

Appropriate Assessment Screening Determination

under Section 177V of the Planning and Development Act 2000, as amended,
for the
Patrickswell Local Area Plan 2024-2030 – Material Alterations

In order to comply with the requirements of Section 177V of the Planning and Development Act 2000, as amended, and pursuant to Article 6(3) of the Habitats Directive as to whether or not a plan or project would adversely affect the integrity of any European site(s), this Appropriate Assessment determination is being made by Limerick City and County Council relating to the potential for the proposed Material Alterations for the Draft Patrickswell Local Area Plan 2024-2030 to have any likely significant effects on any European Sites.

Following guidelines ^{1,2}, a Zone of Influence was applied to the Plan Area and all Natura 2000 sites within that Zone of Influence were identified. A Zone of Influence of 15km was utilized and all sites with a hydrological connection were also identified.

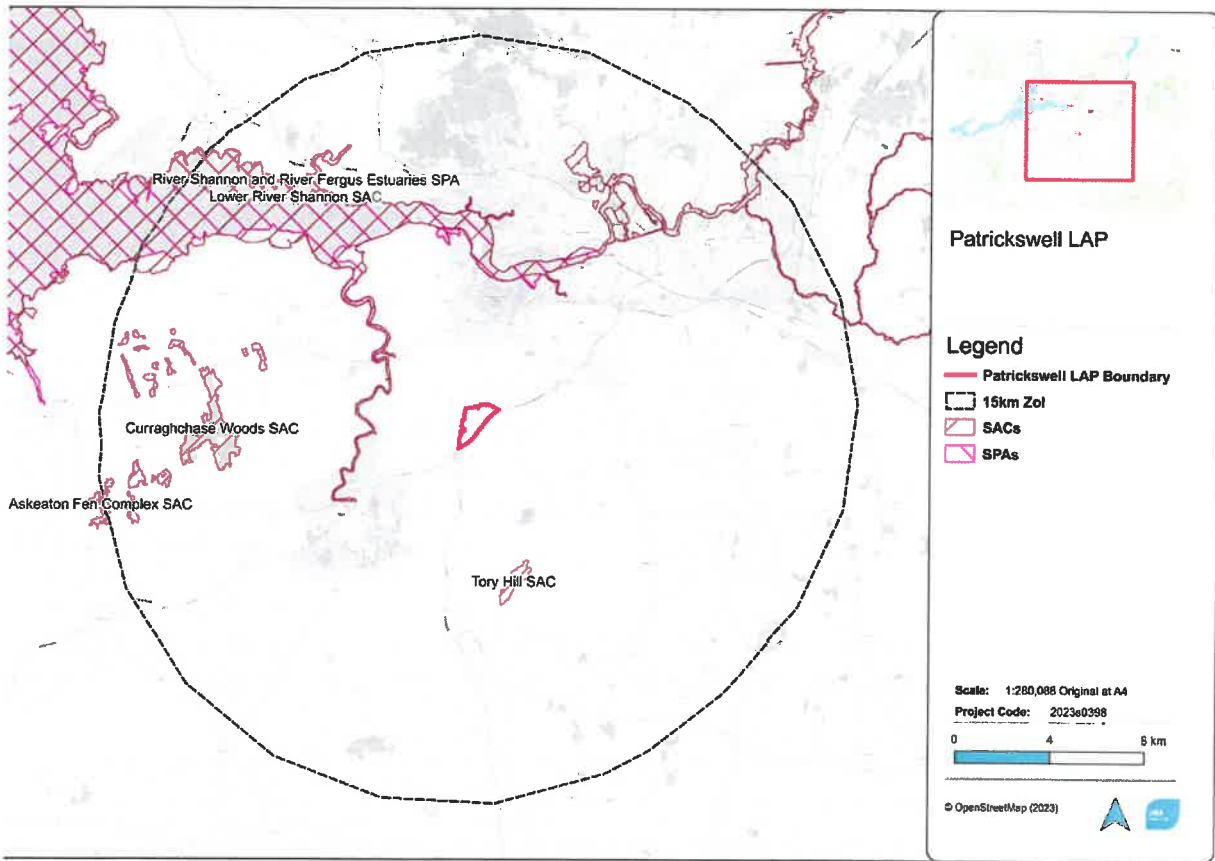


Figure 1: Natura 2000 sites within 15km of the site boundary

The LAP area does not overlap with any Natura 2000 Sites. Table 1 illustrates the distance from each of the Natura 2000 sites within the 15km Zone of influence, and indicates whether a hydrological connection is present. The briefs and qualifying interests of all Natura Sites were reviewed during the assessment process. Both the Lower River Shannon SAC and the River Shannon and River Fergus

¹ O.P.R., “OPR Practice Note PN01 - Appropriate Assessment Screening for Development Management’, Office of Public Regulators” 2021.

² DoEHLG, “Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities., Department of the Environment, Heritage and Local Government,” 2009, rev 2010.

Estuaries SPA were identified as having a hydrological connection to the area covered by the Local Area Plan via the Barnakyle River.

Table 1: All Natura 2000 sites within the Zone of Influence with direct and hydrological distances.

Natura 2000 site	Site Code	Approximate direct distance from site	Approximate hydrological distance from site
Lower River Shannon SAC	002165	3.2km	6.8km
River Shannon and River Fergus Estuaries SPA	004077	3.7km	7.4km
Tory Hill SAC	000439	4.1km	n/a
Askeaton Fen Complex SAC	002279	8.5km	n/a
Curraghchase Woods SAC	000174	9.3km	n/a

The source-pathway-receptor model was applied during the assessment process, and potential adverse impacts that could cause a likely significant effect on the qualifying interests of the Natura 2000 sites, or the sites as a whole, from the LAP were considered using three main pathways: surface water, groundwater and land/air/species pathways.

A weak source-pathway-receptor model for impact was identified as part of the AA screening process. A hydrological pathway is present between the LAP area and the Lower River Shannon SAC and the River Shannon and River Fergus Estuaries SPA. The hydrological distance to the European Sites are 6.8km and 7.4km respectively. The distance and dilution rate over this distance indicates a weak pathway between the Plan area and the habitat and species of the SAC and SPA.

The weakness of the pathway for impact indicates that, at a plan level, only major construction projects or high-risk projects would potentially impact the European Sites. It is also considered that the integral project level AA process will continue to be applied during the planning process and this will provide protection to the Natura 2000 Sites. Project level AA will assess the impacts from individual projects within the local environment allowing for mitigation to be applied based at the project level, as required. Policies outlined in the Limerick Development Plan also provide for protection of the Natura 2000 network.

The CJEU ruling in response to questions referred by the Irish High Court in the Eco Advocacy case (C 721/21) is also taken into account in this determination. This ruling indicated that an applicant for permission in its AA screening report/and a decision maker in undertaking its AA screening can take into account “standard features”, i.e. all the constituent elements of that project inherent in it/elements that are incorporated into a projects design not with the aim of reducing its negative effects (even where these have the effect of reducing harmful effects on a European site).

To assess the potential for impacts to the European sites from the Plan, the policies and objectives of the Plan were screened. Additionally, zonings and opportunity sites within the Plan area were reviewed, with cognisance of the weak source-pathway-receptor model.

No major construction or infrastructure projects have been identified arising from the LAP. Similarly, no projects of a nature that would place significant additional risk on the European Sites within the Zone of Influence of the Plan area have been identified.

At a plan level, none of the projects, policies and objectives, or zonings outlined within the LAP are of the scale, or of a nature, which could have significant adverse impacts on the Natura 2000 sites within the Zone of Influence.

In-combination effects from interactions with other plans and projects were considered in this assessment.

It was concluded that the Draft LAP, individually, and in combination with other plans and projects, is not likely to have a significant effect on a European site (Natura 2000 Site), and as such, a Stage 2 Appropriate Assessment / Natura Impact Report is not required.

Material Alterations:

The Material Alterations to the Draft LAP were reviewed. A minor zoning addition was screened for impact on the Natura 2000 Network. No likely significant effects on the Natura 2000 Network are anticipated at a plan level from the change in zoning. Similarly, no significant effects are anticipated on the Natura 2000 Network as a result of the policy/objective changes.

As such the screening for Appropriate Assessment for the Material Alterations concluded that:

“...Material Alterations of the Draft Patrickswell LAP are not likely to have significant effects on the Natura 2000 Network, either alone or in-combination with other plans or projects.”

The undersigned, having carefully considered the information referred to above agrees with and adopts the reasoning and conclusions presented.

Signed: 

Name: VINCENT MURRAY

Date: 7th November 2023

