



TETRA TECH

Report to Inform Appropriate Assessment

Killough Railway Bridge, County Down

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1 INTRODUCTION

Tetra Tech was commissioned by McConnell Property Limited on behalf of The Crown Estate (TCE) to prepare a report to inform appropriate assessment (RIAA), to examine whether or not the removal of part of an abandoned and unstable railway bridge located on the Killough Bay foreshore is likely to have a significant effect on any European site. The partially collapsed structure currently presents a significant health and safety risk to the public, and details of the Proposed Works to make this safe are provided in Section 3 of this report.

This RIAA is provided in support of an application for a Marine Construction License submitted to the Marine Licensing Branch of Marine & Fisheries Division of the Department of Agriculture, Environment and Rural Affairs (DAERA). The license application is seeking emergency consent to remove unstable sections of the bridge which are located seaward of the Mean High Water Springs (MHWS) level.

The information contained in this RIAA is intended to assist DAERA Marine Licensing Team (the consenting authority) as the Competent Authority in conducting Habitats Regulations Assessment (HRA) in accordance with The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), otherwise known as the “Habitats Regulations”.

Regulation 43 of the Habitats Regulations states:

“(1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which—

(a) is likely to have a significant effect on a European site in Northern Ireland (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of the site, shall make an appropriate assessment of the implications for the site in view of that site’s conservation objectives.

(2) A person applying for any such consent, permission or other authorisation shall provide such information as the competent authority may reasonably require for the purposes of the assessment.

(3) The competent authority shall for the purposes of the assessment consult the Department and have regard to any representations made by it within such reasonable time as the authority may specify.

(4) The competent authority shall, if it considers it appropriate, take such steps as it considers necessary to obtain the opinion of the general public.

(5) In the light of the conclusions of the assessment, and subject to regulation 44, the authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site.

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority shall have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposed that the consent, permission or other authorisation should be given.”

These regulations transpose *inter alia* Articles 6(3) and 6(4) of Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora which remain relevant following the UK’s departure from the EU, in line with Conservation (Natural Habitats, etc.) Regulations (Amendment) (Northern Ireland) (EU Exit) Regulations 2019 and The Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2026. Terminology used in this report is in line with guidance published by DAERA in light of changes to the status of European sites following the UK’s departure from the EU (DAERA 2020)¹.

In simple terms, a project must be screened for appropriate assessment to ascertain whether or not likely significant effects on the UK national site network i.e. Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites; will occur. The RIAA firstly considers the proposed works by itself and secondly in combination with other relevant plans or projects, and has

¹ <https://niopa.qub.ac.uk/bitstream/NIOPA/13358/1/Guidance%20explaining%20The%20Conservation%20%28Natural%20Habitats%2C%20etc.%29%20%28Amendment%29%20%28Northern%20Ireland%29%20%28EU%20Exit%29%20Regulations%202019.pdf>

been undertaken in view of best available scientific knowledge and in view of the conservation objectives set for the sites concerned and published by DAERA in Northern Ireland.

1.1 Scientific Competence

The following section outlines the personnel who were involved in compiling this RIAA and their relevant experience.

Sam Purdon BSc (Hons) MSc CEnv CSci C.WEM MCIWEM drafted this report. Sam is a Marine Environmental Consultant, who has over 8 years of experience in Environmental Management, Monitoring and Assessment. This includes coastal modelling, water quality monitoring, Marine Mammal Mitigation (JNCC qualified MMO), and Environmental Site Management and Auditing. Sam is also a member of the Strangford Lough Marine Protected Area Steering Group and former member of the Royal Yachting Association's Cruising and Environment Committee and CIWEM's Northern Ireland Branch Committee.

This report has been reviewed and approved for issue by James McCrory, Technical Director of Ecology with Tetra Tech consulting Ltd. James holds a BA (Hons) in Natural Sciences (Mod) Botany and a MSc in Habitat Creation and Management. James is a Chartered Environmentalist (CEnv), a Chartered Ecologist (CEcol), a Chartered Biologist (CBiol) and a full member of the Chartered Institute of Ecology and Environmental Management (MCIEEM) and the Royal Society of Biology (MRSB). James is a former member of the CIEEM Irish Section Committee and CIEEM Policy Review Group in Ireland. He was formerly a member of the CIEEM technical working group updating the Guidelines for Ecological Impact Assessment in the United Kingdom and Ireland, and he was recently a member of the CIEEM technical working group for Ecological Impact Assessment accreditation across the Institute's practitioner network.

James has over twenty years' experience of assessing the likely significant effects of Proposed Works, alone and in combination with other plans and projects, in a coastal setting on European sites in estuarine and the marine environment. His experience includes assessment of potential effects of shoreside and marine activities, suspended sediments and pollution on Annex I habitats and disturbance and displacement of, and injury to of Annex II and Annex IV species and populations of Birds Directive Annex I species, and spans a wide variety of development consent applications including:

- Marine construction, dredging and disposal licences issued by DAERA
- Marine construction and dredging licences issued by Marine Directorate – Licensing Operations Team (MD-LOT) in Scotland
- Foreshore Licences issued by the Department of Housing, Local Government and Heritage
- Dumping at Sea Permits issued by the EPA
- Maritime Usage Licences issued by MARA
- Planning Permissions granted by local planning authorities and An Coimisiún Pleanála

Tetra Tech Consulting Ltd confirm that the professional judgement expressed herein is the true and bona fide opinion of the authors. The information prepared and provided is accurate at the time of issue of this report and has been prepared and provided in accordance with CIEEM's Code of Professional Conduct (CIEEM 2025) and CIWEM's Professional Ethics and Code of Conduct (CIWEM, 2023).

2 METHODOLOGY

2.1 Guidance on Appropriate Assessment

The Environment and Heritage Service of the then Department of the Environment for Northern Ireland published 'Habitats Regulations guidance notes for competent authorities' in 2002 (EHS,

2002). The purpose of this guidance was to help competent authorities and others with an interest in such sites interpret and implement the Habitats Regulations and was intended to provide a framework for making judgements under the Regulations in order to promote consistency amongst decision-makers.

In addition to the above guidelines published by DAERA's predecessor, the European Commission has published a number of documents which provide a significant body of guidance on the requirements of appropriate assessment, most notably including, 'Assessment of Plans and Projects in relation to Natura 2000 sites – Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC' (EC, 2021), which sets out the principles of how to approach decision making during the process.

These guidelines have been followed in the preparation of this report. The following list identifies these and other pertinent guidance documents:

- Communication from the Commission on the Precautionary Principle., Office for Official Publications of the European Communities, Luxembourg (EC, 2000);
- Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg (EC, 2000b);
- Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC. Office for Official Publications of the European Communities, Brussels (EC, 2001);
- Habitats Regulations Guidance Notes for Competent Authorities. Environment and Heritage Service. Belfast (EHS, 2002) [not available online];
- Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. Publications Office of the European Union, Luxembourg (EC, 2007);
- The Appropriate Assessment of Plans in Northern Ireland. RSPB, Belfast (RSPB, 2008);
- Estuaries and Coastal Zones within the Context of the Birds and Habitats Directives - Technical Supporting Document on their Dual Roles as Natura 2000 Sites and as Waterways and Locations for Ports. Publications Office of the European Union, Luxembourg (EC, 2009);
- Interpretation Manual of European Union Habitats. Version EUR 28. Publications Office of the European Union, Luxembourg (EC, 2013);
- European Commission Notice C(2018) 7621 'Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC', Office for Official Publications of the European Communities, Luxembourg (EC, 2019);
- Institute of Air Quality Management 'A guide to the assessment of air quality impacts on designated nature conservation sites (Version 1.1)' (IAQM, 2020).
- Institute of Air Quality Management 'A guide to the assessment of air quality impacts on designated nature conservation sites (Version 1.1)' (IAQM, 2020);
- European Commission Notice (2021) 6913 'Assessment of plans and projects in relation to Natura 2000 sites – Methodological guidance on Article 6(3) and (4) of the Habitats Directive 92/43/EEC', Office for Official Publications of the European Communities, Luxembourg (EC, 2021); and
- European Commission Guidance document on Assessment of plans and projects in relation to Natura 2000 sites - A summary, Office for Official Publications of the European Communities, Luxembourg (EC, 2022).

EC (2000) notes that the implementation of an approach based on the precautionary principle should start with a scientific evaluation, as complete as possible, and where possible, identifying at each stage the degree of scientific uncertainty, and also that decisions taken based on the precautionary principle should be maintained so long as scientific information is incomplete or inconclusive. EC (2001) notes also that predicting the response of a receptor to a disturbance effect can be difficult and, in the absence of firm scientific information, requires a precautionary approach.

2.2 Approach

2.2.1 Stages of the Appropriate Assessment Process

An appropriate assessment (referred to as Habitats Regulations Assessment in the UK) is a three-stage process:

- The first stage involves screening for appropriate assessment;
- The second stage arises where, having screened the Proposed Works, the competent authority determines that an appropriate assessment is required, in which case it must then carry out that appropriate assessment; and
- The third stage is a derogation procedure where adverse effects upon the integrity of a site remain, but the project must nonetheless proceed for imperative reasons of overriding public interest.

According to European Commission guidance documents ‘Assessment of plans and projects significantly affecting Natura 2000 sites’ (EC, 2021) and the ‘Managing Natura 2000 sites: The Provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC’ (EC, 2019), the obligations arising under Article 6 establish a step-wise procedure for Habitats Regulations Assessment as illustrated in **Figure 2-1**.

The flowchart illustrated in **Figure 2-1** is taken directly from Figure 1 of EC (2021) and it is noted that while this flowchart states in the ‘Appropriate Assessment’ stage (the dark blue step) “*Is it ascertained that [having applied the necessary mitigation measures and consulted the public] the plan or project will not have **significant effect** [with other plans or projects] on the integrity of the Natura 2000 site in view of its conservation objectives?*” (emphasis added), the applicable test at the Appropriate Assessment stage, in accordance with Article 6(3) of the Habitats Directive, is whether or not the plan or project will have an **adverse effect** the integrity of any European site (as referred to above).

- The first part of this procedure consists of a pre-assessment stage (‘screening’) to determine whether, firstly, a plan or project is directly connected with or necessary to the management of the site, and secondly, whether it is likely to have a significant effect on the site; it is governed by the first sentence of Article 6(3).
- The second part of the procedure, governed by the second sentence of Article 6(3), relates to the appropriate assessment and the decision of the competent national authorities.
- A third part of the procedure (governed by Article 6(4)) comes into play if, despite a negative assessment, it is proposed not to reject a plan or project but to give it further consideration. In this case Article 6(4) allows for derogations from Article 6(3) under certain conditions.

The extent to which the sequential steps of Article 6(3) apply to a given plan or project depends on several factors, and in the sequence of steps, each step is influenced by the previous step. The order in which the steps are followed is therefore essential for the correct application of Article 6(3).

Each step determines whether a further step in the process is required. If, for example, the conclusion at the end of a Stage 1 screening appraisal is that significant effects on European sites can be excluded, there is no requirement to proceed to the next step.

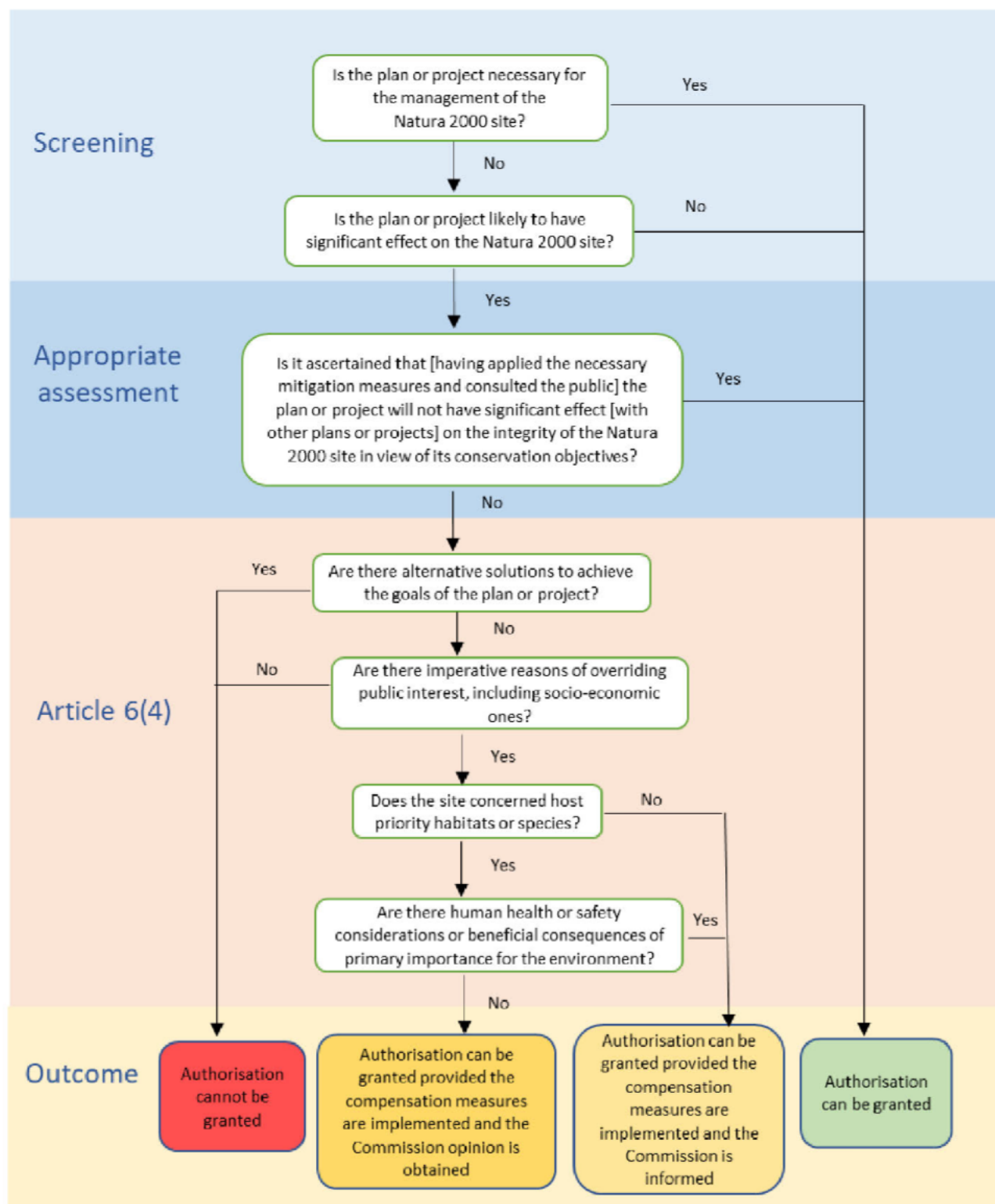


Figure 2-1: Step-wise procedure of Article 6 of the Habitats Directive (from EC,2021)

2.2.2 Likely Significant Effect

The Commission's 2018 Notice (EC, 2019) advises that the appropriate assessment procedure under Article 6(3) is triggered not by the certainty but by the likelihood of significant effects, arising from plans or projects regardless of their location inside or outside a protected site. Such likelihood exists if significant effects on the site cannot be excluded. The significance of effects should be

determined in relation to the specific features and environmental conditions of the site, taking particular account of the site's conservation objectives and ecological characteristics.

The threshold for a Likely Significant Effect (LSE) is treated as being above a *de minimis* level. A *de minimis* effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex II species present on a European site necessary to ensure their favourable conservation condition. If low level effects on habitats or individuals of species are judged to be in this order of magnitude and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be likely significant effects.

The analysis involved in a Stage 1 screening appraisal for Appropriate Assessment is described in EC (2021) as comprising four steps:

- ascertaining whether the plan or project is directly connected with or necessary to the management of a Natura 2000 site;
- identifying the relevant elements of the plan or project and their likely impacts;
- identifying which (if any) Natura 2000 sites may be affected, considering the potential effects of the plan or project alone or in combination with other plans or projects;
- assessing whether likely significant effects on the Natura 2000 site can be ruled out, in view of the site's conservation objectives.

Case law of the court of Justice of the European Union (CJEU) has confirmed that a significant effect is triggered when:

- there is a probability or a risk of a plan or project having a significant effect on a European site;
- the plan is likely to undermine the site's conservation objectives; and
- a significant effect cannot be excluded on the basis of objective information.

EC (2021) defines a LSE as being “any effect that may reasonably be predicted as a consequence of a plan or project that would negatively and significantly affect the conservation objectives established for the habitats and species significantly present on the Natura 2000 site. This can result from either on-site or off-site activities, or through combinations with other plans or projects”.

The requirement that the effect in question be ‘significant’ exists in order to lay down a *de minimis* threshold – thus, plans or projects that have no appreciable effect on the site are thereby excluded.

2.2.3 Mitigation Measures

In determining whether or not likely significant effects will occur or can be excluded in the Stage 1 appraisal, measures intended to avoid or reduce the harmful effects of the Proposed Works on European sites, (i.e. “mitigation measures”) or best practice measures have not been taken into account in this screening stage appraisal. This approach is consistent with up-to-date EU guidance (EC, 2019; EC, 2021; EC, 2022) and the case law of the Court of Justice of the European Union (CJEU):

EC (2001) states that “*project and plan proponents are often encouraged to design mitigation measures into their proposals at the outset. However, it is important to recognise that the screening assessment should be carried out in the absence of any consideration of mitigation measures that form part of a project or plan and are designed to avoid or reduce the impact of a project or plan on a Natura 2000 site*”. This direction in the European Commission's guidance document is unambiguous in that it does not permit the inclusion of mitigation at the screening stage.

In April 2018, the Court of Justice (CJEU) of the European Union issued a ruling in case C-323/17 *People Over Wind & Peter Sweetman v Coillte Teoranta* (“People Over Wind”) that Article 6(3) of Directive 92/43/EEC 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. The CJEU found that taking account of mitigation measures at the screening stage could compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular (since the assessment stage would be deprived of its purpose and there would be a risk of circumvention of that stage). In its judgment in *Eco-Advocacy*, the CJEU recently found that this does not preclude standard features, which are inherent to a project, and are incorporated into a project's design, not with the aim of reducing its negative effects.

The judgment in *People Over Wind* is further emphasised in EC (2019) which refers to CJEU Case C-323/17, and also EC (2021) states specifically in Table 1 on p12 thereof that that mitigation measures cannot be considered at the screening stage of appropriate assessment, citing CJEU case C-323/17.

More recently, in June 2023, the CJEU issued a ruling in case C-721/21 *Eco Advocacy CLG vs. An Bord Pleanála* that Article 6(3) of Directive 92/43/EEC must be interpreted as meaning that “in order to determine whether it is necessary to carry out an appropriate assessment of the implications of a plan or project for a site, account may be taken of the features of that plan or project which involve the removal of contaminants and which therefore may have the effect of reducing the harmful effects of the plan or project on that site, where those features have been incorporated into that plan or project as standard features, inherent in such a plan or project, irrespective of any effect on the site”.

For the purposes of this screening stage appraisal, there is no requirement to bring any polluting substances onto the foreshore during the Proposed Works, other than fuel in sealed fuel tanks of plant to be used for the works and hydraulic fluids in sealed contained within mechanical plant. It is entirely reasonable to assume that well maintained and fit-for-purpose plant and equipment shall be utilised for the intended works, and it is a standard approach that the beneficiary of the Marine Construction Licence will expect of their successful contractor. Indeed it will be a condition to the execution of any construction contract awarded by the Applicant that well maintained and fit-for-purpose plant shall be utilised for the intended works. This reasonable expectation of the contractor's plant and equipment has not been relied upon because the proposed works are located within a European site or in area that is hydrologically linked to any other European site - on the contrary it is relied upon because that is the standard that McConnell Property Limited and The Crown Estate requires as part its contract with the successful contractor. This is an obligation that the beneficiary of the Marine Construction Licence would demand of its contractors carrying out construction activities on its behalf in all circumstances, and as such has included it in the specification for the works. It is a normal obligation of a construction contract and would be incorporated into any contract of this type, whether it be located within or in proximity to a European site or not.

In that sense, the reasonable expectation of well maintained and fit-for-purpose plant and equipment is entirely compatible with the judgment of the CJEU in case C-721/21 *Eco Advocacy CLG vs. An Bord Pleanála* and has been incorporated into the screening appraisal of the Proposed Works as 'standard features'.

2.2.4 Consideration of ex-situ Effects

EC (2019) advises that Member States, both in their legislation and in their practice, allow for the Article 6(3) safeguards to be applied to any development pressures, including those which are external to European sites but which are likely to have significant effects on any of them.

The CJEU developed this point when it issued a ruling in case C-461/17 *Brian Holohan and Others v An Bord Pleanála* ("Holohan") that determined inter alia that Article 6(3) of Directive 92/43/EEC 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 Works 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.

In that regard, consideration has been given in this Habitats Directive appraisal to implications for habitats and species located both inside and outside of the European sites considered in the screening appraisal with reference to those sites' Conservation Objectives where effects upon those habitats and/or species are liable to affect the conservation objectives of the sites concerned.

2.2.5 Conservation Objectives

The conservation objectives ("COs") for each European site are to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the site has been selected.

The favourable conservation status of a habitat is achieved when:

- its natural range, and area it covers within that range, are stable or increasing;
- the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and
- the conservation status of its typical species is favourable.

The favourable conservation status (or condition, at a site level) of a species is achieved when:

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

2.2.6 In-combination Effects

Article 6(3) of the Habitats Directive requires that in-combination effects with other plans or projects are also considered. As set out in the Commission's 2018 Notice (EC, 2019), significance will vary depending on factors such as magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned.

EC (2020) notes that cumulative environmental effects can be defined as effects on the environment caused by the combined action of past, current and future activities. Although the effects of one development may not be significant, the combined effects of several developments together can be significant.

EC (2020) also notes that the 'in combination' provision applies to plans or projects that are completed, approved but uncompleted, or proposed. In addition to the effects of the plans or projects

that are the main subject of the assessment, it may be appropriate to consider the effects of already completed plans and projects.

Although already completed plans and projects are themselves excluded from the assessment requirements of Article 6(3), it is still important to take them into consideration when assessing the effects of the current plan or project in order to determine whether there are any potential cumulative effects arising from the current project in combination with other completed plans and projects. The effect of completed plans and projects would typically form part of the site's baseline conditions at this stage. Plans and projects that have been approved in the past but have not yet been implemented or completed should be included in the in-combination provision. As regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the 'in combination' provision to plans that have been proposed, i.e. for which an application for approval or consent has been submitted.

This mirrors the advice contained in EC (2019) which advises that other plans or projects which are completed, approved but uncompleted, or proposed have been considered. EC (2019) specifically advises that *"as regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the in-combination provision to those which have been actually proposed, i.e. for which an application for approval or consent has been introduced"*.

EC (2021) additionally advises that –

- an in-combination assessment is often less detailed at the screening stage than in the appropriate assessment;
- there is still a need to identify all other plans or projects that could give rise to cumulative impacts with the plan or project in question; and
- if this analysis cannot reach definitive conclusions, it should at least identify any other relevant plans and projects that should be scrutinised in more detail during the appropriate assessment.

The Irish High Court has further emphasised in [2026] IEHC 23 that in *"it is important to recollect that, even when considering cumulative effect, what is at issue is the incremental effect of the Proposed Development and whether it is significant"* [emphasis of the Court and not the author].

3 The Proposed Works

The former railway bridge at Killough, Co. Down, location shown in **Figure 3-2** and **Figure 3-3** was inspected in February 2026 by a Structural Engineer. The structure comprises surviving stone abutments and a stone causeway with rendered parapet walls. The main defect identified was severe erosion of approximately 50% of the causeway between the former bridges, leaving part of the parapet wall unsupported and spanning about 10m **Figure 3-1**. This section has significant cracking, rotation and deflection, with the largest crack measured at approximately 90mm. No reinforcing bars were evident.

The report concluded that the unsupported section of parapet wall has structurally failed, is unsafe, and is beyond repair and consequently should be taken down urgently (highlighted in red in **Figure 3-1**). It also recommends removing the remaining 10–15m section of parapet wall between the bridge abutments, as the supporting causeway is likely to continue eroding and may lead to future collapse (highlighted in blue in **Figure 3-1**). The stone causeway should be retained and left undisturbed where possible.

It is proposed that the parapet wall will be removed by an excavator, which would be located on the foreshore adjacent to the structure (the safest way to access the bridge). Works will occur only in dry (low tide) conditions, as it is simply not feasible, or safe, to do so during tidal state conditions that include seawater in the works area.

Material will be placed into a dumper truck and brought to the site access near the A2 Killough Road for sorting and onward transport to a licensed disposal facility. The overall programme is expected to last 5 days, with work on the foreshore expected to last 2 days. The remaining 3 days would consist of set up, sorting material for disposal and reinstatement of the area. It is expected that this work will be undertaken as soon as possible as the structure presents a significant risk to public safety.



Image 1



Image 2



Image 3

Figure 3-1: Sections to be removed



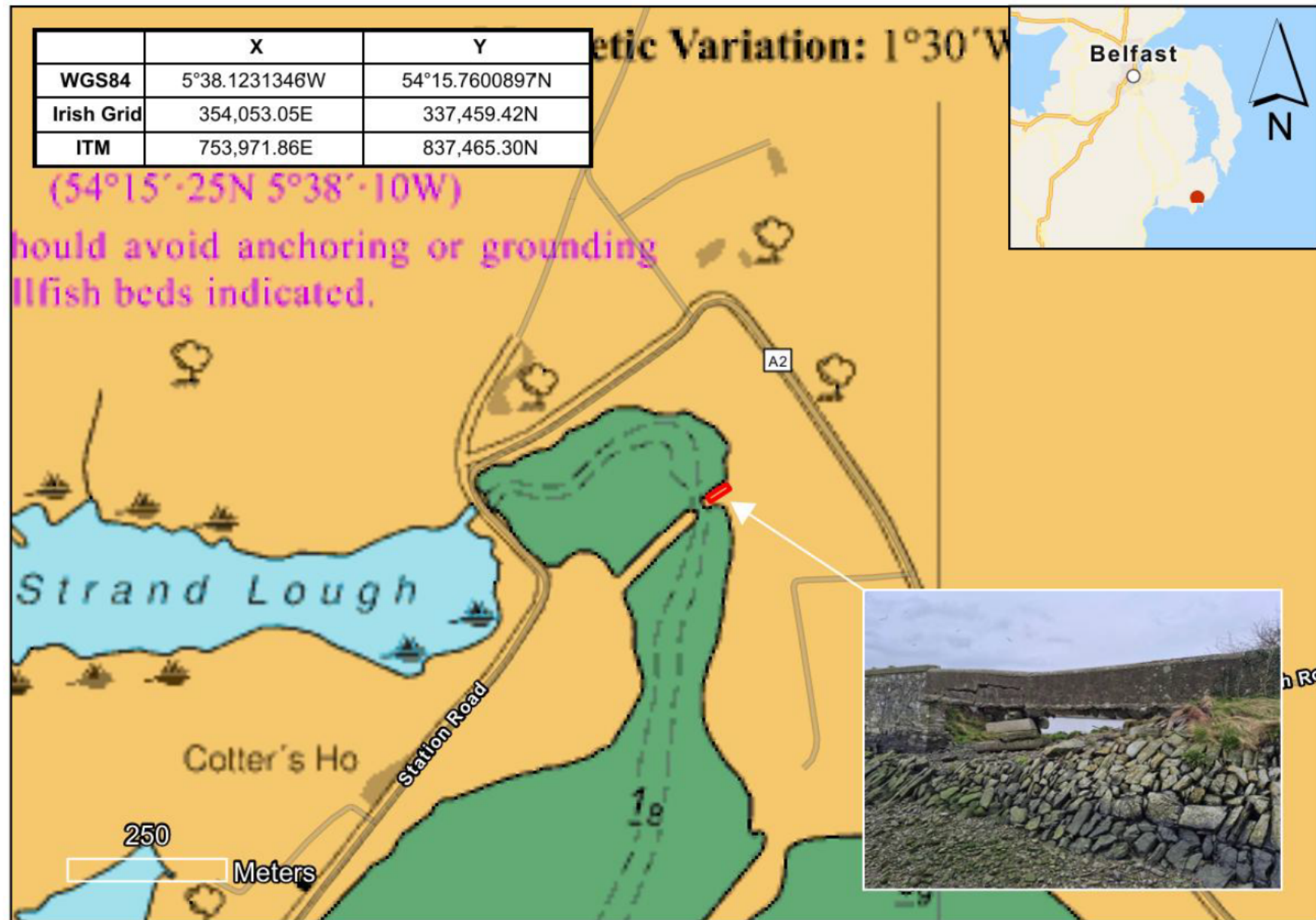


Figure 3-3: Site Location with Charts

4 Screening Appraisal for Appropriate Assessment

In accordance with the relevant legislation, this screening exercise considers only European sites. The Proposed Works must be screened against those European sites for which a pathway of effect can be reasonably established between a receptor and the source of an effect. The possibility of significant effects is considered in this report using the source-pathway-receptor model.

- ‘Source’ is defined as the individual elements of the Proposed Works that have the potential to affect the identified ecological feature (or receptor).
- ‘Pathway’ is defined as the means or route by which a source can affect the ecological feature.
- An ‘Ecological Feature’ is defined as a qualifying feature in the SPA or SAC for which conservation objectives have been set for the European sites under consideration (refer to **Table 4-1**).

Each element can exist independently however, an effect is created when there is a linkage between the source, pathway and receptor. Possible direct and indirect effects arising as a result of activities undertaken as part of the Proposed Works were discussed under the following themes:

Direct Effects

- Habitat loss and alteration (“Habitat Loss”)

Indirect Effects

- Diminution of water quality and habitat deterioration (“Habitat Deterioration”)
- Underwater noise and acoustic disturbance or displacement (“Underwater Disturbance”)
- Aerial noise and visual disturbance or displacement (“Aerial Disturbance”)

The site of the Proposed Works is located adjacent to the boundary of the Killough Bay SPA. Further European sites were identified within a 15 km radius of the Proposed Works (Note: the distances outlined in **Table 4-1** provide both the direct distance and the length of hydrological pathways).

Table 4-1 provides descriptive details of designated sites and features of natural heritage importance located within proximity to the site of the Proposed Works; or connected to it through an identifiable impact pathway. The boundary of each of these designated sites in relation to the Proposed Works is illustrated in **Figure 4-1**.

Table 4-1: European or International Sites and their Qualifying Interests within 15km of the Proposed Works

Site Code	European site	Direct Distance (Hydrological Distance)	Selection feature	Conservation Objectives	Connections (Source Pathway Receptor)	Screening Decision (In / Out)
UK9020320	East Coast (NI) Marine pSPA	4 km (7 km)	- Great Crested Grebe <i>Podiceps cristatus</i> - Red-throated Diver <i>Gavia stellata</i> - Sandwich Tern <i>Thalasseus sandvicensis</i> - Common Tern <i>Sterna hirundo</i> - Arctic Tern <i>Sterna paradisaea</i> - Manx Shearwater <i>Puffinus puffinus</i> - Eider Duck <i>Somateria mollissima</i>	- To maintain or enhance the population of the qualifying species - To maintain or enhance the range of habitats utilised by the qualifying species - To ensure that the integrity of the site is maintained; - To ensure there is no significant disturbance of the species and - To ensure that the following are maintained in the long term: - Population of the species as a viable component of the site - Distribution of the species within site - Distribution and extent of habitats supporting the species - Structure, function and supporting processes of habitats supporting the species	<u>Habitat loss</u> No habitat removal proposed within the East Coast (NI) Marine pSPA. <u>Habitat deterioration</u> 1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. This is coupled with 7 km distance between the Proposed Works and European Site, allowing for effect of dilution over distance and tidal mixing. <u>Aerial disturbance</u> 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 4 km between the Proposed Works and European Site. <u>Underwater disturbance</u> Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance occurs.	OUT
UK 9020271	Outer Ards SPA / Ramsar Site	12.5 km (17 km)	- Arctic tern <i>Sterna paradisaea</i> - Golden plover <i>Pluvialis apricaria</i> - Light-bellied brent goose <i>Branta bernicla hrota</i> - Ringed plover <i>Charadrius hiaticula</i> - Turnstone <i>Arenaria interpres</i>	- To maintain or enhance the population of the qualifying species - Fledging success sufficient to maintain or enhance population - To maintain or enhance the range of habitats utilised by the qualifying species - To ensure that the integrity of the site is maintained; - To ensure there is no significant disturbance of the species and - To ensure that the following are maintained in the long term: - Population of the species as a viable component of the site - Distribution of the species within site - Distribution and extent of habitats supporting the species - Structure, function and supporting processes of habitats supporting the species	<u>Habitat loss</u> No habitat removal proposed within the Outer Ards SPA / Ramsar Site. <u>Habitat deterioration</u> 1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. This is coupled with 17 km distance between the Proposed Works and European Site, allowing for effect of dilution over distance and tidal mixing. <u>Aerial disturbance</u> 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 12.5 km between the Proposed Works and European Site. <u>Underwater disturbance</u> Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance occurs.	OUT
UK0030399	North Channel SAC	13 km (15 km)	Harbour porpoise <i>Phocoena phocoena</i>	To ensure that the integrity of the site is maintained and that it makes the best possible contribution to maintaining Favourable Conservation Status (FCS) for Harbour Porpoise in UK waters	<u>Habitat loss</u> No habitat removal proposed within the North Channel SAC.	OUT

Site Code	European site	Direct Distance (Hydrological Distance)	Selection feature	Conservation Objectives	Connections (Source Pathway Receptor)	Screening Decision (In / Out)
				- In the context of natural change, this will be achieved by ensuring that: - Harbour porpoise is a viable component of the site; - There is no significant disturbance of the species; and - The condition of supporting habitats and processes, and the availability of prey is maintained.	Habitat deterioration 1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. This is coupled with 15 km distance between the Proposed Works and European Site, allowing for effect of dilution over distance and tidal mixing. Aerial disturbance 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 13 km between the Proposed Works and European Site. Underwater disturbance Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance occurs.	
UK9020111	Strangford Lough SPA / Ramsar Site	7 km (12 km)	- Sandwich tern <i>Sterna sandvicensis</i> - Common tern <i>Sterna hirundo</i> - Arctic tern <i>Sterna paradisaea</i> - Light-bellied brent goose <i>Branta bernicla hrota</i> - Knot <i>Calidris canutus</i> - Redshank <i>Tringa totanus</i>	- To maintain or enhance the population of the qualifying species - Fledging success sufficient to maintain or enhance population - To maintain or enhance the range of habitats utilised by the qualifying species - To ensure that the integrity of the site is maintained; - To ensure there is no significant disturbance of the species and - To ensure that the following are maintained in the long term: - Population of the species as a viable component of the site - Distribution of the species within site - Distribution and extent of habitats supporting the species - Structure, function and supporting processes of habitats supporting the species	Habitat loss No habitat removal proposed within the Strangford Lough SPA / Ramsar Site. Habitat deterioration 1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. This is coupled with 12 km distance between the Proposed Works and European Site, allowing for effect of dilution over distance and tidal mixing. Aerial disturbance 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 7 km between the Proposed Works and European Site. Underwater disturbance Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance occurs.	OUT
UK0016618	Strangford Lough SAC / Ramsar Site	7 km (12 km)	- Coastal lagoons - Large shallow inlets and bays - Annual vegetation of drift lines - Atlantic salt meadows - Mudflats and sandflats not covered by seawater at low tide	To maintain (or restore where appropriate) the - Large shallow inlet and bay - Coastal lagoons - Mudflats and sandflats not covered by sea water at low tide - Reefs - Annual vegetation of drift lines	Habitat loss No habitat removal proposed within the Strangford Lough SAC / Ramsar Site. Habitat deterioration 1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. This is coupled with 12 km distance between the Proposed	OUT

Site Code	European site	Direct Distance (Hydrological Distance)	Selection feature	Conservation Objectives	Connections (Source Pathway Receptor)	Screening Decision (In / Out)
			- Perennial vegetation of stony banks - Common seal <i>Phoca vitulina</i> - Reefs <i>Salicornia</i> and other annuals colonising mud and sand	- Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) - Perennial vegetation of stony banks <i>Salicornia</i> and other annuals colonising mud and sand - Harbour (Common) Seal <i>Phoca vitulina</i> to favourable condition.	Works and European Site, allowing for effect of dilution over distance and tidal mixing. <u>Aerial disturbance</u> 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 7 km between the Proposed Works and European Site. <u>Underwater disturbance</u> Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance occurs.	
UK0016612	Murlough Bay SAC	4.5 km (5 km)	- Atlantic decalcified fixed dunes (<i>Calluno-Ulicetea</i>) - Atlantic salt meadows (<i>Glauco-Puccinellietalia maritimae</i>) - Dunes with <i>Salix repens</i> ssp. <i>Argentea</i> (<i>Salicion arenariae</i>) - Embryonic shifting dunes - Fixed dunes with herbaceous vegetation (grey dunes) - Mudflats and sandflats not covered by sea water all the time - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) - Marsh Fritillary <i>Euphydryas Aurinia</i> - Harbour (Common) Sea <i>Phoca vitulina</i>	To maintain (or restore where appropriate) the - Atlantic decalcified fixed dunes - Atlantic salt meadows - Dunes with <i>Salix repens</i> ssp. <i>Argentea</i> - Embryonic shifting dunes - Fixed dunes with herbaceous vegetation (grey dunes) - Mudflats and sandflats not covered by seawater at low tide - Sandbanks which are slightly covered by sea water all the time - Shifting dunes along the shoreline with <i>Ammophila arenaria</i> - Marsh Fritillary - Harbour (Common) Seal to favourable condition.	<u>Habitat loss</u> No habitat removal proposed within the Murlough Bay SAC. <u>Habitat deterioration</u> 1 x excavator working 2 days on the foreshore, creating low risk of large pollutant (oil / fuel) release. This is coupled with 12 km distance between the Proposed Works and European Site, allowing for dilution. <u>Aerial disturbance</u> 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). In addition, there is a distance of 4.5 km between the Proposed Works and European Site. <u>Underwater disturbance</u> Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance is formed.	OUT
UK12012	Killough Bay SPA / Ramsar Site	Proposed working within SPA boundary	Light-bellied Brent Goose <i>Branta bernicla hrota</i>	- To maintain or enhance the population of the qualifying species - To maintain or enhance the range of habitats utilised by the qualifying species - To ensure that the integrity of the site is maintained; - To ensure there is no significant disturbance of the species and - To ensure that the following are maintained in the long term: - Population of the species as a viable component of the site	<u>Habitat loss</u> No habitat removal proposed within the Killough Bay SAC. An unsafe man-made structure would be removed from the site, which is just outside the SPA boundary. Plant would be located on the foreshore (outside times of high water) for c. 2 days, which would cause temporary disturbance of the shore immediately beside the bridge abutment but no long-term habitat loss. <u>Habitat deterioration</u>	IN Habitat deterioration Aerial disturbance

Site Code	European site	Direct Distance (Hydrological Distance)	Selection feature	Conservation Objectives	Connections (Source Pathway Receptor)	Screening Decision (In / Out)
				○ Distribution of the species within site ○ Distribution and extent of habitats supporting the species ○ Structure, function and supporting processes of habitats supporting the species • To maintain or enhance the area of natural and semi-natural habitats used or potentially usable by Feature bird species (94 ha intertidal area), subject to natural processes • Maintain the extent of main habitat components subject to natural processes • Maintain or enhance sites utilised as roosts	1 x excavator working 2 days on the foreshore, creating low risk of large-scale pollutant (oil / fuel) release. Nonetheless, and taking into account the 'standard features' described in section 2.2.3, the works are proposed directly within a wetland SPA, and an accidental spill / flooded machinery could cause pollutants to come into direct contact with SCI features and the habitat of Killough Bay SPA. Further assessment is required to ensure that likely significant effects upon the SPA can be excluded on the basis of habitat deterioration. The footprint of the structure would not be increased, and reduced in a small way which would not impact the natural processes maintaining the habitat extent in the SPA. It is possible that intertidal areas in proximity to the bridge structure are used as a high tide roost site for SCI species. With the base of the abutments being retained, and with natural circulatory patterns of sedimentation being maintained, the potential high tide roosting area for the light-bellied brent geese during winter months shall be unaffected. <u>Aerial disturbance</u> 1 x excavator working 2 days on the foreshore, with any noise most likely to be audible only locally (breaking of mortar and material being placed into dumper). With the noise associated with the Proposed Works likely to be above the typical baseline for the area and nearby SCI feature of the SPA, further assessment is required to ensure that likely significant effects upon the SPA can be excluded based on significant aerial disturbance. <u>Underwater disturbance</u> Works will take place in the dry (i.e. outside times of high water) and therefore no pathway for underwater noise disturbance is formed.	

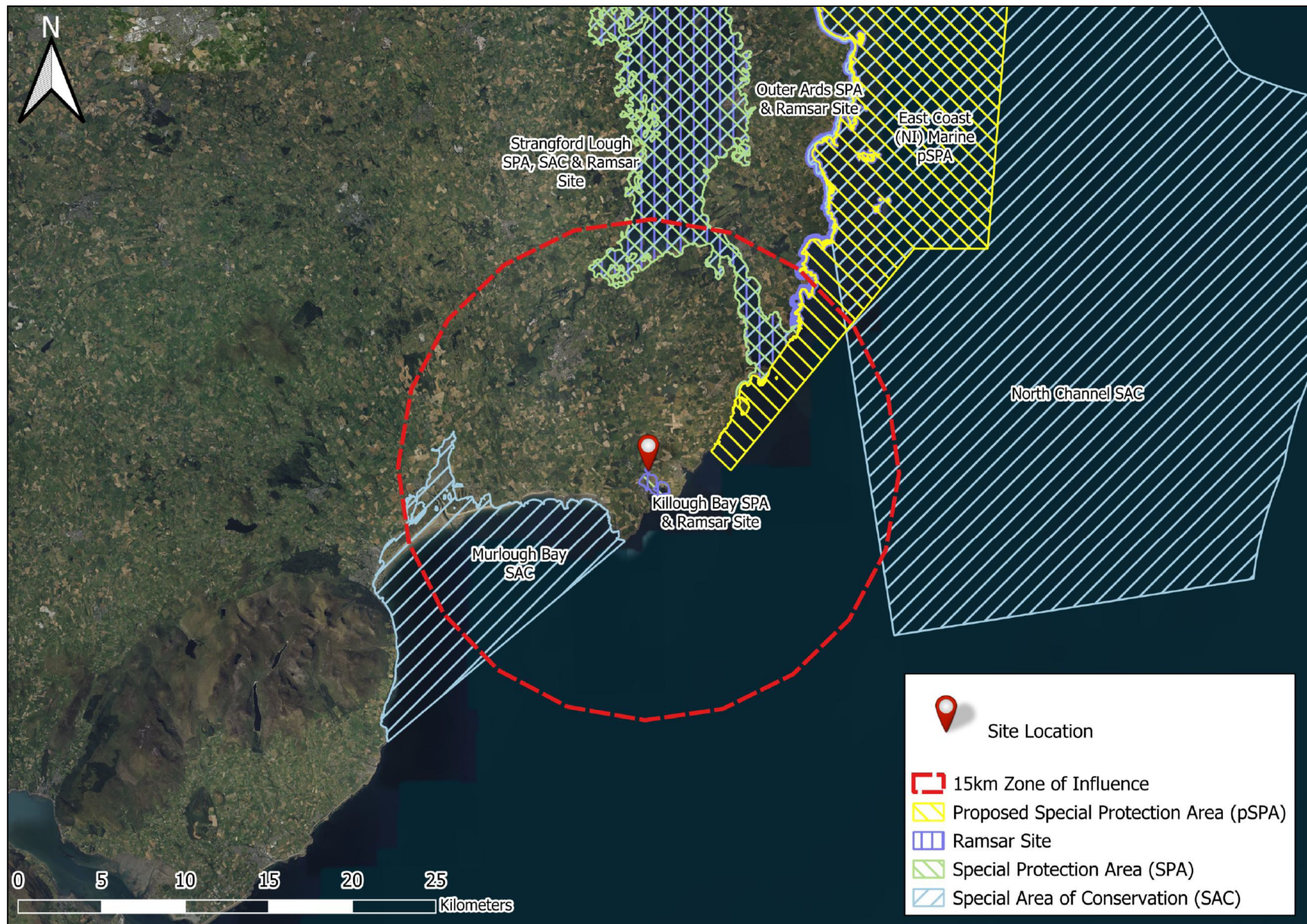


Figure 4-1: Zone of Influence and European Sites

4.1 In-combination with Other Plans and Projects

Article 6(3) of the Habitats Directive requires that in-combination effects with other plans or projects are also considered. As set out in the Commission's 2018 Notice (EC, 2019), significance will vary depending on factors such as magnitude of impact, type, extent, duration, intensity, timing, probability, cumulative effects and the vulnerability of the habitats and species concerned. The significance of any identified combined effects of the Proposed Works and other past, present or reasonably foreseeable future plans or projects must be evaluated.

In that context, plans or projects which are completed, approved but uncompleted, or proposed have been considered. EC (2019) specifically advises that *"as regards other proposed plans or projects, on grounds of legal certainty it would seem appropriate to restrict the in-combination provision to those which have been actually proposed, i.e., for which an application for approval or consent has been introduced"*.

On the basis of advice contained in EC (2019), relevant Local Development Plans (LDPs) were considered in terms of their potential to have in-combination effects with the Proposed Works. The relevant LDP for the area is Newry, Mourne and Down District Council Local Development Plan 2025².

In addition, the NI Planning Portal was searched for local projects approved or pending that could potentially give rise to in-combination effects; it was determined that there are no other relevant projects in the area that could lead to in-combination effects, with most projects being determined and constructed. Similarly, the DAERA Marine Licencing Public Register was searched for local projects and identified one application for Capital Dredging in Ardglass Harbour which was issued in 2013. Given the spatial and temporal separation of these projects from the project site and the indicated scale and nature of the applicant projects when the effects of the proposed works are considered in-combination, there is no pathway of additive effect for significant cumulative or in-combination effects which can be considered to significantly affect the qualifying interests or conservation objectives of the European sites being assessed.

The Newry, Mourne and Down District LDP was reviewed and considered in terms of its potential to result in in-combination effects likely to have a significant effect on any European site. An Appropriate Assessment of the impacts of the LDP on European sites was carried out, including Killough Bay SPA. The Appropriate Assessment has concluded that the LDP would not adversely affect the integrity of any of the European sites considered.

When the effects of the proposed works are considered in-combination, there is no pathway of additive effect for significant cumulative or in-combination effects which can be considered to significantly affect the qualifying interests or conservation objectives of the European sites being assessed.

It is considered that no other plans or projects lie within proximity to the proposed works or have potential to give rise to significant in-combination effects with the proposed works.

²[Draft Plan Strategy](#)

4.2 Summary of the Screening Appraisal

The stage one screening appraisal was completed in compliance with EU and Northern Irish law and the relevant European Commission and national guidelines as set out at Section 2 of this report, and on the Proposed Works as described at Section 3 of the report to determine whether or not Likely Significant Effects on any European site could be excluded as a result of the Proposed Works. The potential impacts of the Proposed Works have been considered in the context of the European Sites identified in Section 4, their Qualifying Interests and Special Conservation Interests and any conservation objectives which have been set.

From the findings of the Screening exercise, it is concluded that the Proposed Works:

- Are not directly connected with or necessary to the management of any European site;
- Will not give rise to potentially significant effects on the qualifying features of all European Sites as a result of habitat loss;
- Will not give rise to potentially significant effects on the qualifying features of all European Sites as a result of underwater noise or disturbance;
- May give rise to potentially significant effects on the qualifying features of Killough Bay SPA as a result of airborne noise or disturbance;
- May give rise to potentially significant effects on the qualifying features of Killough Bay SPA as a result of habitat deterioration.
- Will not give rise to potential in-combination or cumulative effects with the other projects considered.

Having regard to the methodology employed and the findings of this screening exercise, it has been concluded that Stage 2 Appraisal for Appropriate Assessment (a stage 2 HRA) is required to be undertaken in relation to the identified potential likely significant effects upon the Killough Bay SPA.

5 Stage 2 Appropriate Assessment

The screening stage appraisal concluded that an appropriate assessment of the implications of the proposed works on the following European sites was required in view of their conservation objectives, and in applying the precautionary principle to the appraisal for appropriate assessment of potential impacts on the SCI (wintering light-bellied brent geese) of Killough Bay SPA associated with:

- Water Quality and Habitat Deterioration
- Airborne Noise and Disturbance

The 2018 Commission Notice (EC, 2019) advises that the purpose of the appropriate assessment is to assess the implications of the project in respect of the site's conservation objectives, either individually or in combination with other plans or projects, drawing conclusions to enable the competent authorities to ascertain whether the project will adversely affect the integrity of the sites concerned, where no reasonable scientific doubt remains as to the absence of such effects. Case law confirms that such an assessment must identify all the aspects of the project which can, either individually or in combination with other plans or projects, affect the conservation objectives of the sites concerned in the light of the best scientific knowledge in the field.

EC (2019) advises that an appropriate assessment should:

- include a comprehensive identification of all the potential effects of the project likely to be significant on the sites concerned;
- take into account cumulative and other effects likely to arise as a result of the combined action of the project under assessment with other plans or projects;
- apply the best available techniques and methods to assess the extent of the effects of the project on the integrity of the sites concerned;
- describe the assessment on the site's integrity based on the best possible indicators specific to the qualifying interests of the European site;
- be sufficiently detailed to demonstrate how the final conclusion was reached, and on what scientific grounds.

The competent authorities, in carrying out an appropriate assessment under Regulation 43 are obliged to make a determination as to whether or not the Proposed Works would adversely affect the integrity of the relevant European site or sites in view of the relevant conservation objectives.

5.1 Killough Bay SPA

5.1.1 Water Quality and Habitat Deterioration

The Stage 1 screening appraisal presented in Section 4 above concluded that, in the absence of mitigation, uncertainty remains as to the risk that may arise from the inadvertent release of pollutants and as a result of the proposed works in relation to the conservation objectives set for supporting habitats within the SPA. In the absence of certainty, the precautionary principle is engaged and as such, on a precautionary basis, likely significant effects cannot be excluded. Mitigation is required to manage the potential risk of accidental pollution, preventing the maintenance of the conservation objectives for supporting habitats of wintering waterfowl in the SPA and as a consequence, resulting in adverse effects upon the integrity of the site.

The proposed marine works will take approximately 2 days to complete. Any minor and temporary impacts associated with the unmitigated and accidental release of chemicals (petrochemicals) or sediments into the intertidal or marine environment, given the small scale of the proposed works, would be highly likely to be diluted and distributed to background levels, due to the large volumes of water arising via the tidal exchange within the bay within a short number of tidal cycles if not within

a single tidal cycle. However, there is potential for wintering bird features of the SPA to be located immediately adjacent to the working area and directly impacted by poor water quality before dilution.

On this basis, without basic mitigation, there is potential for a likely significant effect upon the supported populations of SCI wintering waterbirds arising through water quality and habitat deterioration effects. Mitigation to prevent significant adverse effects upon the SCI in Killough Bay SPA is outlined in Section 5.2.

As mentioned in **Table 4-1**, there is no change in the footprint and general character of the structure compared to the baseline. As such, no changes to physical processes within the SPA habitat are expected as a result of the works, and therefore the following conservation objectives of this SPA would not be compromised in relation to natural processes:

- Maintain the area of natural and semi-natural habitats used by notified species, within the SPA, subject to natural processes.
- Maintain the extent of main habitat components subject to natural processes;
- Maintain all locations of roost sites.

5.1.2 Aerial Disturbance

Likely significant effects as a result of aerial noise and visual disturbance associated with the proposed works, upon qualifying features of the Killough Bay SPA, also could not be excluded at the screening stage.

The Killough Bay SPA is designated for the supported populations of light-bellied brent geese. These species are known to be susceptible to aerial noise or visual disturbance impacts including through abandonment of foraging habitats which, if disturbance is regular or prolonged, can give rise to a functional loss of habitat in the context of the SPA.

A suite of publicly available bird data dated back to 2001 is available online for Killough Bay SPA. Low tide counts undertaken of Killough Bay to date have recorded use by low numbers of light-bellied brent geese at the upper reaches of the Killough Bay SPA, suggesting the main bay and mudflats to the south are the favoured foraging ground of the species³. In addition, DAERA's citation document for Killough Bay SPA states that the use of the bay during high water is low by light-bellied brent geese⁴.

The proposed works will involve activities emitting aerial noise associated with the movement of a single excavator and dumper, in proximity to the upper reaches of Killough Bay SPA. As set out above, areas of intertidal mud in proximity to the proposed works are known to support occasional low numbers of SCI species and function as foraging habitat for these species.

Given the findings of bird surveys undertaken of the coastline and adjacent areas of intertidal and marine habitat, with a particular focus on areas within the confined footprint of proposed works and it's very short nature (2 days), it is considered that the proposed works would have potential to give rise to temporary aerial disturbance and displacement of only small numbers of SCI birds, should works take place within the winter period as the applicant plans to progress urgently due to health and safety concerns as described in Section 3. Furthermore, the activities which have potential to cause the most disturbance from noise (crushing of material before transport) are to be located c. 50m away from the foreshore near the A2 Killough Road. Noise levels generated by the proposed activities will be similar to those associated with agriculture activities on adjoining land and indeed traffic on the A2 Killough Road.

³ [BTO WeBS Reports](#)

⁴ [Killough Bay SPA Conservation Objectives 2015](#)

Given the availability of similar intertidal habitat around Killough Bay and the wider mudflats to the south, it is considered that any disturbance and associated temporary displacement of small numbers of SCI birds would have only minor and temporary displacement effects which would not constitute an adverse effect upon the integrity of the site when tested against the conservation objectives set for the site.

On the basis of the above, it is considered that the proposed works would not have the potential to give rise to an adverse effect upon the integrity of the Killough Bay SPA, including SCI bird populations, through aerial noise or visual disturbance arising as a result of the proposed works and no mitigation is required.

5.2 Mitigation Measures

5.2.1 Pollution Prevention

As mentioned in Section 5.1.1, the risk of significant water quality impacts associated with the use of machinery (for example leakages/spillages of fuels and oils) on the foreshore for a two-day duration is very low. Nonetheless, it will be controlled through the 'standard features' described in section 2.2.3 along with good site management and adherence to codes and practices which limit the risk to within acceptable levels.

The following measures will be implemented to minimise the risk of impacting on water quality within the receiving environment of Killough Bay SPA:

- A project-specific Pollution Incident Response Plan is to be prepared by the contractor in accordance with GPP 21 Pollution Incident Response Planning.
- A spill kit and drip trays are to be available on site.

6 Conclusion of Appropriate Assessment

Tetra Tech has conducted a Stage 1 and Stage 2 Habitats Regulations Assessment on behalf of McConnell Property Ltd and prepared a RISAA incorporating mitigation measures where necessary.

Having regard to the relevant legislation and methodology, a Stage 1 Screening appraisal was completed assessing whether or not the proposed works are likely to have a significant effect on the European sites listed in [Table 4-1](#).

Likely Significant Effects as a result of accidental pollution and visual and aerial disturbance interacting with SCI of Killough Bay SPA could not be excluded at the screening stage.

A subsequent Stage 2 appraisal of the implications of the proposed works permitted the introduction of mitigation measures in accordance with European Commission and national guidance, and prevailing case law on appropriate assessment.

A more detailed appraisal using publicly available survey data of light-bellied brent geese in Killough Bay, coupled with consideration of the short duration, location and urgent nature of the proposed works, determined no adverse effects would occur upon the SCI features of the Killough Bay SPA. Therefore, no mitigation in relation to disturbance is required.

Regarding water quality and habitat deterioration in Killough Bay SPA, having applied 'standard features' and mitigation measures to manage and reduce the risk of accidental pollution, there will be no adverse effects upon the integrity of any of the European sites concerned, and no scientific doubt remains as to the absence of such effects.

