

### Article 6 (3) Appropriate Assessment Screening Report

Proposed Riverside Park Kilmallock, Co. Limerick





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1.

### INTRODUCTION

### 1.1 Background

MKO has been appointed to provide the information necessary to allow the competent authority-Limerick City and County Council to conduct an Article 6(3) Screening for Appropriate Assessment of the creation of a riverside amenity area, adjacent to the River Loobagh Riverside Park, located in Kilmallock, Co. Limerick.

Screening for Appropriate Assessment is required under Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive). Where it cannot be excluded that a project or plan, either alone or in combination with other projects or plans, would have a significant effect on a European Site then same shall be \subject to an appropriate assessment of its implications for the site in view of the site's conservation objectives. The current project is not directly connected with, or necessary for, the management of any European Site consequently the project has been subject to the Appropriate Assessment Screening process.

The assessment in this report is based on a desk study undertaken during 2023 and field surveys undertaken on the  $3^{\rm rd}$  of March 2023 and on the  $1^{\rm st}$  of August 2023. It specifically assesses the potential for the proposed development to result in significant effects on European sites in the absence of any best practice, mitigation or preventative measures.

This Appropriate Assessment Screening Report has been prepared in accordance with the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010) and the Appropriate Assessment Screening for Development Management. Office of the Planning Regulator, Dublin 7, Ireland OPR (2021).

### 1.2 Statement of Authority

A baseline ecological survey was undertaken on the on the 3<sup>rd</sup> March of 2023 by Lisa Buckley (B.Sc. Env, QCIEEM) of MKO. Lisa is an experienced ecologist with over 2 years' professional ecological consultancy experience. The site was revisited by Claire Stephens (B.Sc. Env., QCIEEM) on the 1<sup>st</sup> of August 2023 to ground truth the findings of the first field visit and confirm the nature and habitats and species occurring within the study area. This report has been prepared by Lisa Buckley and Claire Stephens who has 5 years' professional ecological consultancy experience.

This report has been reviewed by Colin Murphy (B.Sc., M.Sc., Qualifying CIEEM) who has 3 years' professional ecological consultancy experience.



# 2. DESCRIPTION OF THE PROPOSED DEVELOPMENT

#### 2.1 Site Location

The proposed development is located in Kilmallock, Co. Limerick, adjacent to the River Loobagh Riverside Park (Grid Ref.: 561046, 627816). The proposed development is located approximately 0.2km north east of the centre of Kilmallock town. Access to the proposed development is via Wolfetone Street to the west, and the R515 to the east via the existing River Loobagh Riverside Park. The River Loobagh runs along the northern boundary of the site.

The site location is shown in Figure 2-1.

### **Characteristics of the Proposed Development**

#### **Description of the project**

The proposed development works will consist of the creation of a new Riverside Amenity Area on the site of a recently demolished building, at the junction of Wolfetone Street and the River Loobagh, adjacent to the River Loobagh Riverside Park. The amenity area will consist of areas of planting, grassland and natural play areas. The works will include removal of existing fencing that encloses the site and installation of new footpaths to provide improved access to the Riverside Park from Wolfetone Street. The works will also include installation of benches and signage explaining local nature information and archaeological history around the Kilmallock Town Wall that crosses part of the site. New amenity lighting is proposed is proposed local to the Riverside Amenity Area.

As part of the works Limerick City and County Council (LC&CC) are planning on installing rock armour at 2 locations along the riverbank where the bank has partially collapsed.

Any alien species found on site will be reported to LC&CC Environmental Dept. by the contractor/crew on the ground. The alien species will be dealt with by specialists in accordance with statutory requirements and specification/local authority protocols. No works will take place in and around these stands and temporary warning tape will be erected 4m back from these stands when identified by LC&CC Engineering Staff to the Crew on the ground.

The proposed site layout is shown in Figure 2-2.







#### 2.2.2 Description of the Baseline Ecological Environment

Assessing the impacts of any project and associated activities requires an understanding of the ecological baseline conditions prior to and at the time of the project proceeding. Ecological Baseline conditions are those existing in the absence of proposed activities (CIEEM 2018, (V1.1, Updated September 2019).

A multidisciplinary walkover survey was conducted on-the 3rd of March by Lisa Buckley (B.Sc. Env.) in line with NRA (2009) were carried out in accordance with NRA Guidelines on Ecological Surveying Techniques for Protected Flora and Fauna on National Road Schemes (NRA, 2009). All habitats and species were readily identifiable on the day of the site visit. A second ecological baseline survey was undertaken on the 1st of August 2023 by Claire Stephens (B.Sc. Env.). The two surveys for the Proposed Development were undertaken at different times of the year, therefore cover the optimal survey periods for different ecological receptors. The survey undertaken in August 2023 falls within the recognised optimum period for vegetation surveys/habitat mapping, i.e. April to September (Smith et al., 2011). A comprehensive walkover of the entire site was completed.

Habitats were identified in accordance with the Heritage Council's 'Guide to Habitats in Ireland' (Fossitt, 2000). Plant nomenclature for vascular plants follows 'New Flora of the British Isles' (Stace, 2010), while mosses and liverworts nomenclature follows 'Mosses and Liverworts of Britain and Ireland - a field guide' (British Bryological Society, 2010). Habitats were classified in accordance with the Heritage Council's 'Guide to Habitats in Ireland' (Fossitt, 2000).

The Loobagh River flows in a westerly direction adjacent along the northern proposed development site boundary. During the two multi-disciplinary walkover surveys a search for otter was conducted in order to determine the presence or absence of otter signs within the study area, particularly surrounding the footprint of the proposed development. This involved a search for all potential otter signs as per NRA (2009) standard best practice guidance (holts, couches tracks and prints) and following CIEEM best practice competencies for species surveys (CIEEM, 2013)<sup>1</sup>.

During the multi-disciplinary walkover surveys, a search for non-native invasive species was also undertaken. The survey focused on the identification of invasive species listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (As Amended) (S.I. 477 of 2015).

All bird species occurring within the site were recorded during the site visits and the suitability of the site habitats on site to support protected bird species was considered.

<sup>&</sup>lt;sup>1</sup> CIEEM, 2013, Technical Guidance Series – Competencies for Species Survey: Eurasian Otter Online, Available at: <a href="https://cieem.net/wp-content/uploads/2019/02/CSS-EURASIAN-OTTER-April-2013.pdf">https://cieem.net/wp-content/uploads/2019/02/CSS-EURASIAN-OTTER-April-2013.pdf</a> Accessed: 11/01/2023



### 2.3 Results of Baseline Ecological Surveys

The proposed development site for the Riverside Park is partially located on a currently vacant site. Surrounding this vacant site to the north, west and east is a palisade fence, with a low concrete block wall inside of this fence running along the north, classified as **buildings and artificial surfaces (BL3)** (Plate 2-12-1). A small area of ivy (*Hedera hibernica*) and bramble (*Rubus fructicosus*) **scrub (WS2)** occurs in the north eastern corner of the vacant site. Another high concrete block wall (**BL3**) bounds the vacant site to the south. Within this area, where the former demolished building is a concrete foundation (**BL3**) which is immediately adjacent to an area of exposed earth to the north and east, classified as **spoil and bare ground (ED2)** (Plate 2-22-2). An area of gravel, classified as **exposed sand, gravel or till (ED1)** bounded the concrete foundation to the west, which also runs through the site towards the Wolfetone Road.

Some recolonising vegetation, categorised as **recolonising bare ground (ED3)** was present towards and in front of the low block wall in the northern section of this vacant site, including dandelion (*Taraxacum officinale* agg.), Creeping buttercup (*Ranunculus repens*) as well as rank vegetation growing at the base of the palisade fence, including Common sorrel (*Rumex acetosa*), Ragwort (*Jacobaea vulgaris*) and Rosebay Willowherb (*Chamaenerion angustifolium*).

To the north of the vacant site is a paved block path and asphalt area, from which a concrete slipway (BL3) runs down to the River Loobagh (Plate 2-32-3). Some recolonising vegetation (ED3), was growing toward the edges of the asphalt area, as well as where it met the stone wall, classified as stone walls and other stonework (BL1), which comprises part of the Wolfetone street bridge, and along the slipway, including grasses, dandelion (*Taraxacum* spp.), nettles (*Urtica dioica*), hairy bitter-cress (*Cardamine hirsuta*), rue-leaved saxifrage (*Saxifraga tridactylites*), greater burnet-saxifrage (*Pimpinella major*) and common chickweed (*Stellaria media*). A single hawthorn tree (*Crataegus monogyna*) was located in this asphalt area, and was surrounded by a metal tree guard (Plate 2-42-4). Growing around the base of the hawthorn tree were cleavers (*Galium aparine*) and dandelions (*Taraxacum officinale* agg.).

The River Loobagh itself, categorised as **Eroding/upland rivers (FW1)** flows adjacent to the northern boundary outside of the proposed development. The river widened out at the western area where it met the Wolfetone bridge, to approx. 15 metres wide, and branched out into several separate streams which were flowing around gravel islands. The flow moved in a rippling fashion and the substrate was gravelly with pockets of silt and some branches which had flowed downstream. Ranunculus (*Ranunculus* spp.) was recorded in the river and some algae was growing on the slipway. Emergent vegetation was sparse, mainly fools watercress (*Apium nodiflorum*) on the gravel islands, reed canarygrass (*Phalaris arundinaceae*) and butterbur (*Petasites hybridus*) on the banksides. Further east, the river was narrower, moved in a glide fashion with some riffle areas where it flowed over boulders and was generally deeper. There was some litter in the river, including a discarded bicycle and pram (Plate 2-52-5), drinks bottles/cans and plastic wrappers, however the flow was not obstructed. The substrate here was more silty with some large boulders. At the regional R515 road bridge, a line of boulders runs across the river where it flows from the bridge, however its flow was not obstructed (Plate 2-62-6).

The path continued east, parallel to the River Loobagh. The asphalted area to its north then came to an end and graded into a grassy verge, classified as **dry meadows and grassy verges (GS2)** which then continues along the northern side of the path, which is now surfaced with asphalt, throughout the remaining length of the existing Kilmallock Riverside Park. A riparian **treeline (WL2)** grows along this verge, including alder (*Alnus glutinosa*) and shrubs such as red elderberry (*Sambucus racemosa*) (Plate 2-72-7). Areas of the verge, particularly under the alder trees were populated with cow parsley (*Anthriscus sylvestris*), with pockets of lesser celandine (*Ficaria verna* ssp *verna*), creeping buttercup (*Ranunculus repens*), Ivy (*Hedera hibernica*), white clover (*Trifolium repens*) and an occasional flower spike of butterbur (*Petasites hybridus*) and lords-and-ladies (*Arum maculatum*). The remaining stretches of this verge were grass dominated with an occasional patch of nettles (*Urtica dioica*) and thistle (*Cirsium* spp.).



On the opposite southern side of the path, is an area of amenity grassland (GA2) located in front of Deebert park. A black wooden fence demarcated the path from this amenity grassland (Plate 2-82-8). This area of amenity grassland was species poor and supported predominantly grasses such as Yorkshire fog (Holcus lanatus), annual meadow grass (Poa annua) and other herb species such as daisy (Bellis perennis), dandelion (Taraxacum spp.), creeping buttercup (Ranunculus repens) and white clover (Trifolium repens). Areas of this grassland, particularly towards its western section had elements of agricultural grassland, where herbs such as dock (Rumex spp.), thistles (Cirsium spp.) occurred. A concrete block wall (BL3) occurs around the houses at Deebert park and the amenity grassland. A small area where ornamental flowers had been planted was located in front of the houses at Deebert park, which utilised old tyres as planting beds classified as flower beds and borders (BC4). An access pathway runs from the car park for Deebert park, between the houses and the vacant site (Plate 2-92-9). The pathway itself is concrete (BL3), and on either side is amenity grassland (GA2), and an old stone wall (BL1), occurs to the west of the path, which is obscured by ivy (Hedera hibernica) and bramble (Rubus fructicosus) scrub (WS1). This amenity grassland was poached in places where grazing by livestock was evident. A singular sycamore tree (Acer pseudoplatanus) was growing on the western side of this path, which had some bare ground around its base (ED2).

This area of amenity grassland also continues further east into the existing Loobagh Riverside Park, on the southern side of the main pathway. There are more trees occurring here (WL2), including Linden (*Tilia cordata*) and Cotoneaster (*Cotoneaster* spp.), as well small Beech trees (*Fagus sylvatica*), classified as scattered trees and parkland (WD5), (Plate 2-102-10). A small thicket of red osier dogwood (*Cornus sericea*) occurred just east of the houses in Deebert park, classified as Ornamental/non-native shrub (WS3) (Plate 2-112-11). Several interconnecting pathways also run through this section of the park, which are surfaced with asphalt, and have paved areas with park benches occurring occasionally along the path (BL3).

At the easternmost end of the park, which the R515 regional road is located east of, is an area of ornamental **flower beds and borders (BC4)**, which consisted of a woodchip surface laid over a weed barrier, which also covered the top of the single arch bridge, which the R515 regional road runs over (Plate 2-6). Species found here included Gorse (*Ulex europaeus*), Cotoneaster (*Cotoneaster* spp.), Artemesia (*Artemesia* spp.), and some wild herbs which had emerged through the weed barrier including cat's ear (*Hypochaeris radicata*), yarrow (*Achillea millefolium*) and red dead-nettle (*Lamium purpureum*).

None of the habitats within or adjacent to the works areas correspond to those listed in Annex I of the EU Habitats Directive. No Annex II or Annex V species were recorded on site.

The non-native invasive species, giant hogweed (*Heracleum mantegazzianum*) was recorded at several points along the verge which runs along the River Loobagh (Plate 2-122-12 and 2-13). This species is listed on the 'Third Schedule' of Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011). Locations of invasive species are included as Figure 2-3 which will be entirely avoided during the proposed works and a pre-commencement/pre-construction invasive species survey be carried out prior to the works commencing to confirm no further spread has occurred or other species haven't been introduced in the time between surveying taking place during March 2023 and works commencing.

No other invasive species listed under Regulations 49 and 50 of the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011) were recorded during the field survey.





Plate 2-1 View of vacant site with palisade fencing surrounding it and low block wall (BL3) visible in the foreground, and recolonising vegetation (ED3) visible behind this wall and around the base of the palisade fencing.



Plate 2-2 View of the concrete foundation (BL3) visible in the top right background. The gravel area (ED1) is visible in the middle and foreground, whilst the exposed earth (ED2) is visible adjacent to the concrete foundation. The recolonising vegetation (ED3) is also visible here in the left background and foreground.



Plate 2-3 View from the Wolfetone bridge of the slipway leading to the River Loobagh (FW1) and associated asphalt and paved path behind site (BL3).



Plate 2-4 Singular hawthorn (Crataegus monogyna) in the asphalt area (BL3)



Plate 2-5 Litter present in the River Loobagh (FW1)



Plate 2-6 Bridge over which the R515 runs over, comprised of corrugated metal (BL3) with the overgrown ornamental flower bed (BC4) visible atop the bridge. The line of rocks running across the Loobagh is also visible.





Plate 2-7 Asphalt pathway (BL3) which runs parallel to the River Loobagh. The amenity grassland (GA2) which is located in front of Deebert park is also visible here, as well as the grass verge (GS2) which runs north of the pathway and the trees which occur within it.



Plate 2-8 Amenity grassland (GA2) located in front of the houses in Deebert park. The area of ornamental flower beds is also visible in the background (BC4).



Plate 2-9 Concrete access pathway (BL3) from Deebert park to the Loobagh Riverside path walkway, where amenity grassland (GA2) adjacent to the path had evidence of grazing during March visit.



Plate 2-10 View into the existing Loobagh Riverside Park, with amenity grassland (GA2) composing the main body of the park, and scattered trees and parkland (WD5) also occurring. The asphalt pathway running through the park is also visible here, with one of the park benches on a paved area (BL3).





Plate 2-11 Thicket of red osier dogwoods (Cornus sericea) (WS3) located adjacent to concrete wall (BL3) that surrounds the houses in Deebert park



Plate 2-12 Dead stems of Giant hogweed (Heracleum mantegazzianum) recorded in the verge which ran adjacent to the River Loobagh during visit undertaken March 2023



Plate 2-13 Giant hogweed (Heracleum mantegazzianum) recorded in the verge which ran adjacent to the River Loobagh during visit undertaken August 2023





## 3. IDENTIFICATION OF RELEVANT EUROPEAN SITES

## Identification of the European Sites within the Likely Zone of Impact

The following methodology was used to establish any European Sites upon which there is a potential for a likely significant effect to occur either individually or in combination with other plans and projects as a result of the proposed development:

- Initially the most up to date GIS spatial datasets for European designated sites and water catchments were downloaded from the NPWS website (www.npws.ie) and the EPA website (www.epa.ie) on the 07/08/2023.
- All European Sites that could potentially be affected were identified using a source-pathway receptor model. To provide context for the assessment, European Sites surrounding the development site are shown on Figure 3-1. Information on these sites according to the site-specific conservation objectives is provided in Table 3-1. Sites that were further away from the proposed development were also considered and in this case connectivity with sites that were further downstream in the catchment was identified. These included Lower River Shannon SAC (approximately 34.4km downstream) and River Shannon and River Fergus Estuaries SPA (approximately 43.9km). However, given the nature, scale and location of the proposed development and the attenuating properties of the of the intervening waterbodies, no potential pathway for significant effects was identified.
- The Loobagh river is located along the northern boundary of the proposed site which is acts as a potential commuting or foraging habitat for otter a QI of the Lower River Shannon SAC. While there were no signs of otter recorded during the walkover surveys the species is likely to commute along the river at least on occasion. Additionally, the proposed site is buffered from the designated site by approximately 25.3km and various modified and disturbed habitats, including improved grasslands, forestry, residential areas and roadways. As such, disturbance effects on the QI Otter as an aquatic species were considered unlikely and no further assessment was required.
- The catchment mapping was used to establish or discount potential hydrological connectivity between the site of the proposed development and any European Sites. The hydrological catchments are also shown in Figure 3-1.
- In relation to Special Protection Areas, in the absence of any specific European or Irish guidance in relation to such sites, the Scottish Natural Heritage (SNH) Guidance, 'Assessing Connectivity with Special Protection Areas (SPA)' (2016) was consulted. This document provides guidance in relation to the identification of connectivity between proposed development and Special Protection Areas. The guidance takes into consideration the distances species may travel beyond the boundary of their SPAs and provides information on dispersal and foraging ranges of bird species which are frequently encountered when considering plans and projects.
- Table 3-1, provides details of all relevant European Sites as identified in the preceding steps and assesses the potential for likely significant effects on each.
- The assessment considers any likely direct or indirect impacts of the proposed development, both alone and in combination with other plans and projects, on European Sites by virtue of criteria including the following: size and scale, land-take, distance from the European Site or key features of the site, resource requirements, emissions, excavation requirements, transportation requirements and duration of construction, operation and decommissioning were considered in this assessment.



- The site synopses and conservation objectives of these sites, as per the NPWS website (www.npws.ie), were consulted and reviewed at the time of preparing this report 07/08/2023.
- Where potential pathways for Likely Significant Effect are identified, the site is included within the Likely Zone of Impact and further assessment is required within the NIS.
- The potential for the proposed development to result in cumulative impacts on any European Sites in combination with other plans and projects was considered in the assessment that is presented in Table 3-1. Plans and projects considered include those that are listed in **Appendix 1**.

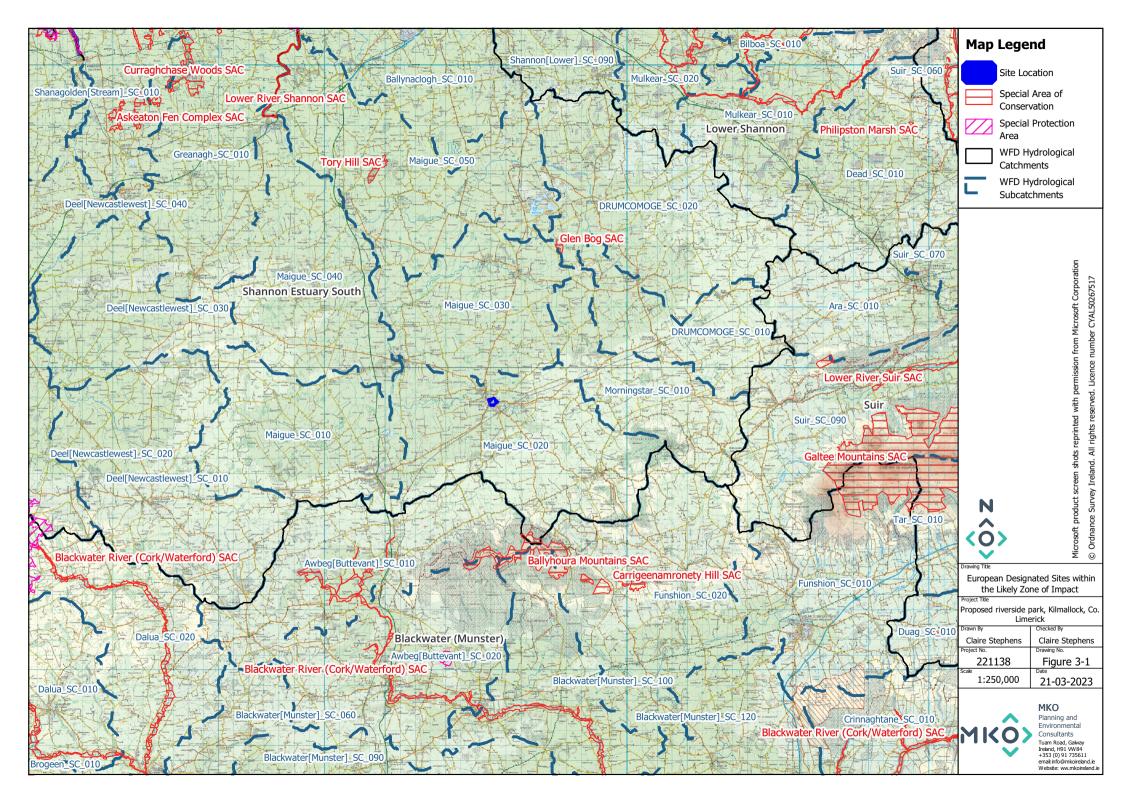




Table 3-1 Identification of Designated sites within the Likely Zone of Impact

European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 07/08/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
Special Areas of Conservation (S	AC)		
Ballyhoura Mountains SAC [002036]  Distance: 8.9km	<ul> <li>[4010] Northern Atlantic wet heaths with <i>Erica tetralix</i></li> <li>[4030] European dry heaths</li> <li>[7130] Blanket bogs (* if active bog)</li> </ul>	Detailed conservation objectives for this site, (Version 1, August 2016), were reviewed as part of the assessment and are available at <a href="https://www.npws.ie">www.npws.ie</a>	There will be no direct effects as the project footprint is located entirely outside the designated site.  Due to the distance from the development and nature of the proposed works, there is no potential for indirect effects to the terrestrial QIs for which this SAC has been designated.  No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects. The site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.
Glen Bog SAC [001430]  Distance: 10.8km	> [91E0] Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)	Detailed conservation objectives for this site, (Version 1, November 2017), were reviewed as part of the assessment and are available at <a href="https://www.npws.ie">www.npws.ie</a>	There will be no direct effects as the project footprint is located entirely outside the designated site.  The site of the proposed development is within a separate sub-catchment to the SAC and there is therefore no potential surface water connectivity between the proposed development and the SAC. No



European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 07/08/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
			pathway for indirect effects on the aquatic QI of the SAC were identified.  No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects. The site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.
Blackwater River (Cork/Waterford) SAC [002170] Distance: 11.0km	<ul> <li>[1029] Freshwater Pearl Mussel         Margaritifera margaritifera</li> <li>[1092] White-clawed Crayfish         Austropotamobius pallipes</li> <li>[1095] Sea Lamprey Petromyzon         marinus</li> <li>[1096] Brook Lamprey Lampetra         planeri</li> <li>[1099] River Lamprey Lampetra         fluviatilis</li> <li>[1103] Twaite Shad Alosa fallax</li> <li>[1106] Atlantic Salmon Salmo salar         (only in fresh water)</li> <li>[1130] Estuaries</li> <li>[1140] Mudflats and sandflats not         covered by seawater at low tide</li> </ul>	Detailed conservation objectives for this site, (Version 1, July 2012), were reviewed as part of the assessment and are available at <a href="https://www.npws.ie">www.npws.ie</a>	There will be no direct effects as the project footprint is located entirely outside the designated site.  The site of the proposed development is within a separate sub-catchment to the SAC and there is therefore no potential surface water connectivity between the proposed development and the SAC. No pathway for indirect effects on the aquatic QIs of the SAC was identified.  Due to the distance from the development and nature of the proposed works, there is no potential for indirect effects to the terrestrial QIs for which this SAC has been designated.  No pathway for significant effect on this European Site was identified, when considered in the absence of any



European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 07/08/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
	<ul> <li>[1220] Perennial vegetation of stony banks</li> <li>[1310] Salicornia and other annuals colonizing mud and sand</li> <li>[1330] Atlantic salt meadows (Glauco-Puccinellietalia maritimae)</li> <li>[1355] Otter Lutra lutra</li> <li>[1410] Mediterranean salt meadows (Juncetalia maritimi)</li> <li>[1421] Killarney Fern Trichomanes speciosum</li> <li>[3260] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation</li> <li>[91A0] Old sessile oak woods with Ilex and Blechnum in the British Isles</li> <li>[91E0] *Alluvial forests with Alnus glutinosa and Fraxinus excelsior (Alno-Padion, Alnion incanae, Salicion albae)</li> <li>[91J0] *Taxus baccata woods of the British Isles</li> </ul>		mitigation, individually or cumulatively with other plans or projects. The site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.
Carrigeenamronety Hill SAC [2037]	> [4030] European dry heaths	Detailed conservation objectives for this site, (Version 1, February 2021),	There will be no direct effects as the project footprint is located entirely outside the designated site.



European Sites and distance from proposed development	Qualify Interests/Special Conservation Interests for which the European site has been designated (Sourced from NPWS online Conservation Objectives, www.npws.ie on the 07/08/2023	Conservation Objectives	Identification of Source-Pathway-Receptor chain and Likely Zone of Impact Determination
Distance: 14.1km	> [6985] Killarney Fern Vandenboschia speciosa	were reviewed as part of the assessment and are available at www.npws.ie	Due to the distance from the development and nature of the proposed works, there is no potential for indirect effects to the terrestrial QIs for which this SAC has been designated.  No pathway for significant effect on this European Site was identified, when considered in the absence of any mitigation, individually or cumulatively with other plans or projects. The site is not within the Likely Zone of Impact and is not considered further in this Screening assessment.
Special Protection Area (SPA)  There are no Special Protection Areas within the Likely Zone of Impact			



### European Sites with the Potential to be Significantly Affected by the Proposed Development

There are no European sites identified with the potential to be significantly affected by the proposed development.

# Likely Cumulative Impact of the Proposed Works on European Sites, in-combination with other plans and projects

A search and review in relation to plans and projects that may have the potential to result in cumulative and/or in-combination impacts on European Sites was conducted. This assessment focuses on the potential for cumulative in-combination effects on the European Sites where potential for significant effects was identified in Table 3-1. This included a review of online Planning Registers, development plans and other available information and served to identify past and future plans and projects, their activities and their predicted environmental effects. A list of the plans and projects considered is provided in **Appendix 1**.

#### 3.3.1 Conclusion of Cumulative Assessment

No pathway or mechanism for the proposed development to result in any significant effect on any European Site was identified when considered on its own during the assessment process and therefore there is no potential for it to contribute to any such effects when considered in-combination with any other development.

The review of plans and projects that is described in **Appendix 1** did not reveal any additional potential pathways for effect on European Sites that may have arisen as a result of those plans or projects.



# ARTICLE 6(3) APPROPRIATE ASSESSMENT SCREENING STATEMENT AND CONCLUSIONS

The findings of this Screening Assessment are presented following the European Commission's Assessment of Plans and Projects Significantly affecting Natura 2000 Sites: Methodological Guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EEC (EC, 2021) and Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC (EC, 2018) as well as the Department of the Environment's Appropriate Assessment of Plans and Projects in Ireland - Guidance for Planning Authorities (DoEHLG, 2010).

### **Data Collected to Carry Out Assessment**

In preparation of the report, the following sources were used to gather information:

- Review of NPWS Site Synopses, Conservation Objectives for the European Sites
- Review of 2019, 2013 and 2007 EU Habitats Directive (Article 17) Reports.
- Review of online web-mappers: National Parks and Wildlife Service (NPWS), EPA, Water Framework Directive (WFD),
- Review of OS maps and aerial photographs of the site of the proposed project.
- Review of other plans and projects within the area.
- Site visits undertaken on the 3<sup>rd</sup> of March 2023 by Lisa Buckley and on the 1<sup>st</sup> of August 2023 by Claire Stephens.

### 4.2 **Concluding Statement**

It is concluded beyond reasonable scientific doubt, in view of best scientific knowledge, on the basis of objective information and in light of the conservation objectives of the relevant European sites, that the proposed development, individually or in combination with other plans and projects, will not have a significant effect on any European Site.



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### **APPENDIX 1**

LIST OF PLANS AND PROJECTS CONSIDERED IN THE CUMULATIVE ASSESSMENT

### 1. PLANS

### Development context – Ecological Plans and Policies

The following development plans been reviewed and taken into consideration as part of this assessment:

- Limerick Development Plan 2022-2028
- National Biodiversity Action Plan 2017-2021
- Draft National Biodiversity Action Plan 2023 2027
- Regional Spatial and Economic Strategy for the Southern Region (2020-2032)
- > Kilmallock Local Area Plan 2019-2025

The review in Table 1 focused on policies and objectives that relate to Designated site and natural heritage. Policies and objectives relating to sustainable land use were also reviewed.

Table 1 Review of plans

Table 1 Review of plans		
	Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
Limerick Development Plan 2022- 2028	Policy EH P1 Protection of Natural Heritage and Biodiversity  It is a policy of the Council to: a) Protect and conserve Limerick's natural heritage and biodiversity, in particular, areas designated as part of the European Sites Natura 2000 network, such as Special Protection Areas (SPAs) and Special Areas of Conservations (SACs), in accordance with relevant EU Directives and national legislation and guidelines. b) Maintain the conservation value of all Natural Heritage Areas and proposed Natural Heritage Areas (pNHAs) for the benefit of existing and future generations.  Objective EH O1 Designated Sites and Habitats Directive  It is an objective of the Council to ensure that projects/plans likely to have significant effects on European Sites (either individually or in combination with other plans or projects) are subject to an appropriate assessment and will not be permitted under the Plan unless they comply with Article 6 of the Habitats Directive. The Council, will through the planning enforcement process where applicable, seek to restore the ecological functions of designated sites, where they have been damaged through inappropriate development.	The Limerick County Development plan 2022-2028 was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative effects when considered in conjunction with the current proposed development were identified.  There will be no Significant effects on European designated sites as a result of the proposed works. The proposed small-scale works will not impact on connectivity within the wider area and will maintain watercourses in proximity to the works site in good condition.  The proposed works will not significantly affect the Qualifying Interests/Special Conservation Interests associated with Natura 2000 sites, including the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.
	Objective EH O11 Invasive Species  It is an objective of the Council to:  a) Work with and facilitate the work of agencies addressing the issue of terrestrial and aquatic invasive alien species (IAS), by implementing biosecurity measures, selected control measures and surveys, where appropriate.  b) Address the presence of invasive alien species on derelict sites under the provisions of the Derelict Sites Act through the preparation of a management and eradication plan for these species.	There will be no significant effects on QIs/SCIs, as a result of the spread or the introduction of invasive species.  During the multi-disciplinary walkover survey, a search for non-native invasive species was undertaken. The survey focused on the identification of invasive species listed under the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 (As Amended) (S.I. 477 of 2015).  The non-native invasive species, giant hogweed ( <i>Heracleum mantegazzianum</i> ) was recorded at several points along the

	Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
	c) Require the submission of a control and management program for the particular invasive species as part of the planning process, if developments are proposed on sites where invasive species are present.	verge which runs along the River Loobagh. This species is listed on the 'Third Schedule' of Regulations 49 and 50 of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. 477 of 2011).
	d) Employ biosecurity measures to prevent the spread of invasive alien species and disease and to insist that all such measures are employed on all development sites.	No other Third Schedule Invasive Alien Species (IAS) of the European Communities Regulations 2011 (S.I. 477 of 2015) were recorded within the study site.
		The proposed project has been designed to avoid any effect on the wider environment including preventing the introduction or spread of invasive species and disturbance to and loss/fragmentation of habitat outside the site.
National Biodiversity Action Plan 2017-2021	<b>Target 6.2</b> - Sufficiency, coherence, connectivity, and resilience of the protected areas network substantially enhanced by 2020.	The National Biodiversity Action Plan 2017-2021 was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative effects when considered in conjunction with the current proposed development were identified.  There will be no Significant effects on European designated
		sites as a result of the proposed works. The proposed small- scale works will not impact on connectivity within the wider area and will maintain watercourses in proximity to the works site in good condition.
		The proposed works will not significantly affect the Qualifying Interests/Special Conservation Interests associated with Natura 2000 sites, including the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

	Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
Draft National Biodiversity Action Plan 2023 - 2027	Objective 2 - Meet Urgent Conservation and Restoration Needs  Outcome 2A: The protection of existing designated areas and species is strengthened and conservation and restoration within the existing protected are network are enhanced.  Outcome 2B: Biodiversity and ecosystem services in the wider countryside are conserved 32 18 27 Navigation  Outcome 2C: All freshwater bodies are of at least 'Good Ecological Status' as defined under the EU Water Framework Directive 36	The draft action plan was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the protected species and designated sites.  The proposed small scale works are located outside of any European designated sites, as described in Section 3.1 of the AA Screening Report and will not impact on connectivity within the wider countryside, maintain waterbodies outside the development site in good condition.  The proposed works will not significantly affect the Qualifying Interests/Special Conservation Interests associated with Natura 2000 sites, including the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.
Regional Spatial and Economic Strategy for the Southern Region (2020-2032)	RPO 1.b. The RSES seeks to protect, manage, and through enhanced ecological connectivity, improve the coherence of the Natura 2000 Network in the Southern Region.  RPO 5. Population Growth and Environmental Criteria Increased population growth should be planned with regard to environmental criteria, including:	The Regional Spatial and Economic Strategy for the Southern Region was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other natural heritage interests. No potential for cumulative effects when considered in conjunction with the current proposed development were identified.
	<ul> <li>Assimilative capacity of the receiving environment;</li> <li>Proximity of Natura 2000 sites and potential for adverse effects on these sites, and their conservation objectives;</li> <li>Areas with flood potential.</li> </ul> RPO 117 Flood Risk Management and Biodiversity	There will be no Significant effects on European designated sites as a result of the proposed works. The proposed small-scale works will not impact on connectivity within the wider area and will maintain watercourses in proximity to the works site in good condition.
	It is an objective to avail of opportunities to enhance biodiversity and amenity and to ensure the protection of environmentally sensitive sites and habitats, including where flood risk management measures are planned. Plans and projects that have the	The proposed works will not significantly affect the Qualifying Interests/Special Conservation Interests associated with Natura 2000 sites, including the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

	Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
	potential to negatively impact on Natura 2000 sites are subject to the requirements of the Habitats Directive	
	RPO 124 Green Infrastructure	
	a. It is an objective to promote the concept of connecting corridors for the movement of wildlife and encourage the retention and creation of features of biodiversity value, ecological corridors and networks that connect areas of high conservation value such as woodlands, hedgerows, earth banks, watercourses and wetlands. The RSES recognises the necessity of protecting such corridors and the necessity to encourage the management of features of the landscape that support the Natura 2000 network;	
	b. Green infrastructure will be integrated into the preparation of statutory land-use plans in the Region, which will include identifying Green infrastructure and strengthening this network;	
	c. All Development Plans and Local Area Plans shall protect, enhance, provide and manage Green infrastructure in an integrated and coherent manner addressing the themes of biodiversity protection, water management and climate action; and should also have regard to the required targets in relation to the conservation of European sites, other nature conservation sites, ecological networks, and protected species;	
	d. Any future development of greenways, blueways, peatways, cycleways or walkways will include an assessment by the relevant authorities of any impacts that may arise from increased visitor pressures, in particular, on sensitive European sites and the design of the network will consider the provision of protective measures on sites sensitive to disturbance/visitor pressure.	
Kilmallock Local Area Plan 2019- 2025	Objective H8: Tree Protection and Nature Conservation  It is the objective of the Council to:	The Kilmallock Local Area Plan 2019-2025 was comprehensively reviewed, with particular reference to Policies and Objectives that relate to the Natura 2000 network and other

Key Policies/Issues/Objectives Directly Related to European Sites In The Zone of Influence	Assessment of development compliance with policy
c) All development activities governed by the plan shall be carried out in accordance with the provisions of the EU Water Framework Directive and associated regulations and guidance documentation including the Shannon International River Basin Management Plan 2009 – 2015 and any subsequent documents.	natural heritage interests. No potential for cumulative effects when considered in conjunction with the current proposed development were identified.  There will be no Significant effects on European designated sites as a result of the proposed works. The proposed small-scale works will not impact on connectivity within the wider area and will maintain watercourses in proximity to the works site in good condition.
	The proposed works will not significantly affect the Qualifying Interests/Special Conservation Interests associated with Natura 2000 sites, including the Lower River Shannon SAC and River Shannon and River Fergus Estuaries SPA.

### 1.1 Other Projects

The potential for the proposed development to contribute to a cumulative impact on European Sites was considered. The online planning system for Limerick City and County Council was consulted on the 7<sup>th</sup> August 2023. Projects in the area included small-scale developments such as change of use of developments and the following:

- Permission for placement of a pay-to-use portable waste compactor for residual waste and food waste and a pay-to-use portable waste compactor for dry recyclables (Planning Ref.: 21511)
- Retention of (a) garage to left-hand side of property, (b) shed to rear right-hand side of property and (c) alterations to external elevations & roofs of existing dwelling from that previously granted under Planning Permission Ref. No. 84/24834, 94/754 and 01/1758 (Planning Ref.: 19879),
- Extension of Duration for Extension of Permission for Planning Ref. No. 13/181: (a) the demolition of the nightclub building at the rear of the Old Oak, (b) demolition of the former post office and barber shop facing onto Sarsfield Street, (c) construction of a new retail unit with an office on the first floor and an apartment on the second floor fronting onto Sarsfield Street, (d) construction of a pedestrian access archway and walkway from Sarsfield Street to the rear of the site, (e) construction of an enclosed deck area for the Old Oak Pub & Coffee Shop, (f) construction of a new retail unit with delivery loading bay on Sarsfield Street, store, toilets, staff room, office and service rooms and a screened recycling and bin storage area, (g) construction of 2 smaller retail units within the site, (h) new car park area, (i) construction of an new entrance to the car park, (j) modification of the existing stone wall to include piers and iron railing and all associated site works on or under land (there is a protected structure within the curtilage of this site) (Planning Ref.: 187033),
- Permission the internal extension of the existing single storey mid-terrace Ladbrokes licensed betting office, to incorporate the adjoining vacant single storey mid-terrace 'Burkes' retail premises. Proposed works shall include for the formation of 3 no. structural openings through the existing party wall, the associated change of use of the extended part (Burkes) from retail to licensed betting office, the internal amalgamation of the adjoining units together with all associated internal alterations, new shopfront signage to front (southwest) elevation and all associated site development works. Ladbrokes licensed betting office being a protected structure (Planning Ref.: 19166),
- Retention the change of use of an existing structure to use as a dwelling including alterations to the front elevation and to retain the as constructed first floor extension and permission to complete the works (Planning Ref.: 22645),
- Permission for the demolition of existing ruined dwelling house, to construct new single storey dwelling house and new splayed entrance, to install sewerage treatment system and all associated site works (Planning Ref.: 22647),
- Retention a change of use of the ground floor from a retail unit to a 'take-away' restaurant for the sale of hot food for consumption off premises and inclusive of a cooker extraction system (Planning Ref.: 22829),
- Permission off license facilities as part of the existing convenience shop and minor elevation alterations to the shop front (Planning Ref.: 18777),
- Permission for 5 dwellings made up of 3 x 3 bed terrace and 2 x 3 bed semidetached units and associated site works (Planning Ref.: 19233),
- Permission for the construction of 4 no. 2 bedroom apartments and all associated site works. The archway to the front on the property is a Protected Structure in the Limerick County Development Plan RPS Ref. No. 1400 and is also listed in the NIAH Ref. No. 21813043 (Planning Ref.: 22197). The current application status is Further Information.

- Permission for construction of a single storey extension to existing dwelling house and all associated site works (Planning Ref.: 20507),
- > Permission for a single storey bedroom & en-suite extension (Planning Ref.: 18810),
- Permission for development of a Fire Service Training Centre (Phase 1) to include; a. Change of use of existing unit (former Fit 4 Life building) as a Training Building including lecture rooms, canteen and showering/changing facilities b. Construction of a fire service drill yard with two drill towers c. Construction of a Compartment Fire Behaviour Training Unit d. All associated site works (Planning Ref.: 208002),
- Permission for the construction of a single storey extension to side of dwelling, install a secondary wastewater treatment system and polishing filter and all associated site works (Planning Ref.: 22564),
- Permission for the construction and operation of an energy storage system comprising (i) 5 no. containerised energy storage modules placed on concrete plinth foundations; (ii) 5 no. electrical transformer and inverter modules; (iii) heating, ventilation and air conditioning units; (iv) an electrical control building and associated electrical equipment; (v) 320m of site access tracks; (vi) underground electrical and telecommunications cabling; (vii) CCTV security monitoring system; (viii) an up to 2.95m palisade fence around the energy storage system compound; (ix) all ancillary electrical and communications equipment; and (x) all associated site development, drainage and reinstatement works. (Planning Ref.: 22129),
- Permission for raising the roof of the mill building to accommodate new mill equipment to replace the existing, this will involve alterations to all elevations, extension to storage bin area, to construct a single storey extension to warehouse for electrical switch room and ESB substation, to install a weighbridge to extend the existing yard area and provision for signage and all ancillary works, all at the existing feed mill facility (Planning Ref.: 18347),
- Permission for construction of a single storey dwelling, a wastewater treatment system and tertiary filter and upgrade existing entrance with splayed walls and all associated site works (Planning Ref.: 21374),
- Permission for erection of a 24m lattice telecommunications structure together with antennas, dishes and associated equipment all enclosed in security fencing and remove the existing 18m telecommunications structure at the same location (Planning Ref.: 20617),
- Permission for demolition of existing front porch, construction of a new porch to the side of the existing dwelling, construction of a 1st floor extension resulting in an increase in overall height, modifications to the existing dwelling, alterations to the existing entrance and associated site works. Retention is also sought for a utility room extension to existing dwelling (Planning Ref.: 22737),
- Permission for extension to the side and rear of existing dwelling and all associated site works (Planning Ref.: 18923),
- Permission for the construction of side and rear extensions to their existing dwelling house and all associated site works (Planning Ref.: 19784),
- Permission for a side garage extension to the existing dwelling house and all ancillary site development works (Planning Ref.: 21581),
- Permission for a single-story dwelling, wastewater treatment system and polishing filter, demolition of existing sheds and all associated site works (Planning Ref.: 18969),
- Retention of existing machinery shed, unfinished slatted cattle shed, milking parlour and milk silo and Planning Permission to complete. Retention Permission for unfinished haybarn and Planning Permission to complete (Planning Ref.: 191129),
- Retention of extensions as constructed from that previously granted planning ref. 81/19592 and all associated works (Planning Ref.: 19996),
- Permission for the construction of an entrance, single storey dwelling house, waste water treatment system with polishing filter together with all associated site works (Planning Ref.: 211150),
- Permission for the retention of an existing extension to dwelling comprising of playroom, garage and toilet. Permission for proposed conversion of existing garage to bedroom, ensuite and store room and all associated site works (Planning Ref.: 211162),

Permission for the development that will comprise the carrying out part demolition of, including alterations and extensions to existing dwelling, install new on-site effluent treatment system including all associated site development works (Planning Ref.: 221027)

#### **Conclusion of Cumulative Assessment**

No pathway or mechanism for the proposed development to result in any significant effect on any European Site was identified when considered on its own during the assessment process and therefore there is no potential for it to contribute to any such effects when considered in-combination with any other development.

The review of plans and projects that is described above did not reveal any additional potential pathways for effect on European Sites that may have arisen as a result of those plans or projects.