# Screening for Appropriate Assessment (AA) Report



No. 1 & No. 2 St. Mary's Terrace Askeaton Co. Limerick



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Screening for Appropriate Assessment (AA) Report – No. 1 & No. 2 St. Mary's Terrace, Askeaton, Co. Limerick

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# 1.0 Introduction

### 1.1 Purpose of the Report

An Environmental Impact Assessment (EIA) Screening Assessment was undertaken by Ash Ecology & Environmental Ltd (AEE) on behalf of Limerick City & County Council (LCCC) for the internal renovations, and combining of two vacant houses, at No. 1 & No. 2 St. Mary's Terrace, Askeaton, Co. Limerick, See Figures 1 and 2.

The purpose of the assessment was to determine the potential impacts, if any, of the proposed works on nearby sites with European conservation designations (i.e. Natura 2000 sites).

An Environmental Impact (EIA) Screening Report was also compiled as part of this application (AEE, April 2022).



# 1.2 Competency of Assessor

This report has been prepared by Aisling Walsh whose qualifications includes an MSc in Biodiversity and Conservation (TCD), B.Sc. (Hons) Zoology (NUIG), B.Sc. Applied and Aquatic Science (GMIT) along with a Certificate of Competence in Environmental Noise Measurement from the Institute of Acoustics. Aisling is the Managing Director of Ash Ecology & Environmental Ltd and has over 15 years of experience providing environmental consultancy and environmental assessment services. Aisling has written numerous Ecological Impact Assessments (EcIA), Screening for Appropriate Assessment Stage I and Stage II Natura Impact Statements, Environmental Impact Assessments/Statements, Badger Surveys, Bat Surveys and Habitat Surveys. She has also provided input and reviewed Ecological and Environmental assessments for several EIS and EIAR and conducted numerous noise surveys for EPA licenced facilities. AEE is a Registered Practice of the CIEEM (see Appendix A).

### 1.3 **Project Description**

The proposed works are mainly for internally combining two vacant houses, No. 1 & No. 2 St. Mary's Terrace, Askeaton, Co. Limerick, into one larger holding. This will involve knocking their internal dividing wall. The works will be mainly to the interior as opposed to the gardens of the site. Any garden wall will be knocked to join the two gardens into one. The site is connected to public mains.



# 2.0 Methodology

This report has been prepared by AEE using the following guidance documents:

- European Commission (Nov 2018) Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC
- Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. (Department of the Environment, Heritage and Local Government, 2010).
- Appropriate Assessment under Article 6 of the Habitats Directive: Guidance for Planning Authorities. Circular NPW 1/10 & PSSP 2/10.
- Assessment of Plans and Projects Significantly Affecting Natura 2000 sites: Methodological Guidance on the Provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC (European Commission Environment Directorate-General, 2001). The Guidance within this document provides a non-mandatory methodology for carrying out assessments required under Article 6(3) and (4) of the Habitats Directive.
- Managing Natura 2000 Sites: The Provisions of Article 6 of the Habitats Directive 92/43/EEC (EC Environment Directorate-General, 2000).
- Guidance Document on Article 6(4) of the Habitats Directive 92/43/EEC. Clarification of the Concepts of Alternative Solutions, Imperative Reasons of Over-riding Public Interest, Compensatory Measures, Overall Coherence. Opinion of the European Commission (European Commission, January 2007).

# 2.1 Desk Based Studies

A desk-based review of information sources was completed. Information contained on the websites of the National Parks and Wildlife Service (NPWS)<sup>1</sup> and the National Biodiversity Data Centre (NBDC)<sup>2</sup> was reviewed. In addition, the following publications and websites were also reviewed and consulted:

- Ordnance Survey of Ireland mapping and aerial photography available from <u>www.heritagemaps.ie;</u>
- Online data available on European sites as held by the National Parks and Wildlife Service (NPWS) from <u>www.npws.ie</u>;
- Information on water quality and water body mapping in the area available from EPA ENVISION mapping;
- http://maps.epa.ie/internetmapviewer/mapviewer.aspx
- EPA <u>www.epa.ie/QValue/webusers</u>
- Information on the status of EU protected habitats and species in Ireland (National Parks & Wildlife Service, 2013a and 2013b)<sup>3</sup>

<sup>2</sup> The National Biodiversity Data Centre <u>www.NBDC.ie</u>

<sup>&</sup>lt;sup>1</sup> The National Parks and Wildlife Services map viewer <u>http://webgis.npws.ie/npwsviewer/</u>

<sup>&</sup>lt;sup>3</sup> NPWS (2013a). The Status of EU Protected Habitats and Species in Ireland. Species Assessments Volume 2, Version 1.1. Unpublished Report, National Parks & Wildlife Services. Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.

NPWS (2013b). The Status of EU Protected Habitats and Species in Ireland. Species Assessments Volume 3, Version 1.0. Unpublished Report, National Parks & Wildlife Services. Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland.



- Information on Special Conservation Interests for SPAs in Ireland from Irelands Article 12 submission to the EU Commission on the Status and trends of birds species 2008- 2012<sup>4</sup>
- NRA (2009) Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes, National Roads Authority
- Water Framework Ireland website <u>http://www.wfdireland.ie/maps.html</u>
- IFI (2016) Guidelines on Protection of Fisheries during Construction Works in and Adjacent to Waters, Inland Fisheries Ireland;
- River Basin Management District 2018-2021;
- Natura Impact Statement of the RBMP 2018-2021;
- The National Parks and Wildlife Service (NPWS) website <u>www.npws.ie</u>
- National Biodiversity Data Centre (NBDC) <u>www.NBDC.ie</u>
- Limerick County Development Plan 2010-2016 (Limerick County Council, 2010)
- Limerick City Development Plan 2010-2016 (Limerick City Council, 2010)
- Draft Limerick County Development Plan 2022-2028 (Limerick City and County Council, June 2021)
- Natura Impact Report, January 2018, As part of the preparation of the Proposed Variation No. 6, Limerick County Development Plan 2010-2016 (as extended)

<sup>&</sup>lt;sup>4</sup> NPWS (2015) The Status and trends of Ireland's bird species (2008-2012). Available at <u>http://www.npws.ie/status-and-trends-ireland%E2%80%99s-bird-species-%E2%80%93-article-12-reporting</u>



# 2.2 Habitat Survey

The site was assessed for habitats via a desktop review. A photo of the front of site (Taken 22<sup>nd</sup> April 2022) is attached as Appendix B. Habitats (as per the aerial photography) were identified and classified according to Fossitt (2000)<sup>5</sup> and Smith *et al.* (2011)<sup>6</sup>. The main habitats onsite appear to be (as per the aerial photography):

- Buildings and Artificial Surfaces (BL3) The two vacant houses.
- Amenity Grassland (GA2) to the rear and front of the site, in garden areas.

A habitat map is shown as Figure 3.

### 2.3 Appropriate Assessment Methodology

### 2.3.1 Regulatory Context

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora and Fauna better known as "*The Habitats Directive*" provides the framework for legal protection for habitats and species of European importance. Articles 3 to 9 of the Directive provide the legislative means to protect habitats and species of Community interest through the establishment and conservation of an EU-wide network of sites known as Natura 2000. These are Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) designated under the Conservation of Wild Birds Directive (79/409/EEC) (better known as "The Birds Directive").

Article 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to affect Natura 2000 sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment:

"Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subjected to appropriate assessment of its implications for the site in view of the site's conservation objectives. In light of the conclusions of the assessment of the implication for the site and subject to the provisions of paragraph 4, the component 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".

Articles 6(3) and 6(4) of the Habitats Directive require an Appropriate Assessment of plans to prevent significant adverse effects on European conservation sites, also known as Natura 2000 sites. In this particular case the purpose of Appropriate Assessment is to assess the potential impacts of the proposed activities on the conservation objectives of European sites. The assessment will determine whether

<sup>&</sup>lt;sup>5</sup> Fossitt, J. (2000). A Guide to Habitats in Ireland. The Heritage Council, Kilkenny.

<sup>&</sup>lt;sup>6</sup> Smith, G.F., O'Donoghue, P., O'Hora, K. and Delaney, E. (2011) Best practice guidance for habitat survey and mapping. The Heritage Council, Kilkenny.



the plan would have significant adverse affects upon the integrity of each site in terms of its nature conservation objectives.

The integrity of the site has been defined as "the coherence of the site's ecological structure and function, across its whole area, or the habitats, complex of habitats and/or populations of species for which the site is or will be classified" (PPG 9, UK Department of the Environment, October 1994). Where negative effects are identified other options should be thoroughly examined to avoid any potential damaging effects prior to implementing the plan.

#### 2.3.2 AA Process

The European Commission's Methodological Guidance recommends a 4 stage approach:

#### Stage 1: Screening

Determining whether the plan 'either alone or in combination with other plans or projects' is likely to have a significant effect on a European site.

#### Stage 2: Appropriate Assessment

Determining whether, in view of the site's conservation objectives, the plan 'either alone or in combination with other plans or projects' would have an adverse effect (or risk of this) on the integrity of the site. If not, the plan can proceed.

#### Stage 3: Assessment of Alternative Solutions

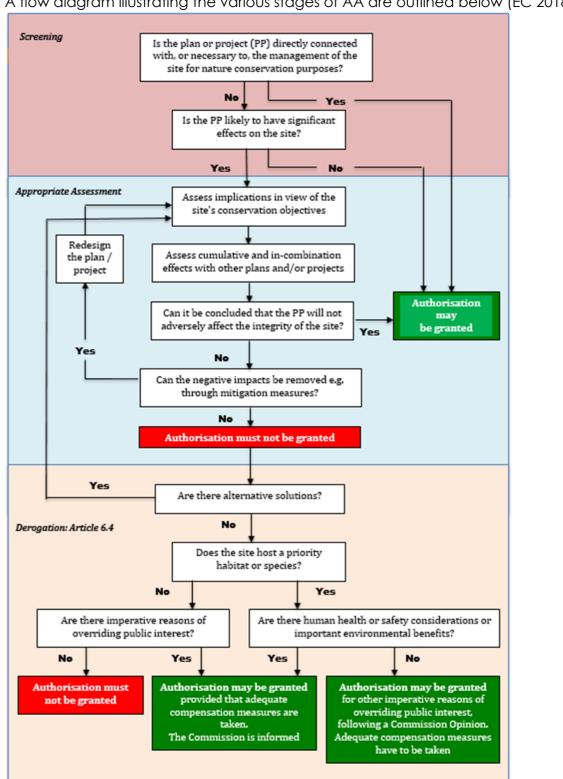
Where it has not been proven that measures considered will not avoid or mitigate the adverse affect on the Natura 2000 site, then an assessment of the alternatives will be required; and if none are acceptable then stage 4 is required to be considered.

# Stage 4: Assessment where no Alternative Solutions Exist & where Adverse Impacts Remain

This will involve assessment where the Plan is considered to result in adverse impacts on the Natura 2000 site and no alternative solutions remain – the imperative reasons of overriding public interest (IROPI) test must be met before authorisation, permission or adoption of the Plan is agreed. This includes the agreement of compensatory measures. This report covers Stage 1 of Appropriate Assessment - Screening. The outcome of each stage determines whether a further stage in the process is required.

This report comprises a Stage 1 Screening Report.





A flow diagram illustrating the various stages of AA are outlined below (EC 2018)7:

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<sup>&</sup>lt;sup>7</sup> Figure taken from - European Commission (Nov 2018) Managing Natura 2000 sites, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC



# 3.0 Stage | Appropriate Assessment

# 3.1 Source-Pathway-Receptor Approach and Identification of Zone of Influence

In establishing which European sites are potentially at risk (in the absence of mitigation) from the proposed development, a source-pathway-receptor approach was applied. In order for an impact to occur, there must be a risk enabled by having a source (e.g. water abstraction or construction works), a receptor (e.g. a European site or its Qualifying Interest(s) (Qls) or Special Conservation Interest(s) (SCIs) species), and a pathway between the source and the receptor (e.g. pathway by air for air borne pollution, or a pathway by a watercourse for mobilisation of pollution). For an impact to occur, all three elements must exist; the absence or removal of one of the elements means there is no possibility for the impact to occur.

The identification of source-pathway-receptor connection(s) between the proposed development and European sites essentially is the process of identifying which European sites are within the Zone of Influence (ZoI) of the proposed development, and therefore potentially at risk of significant effects. The ZoI is defined as the area within which the proposed development could affect the receiving environment such that it could potentially have significant effects on the QI habitats or QI/SCI species of a European site, or on the achievement of their conservation objectives (as defined in CIEEM, 2018).

The identification of a source-pathway-receptor risk does not automatically mean that significant effects will arise. The likelihood for significant effects will depend upon the characteristics of the source (e.g. extent and duration of construction works), the characteristics of the pathway (e.g. direction and strength of prevailing winds for air borne pollution) and the characteristics of the receptor (e.g. the sensitivities of the European site and its Qls/SCls). However, identification of the risk does mean that there is a possibility of ecological or environmental damage occurring, with the significance of the effect depending upon the nature and exposure to the risk and the characteristics of the receptor. In this case, where uncertainty existed, the precautionary principle was applied.

# 3.2 Description of Relevant Receptor-Source-Pathway Connections between the proposed development site and European sites Identified

In accordance with the European Commission Methodological Guidance (EC2001), a list of Natura 2000 Sites that can be potentially affected by the proposed works has been compiled. Adopting the precautionary principle in identifying these sites, it has been decided to include all SACs (Special Areas of Conservation) and SPAs (Special Protection Areas) within 15km of the site in Askeaton, Co. Limerick. National Heritage Areas (NHAs) and proposed NHAs within 5km of the site are also considered, which are of national (NHA), or proposed (pNHA) national importance.

The nearest protected areas to the site are listed below in Table 1. A map showing the 4 SAC sites within a 15km radius of the site are shown as Figure 4. There are 2 SPA sites within 15km, see Figure 5. There are a total of 5 proposed National



Heritage Areas (pNHAS) within 5km of the site, see Figure 6. The proposed works do not occur within a SAC, SPA or pNHA.

Tal	ble 1			e Site and pNHA Sites within 5km
	Code	Site Name	Approx. Distance (as the crow flies) SAC Sites	Screening Conclusion
1	1	Askeaton Fen	SAC Siles	These 4 SAC sites are Screened out as
	002279	Complex SAC	3.8km	they are outside the Zone of Influence. There are no hydrological impacts to
2	002165	Lower River Shannon SAC	2km W, NW, N, NE, E, SE	these sites. The distance of over 2km is sufficient for there to be no disturbance impacts to the conservation interests of
3	000432	Barrigone SAC	3.4km W	any SAC sites due to works.
4	000174	Curraghchase	6km SE, E,	
	000174	Woods SAC	NE	
			SPA Sites	
1		River Shannon and	0.5 N, NW,	These 2 SPA sites are Screened out as
	004077	<b>River Fergus Estuaries</b>	W, NE	they are outside the Zone of Influence.
		SPA	, , , , , , , , , , , , , , , , , , ,	There are no hydrological impacts to these sites. The distance of over 500m is
2				sufficient for there to be no disturbance
2	004161	Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA	10.8km SW	impacts to the conservation interests of any SPA sites For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels.
			pNHA Sites	
1	000435	Inner Shannon Estuary - South Shore pNHA	2.1kmN, NW	These 5 pNHA sites are Screened out as they are outside the Zone of Influence. There are no hydrological impacts to these sites. The distance of over 2.1km is
2	000432	Barrigone pNHA	3.6km W	sufficient for there to be no disturbance impacts to the conservation interests of
3	001433	Gorteennamrock pNHA	4.3km SE	any pNHA sites due to works.
4	001425	Ballymorrisheen Marsh pNHA	3.7km SE	
5	001429	Cappagh Fen pNHA	4.7km SE	



# 4.0 Screening Assessment of Likely Effects

A number of factors were examined at this stage and dismissed, or carried forward for appropriate assessment as relevant.

# 4.1 Habitat Loss/Alteration

As there will be <u>no</u> direct habitat loss of any SAC, SPA or pNHA site listed in Table 1, impacts arising from habitat loss/alteration are therefore screened out.

If any scrub or trees require removal in the rear gardens, this should be done outside the bird nesting season which runs from March 1<sup>st</sup> to 31<sup>st</sup> August on a given year.

# 4.2 Disturbance and/or Displacement of Species

Disturbance and displacement of fauna species as a result of construction related disturbance could potentially occur within the vicinity of the proposed works. For mammal species such as otter and badger, disturbance effects would not be expected to extend beyond 250m<sup>8</sup>. For birds, disturbance effects would not be expected to extend beyond a distance of c.300m, as noise levels associated with general construction activities would attenuate to close to background levels.

The proposed works are located over 500m from the closest SPA (River Shannon and River Fergus Estuaries SPA, 004077), 2km from the closest SAC (Lower River Shannon SAC, 002165) and 2.1km from the closest pNHA (Inner Shannon Estuary - South Shore pNHA, 000435). Disturbance to features of interest of any SAC, SPA and pNHA site is screened out.

# 4.3 Habitat /Species Fragmentation

Habitat fragmentation has been defined as the 'reduction and isolation of patches of natural environment'<sup>9</sup> usually due to an external disturbance such that an alteration of the spatial composition of a habitat occurs that alters the habitat and 'create[s] isolated or tenuously connected patches of the original habitat.' This results in spatial separation of habitat units which had previously been in a state of greater continuity.

It is considered that habitat fragmentation of qualifying habitats will not arise from the proposed works and is therefore screened out.

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<sup>&</sup>lt;sup>8</sup> This is consistent with Transport Infrastructure Ireland (TII) guidance (Guidelines for the Treatment of Otters prior to the Construction of National Road Schemes and Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes) documents. This is a precautionary distance, and likely to be moderated by the screening effect provided by surrounding vegetation and buildings, with the actual ZoI of construction related disturbance likely to be much less in reality.
<sup>9</sup> Franklin, A. N. (2002). What is Habitat Fragmentation? Studies in Avian Biology, 20-29.



## 4.4 Changes in Population Density

It is not expected that the proposed works will cause any reduction in the baseline population of any qualifying species of the SAC and SPA sites within 15km and is therefore screened out.

#### 4.5 Impacts to Water Quality

The nearest watercourse is the River Deel approx. 250m east of the site. There is no watercourses onsite that would form a direct hydrological connection to this river (that becomes part of the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

The site resides within the Water Framework Directive (WFD) Hydrometric Area '24 – Shannon Estuary South' and within the WFD Subcatchment WFD 'Deel[Newcastlewest] SC 040' & River Sub-Basin 'DFFI (NEWCASTLEWEST) 140.'

The 2013-2018 WFD River Status of the DEEL (NEWCASTLEWEST)\_140 is '**Poor**' and River Risk Status is '**At Risk**'.

The 2013-2018 WFD Groundwater Body Status of 'Askeaton' is '**Good'** but Risk is '**Review'**.

The water quality of the general catchment area is shown as Figure 7.

The potential risk to water quality during the construction phase of the proposed works e.g. silt and harmful substances becoming entrained in surface water run-off is ruled out as there is no direct pathway to cause water pollution. The operational phase will be ensure foul water is directed to the public mains and not to any watercourses.

Overall negative impacts to ground and surface water quality resulting from the works to any SAC, SPA or pNHA sites are screened out.

# 5.0 In Combination Effects of Plans & Projects

Article 6(3) of the Habitats Directive requires an assessment of a plan or project to consider other plans or programmes that might, in combination with the plan or project, have the potential to adversely impact upon European sites.

Impacts to all SAC and SPA sites have been screened out in Section 4.0 as they all fall beyond the ZoI of the proposed works, 500m away. Given the confined area of the works, and the lack of direct connections to any Natura 2000 sites, there is no potential for any other plans or projects to act in combination with the proposed works which would adversely affect the integrity of any other European sites.



In addition Limerick City and County Council assess each planning application requiring a Screening for Appropriate Assessment on an individual basis and ask for further information accordingly depending on scale and location of development.



# 6.0 Screening Statement Conclusions

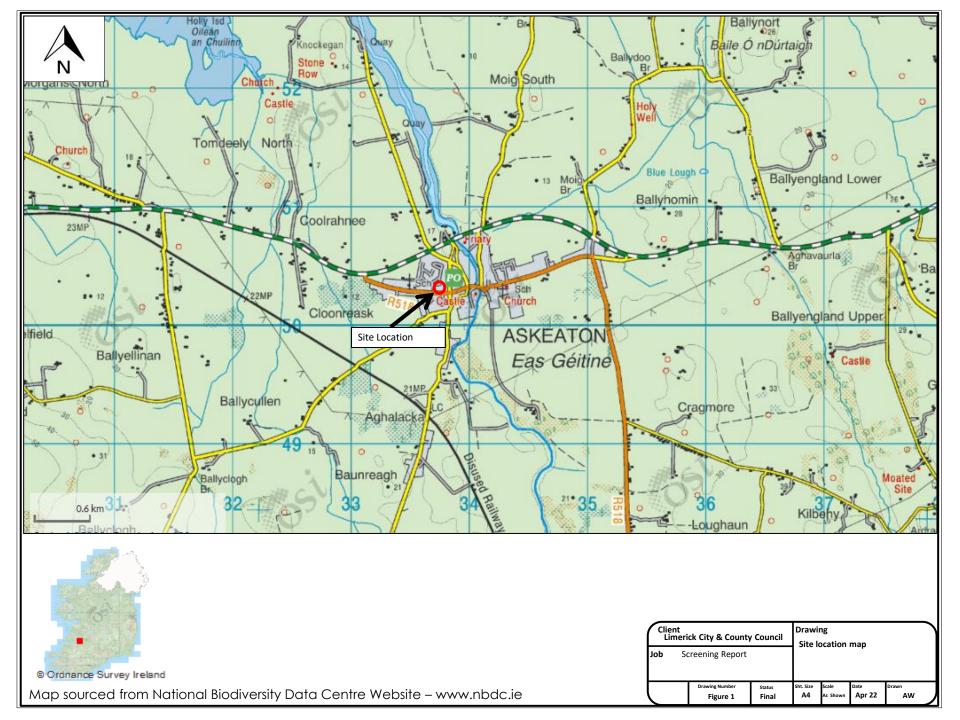
According to NPWS (2009), the Appropriate Assessment Screening exercise can either identify that an Appropriate Assessment is not required; or that there is no potential for significant effects (i.e. Appropriate Assessment is not required); or that significant effects are certain, likely or uncertain (i.e. the project must either proceed to Stage 2 (AA) or be rejected).

In conclusion, upon the examination, analysis and evaluation of the relevant information including, in particular, the nature of the proposed works and the likelihood of significant effects on any Natura 2000 site, in addition to considering possible in-combination effects, and applying the precautionary principles, it is concluded by the author of this report that, on the basis of objective information, the possibility may be excluded that the proposed works will have a significant effect on any of the Natura 2000 sites below:

- Askeaton Fen Complex SAC
- Lower River Shannon SAC
- Barrigone SAC
- Curraghchase Woods SAC
- River Shannon and River Fergus Estuaries SPA
- Stack's to Mullaghareirk Mountains, West Limerick Hills and Mount Eagle SPA

These complete, precise and definitive findings, based on the best available scientific evidence, remove all reasonable scientific doubt that the proposed renovation works will have any significant impacts on the Natura 2000 sites detailed above; and it is therefore concluded that there will be no likely significant negative impacts caused to any Natura 2000 sites as a result of the proposed works. A Natura Impact Statement (NIS) is not required.

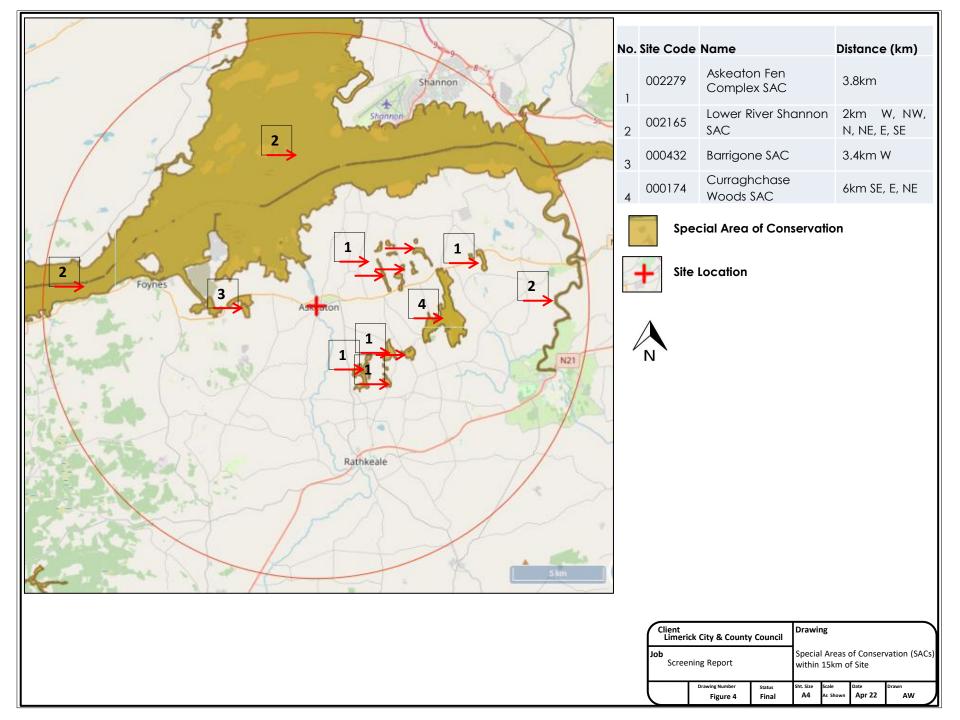






Approx. Site Location	Client Limer	ick City & County	Council	Drawii Site L	0	Map (Ae	rial View)	ł
Drainage Network	dol S				with Site Drainage Information			
Map sourced from EPA Maps <a href="https://gis.epa.ie/EPAMaps/">https://gis.epa.ie/EPAMaps/</a>		Drawing Number Figure 2	Status Final		Scale As Shown		Drawn AW	





shannon shannon shannon	No. Site Code 004077 1 004161 2	e Name River Shannon River Fergus Es SPA Stack's to Mullagh Mountains, West Limerick Hills and Mount Eagle SPA	tuaries <sup>U.S N, NW,</sup> W, NE hareirk 10.8km SW
Toynes Astron Rathicale		ecial Protection Are	a
	lob	ring Report Wit	awing ecial Protection Areas (SPAs) thin 15km of Site Site Scale Date Drawn As Shown Apr 22 AW

- 4-0-12	No.	Site Code	Name	Distance (km)
	1	000435	Inner Shannon Estuary - South Shore pNHA	2.1kmN, NW
	2	000432	Barrigone pNHA	3.6km W
	3	001433	Gorteennamrock pNHA	4.3km SE
	4	001425	Ballymorrisheen Marsh pNHA	3.7km SE
2 Astraton	5	001429	Cappagh Fen pNHA	4.7km SE
			Proposed NHAs Site Location	
		Job	City & County Council Proposed Nat Areas (pNHA:	cional Heritage s) within 5km of Site
			Drawing Number Status Sht. Size Scale Figure 6 Final A4 As Shown	Date Drawn



2013-2018 WFD Groundwater Body Risk Status of 'Askeaton' is 'Review'

So	Information						
	Drawing Number Figure 7	Status Final		Scale As Shown	Date Apr 22	Drawn AW	

# APPENDICES

# **APPENDIX A**



# **Registered Practices Certificate**

# April 2022 – March 2023

# **Pioneer Environment Group Ltd**

has been admitted as a Registered Practice

of the

Chartered Institute of Ecology

and Environmental Management

on the 17th day of March 2022

Richard Handley CEcol MCIEEM President

17<sup>th</sup> March 2022

This certificate remains the property of CIEEM. Membership is subject to annual renewal and may be authenticated by contacting CIEEM at the registered address. Company no. RC000861. Registered Charity Number (England and Wales): 1189915. Registered address: Grosvenor Court, Ampfield Hill, Ampfield, Romsey, SO51 9BD United Kingdom.

# **APPENDIX B**



Plate 1 Existing two houses to be joined internally.