

Inland Fisheries Ireland
Appropriate Assessment and Environmental
Impact Assessment Procedures

Introduction to the Environmental Assessment Process

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Iascach Intíre Éireann
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Introduction

Inland Fisheries Ireland (IFI) is the Irish State agency responsible for the conservation, protection, development, management and promotion of the inland fisheries and sea angling resources in Ireland. IFI works independently and also in conjunction with various State agencies and stakeholder groups to deliver on its remit.

Inland Fisheries Ireland has obligations under national and EU legislation to ensure that projects that it oversees and licences it grants, have due regard for the environment and environmental legislation. The following document has been catalysed as a result of recent environmental legislation relating to the Habitats Directive (2011). This document describes the Environmental Assessment Process (EAP) and procedures in place within IFI to facilitate fisheries development and conservation works within Ireland's inland and coastal waters. It also outlines the internal and review/screening processes for environmental assessment of plans and projects, and details the procedures that are in place to ensure that these works are carried out in compliance with the relevant environmental legislation.

To make an application to carry out works that require IFI authorisation, applicants must provide their project information to IFI via the online application portal under 'Environmental Assessment'. Applicants can register on the portal on https://ifi.smartsimple.ie/s_Login.jsp.

When an application for environmental assessment screening is received by IFI, IFI's external Environmental Expert (EE) will consider the application and the potential impact of the proposed activity and will determine if it is not likely:

- a) to have significant effects on the environment,
- b) to have a significant effect on a European site or habitat/species (Natura 2000),
- c) to impact adversely on a Natural Heritage Areas (NHA), a pNHA or a nature reserve,
- d) to damage a recorded monument.

Following the evaluation of the project, based on the following assessment process, IFI will inform the applicant that the activity may/may not proceed or if modifications to the project should be carried out e.g. timing of works, design, additional consultation or reporting etc. It is therefore essential that when projects are being submitted for evaluation that applicants provide sufficient detail to allow for a detailed environmental assessment.

Inland Fisheries Ireland has developed and implemented a process to facilitate fisheries development and conservation works, primarily within the riparian corridor to ensure compliance with environmental legislation (Figure 1). However, the process can be used for additional projects outside of "in stream" works. Following the submission of a project to IFI, the projects are evaluated by an IFI appointed External Expert, with expertise in fisheries based projects and freshwater ecology.

The EAP process includes documentation and guidelines based on best practise and an in-house process that provides a standard design review of riverine development plans. These give due consideration to procedures for environmental assessment requirements including screening assessment/appropriate assessment (as defined in under the Habitats Directive) and Environmental Impact Assessment. Tools have been developed to ensure the application process is comprehensive in relation information provided by the applicant and standardised to ensure ease of assessment.

In addition to this Guidance Document, the IFI Environmental Assessment Process contains many supporting components to ensure a straightforward and comprehensive workflow. The workflow is outlined Figure 1.

1) Public Reference Library (online)

- a. Guidance Document to the IFI EAP
- b. Guidance template for AA screenings taking into account potential riparian influences.
- c. Best Practice guides and information:
 - 1) Channels & challenges-enhancing salmonid rivers
 - 2) Quantification of the Freshwater Salmon Habitat Asset
 - 3) MulkearLIFE Best Practice Guides
 - 4) CAISIE LIFE Best Practice Guides
 - 5) IFI Biosecurity Protocol for Fieldwork
 - 6) IUCN-River Restoration and Biodiversity

2) Online Environmental Assessment Portal for applicants

Online form with document storage and reference number which stores all project details https://ifi.smartsimple.ie/s_Login.jsp

3) Environmental Consultants Panel

See <https://www.fisheriesireland.ie/NSAD/the-fisheries-consultants-panel.html> for further details.

Each of the above components has been developed to create a single standardised comprehensive approach to the environmental assessment of projects for IFI with the workflow seen in Figure 1.

Process Workflow; EAP for fisheries development and conservation works

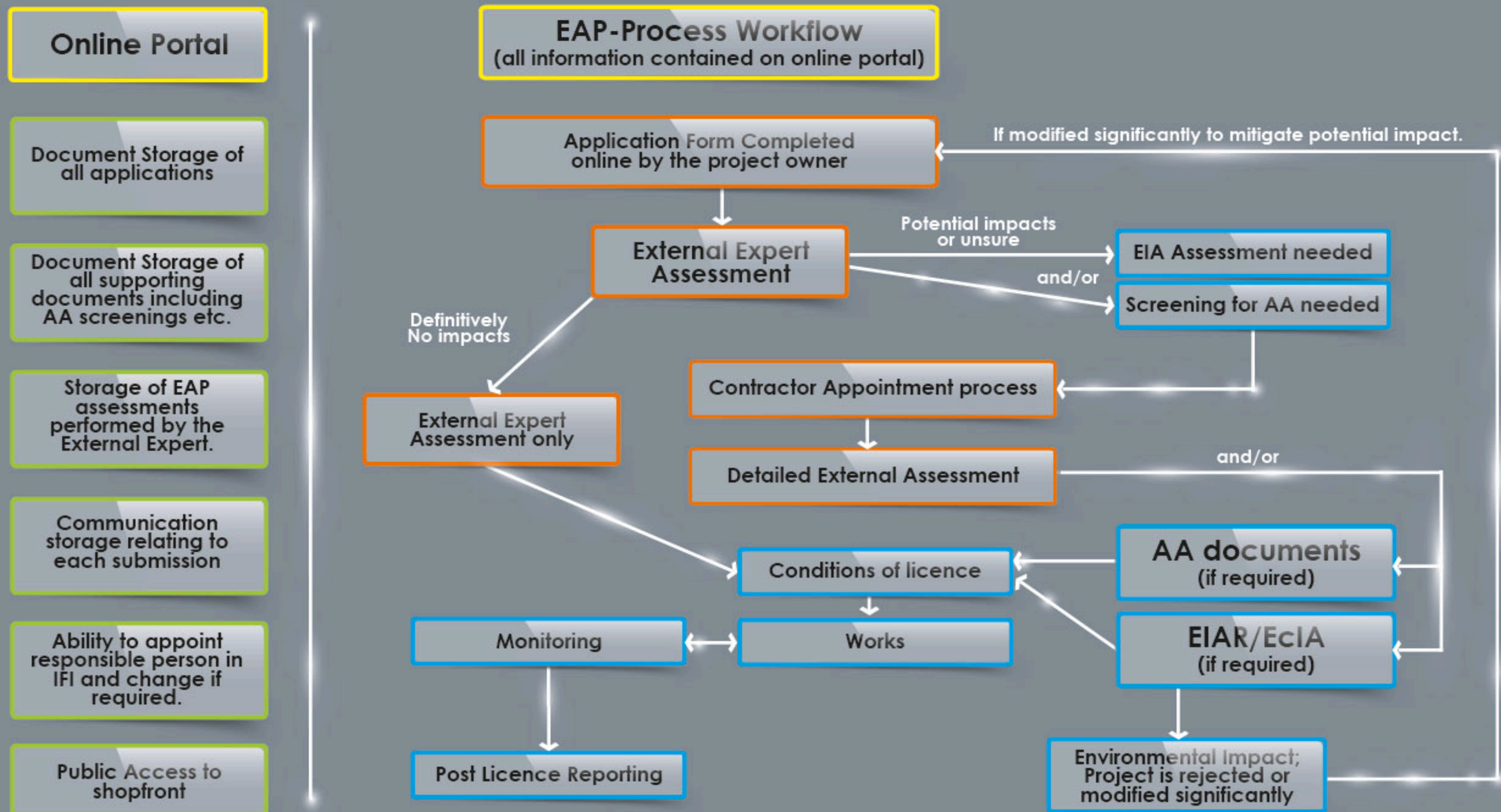


Figure 1. Diagram of the workflow of the IFI Environmental Assessment Process.

The Environmental Assessment Process

Following the submission of the online application and initial screening it will be passed to the Environmental Expert for environmental assessment. The assessment process includes the following elements:

- *Initial Assessment*

The accuracy of the location is vital for correct environmental assessment. This initial test is based on a GIS assessment on the accuracy of the location of the proposed works. If the accuracy of the location of the proposed works is incorrect or resolution is unacceptable, the applicant is informed that the application was rejected and the reason stated. The extent of the works and the accuracy of each project element are essential, particularly in relation to proximity to watercourses and conservation sites.

Following receipt of the project application the EE will assess the project in a systematic, factual and detailed assessment outlined in Figure 3. There are two assessment strands, one for Appropriate Assessment and one for Environmental Impact Assessment. A project can only proceed if both the AA and EIA process gives a positive outcome in that the project will not impact negatively on the environment (given that there are no IROPI). However, additional conditions and controls can be applied by the EE and IFI which would assist projects to pass e.g. condition based on successful consultation with NPWS etc.

- *Screening*

Following the location assessment the plan/project goes through two parallel environmental screening determinations performed by the IFI appointed External Expert i.e. Appropriate Assessment screening and Environmental Impact Assessment Screening to determine if significant environmental impacts are likely as a result of the project (Appendix I). As a result of this process if it is clear from both screenings that there will be no environmental impact, the project may proceed or may proceed with conditions e.g. control measures or agreement from NPWS. In addition, two additional screenings are in development i.e. Floods Directive and WFD. Sufficient detailed information is required to be submitted in the application to allow for this screening.

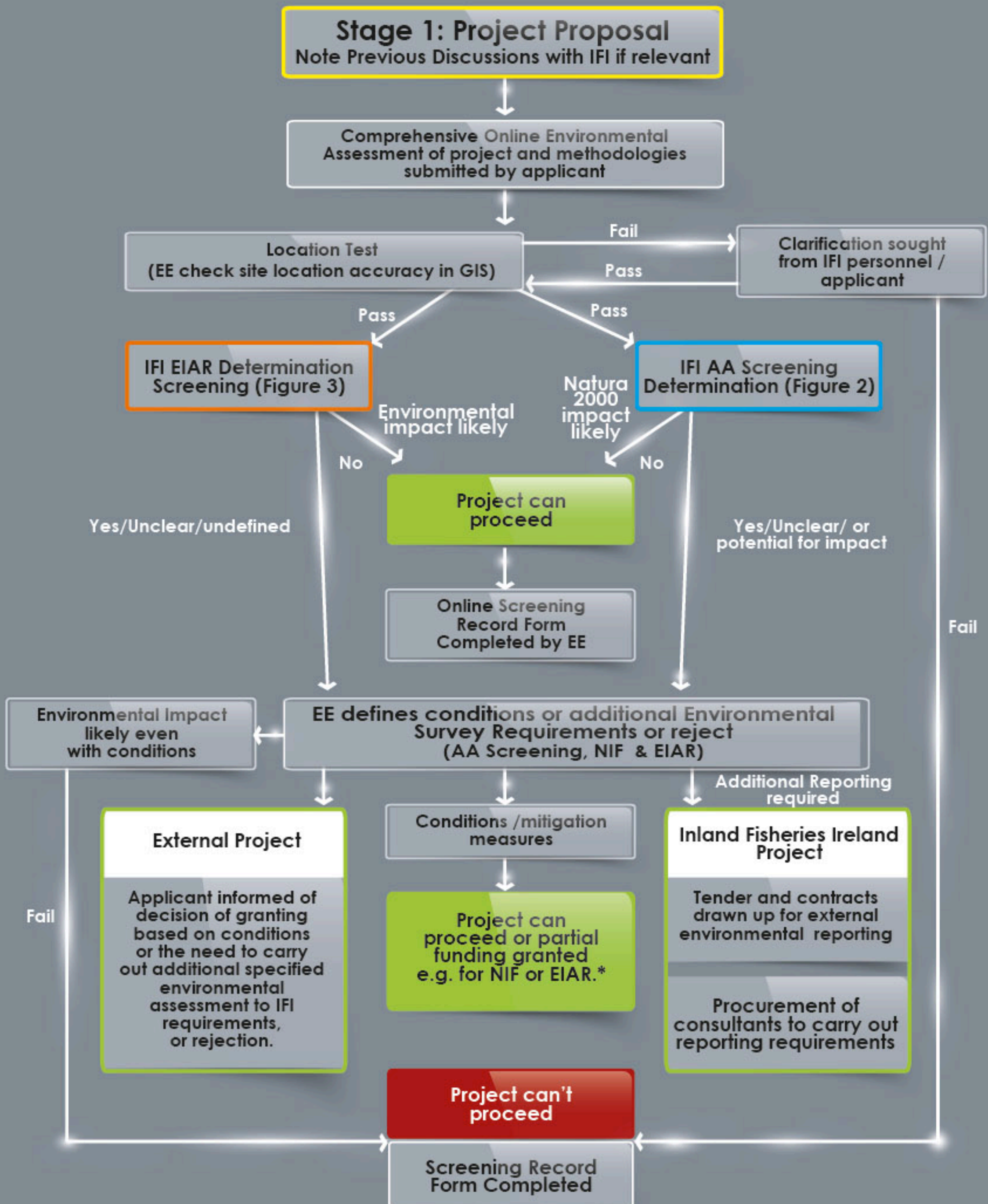
If it is unclear that significant environmental impacts are likely as a result of the project, there is insufficient information to determine the potential impact or, it is likely that an environmental impact will arise, the project will require further external assessment (e.g. AA/EcIA or EIAR), be recommended for approval based on conditions or, for rejection and the reason for the determination provided on the web based form. Where the application is part of a funding scheme, the normal funding evaluation process will also apply.

It should be noted that an additional National Monuments check needs to be carried out as the potential project could result in damage to a National Monument (GIS check). Detailed AA screening tests are seen in Figures 2 and Appendix II. Article 10 of the Habitats Directive recognises the importance of ecological coherence in protecting European Sites and requires Member States to protect landscape features that are of major importance for wild flora and fauna through land use planning and development. Annex II Animal and plant species and Annex I Habitats are of European importance whose conservation requires the designation of SACs. In SAC's conservation objectives are 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.

Based on this evaluation process the relevant areas of the online environmental assessment form will be completed by the EE. This is backed up by a standardised External Expert Evaluation Form seen in Appendix 1. This has been developed to assist the EE to assess each project in a systematic way and provide a comprehensive succinct evaluation assessment that can be viewed by IFI staff.

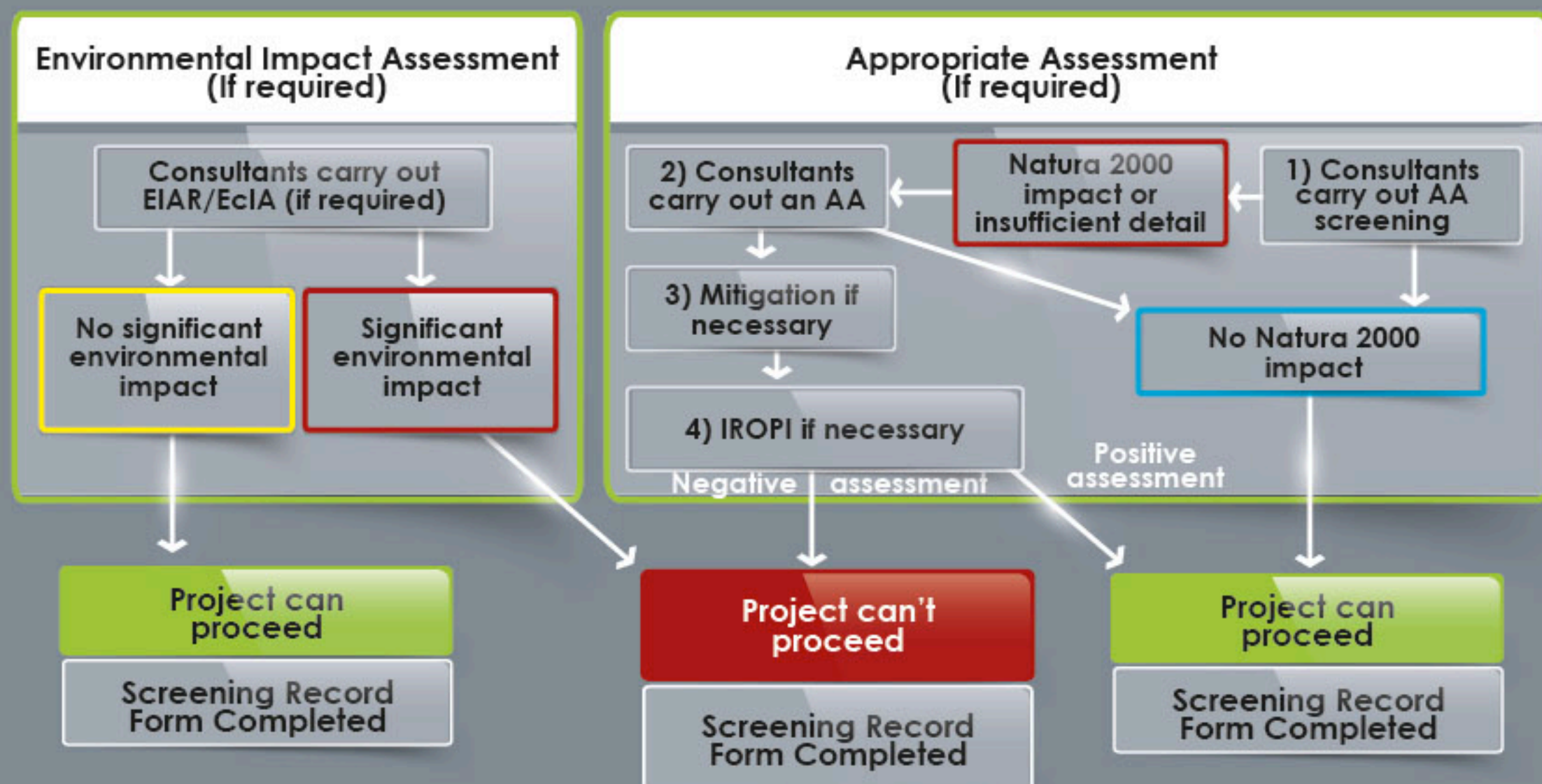
¹ "imperative reasons of overriding public interest"

Overall Process of a project within the EAP



* A project can only proceed if both the AA and EIA process gives a positive outcome. Additional conditions and mitigation can be applied by IFI.
Figure 2a. Environmental Assessment Reporting Determination and Impact Assessment Procedure

Stage 2: EIA and AA Following on at a later stage if reports commissioned as part of funding.



* A project can only proceed if both the AA and EIA process gives a positive outcome. Additional conditions and mitigation can be applied by IFI.

Figure 3. Environmental Assessment Reporting Determination and Impact Assessment Procedure

Appendix I - Environmental Assessment Process of Fisheries Funding Scheme Projects (Evaluation Form 12/17)

Application/Project Code Number/Reference No	
Name of Applicant	
Project	
Location	
Co-ordinates	
Numerous sites (Y/N) & details if necessary	
GIS Location correct (Y/N) & details and image if necessary	
Have any environmental reports been submitted?	

Appropriate Assessment Form

1) Project connected to or necessary for the management of a Natura 2000 site? (Y/N & details)	
2) Is any part of the works within a Natura 2000 designated sites (SAC/SPA)? (GIS) (Y/N & details)	
a) If No: I) Are there any physical or habitat based connections to a designated site e.g. in the same catchment/ waterbody? (GIS) (Y/N & details)	I)
II) Are there species in the watercourse/catchment that are listed as conservation interests in other Natura 2000 sites or Annex IV that could be impacted?	II)
III) a) If Yes, or unknown, non swimming species: Has NPWS been Contacted and approve works? b) If Yes, swimming species: Has IFI been Contacted and approve works?	III)

<p>b) If Yes: I) List species & habitats of conservation interest</p> <p>Are there any protected species or habitats in the Natura 2000 site that could potentially be impacted by the proposed works? (GIS)</p>	
<p>II) a) If Yes, or unknown, non swimming species: Has NPWS been Contacted and approve works?</p> <p>b) If Yes, swimming species: Has IFI been Contacted and approve works?</p>	
<p>3) Conditions based on consultation (name body and conditions)</p>	
<p>4) Has sufficient information been provided to determine likely impact (Y/N & details)</p>	
<p>5) Habitats Directive Annex I habitats and Annex II Species Test (Inside & Outside SAC's) Pass/Fail</p>	
<p>6) Habitats Directive Annex IV (Outside SAC's) Pass/Fail</p>	
<p>7) Conditions based on consultation (name body and conditions)</p>	
<p>Is it possible to comply with these conditions and include them in the assessment to ensure no EA?</p>	

Environmental Impact Assessment Form

1) Is any part of the works within a NHA/pNHA or other non Natura 2000 designated sites? (GIS) (Y/N & details)	
c) If No: Are there any physical or habitat based connections to a designated sites e.g. in the same catchment/ waterbody? (GIS) (Y/N & details)	
d) If Yes: I) List species & habitats of conservation interest Are there any protected species that could potentially be impacted by the proposed works? (GIS) a) If Yes, or unknown, non swimming: NPWS Contacted and approve works? b) If Yes, swimming: IFI Contacted and approve works?	I) a) b)
Conditions based on consultation (name body and conditions)	
2) Is it possible to comply with these conditions and include them in the assessment to ensure no EA?	
Is any part of the works within proximity to a National Monument (GIS)? (N/Y(Details of NMR, Is it within the "zone of notification")).	
Are there any National Monuments downstream or upstream of works?	
Should the project proceed, proceed with conditions or be rejected? (Additional information required?) (Detailed response required)	

Conclusions

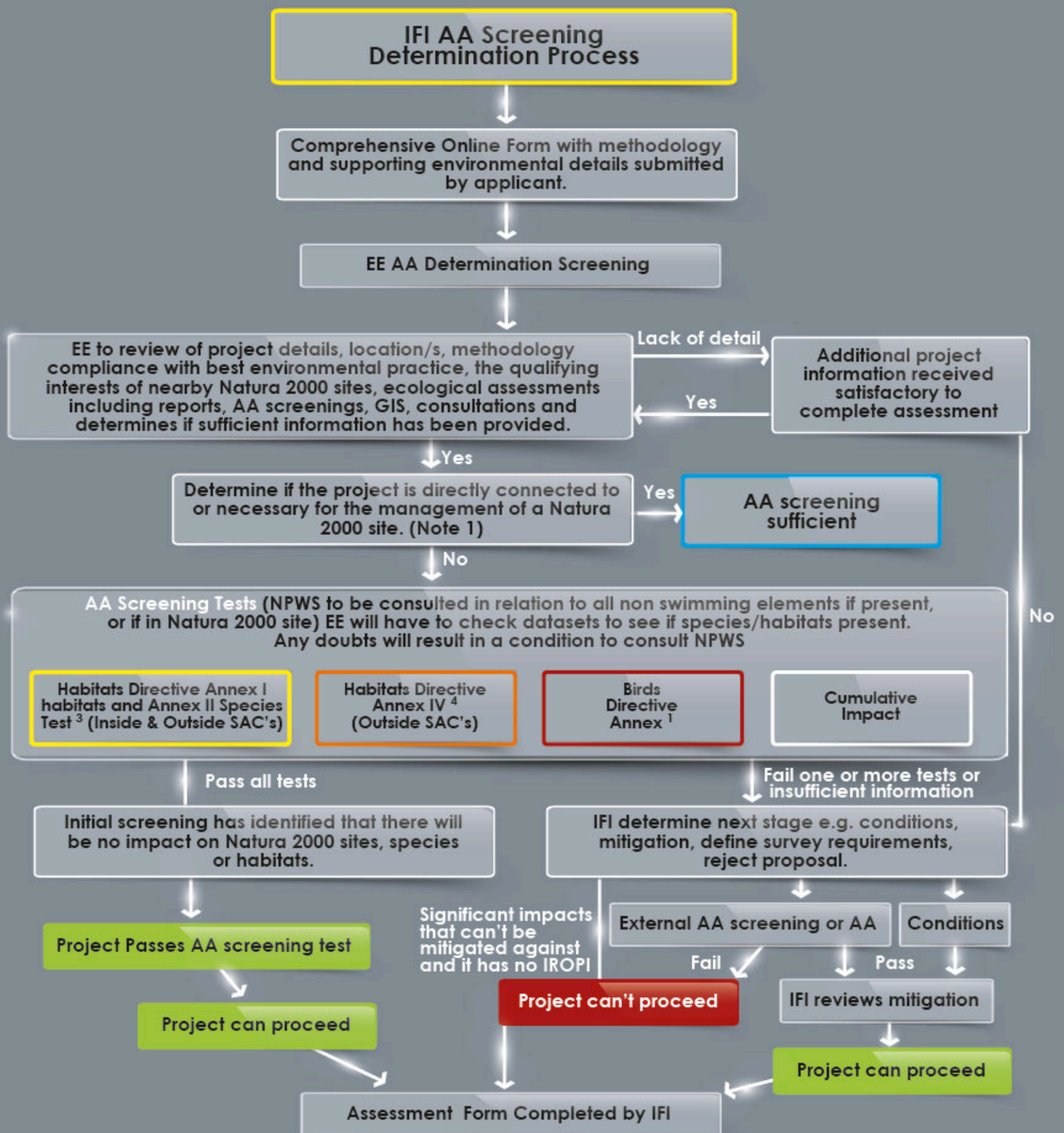
Environmental Assessment Report Submitted? Do you agree with its conclusions?	
Have you contacted any personal in relation to the assessment? (Details)	
Does this project require a full Environmental Impact Assessment or Appropriate Assessment or any further reports?	
Do you recommend that this project proceed? (Yes/Yes with Conditions/No)	

Declaration

Are there any outstanding issues that need further refinement or further information needed from the applicant?	
Conflict of interest (Y/N)	
Name of Assessor*	
email	
Phone	
I confirm that details of the assessment are correct (Y/N)	
Date of Assessment	

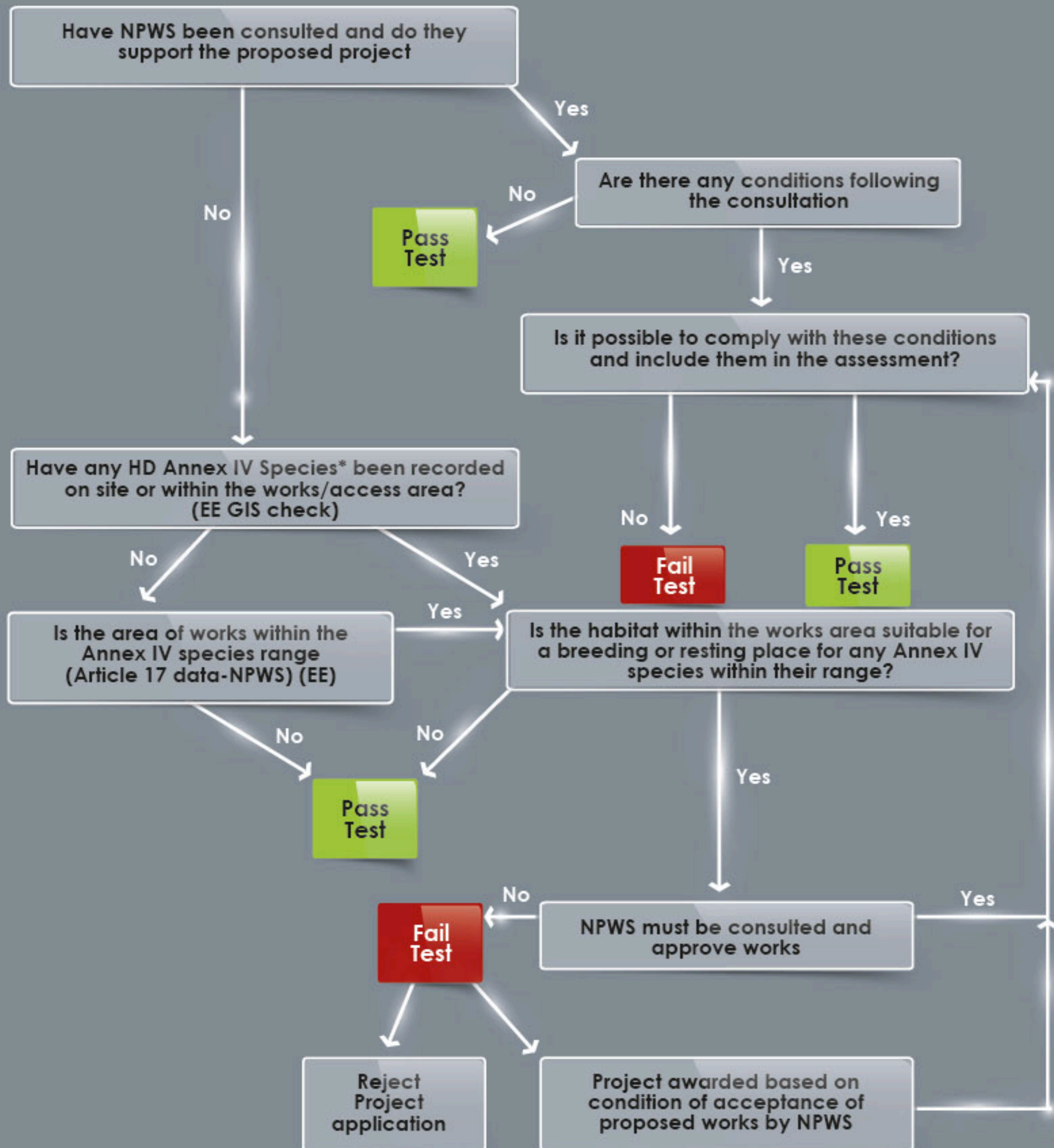
*This evaluation form is to provide assistance in the evaluation of potential environmental impacts from projects vetted and/or carried out by IFI. The data for the environmental assessment is based on NPWS, IFI and National Monuments GIS based datasets. These datasets are incomplete for the country and are indicative of species and habitat ranges only. However, they do detail species and habitats in National and internationally protected sites. No onsite assessments were not carried out and therefore the Assessor cannot be held responsible for the presence or absence of species/habitats on site or in the vicinity of the proposed works.

Appendix II - Appropriate Assessment Decision Trees



Note 1: "For this exception to apply, management should be interpreted narrowly as nature conservation management in the sense of Article 6(1) of the Habitats Directive. This refers to specific measures to address the ecological requirements of annexed habitats and species (and their habitats) present on a site. The relationship should be shown to be direct and not a by-product of the project or activity, even if this might result in positive or beneficial effects for a site. For example, a new or upgraded wastewater treatment plant may benefit water quality in a river but its primary purpose is not generally the nature conservation management of a Natura 2000 site, but to service development. Similarly, a project involving amenity and recreation provision in a Natura 2000 site is also unlikely to qualify. Examples of nature conservation management projects could include drain-blocking on a bog, riverbank restoration works, or removal of a barrier to species movement. However, in such cases the potential for associated negative effects would need to be considered in advance and mitigation measures developed as appropriate. If a plan or project is considered to be directly connected with or necessary to the management of the site, this should be addressed in consultation with and in agreement with the Department. All such cases should be supported by sufficient scientific and other necessary evidence and backing to show cause for the project and to address any questions that might be raised in relation to compliance, including any other possible impact." (NPWS 2009).

Habitats Directive Annex IV Species¹ Test (outside Natura 2000 sites)

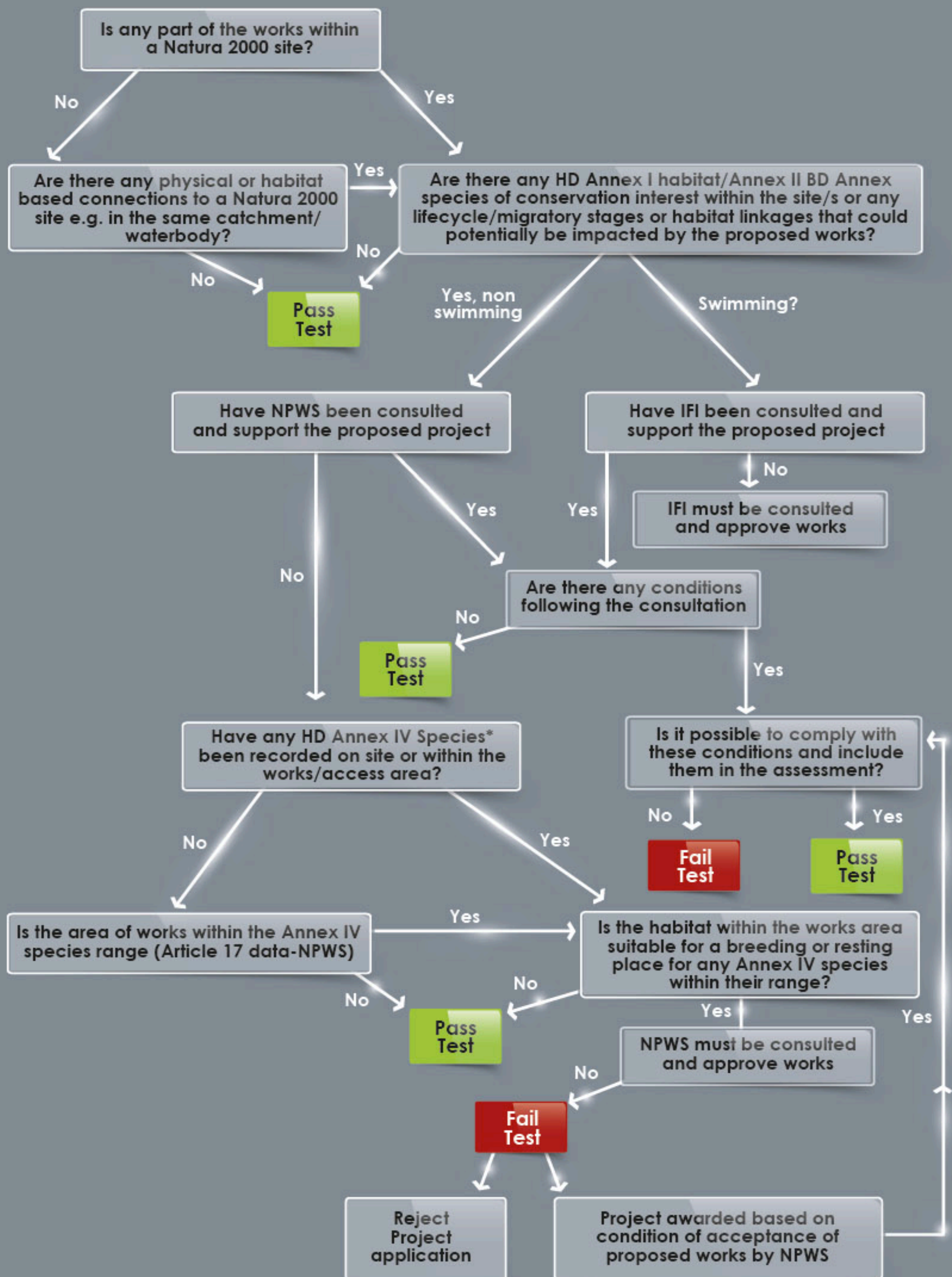


*Annex IV Species of the Habitats Directive

All bat species, Otter, All cetaceans (whales, dolphins, porpoises), Leatherback turtle, Natterjack toad, Kerry slug, Killarney fern, Slender naiad, Yellow marsh saxifrage

¹ Animal and plant species of Community interest in need of strict protection including areas outside sites of Natura 2000 designation.

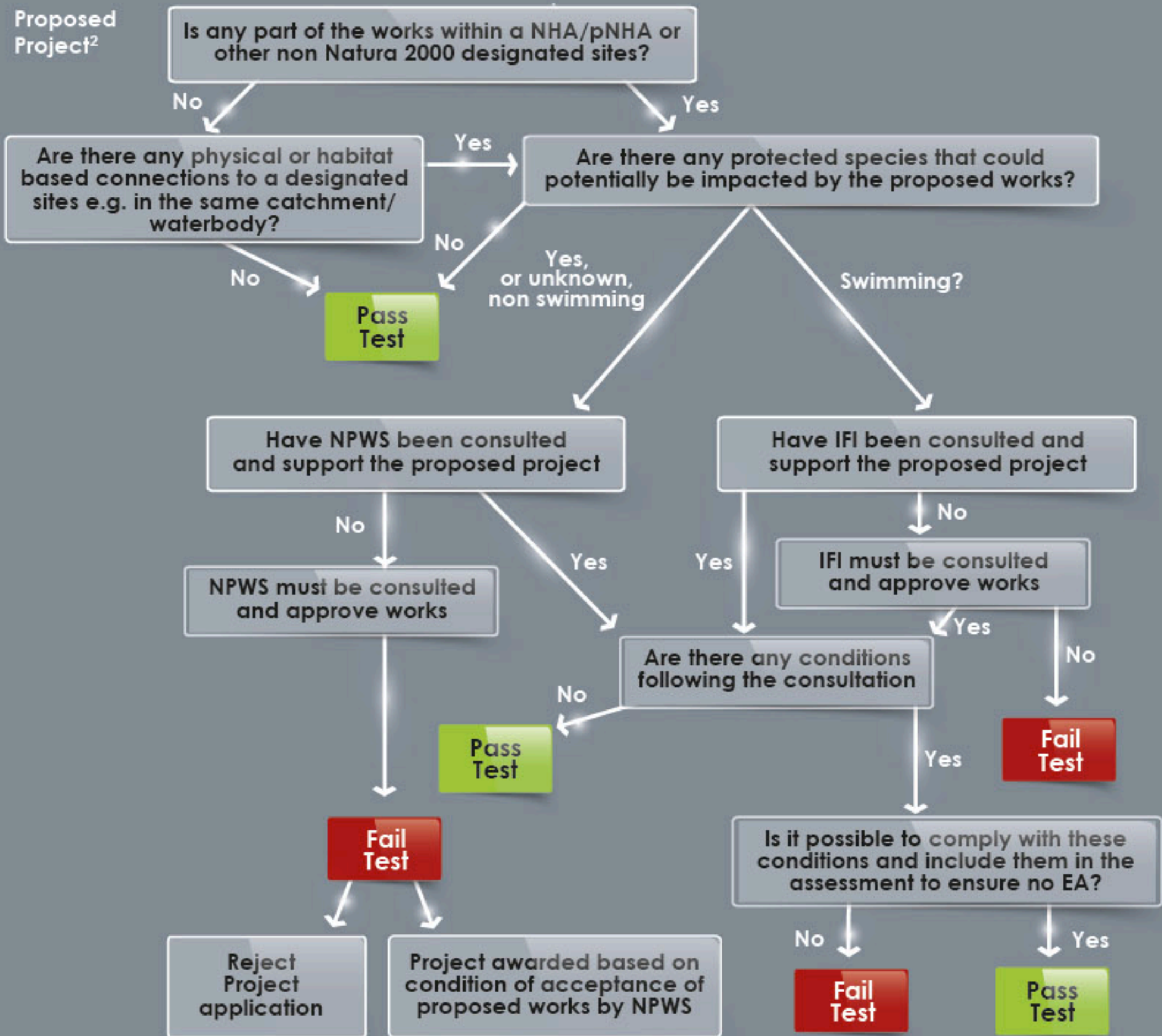
Habitats Directive Annex II Species¹, and Annex I habitats Test Birds Directive Test



² Annex II (Protected within SACs but, the presence of Annex II species outside of Natura 2000 sites also needs to be assessed.)

Appendix III - Environmental Impact Assessment Screening

Environmental Impact Assessment Screening Test



National Monuments Test



² Only for projects that are Non Annex II Development and will not significantly impact Natura 2000 site

Appendix IV - Environmental Impact Assessment Screening Test

An EIA screening is carried out in line with figure 3.2 of the EPA EIAR Guidance Document³. In summary a project would require an EIA because it is Annex 11 type development and would be likely

- to **have significant effects on the environment**, or
- it would require an appropriate assessment, because of its potential impact on an European site, or
- it could adversely impact on a **NHA or pNHA**, or
- it could adversely impact on a **recorded monument**, or
- of any other relevant provision in the Planning Acts in relation to exempted, development,

In addition, it should also be noted that planning authorities and the Board, under the amended Articles 103 and 109 of the Planning and Development Regulations 2001-2011, are specifically required to consider, when deciding whether EIA is required in relation to a proposed development, the potential effect on:

- a European site,
- an area the subject of a notice under section 16(2)(b) of the Wildlife (Amendment) Act 2000 (No. 38 of 2000),
- an area designated as a natural heritage area under section 18 of the Wildlife (Amendment) Act 2000,
- land established or recognised as a nature reserve within the meaning of section 15 or 16 of the Wildlife Act 1976 (No. 39 of 1976) as amended by sections 26 and 27 of the Wildlife (Amendment) Act 2000,
- land designated as a refuge for flora or as a refuge for fauna under section 17 of the Wildlife Act 1976 as amended by section 28 of the Wildlife (Amendment) Act 2000,
- a place, site or feature of ecological interest, the preservation, conservation or protection of which is an objective of a development plan or local area plan, draft development plan or draft local area plan, or proposed variation of a development plan, for the area in which the development is proposed,
- a place or site which has been included by the Minister for Arts, Heritage and the Gaeltacht in a list of proposed Natural Heritage Areas published on the National Parks and Wildlife Service website, the planning authority shall, in determining whether the development would or would not be likely to have significant effects on the environment, have regard to the likely significant effects of the development on such site, area, land, place or feature as appropriate.

³ <http://www.epa.ie/pubs/advice/ea/EPA%20EIAR%20Guidelines.pdf>

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