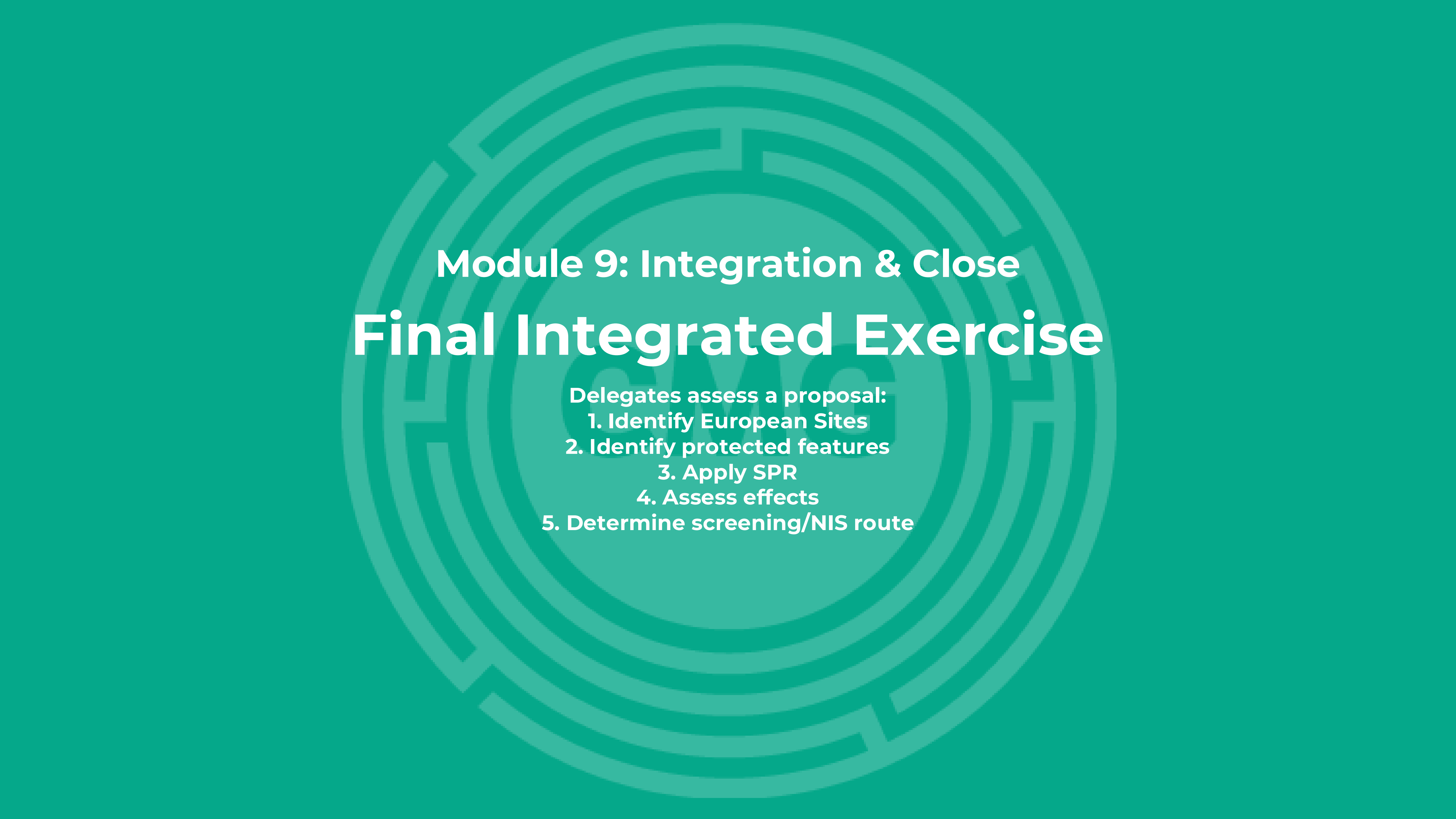
- Explain pathways clearly and link effects to protected features
- Treat project design and mitigation correctly
- Use the correct statutory route for retention cases
- Avoid unsupported assumptions



Professional Judgement in AA

• Professional judgement must be based on:

- Evidence
- Experience
- Accepted methodology
- Transparent reasoning



Module 9: Integration & Close

Final Integrated Exercise

Delegates assess a proposal:

1. Identify European Sites
2. Identify protected features
3. Apply SPR
4. Assess effects
5. Determine screening/NIS route

Key Messages



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- Understand the proposal.
- Understand the ecological context.
- Identify credible pathways.
- Support conclusions with evidence.

Questions and Discussion



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- Open discussion:
- Difficult screening decisions
- Pathway assessment
- NIS preparation
- Report review

Course Close



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- A robust AA Screening or NIS is:
- Scientifically reasoned
- Legally informed
- Evidence based
- Transparent
- Defensible