


**Appropriate Assessment (AA) Screening
of
Waterways Ireland Climate Action Plan 2030**

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1.0 Introduction

Cunnane Stratton Reynolds were requested by M-CO, to carry out a screening for Appropriate Assessment of the Draft Waterways Ireland Climate Action Plan. This was completed in October 2021.

The AA Screening of the Draft Plan concluded that there was no requirement to progress to Stage 2 as the actions and strategies proposed in the Draft Climate Action Plan, together with other plans or projects, were unlikely to have significant effects on the qualifying interests of European sites part of Natura 2000 network. That screening closed with a commitment to review changes to the Plan for AA on foot of the Draft Plan's public consultation period. This document records the screening for AA of the finalised Waterways Ireland Climate Action Plan 2030.

As for the Draft Plan, this assessment is primarily based on the *Guidance on Appropriate Assessment for Planning Authorities 2009 (updated 2010)* (RoI), *OPR Practice Note 01 - Appropriate Assessment Screening for Development Management (2021)* (RoI), *A Practical Guide to the Strategic Environmental Assessment Directive 2005* (UK), and *The 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*, European Communities, 2002¹.

2.0 Legislative Context

Article 3(1) of The Habitats Directive (92/43/EEC) required the establishment of a coherent set of special areas of conservation under the title *Natura 2000* to include; the natural habitat types listed in Annex I and habitats of the species listed in Annex II of the Habitats Directive; and special protection areas classified by Member States pursuant to the Birds Directive.

Therefore, Europe holds a network of nature conservation sites designated under the 1979 Birds Directive (79/409/EEC), amended in 2009 (Directive 2009/147/EC) and the 1992 Habitats Directive (92/43/EEC) called *Natura 2000* [sites referred to collectively as *Natura 2000 network* in this document].

The Habitats Directive further requires special consideration of the impacts on the qualifying interest of the Natura 2000 network sites by appropriate assessment. Article 6(3) of the Habitats Directive states that “*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.*”

Transposition of the Directives into domestic legislation has led to the designation of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) in both Northern Ireland and the Republic

¹ Other Guidance

- *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*, 2001, European Commission
- *Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive*, updated 2018, European Commission
- Dodd A.M., Cleary B.E., Dawkins J.S., Ferry C.D. and Williams G.M. (2008) *The Appropriate Assessment of Plans in Northern Ireland: a guide to why, when and how to do it*. The RSPB, Sandy

of Ireland. Sites that may not yet be formally adopted, but are formally proposed, are treated as Network 2000 sites.

The appropriate assessment of plans and projects required under the Habitats Directive has also been transposed and codified under guidance as Appropriate assessment (AA) in both the Republic of Ireland and Northern Ireland by the following primary regulations:

- Republic of Ireland: The European Union (Environmental Impact Assessment and Habitats); Regulations 2011, as amended, and The European Communities (Birds and Natural Habitats) Regulations 2011, as amended; and,
- Northern Ireland: The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995², as amended.

In exercise of the powers conferred by section 8(1) of the UK *European Union (Withdrawal) Act 2018, The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019* (2019 No. 582), were made to amend the above 1995 Northern Ireland Regulations. The stated intention of the 2019 amending Regulations “...is to ensure habitat and species protection and standards as set out under the Nature Directives are implemented in the same way or an equivalent way when the UK exits the EU. There is no change to policy.”³ Please note that the 2019 amendment Regulations required UK SACs and SPAs to become part of the UK national protected sites network. During the transition period, “There is no practical difference to these designated sites, and the requirements of those that manage them or make decisions related to them remains the same. They will continue to be referred to as European sites.”⁴

Appropriate Assessment (AA) is a process consisting of an escalating set of sequential stages: 1. Screening, 2. Appropriate Assessment (AA), 3. Alternative solutions, and 4. Imperative Reasons of Overriding Public Interest (IROPI).

The progression from one stage to the next is initially dependent on a finding of significant effect on the qualifying interest of site(s) in the Natura 2000 network, further progression through AA stages occurs when it is impossible to avoid impact on sites’ qualifying interests.

According to *Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities, 2009 (updated 2010)*, Department of Environment Heritage and Local Government (RoI), Stage 1 Screening for Appropriate Assessment is “the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

- (i) whether a plan or project is directly connected to or necessary for the management of the site, and
- (ii) whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a Natura 2000 site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA).”

The Waterways Ireland network of navigations are adjacent to, or designated as part of, or are hydrologically connected to the Natura 2000 network and therefore the potential of the Climate Action Plan, either alone or in combination with other plans or projects, may give rise to effects on European sites that must be assessed.

² Explanatory Memorandum to *The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019*, Northern Ireland Assembly, section 2.3 *Why is it [1995 Regulation] being changed?* states that The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland), 1995 were made to “fulfil the objectives of the Nature Directives in Northern Ireland by ensuring that activities are carried out in a manner that is consistent with the Directives. This instrument provides changes to those parts of the 1995 Regulations which would no longer work when the UK leaves the EU.”

³ *ibid.*, 2.4 *What will it [amended 1995 Regulation] now do?*

⁴ Biodiversity and EU Exit, Department of Agriculture, Environment and Rural Affairs (DEFRA), <https://www.daera-ni.gov.uk/articles/biodiversity-and-eu-exit> (accessed 18 August 2021)

3.0 Description of the Waterways Ireland Climate Action Plan 2030

The Waterways Ireland Climate Action Plan 2030 is a strategic document outlining the organisation's ambitions to advance climate actions and ensure the inland waterways under its remit are climate resilient. The Waterways Ireland Climate Action Plan consists of 5 Sections with Annexes. The five sections are: 1 Overview; 2 Process and Participation in Developing this Plan; 3 Performance and Targets; 4 Objectives and Key Results; and 5 Governance and Reporting.

The Climate Action Plan seeks to address climate change and undertake climate actions to deliver a targeted reduction of 51% in emissions and increase in energy efficiency by 50% from baseline by the year 2030. The implementation of 7 Objectives, each with a set of Key Results, are determined to be the measurable outcomes of the Plan and are therefore the intended effects of the Plan. The Objectives and Key Results of the Plan are not materially altered from those of the draft Plan.

In the context of the Habitats Directive, and European interpretation of plans and projects in that Directive, the Waterways Ireland Climate Action Plan is considered to be a plan that is a corporate policy statement of intentions seeking to advance climate actions and intentions. This plan does not direct legal effect for the use of land nor sets the framework for development consents. Waterways Ireland as a 'relevant body' under the *RoI Climate Action and Low Carbon Development Act 2015, as amended* has a duty to observe the plans and objectives of that Act, including responding to report requirements of the Minister. Waterways Ireland will also fulfil any assigned actions under the plans prescribed in that Act: the national Climate Action Plan; and/or Sectoral and Local Authority climate adaption plans. Similarly, observance of the UK Climate Change Act, 2008 is required under the NICCAP². "*It does not seem appropriate to treat these as 'plans' for the purpose of Article 6(3), particularly if any initiatives deriving from such policy statements must pass through the intermediary of a landuse or sectoral plan.*"⁵

Habitats Directive interpretation further notes that "*Where one or more specific projects are included in a plan in a general way but not in terms of project details, the assessment made at plan level does not exempt the specific projects from the assessment requirements of Article 6(3) in relation to details not covered by the plan assessment.*"⁶ In this way, just as initiatives may arise for Waterways Ireland as a result of statutory Climate Action Plans, initiatives in the form of development, works or activities that may arise from the Waterways Ireland Climate Action Plan will be capable of being spatially identified for the purposes of physical location, scale and potential impacts at the time that they arise. At that time, potential effects for the purposes of AA will be capable of being identified and will be subject to AA.

⁵ Managing Natura 2000 sites: The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, 2000 European Commission, Office for Official Publications of the European Communities, Luxembourg, Section. 4.3

⁶ *ibid.*

4.0 Identification of Relevant Natura 2000 Sites

Waterways Ireland is a cross-border body responsible for the management, maintenance, development and promotion of over 1000 km of inland navigable waterways, principally for recreational purposes.

The waterways are: Barrow Navigation, Erne System, Grand Canal, Lower Bann Navigation, Royal Canal, Shannon Erne Waterway, Shannon Navigation, with restoration of the Ulster Canal also underway from Upper Lough Erne to Clones in County Monaghan.

Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities, 2009 (updated 2010), Department of Environment Heritage and Local Government (RoI), itself derived from UK guidance, identifies a likely zone of impact of 15km from a European site for a plan. Any potential impacts will be unique and the zone of impact associated will vary in spatial distance due to sources, pathways and the designated European site (receptor). The source-pathway-receptor approach to identify individual development proposals/projects within a zone of impact is required under guidance⁷.

SACs and SPAs in the Republic of Ireland are available to view at <https://natura2000.eea.europa.eu/> and <https://dahg.maps.arcgis.com/apps/webappviewer/index.html> and those for Northern Ireland at <https://apps.dera-ni.gov.uk/nedmapviewer/>⁸. Please note that as set out in section 2.0 above, since UK exit from the EU, SPAs and SACs are part of the UK national protected site network⁹ and those in Northern Ireland are now referred to as 'European sites'.

The map overleaf depicts the waterways under the remit of Waterways Ireland on the island of Ireland, SACs and SPAs in the Republic of Ireland and European sites (formerly SPAs and SACs) in Northern Ireland. For context, a 15km radius is indicated around the waterways.

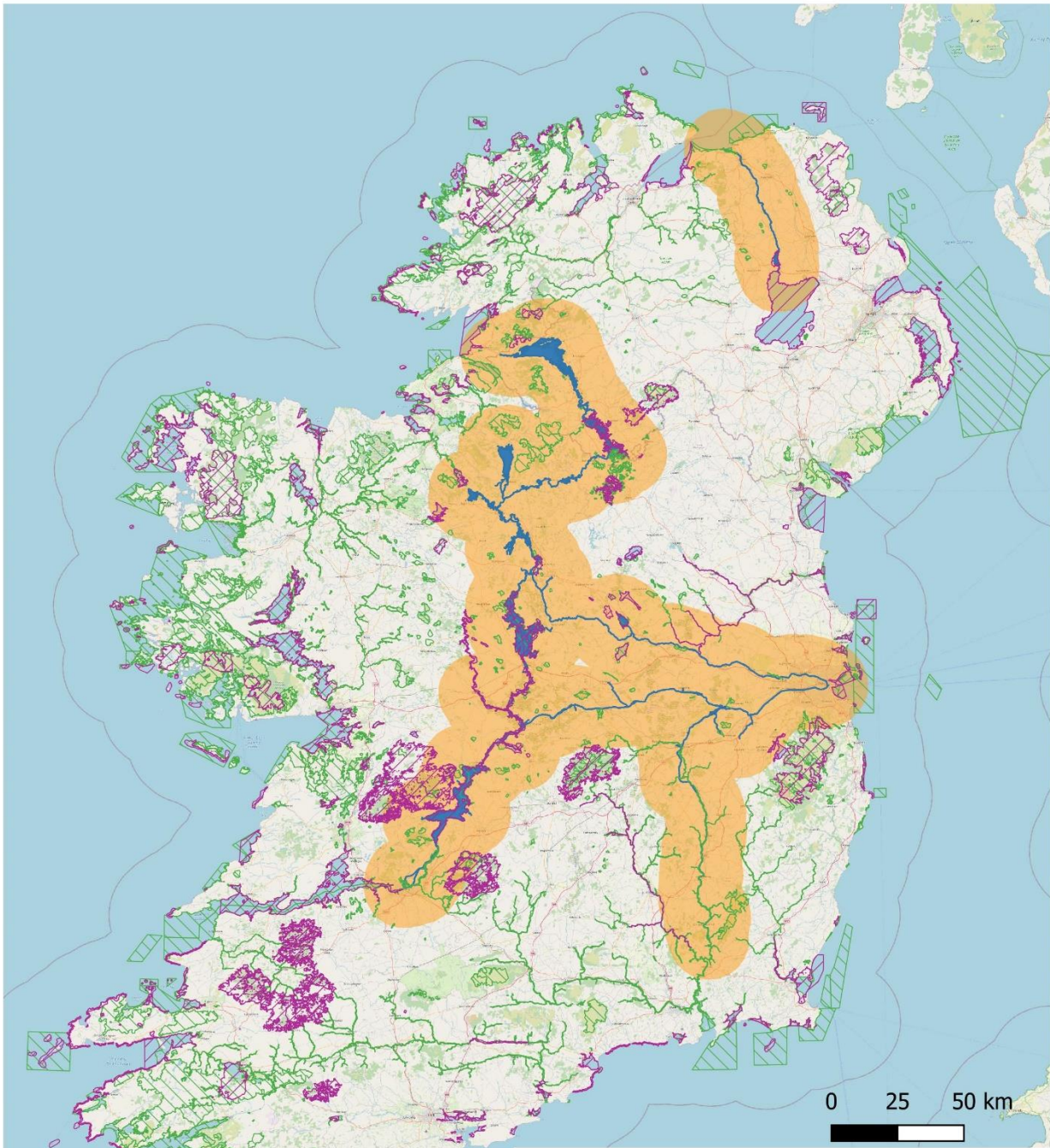
⁷ OPR Practice Note 01 - *Appropriate Assessment Screening for Development Management*, Office of the Planning Regulator (OPR), 2021 (OPR Strategic Research Programme)

⁸ Please note that Regulations related to UK EU Exit were made to allow for UK SACs and SPAs to become part of the UK national site network. During the transition period "There is no practical difference to these designated sites, and the requirements of those that manage them or make decisions related to them remains the same. They will continue to be referred to as European sites.", Biodiversity and EU Exit, Department of Agriculture, Environment and Rural Affairs (DEFRA), <https://www.dera-ni.gov.uk/articles/biodiversity-and-eu-exit> (accessed 18 August 2021).

⁹ *The Conservation (Natural Habitats, etc.) (Amendment) (Northern Ireland) (EU Exit) Regulations 2019*, Part 3, *Amendments of Regulation 2 (Interpretation and application) amends the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (5)(4) by the following addition:*

"(5) For the purposes of these Regulations, and any guidance issued before exit day by the Department relating to the application of these Regulations, on or after exit day, references to "Natura 2000" (other than in this regulation) are to be construed as references to the national site network.

(6) Paragraph (5) does not affect the interpretation of these Regulations as they had effect, or any guidance as it applied, before exit day."



Key

- Waterways under the remit of WI
- 15km radius
- European Sites (SAC)
- European Sites (SPA)

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PROJECT:
Waterways Ireland Climate Action
Plan AA

DRAWING:
Waterways under the remit of
Waterways Ireland, RoI: SACs and
SPAs, and NI: European Sites

DATE: 15/10/21

SCALE: 1:2000000 at A4

DRAWING CHECKED: EE

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5.0 Assessment of likely impacts on Natura 2000

The 7 Objectives and 33 Key Results of the Climate Action Plan have been reviewed. These are set out in schedule format at Appendix 1. It is found that only '*KR 4.3 Electric Vehicle charging infrastructure and active travel options for employees and waterway users are provided at key locations*' will directly give rise to physical development. However, this Key Result is absent of exact geographical location(s), extent and scale of that physical development.

Furthermore, it may be that programs of physical development, works or activity will further indirectly arise as a result of the implementation of the Plan Key Results. An example is '*KR 5.3 Deliver a Water Resource Management Strategy, that focuses on sustainable water use and incorporates up to date climate risk assessments*'. The scope and impact (if any) of that strategy is not known at this time, it may include navigable and amenity waters and management may require physical works or interventions of a scale and type that may have impacts that result in potential effects on the Natura 2000 network.

Any physical development, works programs, or elements of programs arising as a result of the implementation of the Climate Action Plan Objectives and Key Results (KRs) will be at specific locations, at a scale and in arrangements beyond the intended scope of this Plan. Where physical development or works activities are to be implemented at specific locations yet to be determined, each will become a project for the purposes of environmental assessment and be individually initially appraised to determine development consent and/or other type of license or permit (e.g. emissions, discharge, waste) and then screened for environmental assessment, including Appropriate Assessment. Depending on those outcomes, projects may be subject to consent and/or competent authority assessments.

The Climate Action Plan will sit alongside other plans and programs of Waterways Ireland. In addition, the waterways and/or their uses under the remit of Waterways Ireland are transboundary and are located in national, regional and local authority administrative areas. These authorities have statutory plan making responsibilities that depict and direct physical development and activity patterns and therefore have the potential to impact the qualifying interests of the Natura 2000 network. As noted at Section 3.0, most of these authorities in the Republic of Ireland will be required to prepare sectoral Climate Action Plans in accordance with the requirements of Climate Action & Low Carbon Development (Amendment) Act 2021 and Northern Ireland will continue to implement the Northern Ireland Climate Change Adaptation Programme (NICCAP₂).

The Climate Action Plan Key Results have been assessed above as absent of specific location, scale and typology of physical development or activity. Having regard to the source-pathway-receptor model of impact assessment, the absence of development or activity with specific spatial characteristics also absents potential for significant effects on the qualifying interest of European sites by the Plan's Key Results. It is further assessed that no in combination impacts arise for the same reason.

It is reiterated that any future development or works activities that may be supported by, or reflect, the Objectives or Key Results of the Climate Action Plan will be required to be scoped on an individual basis for development and/or activity consent requirements and screened as a project for environmental assessment. Depending on those outcomes, these individual projects may be subject to consent and/or competent authority assessments.

6.0 Screening for Appropriate Assessment

The Key Results of the Climate Action Plan that are absent of exact geographical location(s), scale and extent of a physical development or activity, therefore they do not give rise to physical impact that can be reasonably assessed to have significant effect on the qualifying interests of European sites part of Natura 2000.

Individual physical developments or activities that may indirectly arise from the implementation of the Key Results of this Plan cannot be reasonably foreseen and, should they arise will be subject to environmental screening as individual projects, as appropriate and thus are outside of the remit of the Appropriate Assessment of the Plan.

Having regard to the foregoing, it is concluded that there is no requirement to progress to Stage 2 Appropriate Assessment (AA) as the Climate Action Plan either alone, or in combination with other plans is unlikely to have significant effects on the qualifying interests of European sites part of Natura 2000.

Appendix 1 Schedule of Objectives and Key Results of Waterways Ireland Climate Action Plan 2030

Collaboration and Engagement	
<i>Objective 1: Deliver the Waterways Ireland Climate Action Plan through empowerment of staff and proactive engagement and collaboration with our stakeholders.</i>	
Key Result	Timeframe
KR1.1: A governance framework is established that engages staff, drives change, co-ordinates energy management and decarbonisation activities, and shares feedback and learning from projects, processes and research carried out under this Climate Action Plan	2022
KR1.2: A Climate Action Manager is appointed (with support staff) to coordinate information and capacity-building, which promote the integration of processes and a culture of research, learning and sharing in pursuit of climate action	2022
KR1.3: A long term training programme is developed for relevant supervisors and managers to undertake energy management and climate risk audits	2022 – 2024
KR1.4: Staff empowered through development of employee-led 'task and finish' groups to identify and implement climate action measures across all work areas.	Annually from 2022
KR 1.5: Opportunities to partner in climate action initiatives with public, private and education sectors are identified by the Climate Action Steering Group, particularly in research and technical projects, including citizen science	Annually from 2022
Asset and Resource Management	
<i>Objective 2: Embed climate action processes and investment through effective integration with asset and resource management systems.</i>	
Key Result	Timeframe
KR 2.1: Asset management processes are reviewed and refined to incorporate climate action (risks and opportunities) across the operation, maintenance and disposal of assets	2022 - 2023
KR 2.2: Life cycle value (whole life costing of assets or systems of assets) tools to support the climate-proofing of asset management processes are implemented	2023 - 2025
KR 2.3: Climate focussed KPIs are developed for key asset types (high energy use / high emissions / high risk) to support climate-proofing of asset management systems and processes	2022 - 2023
KR 2.4: Remote and real time monitoring is implemented on key assets with decision support tools and data integration to mitigate against climate risks, such as shrink-swell subsidence	2022 - 2025
KR 2.5 An enhanced organisation-wide approach to sustainable procurement is developed and implemented in line with Government guidelines (to include capacity building in relation to procurement decision-making)	2022 - 2023
Energy Efficiency & Decarbonisation	
<i>Objective 3: Achieve emission reductions and be a net zero organisation by 2050 at the latest.</i>	
Key Result	Timeframe
KR 3.1 Energy demand and carbon emissions reduced annually in line with the glidepath (See Fig.9) required to meet our 2030 and 2050 targets	Annual from 2022
KR 3.2 Annual programme of efficiency measures implemented on infrastructure with high energy demands e.g. specific pumps, buildings and depots	2022 - 2024
KR 3.3 100% of Waterways Ireland electricity needs are procured from renewable sources	2024
KR 3.4 Waterways Ireland energy management programme fully operational, with a focus on resourcing and processes	2023
KR 3.5 Energy and emissions data quality improved and informing decision making by comparing energy use against baseline (and where possible include asset level data, data integration and real time monitoring)	2024
KR 3.6 ISO 50001 certification for energy management achieved	2025

Travel & Transport	
<i>Objective 4: Enable staff, and stakeholders using our shared waterways to use lower carbon travel and transport</i>	
Key Result	Timeframe
KR 4.1 Emissions from all business travel reduced in line with the glidepath required to meet our 2030 and 2050 targets (See Fig.9)	Annual from 2022
KR 4.2 Fleet and plant management systems and processes are enhanced; strengthening data, transport planning and coordination, and incorporating climate-proofing into fleet replacement plans in line with Clean Vehicles Directive requirements	2023 - 2024
KR 4.3 Electric Vehicle charging infrastructure and active travel options for employees and waterway users are provided at key locations	2022 - 2026
KR 4.4 Achieve 20% digital and remote working, where appropriate, in order to reduce staff travel	2022 - 2023
Sustainable Water Management.	
<i>Objective 5: Ensure our waterways are managed sustainably and resilient to climate and other environmental risks.</i>	
Key Result	Timeframe
KR 5.1 Risk management processes are fully integrated into asset management and business planning, using consistent indicators of flood/drought resilience for assets and waterways network	2022 - 2023
KR 5.2 Develop accurate monitoring systems and processes to enable real-time hydrometric data to inform risks, opportunities and decision-making across our organisation	2022 - 2024
KR 5.3 Deliver a Water Resource Management Strategy, that focuses on sustainable water use and incorporates up to date climate risk assessments	2022 - 2024
KR 5.4 Artificial waterbodies under our remit are monitored in compliance with the Water Framework Directive	Annually
KR 5.5 Good Ecological Potential in our artificial waterbodies is achieved on an ongoing basis	Annually
Heritage Protection	
<i>Objective 6: Ensure our waterways heritage is climate resilient for the continued enjoyment of current and future generations.</i>	
Key Result	Timeframe
KR 6.1 Climate Action is incorporated into the Waterways Ireland Heritage Plan 2030	2022
KR 6.2 Climate change risk assessments for our heritage sites and assets have been incorporated into our asset management frameworks	Annually from 2023
KR 6.3 Climate change risk assessments are used to inform decision making around the maintenance of heritage sites, with a focus on both preventative and remedial actions	Annually from 2024
KR 6.4 The promotion of climate action is delivered annually through heritage events and initiatives	Annually from 2022
Biodiversity and Nature-based Solutions	
<i>Objective 7: Continue to develop our waterways as biodiverse, healthy, vibrant and welcoming places.</i>	
Key Result	Timeframe
KR 7.1 Capital investment and maintenance plans are reviewed to ensure that soft engineering, nature-based and green infrastructure solutions are, where possible, prioritised	Annually from 2022
KR 7.2 Natural capital accounting and carbon sequestration potential are measured across all waterways and land owned by Waterways Ireland	2026
KR 7.3 Our commitments under international, European and national biodiversity strategies are delivered	Annually from 2022
KR 7.4 Key approaches to protecting biodiversity and promoting biosecurity incorporated into strategic policies and plans	2022