

# Kilmallock LAP – Proposed Amendment No.1

AA Screening

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## Revision History

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## Contract

This report describes work commissioned by Limerick City and County Council. Anne Mullen of JBA Consulting carried out this work.

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## Purpose

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# Contents

Contents.....	iii
1. Introduction .....	5
1.2 Limitations and Constraints.....	5
2. Screening of Amendment .....	6
3. Conclusion .....	7
References:.....	8



## Abbreviations

AA	Appropriate Assessment
CJEU	Court of Justice of the European Union
CIEEM	Chartered Institute of Ecology and Environmental Management
DEHLG	Department of Environment, Heritage and Local Government
DHLGH	Department of Housing, Local Government, and Heritage
EC	European Communities
EPA	Environmental Protection Agency
EU	European Union
GSI	Geological Survey Ireland
IROPI	Imperative Reasons of Over-riding Public Interest
LAP	Local Area Plan
LTP	Local Transport Plan
NBDC	National Biodiversity Data Centre
NPWS	National Parks and Wildlife Service
OPR	Office of the Planning Regulator
QI	Qualifying Interest
SAC	Special Area of Conservation
SPA	Special Protection Area
WFD	Water Framework Directive
Zol	Zone of Influence

# 1. Introduction

The purpose of this AA Screening Report is to determine if the proposed amendment has the potential to give rise to likely significant environmental effects on any European Sites as required in accordance with the requirements of Article 6(3) of Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (as amended) (hereafter referred to as the “Habitats Directive”) and to comply with the requirements of Section 177V and 177U of the Planning and Development Act 2000, as amended. A Screening Assessment is provided along with a Draft AA determination in Section 3 of this report.

Screening follows Office of Public Regulator guidelines (OPR, 2021) “*Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities*” and (DoEHLG, 2009) “*Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities*”.

## 1.1.1 Likely Significant Effect Test

The test for AA screening is whether the project could have a ‘Likely Significant Effect’ (LSE) on any Natura 2000 site. A likely significant effect is defined as any effect that could undermine the conservation objectives of a Natura 2000 site, either alone or in combination with other plans or projects. There must be a causal connection between the project and the qualifying interest of the site which could result in possible significant effects on the site. The LSE test is a lower threshold for the screening assessment than ‘adverse effect on site integrity’ considered at Appropriate Assessment stage (Stage 2) as screening is intended to be a preliminary examination for potential effects.

## 1.1.2 In-combination Screening

The possibility of in-combination effects are considered only at a high level. Where there is no effect at all via a pathway, there is no possibility of in-combination effects. Where an LSE is identified, the in-combination assessment is carried forwards to a Stage 2 Appropriate Assessment.

## 1.2 Limitations and Constraints

The assessment necessarily relies on some assumptions, and it was inevitably subject to some limitations. These do not affect the conclusion, but the following points are recorded to ensure the basis of the assessment is clear:

- The LAP is a higher-level plan. Therefore, this assessment cannot include any detailed assessment of any developments that may arise from the implementation of this Plan. Where broad level assessments are required to determine the potential for cumulative or in-combination impacts, the precautionary principle is used.
- Any changes to the Plan will require re-assessment by a suitably qualified Ecologist to determine if further screening and assessment will be required. In all instances of this assessment, the precautionary principle is used.

## 2. Screening of Amendment

The Proposed Amendment No.1 to the Kilmallock LAP 2019-2025 proposes a revision of zoning at one site within the Kilmallock Local Area Plan boundary.

The proposed amendment will involve the change in zoning of one site from 'Residential Development Area' to 'Enterprise and Employment'. The following presents the relevant considerations for this amendment and Figure 1-1 presents the location of the proposed rezoning.

- The size of the site is approximately 0.3ha.
- The lands are fully serviceable.

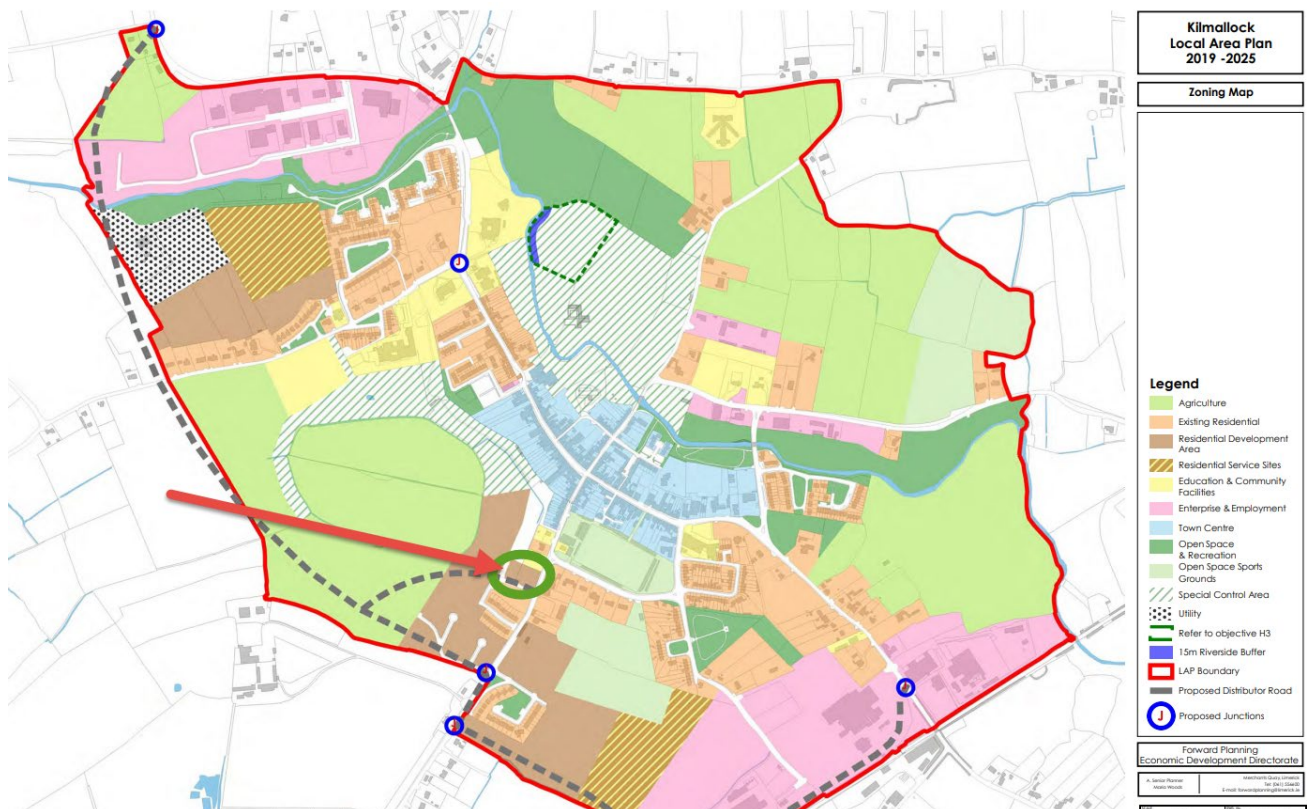


Figure 1-1: Area of proposed zoning change within the LAP

While such zoning change may constitute an intensification of use, the change in zoning is not of a scale or nature is likely to have a significant effect on the Natura 2000 Network. The area involved is small, and is a distance from the Natura 2000 Network – as per the AA Screening for the LAP, the site is ~9km from the Natura Network.

In order to be realised, potential projects or proposals arising from the plan will have to comply, as relevant, with various legislation, policies, plans and programmes (including requirements for lower-tier Appropriate Assessment) that form the statutory decision-making and consent granting framework.

Given the conclusion of no likely significant effects on the Natura Network, it is not considered that an in-depth cumulative or in-combination assessment is required.

### 3. Conclusion

The proposed amendment is identified as not giving rise to significant effects due to the small scale, nature of the rezoning and absence of sensitive environmental receptors in or adjacent to the site, and the distance of the Natura Network.

It is concluded that the 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.

The Proposed Amendment to the LAP was examined by:

- Screening of the zoning changes.

At a plan level, Amendment No.1 is unlikely to have a significant effect on the Natura Network due to distance and the size and scale of rezoning.

In-combination effects from interactions with other plans and projects were considered in this assessment, and a determination statement is provided to this effect.

**It is concluded that the Proposed Amendment No.1 to the Kilmallock LAP is not likely to have significant effects on the Natura 2000 Network, either alone or in-combination with other plans or projects.**



## References:

DoEHLG. (2009). Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning

Authorities., Department of the Environment, Heritage and Local Government.

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OPR. (2021). Appropriate Assessment Screening for Development Management. Office of Planning

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