

# Appropriate Assessment Screening Report

Proposed Variation No. 1 to Limerick Development Plan 2022 – 2028  
to provide clarification of text in Chapter 7 regarding access to  
substandard roads

Limerick City and County Council  
Forward Planning  
Economic Development and Enterprise Directorate  
Merchants Quay  
Limerick

**18<sup>th</sup> March 2023**



Comhairle Cathrach  
& Contae **Luimnigh**

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**Limerick** City  
& County Council



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## 1.0 Appropriate Assessment Screening

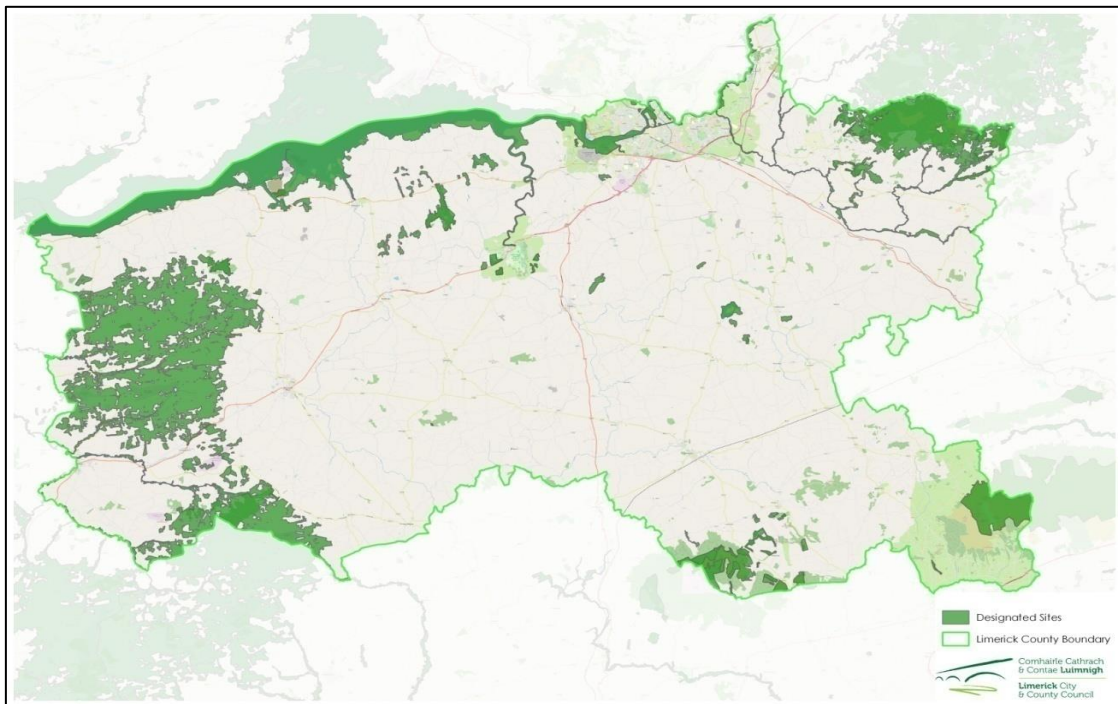
### 1.1 Introduction

This is an Appropriate Assessment Screening of Proposed Variation No. 1 to the Limerick Development Plan 2022 – 2028, in accordance with the requirements of Article 6(3) of the EU Habitats Directive (92/43/EEC).

This Proposed Variation needs to be screened for ‘Appropriate Assessment’. Based on the *Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*, a ‘Screening Matrix’ and a ‘Finding of No Significant Effects Matrix’ have been completed. The conclusions were that the Proposed Variation **did not require** an Appropriate Assessment.

The principal consideration for an Appropriate Assessment would be if the Proposed Variation to the Development Plan were likely to have significant effects on a Natura 2000 site – Special Areas of Conservation and Special Protection Areas (SAC’s and SPA’s) are Natura 2000 sites.

The extent of SAC and SPA and NHA sites are shown on the Map below. In many cases NHA sites were the precursor to later SAC designations, this is the case for the Lower River Shannon SAC site.



**Figure 1:** Designated sites within Limerick City and County, including Special Areas of Conservation, Special Protection Areas and Natural Heritage Areas

## 1.2 Reason for the Proposed Variation

This screening document is prepared following the decision to amend the text of a policy and an objective of the Limerick Development Plan, in relation to development on substandard roads. The reason for the proposed variation is to provide greater clarity in relation to the types of development to be permitted on substandard roads. The policy and objective are in Chapter 7 of the Plan (Sustainable Mobility and Transport) and are Policy TRP 11 and Objective TRP 07. The suggested text for the plan follows below. The ~~red text with strike through~~ shows text that is being removed. The green text shows text that is being included.

### Proposed text changes to Section 7.9, Protection of Road Hierarchy:

*The road network also plays a vital part of Limerick’s transport infrastructure to support economic development as well as for social journeys. Proper management of use, maintenance of roads and improvements to the network is vital. A hierarchy of roads exist in Limerick, including sections of motorway, national roads, regional roads, local roads and urban roadways. There has been significant investment in road infrastructure and therefore it is important to protect and maintain the carrying capacity of the road network within Limerick.*

#### *Policy TR P11 Road Safety and Carrying Capacity of the Road Network*

~~*It is a policy of the Council to seek improvements to road safety and enhance carrying capacity of the road network throughout Limerick, through minimising existing traffic hazards, including access onto roads, which are substandard in terms of width and alignment and preventing the creation of additional or new traffic hazards in the road network, maintaining the carrying capacity and securing appropriate signage.*~~ *It is a policy of the Council to safeguard the carrying capacity and safety of the road network throughout Limerick.*

*In implementing the above policy, the Council will have regard to the following objectives:*

#### *Objective TR O37 Land Uses and Access Standards ~~onto All Roads~~*

*It is an objective of the Council to*

*(a) ensure that any development involving a new access to a public road, or the intensification of use of an existing access onto a public road, ~~that would compromise the~~*

~~safety and capacity of the road network, will not be permitted unless the new or existing access~~ meets the appropriate design and safety standards.

(b) Ensure that on roads that are sub-standard, either in terms of their width, (less than 3m), alignment, surface condition or junction with the nearest main road, development will only be considered in exceptional circumstances. This includes applicants who have a demonstrable social need to live on the particular road, where no alternative site is available, or where the only alternative access available is onto a strategic regional road as designated in the Development Plan.

### 1.3 Legislation and Appropriate Assessment Procedure

An Appropriate Assessment is undertaken to establish if any proposed plan or project is likely to have a significant effect or impact on any site that has been designated under the E.U. Habitats Directive (92/43/EEC) i.e., SAC; or the E.U. Birds Directive (79/409/EEC as amended 2009/147/EC) i.e., SPA. Collectively, SAC's and SPA's are known as Natura 2000 sites. The need to undertake one or more stages of this process has arisen from Articles 6(3) and 6(4) of the aforementioned Habitats Directive; where the former Article is primarily concerned with the protection of sites from likely significant effects and the latter allows derogation from such protection in very specific circumstances involving imperative reasons of overriding public interest.

Article 6(3) of the Habitats Directive requires 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. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

And Article 6(4) of the Habitats Directive requires that:

“If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of

Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted.”

In Stage 1, a screening process is undertaken to identify likely significant effects on a Natura 2000 site that are likely to arise from the project or plan in question. If significant effects are likely to occur or if it is unclear whether significant effects are likely to occur, then the process moves on to Stage 2 where an AA considers potential mitigation measures for adverse effects. If it is considered that mitigation measures will not be able to satisfactorily reduce potential adverse effects on a Natura 2000 site then an assessment of alternative solutions is considered in Stage 3. This is then followed by Stage 4 in the event that adverse effects remain and the proposed activity or development is deemed to be of Imperative Reasons of Overriding Public Interest (IROPI), allowing an assessment of compensatory measures to be considered. The outcome of a Stage 2 and higher assessment is presented in a report known as a Natura Impact Statement (NIS). While an AA NIS is provided by the advocate of the plan or project in question, the AA NIS itself is undertaken by the competent authority. In this situation the process ends at screening as no significant effects on the integrity of the Natura 2000 network was identified.

## 2.0 Screening Matrix

The text of the proposed Variation is shown in Section 1.1 above. The possible effects of the proposed Variation are assessed in the matrix below.

| <b>Identification of Natura 2000 sites in Limerick:</b> |
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| There are eleven SAC sites in Limerick: |
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| <ul style="list-style-type: none"><li>- Askeaton Fen Complex SAC (002279);</li><li>- Ballyhoura Mountains SAC (002036);</li><li>- Barrigone SAC (000432);</li><li>- Blackwater River (Cork/Waterford) SAC (002170);</li><li>- Carrigeenamronety Hill SAC (002037);</li><li>- Clare Glen SAC (000930);</li><li>- Curraghchase Woods SAC (000174);</li><li>- Galtee Mountains SAC (000646);</li><li>- Glen Bog SAC (001430);</li><li>- Glenstal Wood SAC (001432);</li><li>- Lower River Shannon SAC site (002165).</li></ul> |
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| There are three Special Protection Areas in Limerick. |
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| <ul style="list-style-type: none"><li>- River Shannon and River Fergus Estuaries SPA (004077);</li></ul> |
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- Slievefelim to Silvermines Mountains SPA (004165);
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161).

Of the sites listed above, there are two SAC sites (Lower River Shannon and Askeaton Fen Complex) and two SPA sites -Slievefelim to Silvermines Mountains and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle, which are most likely to occur in the areas where some applications for permission associated with the variation might occur.

**Describe the individual elements of the plan (either alone or in combination with other plans or projects) likely to give rise to impacts on the Natura 2000 site:**

The main way in which ex-situ impacts could be created is through pollution that would affect water quality in the Lower River Shannon SAC site and the Askeaton Fen Complex. In the latter situation any pollution discharges to ground water would have direct effects on habitat quality in the fen. However as indicated above the control measures that are in place both through the Code of Practice for Domestic Waste Water Treatment System 2021 (EPA) and Chapter 11 of the plan including Table DM5 where ecological issues are mentioned, it is considered that sufficient safeguards are in place to prevent this.

In the case of the Hen Harrier SPAs (Slievefelim to Silvermines Mountains and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle) a 2009 Circular from the NPWS stated that rural one off housing did not pose a risk to the hen harrier. In the case of the River Shannon and River Fergus Estuaries SPA, the wildfowl would be associated with the main river channel and associated habitats for the most part and would be at a distance from the road work which would minimise any possible disturbance effects.

In the normal course of events, even when wildfowl dispersed from the River Shannon and Fergus Estuary SPA, they tend to use agricultural grassland. Much of this is at a distance from the roadway beside which any potential applications are likely to be located, thereby minimising possible disturbance effects.

**Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:**

- **Size and scale:**

This is limited, with a maximum of approximately 30 applications dispersed throughout the county per year. Many of these would be located outside the Natura 2000 network on agricultural improved grassland which would be of limited ecological importance. This is because substandard roads exist throughout the county and not just in or near Natura 2000 sites.



- **Land-take:**

See above. It is not anticipated that any land take would take place inside the SAC sites. There is the possibility of some land take with the larger Hen Harrier SPAs, but this would be both close to the roads and generally in agriculturally improved grassland which would diminish the ecological effects of any such developments. It is also worth recalling the 2009 Circular from the NPWS which stated that the rural one off housing did not pose a risk to the hen harrier.

- **Distance from Natura 2000 site or key features of the site:**

See above. It is considered that some potential applications would take place within Hen Harrier SPAs.

- **Resource requirements (water abstraction etc.):**

None anticipated.

- **Emission (disposal to land, water or air):**

Emissions from treatment systems could create pollution that would affect water quality in ground water and then to designated sites. In this situation any pollution discharges to ground water would have direct effects on habitat quality in hydrological features such as springs and fens. However because of control measures that are in place, both through the Code of Practice for Domestic Waste Water Treatment System 2021 (EPA) and Chapter 11 of the plan, including Table DM5 where ecological issues are mentioned, it is considered that sufficient safeguards are in place to prevent this. The control of possible emissions to ground and surface through the application of the 2021 EPA guidance on individual waste water treatment systems reduces the possibility of effects and effectively removes issues of ex-situ or downstream effects. Should the site not pass the minimum requirement for the use of such systems it will not be considered for permission. This will also have the effects of removing issues of transboundary effects (e.g. with neighbouring counties).

There are no trans-boundary effects. The potential scale of development associated with the variation will be limited to one off rural development which are not likely to create effects beyond the functional area of the local authority. The use of the Limerick Ground Water Protection Scheme Guidance (GWPSG) reduces the possibility of transboundary effects as it discourages possible cumulative effects, through concentration of development. This might lead to local pollution concentrations which through diffusion through ground and surface water, could have effects beyond their area. However the regulatory framework in place with the Ground Water Protection Scheme Guidance reduces the possibility of this occurring.

- **Excavation requirements:**

Any excavation which may be permitted under the scope of the varied plan will take place within the development site boundaries that are sufficiently distant from sensitive parts of designated sites. Such excavation would be both close to the roads and generally in agriculturally improved grassland which would diminish the ecological effects of any such excavation works.

- **Transportation requirements:**

The transport of any material associated with permissions granted as a result of the proposed variation would be along public roads. Though some of these might be substandard they would be part of the public road network and not of ecological value.

- **Duration of construction, operation, decommissioning, etc.:**

Construction of one off rural housing developments would generally take 12 months. Their use could be for a period of 40 years but as outlined above since they would be located close to roads their effects would be limited as they would be in areas of generally improved grassland and already subject to human disturbance. The issue of run off to ground water would be addressed through implementation of the 2021 EPA guidance document. The Limerick Ground Water Protection Scheme guidance and the presence of ground water vulnerability mapping are further tools in helping ensure site suitability for the individual waste water treatment systems. This further reduces the chances of pollution occurring as site selection is informed by these factors from the outset.

- **Other:**

None

**Describe any likely changes to the site arising as a result of :**

- **reduction of habitat area:**

Not regarded as significant, as there are a limited number of applications involved, which would be widely distributed throughout the County. In addition they would be located close to roads so their effects would be limited as they would be in areas that are generally improved grassland and already subject to human disturbance limiting their ecological potential. The content of the NPWS 2009 Circular, in relation to the hen harrier and one off rural development should also be borne in mind, as it considers that such housing applications are not a threat to the ecology of the hen harrier.

- **disturbance to key species:**

See point immediately above- as such applications would generally be located close to the roads and be limited in number they would be located in areas already subject to human traffic and disturbance. Any additional disturbance from potential one off developments is not regarded as significant.

- **habitat or species fragmentation:**

No significant effects as outlined above. The amount of applications will be limited and widely dispersed, limiting any potential fragmentation effects. Such applications are generally located close to public roadways, which are a potential source of disturbance rather than in midst of Natura 2000 sites. This further minimises their potential for habitat fragmentation.

- **reduction in species density:**

The limited number of applications and the control measures mentioned above means that it is not anticipated to have effects on density of the specific species for which the designations have been put in place.

- **changes in key indicators of conservation value:**

No projects giving rise to significant adverse changes in key indicators of conservation value for Natura 2000 sites are likely given that policies are in place to control possible ex-situ effects and the absence of Natura sites within the plan boundaries.

- **climate change:**

No significant effects anticipated.

**Describe any likely impacts on the Natura 2000 site as a whole in terms of:**

- **interference with the key relationships that define the structure of the site:**

None-see above regarding limited number of applications and their locations within improved grassland and close to the roadways, areas of limited ecological importance which would diminish effects.

- **interference with key relationships that define the function of the site:**

See above in relation to control measures relating to water quality for those sites which are dependent on water quality. With limited numbers of applications it is not considered that there will be significant effects, particularly in the case of the hen harrier SPAs.

**Provide indicators of significance as a result of the identification of effects set out above in terms of:**

- **loss:**

Not applicable.

- **Fragmentation:**

Not applicable.

- **Disruption:**

Not applicable.

- **Disturbance:**

Not applicable.

- **change to key elements of the site (e.g. water quality etc.):**

The requirements of the EPA 2021 guidelines will also have to be adhered to which will ensure that effects on ground water in particular are minimised. Appendix E of this guidance - Groundwater Protection Responses - when applied in conjunction with the Limerick Ground Water Protection Scheme reduces the possibility of cumulative effects.

**Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.**

Not applicable.

## 2.1 Finding of No Significant Effects Matrix

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| <b>Name of Project or Plan:</b>                | Proposed Variation No. 1 to the Limerick Development Plan 2022 -2028, which consists of a clarification to text concerning access to substandard roads for one off rural housing development.  |
| <b>Name and location of Natura 2000 sites:</b> | There are eleven SAC sites in Limerick, as follows: <ul style="list-style-type: none"> <li>- Askeaton Fen Complex SAC (002279);</li> <li>- Ballyhoura Mountains SAC (002036);</li> <li>- Barrigone SAC (000432);</li> <li>- Blackwater River (Cork/Waterford) SAC (002170);</li> </ul> |

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|   | <ul style="list-style-type: none"> <li>- Carrigeenamronety Hill SAC (002037);</li> <li>- Clare Glen SAC (000930);</li> <li>- Curraghchase Woods SAC (000174);</li> <li>- Galtee Mountains SAC (000646);</li> <li>- Glen Bog SAC (001430);</li> <li>- Glenstal Wood SAC (001432);</li> <li>- Lower River Shannon SAC site (002165).</li> </ul> <p>There are three Special Protection Areas in Limerick as follows:</p> <ul style="list-style-type: none"> <li>- River Shannon and River Fergus Estuaries SPA (004077);</li> <li>- Slievefelim to Silvermines Mountains SPA (004165);</li> <li>- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA (004161).</li> </ul> <p>Of the sites listed above, there are two SAC sites (Lower River Shannon and Askeaton Fen Complex) and two SPA sites - Slievefelim to Silvermines Mountains and Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle, which are most likely to occur in the areas where some applications for permission associated with the variation might occur.</p> |
| <b>Description of the Project or Plan</b>   | As given in Screening Matrix above.  |
| <b>Is the Project or Plan directly connected with or necessary to the management of the site (provide details)?</b>                     | No.  |
| <b>Are there other projects or plans that together with the project of plan being assessed could affect the site (provide details)?</b> | The LDP has been formulated to ensure that the uses, developments and effects arising from proposals and/or permissions based upon the policies and objectives of the Plan (either individually or in combination with other plans or projects) will not give rise to significant adverse  |

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|   | <p>impacts on the integrity of Natura 2000 sites, having regard to their conservation objectives.</p> <p>These concerns are also reflected in the Regional Spatial and Economic Strategy for the Southern Region which informs the plan.</p>   |
| <p><b>The Assessment of Significance of Effects</b></p>   |  |
| <p><b>Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 sites:</b></p> | <p>Run off from treatment systems could create pollution that would affect water quality in ground water and thence to designated sites. In this situation any pollution discharges to ground water would have direct effects on habitat quality in hydrological features such as springs and fens. However because of control measures that are in place, both through the Code of Practice for Domestic Waste Water Treatment System 2021 (EPA) and Chapter 11 of the plan, including Table DM5 where ecological issues are mentioned, it is considered that sufficient safeguards are in place to prevent this.</p>   |
| <p><b>Explain why these effects are not considered significant:</b></p>   | <p>Because of the limited number of applications, approximately 30 per annum, widely dispersed throughout the county. Not all of these will be within Natura 2000 site areas, with a limited number occurring in these areas. There are also the control measures of the 2021 EPA waste guidance and the 2009 Circular from the NPWS, which concludes that one off housing is not going to have an effect on the ecology of the hen harrier.</p> <p>There are no trans-boundary effects. The potential scale of development associated with the proposed Variation will be limited to one off rural development which are not likely to create effects beyond the functional area of the local authority. The use of the Limerick Ground Water Protection Scheme Guidance (GWPSG) reduces the possibility of transboundary effects as it discourages possible cumulative effects, through concentration of development. This might lead to local pollution</p> |

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|   | <p>concentrations which through diffusion through ground and surface water, could have effects beyond their area.</p> <p>However the regulatory framework in place with the Groundwater Protection Scheme Guidance reduces the possibility of this occurring. The presence of ground water vulnerability mapping is a further tool in helping ensure site suitability for the individual waste water treatment systems. This further reduces the chances of pollution occurring as site selection is informed by these factors from the outset.</p> |                                      |  |
| <b>List of Agencies Consulted: Provide contact name and telephone or email address:</b> | <p>AA Screening Reports were sent to:<br/>The Manager, Development Applications Unit<br/>Newtown Road, Wexford.</p> <p>(T: 053 9117382 )</p>  |                                      |  |
| <b>Response to consultation</b>   | Awaited.  |                                      |  |
| <b>Data Collected to Carry out the Assessment</b>                                       |   |                                      |  |
| <b>Who carried out the Assessment?</b>  | <b>Sources of Data</b>  | <b>Level of assessment Completed</b> | <b>Where can the full results of the assessment be accessed and viewed</b> |
| Heritage Officer,<br>Forward Planning Section,<br>Limerick City and County Council.     | Existing NPWS Site Synopses<br><br>Discussions with Council Planning and Environmental Staff.<br><br>Site visits during plan variation preparation process.   | Desktop study, site visits           | With plan documentation on request.  |

