



Screening for Appropriate Assessment

Kilfinane Market House, The Square, Kilfinane, Co. Limerick

Prepared by: Beo Ecology
Prepared for: Limerick City & County Council



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Sheila Murphy B.Sc. M.Sc. MCIEEM trading as Beo Ecology.
Office: Shrule, Co. Mayo
Contact: info@beoecology.ie

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1 Introduction

Beo Ecology has been commissioned by Limerick City & County Council to carry out a Screening for Appropriate Assessment for the proposed re-development of Kilfinane Market House, Kilfinane, Co. Limerick. The location of the proposed works is presented in **Figure 1-1**. See **Appendix A** for site location and site layout drawings.

This Screening for Appropriate Assessment (AA) has been prepared to provide the competent authority, Limerick City and County Council, the relevant scientific information to conduct the Appropriate Assessment (AA). This information will allow Limerick City and County Council to determine, in view of best scientific knowledge, if the proposed project, individually or in combination with other plans and projects is likely to have a significant effect on a European site and, where necessary, to ascertain whether or not the proposed project would adversely affect the integrity of a European site.

1.1 Statement of Authority

Sheila Murphy trading as Beo Ecology holds a B.Sc. (Hons) in Environmental Science, and M.Sc. in Biodiversity and Conservation, she has over 13 years' experience in her field. She has extensive experience in the area of Screening of Appropriate Assessments and report writing for a range of projects including road developments, wastewater treatment plants and one-off housing developments. She is a Full Member of the Chartered Institute of Ecology and Environmental Management (MCIEEM).

1.2 Legislative Context for Appropriate Assessment

The Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, better known as "The Habitats Directive", provides legal protection for habitats and species of European importance. Articles 3 to 9 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.

Natura 2000 sites are defined under the Habitats Directive (Article 3) as a coherent European ecological network of special areas of conservation, composed of sites hosting the natural habitat types listed in Annex I and habitats of the species listed in Annex II, shall enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range. In Ireland, these sites are designated as European Sites and include Special Protection Areas (SPAs), established under the EU Birds Directive (79/409/EEC, as codified by 2009/147/EC) for birds and Special Areas of Conservation (SACs), established under the Habitats Directive 92/43/EEC for habitats and species.

The Habitats Directive has been transposed into Irish law by Part XAB of the Planning and Development Act, 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (SI 477/2011) as amended.

Articles 6(3) and 6(4) of the Habitats Directive set out the decision-making tests for plans and projects likely to adversely affect the integrity of European Sites (Annex 1.1).

Article 6(3) establishes the requirement for Appropriate Assessment (AA):

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 or 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 implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Article 6(3) of the Habitats Directive, transposed into Irish Law relevant to this project includes Part XAB of the Planning and Development Act, 2000 (as amended) and the European Communities (Birds and Natural Habitats) Regulations 2011 (as amended).

Natura 2000 sites in Ireland (herein referred to as European sites) that form part of the Natura 2000 network of protected sites include Special Areas of Conservation (SACs) designated due to their significant ecological importance for species and habitats protected under Annexes I and II respectively of the Habitats Directive, and Special Protected Areas (SPAs), designated for the protection of populations and habitats of bird species protected under the EU Birds Directive (Council Directive 2009/409/EEC). Features for which SACs and SPAs are designated are termed Qualifying Interests and Special Conservation Interests respectively. Collectively, Qualifying Interests and Special Conservation Interests are herein referred to as Qualifying Features. As the proposed project is not directly connected with or necessary to the management of any European Site, Limerick City and County Council as the competent authority, is obliged to assess, in view of best scientific knowledge, if the proposed development, individually or in combination with other plans or projects, is likely to have a significant effect on European Sites.

The staged assessment process undertaken to meet Article 6(3) obligations is described in **Section 2** below.

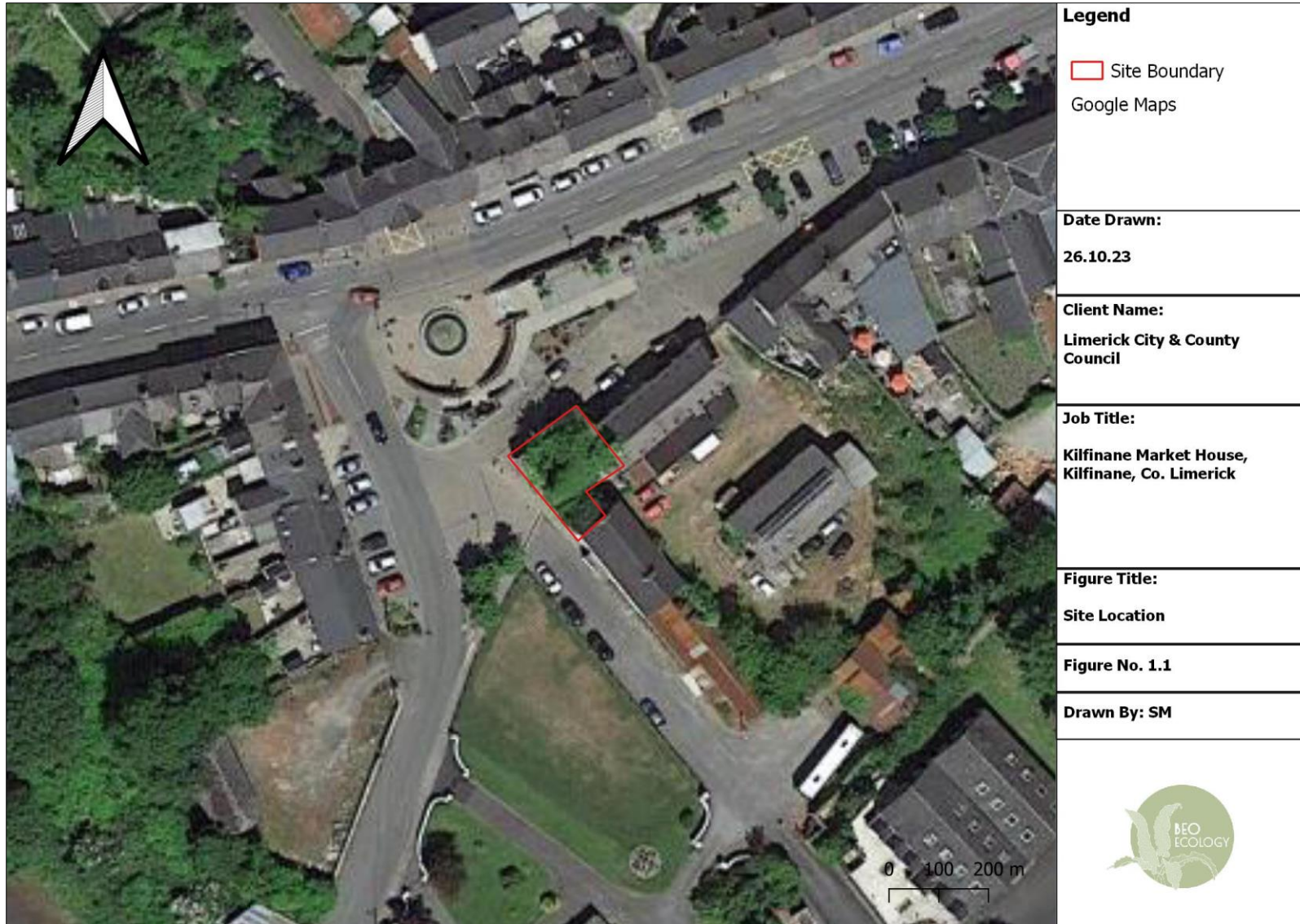


Figure 1-1: Site Location of the Proposed Works

2 Methodology

2.1 Stage 1: Screening for Appropriate Assessment

Screening is the process that addresses and records the reasoning and conclusions in relation to the first two tests of Article 6(3):

Whether a plan or project is directly connected to or necessary for the management of the site, and whether a plan or project, alone or in combination with other plans and projects, is likely to have significant effects on a European site in view of its conservation objectives.

If the effects are deemed to be significant, potentially significant, or uncertain, or if the screening process becomes overly complicated, then the process must proceed to Stage 2 (AA). Screening should be undertaken without the inclusion of mitigation, unless potential impacts clearly can be avoided through the modification or redesign of the plan or project, in which case the screening process is repeated on the altered plan. The greatest level of evidence and justification will be needed in circumstances when the process ends at screening stage on grounds of no impact.

2.2 Stage 2: Appropriate Assessment (Natura Impact Statement)

The aim of Stage 2 of the AA process is to identify any adverse impacts that the plan or project might have on the integrity of relevant European sites. As part of the assessment, a key consideration is 'in combination' effects with other plans or projects. Where adverse impacts are identified, mitigation measures can be proposed that would avoid, reduce or remedy any such negative impacts and the plan or project should then be amended accordingly, thereby avoiding the need to progress to Step 3.

This stage considers whether the plan or project, alone or in combination with other projects or plans, will have adverse effects on the integrity of a European site, and includes any mitigation measures necessary to avoid, reduce or offset negative effects. The proponent of the plan or project will be required to submit a Natura Impact Statement, i.e. the report of a targeted professional scientific examination of the plan or project and the relevant European sites, to identify and characterise any possible implications for the site in view of the site's conservation objectives, taking account of in-combination effects. This should provide information to enable the public authority to carry out the AA.

The information required in a Natura Impact Statement, is outlined in Regulation 42(5) (a) of the European Communities (Birds and Natural Habitats) Regulations 2011 (S.I. No. 477/2011) as amended, as follows: A Natura Impact Statement shall, in addition to addressing the issues referred to in the interpretation contained in Regulation 2(1), include such information or data as the public authority considers necessary, and specifies in a notice given under paragraph (3), to enable it to ascertain if the plan or project will affect the integrity of the site.

Where appropriate, a Natura Impact Statement shall include, in addition —

- i. the alternative solutions that have been considered and the reasons why they have not been adopted,
- ii. the imperative reasons of overriding public interest that are being relied upon to indicate that the plan or project should proceed notwithstanding that it may adversely affect the integrity of a European site,
- iii. the compensatory measures that are being proposed.

If the assessment is negative, i.e. adverse effects on the integrity of a site cannot be excluded, then the process must proceed to Stage 3, or the plan or project should be abandoned. The competent authority must make a determination to that effect before proceeding to the next stage.

2.3 Guidance

This Screening for AA report has been prepared with regard to the relevant provisions of the EU Council Directive 92/43/EEC and Ireland's EU (Birds and Natural Habitats) Regulations 2011 (as amended).

The methodology followed for this assessment has had regard to the following guidance and legislation;

- CIEEM (2018). Guidelines for Ecological Impact Assessment in the UK and Ireland. Chartered Institute of Ecology and Environmental Management;
- CIEEM Version 1.1 (September 2019), Guidelines for Ecological Impact Assessment in the UK and Ireland;
- DoEHLG (2009, rev. 2010) Appropriate Assessment of Plans and Projects in Ireland Guidance for Planning Authorities. Department of the Environment, Heritage and Local Government;
- EC (2000). Communication from the Commission on the Precautionary Principle. Office for Official Publications of the European Communities, Luxembourg;
- EC (2002) 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, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (2007a) Guidance document on Article 6(4) of the 'Habitats Directive' 92/43/EEC – Clarification of the concepts of: alternative solutions, imperative reasons of overriding public interest, compensatory measures, overall coherence, opinion of the commission. European Commission;
- EC, (2007b), Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC. European Commission;
- EC (2013) Interpretation manual of European Union Habitats – EUR28. European Commission, DG Environment, Nature ENV B.3. EC (2018). Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg;
- EC (2014) Article 6 of the Habitats Directive: Rulings of the European Court of Justice.
- EC (2018), Managing Natura 2000 Sites: the provisions of Article 6 of the 'Habitats Directive' 92/43/EEC, Office for Official Publications of the European Communities, Luxembourg. European Commission;
- EC (2019) Commission notice "*Managing Natura 2000 sites, The provision of Article 6 of the Habitats Directive 90/43/EEC*". Brussels, 21.11.2019, C (2018) 7621 final. European Communities, Luxembourg.
- EC (2021) (Amended) Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological guidance on the provision of Article 6(3) and (4) of the Habitats Directive 92/43/EEC, Office for Official Publications of the European Communities, European Communities, Luxembourg.
- EC (2021) (Amended). Commission notice "*Guidance document on the strict protection of animal species of Community interest under the Habitats Directive*". Brussels, 21.10.2021, C (2021) 7301. European Commission.
- The European Communities (Birds and Natural Habitats) Regulations 2011 as amended;
- European Union (Environmental Impact Assessment and Habitats) Regulations 2011 S.I No 473/2011 as amended,
- NPWS (2013). Ireland's Summary Report for the period 2008 – 2012 under Article 12 of the Birds Directive. National Parks and Wildlife Services. Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland;
- NPWS (2019), The Status of EU Protected Habitats and Species in Ireland. Habitat Assessments Volume 2. Version 1.0. Unpublished Report, National Parks and Wildlife Services. Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland;
- NPWS (2019), The Status of EU Protected Habitats and Species in Ireland. Species Assessments Volume 3, Version 1.0. Unpublished Report, National Parks and Wildlife Services. Department of Arts, Heritage and the Gaeltacht, Dublin, Ireland;

- Office of the Planning Regulator (March 2021), Appropriate Assessment Screening for Development Management. OPR Practice Note PN01;
- The Planning and Development Act 2000 (as amended);
- The Planning and Development Regulations 2001 (as amended); and
- Recent Irish and European case law on the Habitats Directive.

2.4 Information Consulted for this Report

A desk study was undertaken as part of this assessment. This has been informed by the following sources of data;

- Information on the location, nature and design of the proposed project as provided by the client;
- Department of Housing, Local Government and Heritage online land-use mapping (<https://www.myplan.ie/zoning-map-viewer/>);
- Department of Housing, Local Government and Heritage EIA Portal (<https://housinggovie.maps.arcgis.com/apps/webappviewer/index.html?id=d7d5a3d48f104ecbb206e7e5f84b71f1>);
- Office of Public Works (OPW) National Flood Hazard Mapping website (www.floodmaps.ie);
- Environmental Protection Agency (EPA) geoportal mapping tool (<https://gis.epa.ie/EPAMaps/>);
- EPA Catchments interactive online mapping and data (<https://www.catchments.ie/>);
- All-Island Research Observatory (AIRO) Environmental Sensitivity Mapping (<https://airomaps.geohive.ie/ESM/>);
- National Parks and Wildlife Service protected site and species information and data (<https://www.npws.ie/protected-sites>);
- National Biodiversity Data Centre (www.biodiversityireland.ie);
- Geohive online environmental sensitivity mapping tool (<https://airomaps.geohive.ie/ESM/>);
- Ordnance Survey of Ireland mapping and aerial photography (www.osi.ie);
- Geological Survey Ireland online mapping and data (<https://www.gsi.ie/en-ie/Pages/default.aspx>); and,
- Limerick Development Plan 2022-2028.

3 Stage 1: Screening for Appropriate Assessment

This section provides the information required for the competent authority (Limerick City and County Council) to undertake a Screening for AA and determine in view of best scientific knowledge, whether the proposed works, individually or in combination with other plans and projects, is likely to have a significant effect on the European site. Specifically, it aims to:

- Provide information on, and assess the potential for the proposed works to significantly impact on European sites; and
- Determine whether the activities proposed, alone or in combination with other projects, are likely to have significant effects on European sites in view of their Conservation Objectives.

This screening assessment provides information to address the following elements:

1. Description of the plan or project, and local site or plan area characteristics. The description covers the full scope of the proposed plan or project (i.e. construction phase and operational phase).
2. Description of the receiving environment setting of the proposed plan or project and its surrounds.
3. Identification of relevant European sites within the projects the potential zone of influence. A preliminary assessment to determine connectivity between the proposed works and receptors (i.e. European sites and/or features for which the sites are designated). Where connectivity exists, the receptors in question are brought forward in the screening assessment process.
4. For receptors that exhibit potential connectivity to the proposed work a screening assessment is undertaken to establish whether the plan or project is likely to have a direct, indirect or cumulative effect on receptors based on a consideration of likely impacts (i.e. an assessment of significance of effect).
5. Screening statement with conclusions on whether or not an AA is necessary for the relevant a Qualifying Feature.

3.1 Project Description

Limerick City & County Council are proposing the re-development of Kilfinane Market House, The Square, Kilfinane, Co. Limerick. This is an end of terrace two storey building built c.1790. In the past this building would have had important commercial civic and social functions. The building is currently derelict, and plans are to refurbish a two-storey stone building with hipped slate roof. In the yard to the rear, it is proposed to have a lower two storey extension with slate roof to accommodate stairs and sanitary facility. Once complete is it proposed the building will be either for community/commercial use.

The proposed works will consist of the following:

- The site will be connected to the public sewerage system, Kilfinane wastewater treatment plant (WwTP) and public water mains.
- Surface water from the project during the operational phase will be directed to the public foul/drain system.
- There will be no demolition works.
- The hipped slate roof will be reconstructed as per past historical building features.
- The yard will be covered with a lower-level return roof.
- See **Appendix A** for project drawings.

3.2 European Sites within the Project Zone of Influence

This stage of the screening for AA process describes European Sites within the Zone of Influence (Zoi) of the proposed project. A 15km buffer zone is recommended as per *Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities* (DoEHLG, 2009, rev. 2010), however given the nature and scale of the proposed development it does not necessitate the adoption of this 15km buffer zone.

3.2.1 Zone of Influence

A Zone of Influence (Zol) for a project is established on a case-by-case basis with reference to the nature, size and location of the project, and the sensitivities of the ecological receptors within vicinity of the proposed development. The Zol takes into account the potential for connectivity to ecological receptors through the Source- Pathway-Receptor (S-P-R) model.

The model identifies the source of likely significant impacts, if any, the pathway (land, air, hydrological, hydrogeological pathways, etc) along which those impacts may be transferred from the source to the receiving environmental receptors (i.e. European Sites and/ or features for which the sites are designated). Functional pathways can also include the use of an application site for foraging by a QI/SCI species of an SAC or SPA i.e. otter or migratory birds.

Given the size, scale and nature of this project it is considered for the purpose of this screening exercise that the Zol is the zone immediately surrounding the proposed development works and any hydrologically or hydrogeologically connected European Sites downstream of the works, where distances would be dependent on the qualifying interests of the site. For the purposes of this Screening for Appropriate Assessment, the Zol includes European Sites located within or adjacent to the proposed works, including those which support downstream hydrological connectivity to the proposed works.

Following the above rationale, the following European sites are located within the Zol (of the proposed works (See **Figure 3-1** and **Figure 3-2**:

- Ballyhoura Mountains SAC (site code: 002036)

Where it is evident that there is no connectivity between the proposed work and receptors (i.e. European Sites and/ or features for which the sites are designated), the receptors are excluded from the AA process. Similarly, where connectivity exists between the proposed work and receptors but is deemed not to result in likely significant effects to the receptor, the receptor can be screened out (i.e. likely significant effects to receptors excluded; receptor not considered further in AA process).

Table 3-1 below list the European sites within the Zol and its Qualifying Interests (QI). **Figure 3-1** shows the European site within the Zol and downstream of the proposed works location.

3.3 Summary of Connectivity

There is one European site within the Zol of the proposed works; Ballyhoura Mountains SAC (site code: 002036).

The proposed site does not support connectivity to any features, such as drainage channels or watercourses or groundwater conduits that could transfer potential pollutant sources from the project footprint and Zone of Influence on the wider environment and its associated European sites. The identified European site is located adjacent to the proposed works.

Table 3-1: European Sites within the Zol of the Proposed Development

Site Code	Site Name	Qualifying Interests (Habitats/Species)/ Special Conservation Interest Species	Distance from Study Area	Connectivity
002036	Ballyhoura Mountains SAC	Northern Atlantic wet heaths with Erica tetralix [4010] European dry heaths [4030] Blanket bogs (* if active bog) [7130]	Located approximately 5.7km southwest of the proposed works.	No Connectivity. Due to the distance, natural barriers and lack of hydrological and hydrogeological connectivity to the

Site Code	Site Name	Qualifying Interests (Habitats/Species)/ Special Conservation Interest Species	Distance from Study Area	Connectivity
				proposed works, there is no source-pathway-receptor impacts identified as a result of the proposed works upon the SAC.

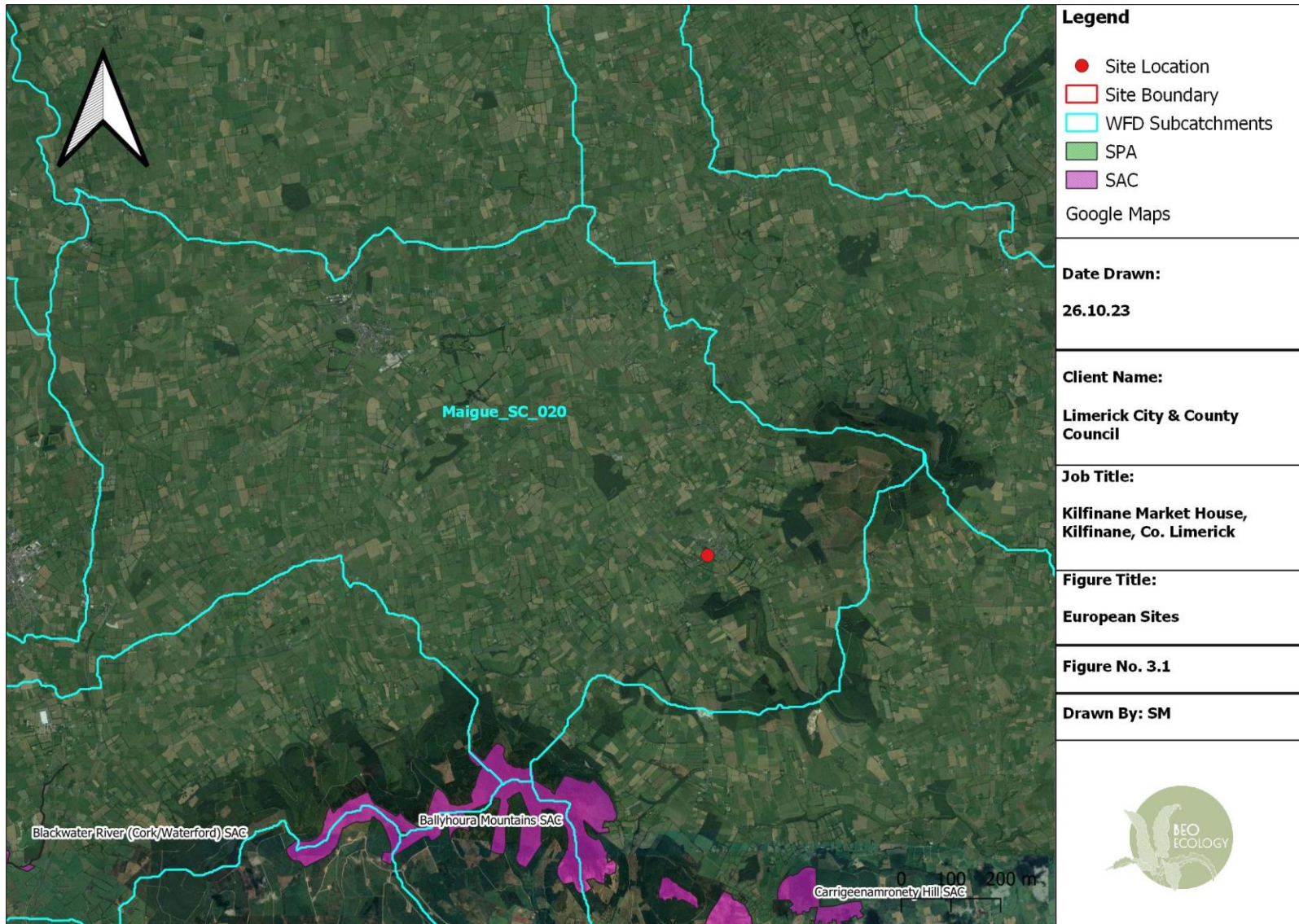


Figure 3-1: European Sites within the Zol of the Proposed Works

3.4 European Site Descriptions

There is one European site within the project ZOI, however it does not support connectivity to the proposed development works. The site synopsis of the Ballyhoura Mountains SAC is outlined below, as per NPWS Site Synopsis 2013.

3.4.1 Ballyhoura Mountains SAC¹

The Ballyhoura Mountains straddle the border between counties Limerick and Cork and are situated about 10 km south of Kilmallock. The portion of the site within Co. Cork side is largely afforested with commercial conifer plantations, while there are still extensive areas in Co. Limerick that remain as open heathland and blanket bog. The site includes the summits of Seefin (528 m) and Carron Mountains (approx. 440 m) and descends to lower altitudes (270 m) at Glenosheen. Of geological interest are the Conglomerate tors, notably on Coolfree Mountain to the south-east, Long Mountain to south and Black Rock to the north centre.

The Ballyhoura Mountain range, including the largely afforested slopes outside the cSAC, are important for birds. Seven pairs of Hen Harrier and one pair of Peregrine are known to use the site. Both of these species are listed on Annex I of the E.U. Birds Directive. The unplanted bog and heath within the site provide crucial foraging habitat and potential nesting sites for this very important Hen Harrier population (NPWS,2013).

3.5 Conservation Objectives of European Sites

European and national legislation places a collective obligation on Ireland and its citizens to maintain at favourable conservation status areas designated as SAC and SPA. The Government and its agencies are responsible for the implementation and enforcement of regulations that will ensure the ecological integrity of these sites.

Favourable conservation status of a habitat is achieved when:

- Its natural range, and area it covers within that range, are stable or increasing; and
- The specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and
- The conservation status of its typical species is favourable.

The favourable conservation status of a species is achieved when:

- Population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats;
- The natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future; and
- There is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

The integrity of a European site (referred to in Article 6.3 of the EU Habitats Directive) is determined based on the conservation objectives and of the site. The Qualifying Interests (QI) and Special Conservation Interests (SCI) are obtained through a review of the most recently published (web published or otherwise) Conservation Objective supporting documents and Site-Specific Conservation Objectives documents (where available) for the European site.

The Conservation Objectives of the proximal European site identified within the ZOI of the proposed residential dwelling development are as follows:

¹ [SITE SYNOPSIS \(npws.ie\)](http://www.npws.ie)

Ballyhoura Mountains SAC: The detailed conservation objectives for the Ballyhoura Mountains SAC are provided in the Conservation Objectives document available on the NPWS website, as follows; [ConservationObjectives.rdl \(npws.ie\)](https://www.npws.ie/ConservationObjectives.rdl)

4 Existing Environment

4.1 Site Description

An ecological site walkover was conducted on the 9th November 2023 by Ecologist Sheila Murphy BSc. MSc. MCIEEM. The habitats identified on site were classified in accordance with “*A Guide to Habitats in Ireland*” (Fossitt, 2000).²

The site consists of a derelict stone building (BL3), with no roof or windows. The stonework is crumbling in places and supports dense ivy scrub growth (WS1) which has been cut at the base. The ground floor of the building supports recolonising species such as nettles (*Urtica dioica*), herb robert (*Geranium robertianum*), willowherb (*Epilobium sp.*), sow thistle (*Sonchus oleraceus*), ground elder (*Aegopodium podagraria*), ragwort (*Jacobaea vulgaris*), nipplewort (*Lapsana communis*), ivy-leaved toadflax (*Cymbalaria muralis*), dandelion (*Taraxacum sp.*) and fern species including polypody fern (*Polypodium agg.*) and maidenhair spleenwort fern (*Asplenium trichomanes*). See **Image 4-1** to **Image 4-3** of the site location.



Image 4-1: View of derelict building from the front



Image 4-2: Internal view of the building space

² [A Guide to Habitats in Ireland \(Fossitt, 2000\)](#). Alphanumeric codes for habitat classification are provided in accordance with ‘*A Guide to Habitats in Ireland*’ (Fossitt, 2000)



Image 4-3: Ivy covered internal wall and stone steps to the rear of the building.

4.2 Surface Water

The EPA online mapping data (<https://gis.epa.ie/EPAMaps/>) was consulted for the water quality status of waterbodies identified within the study area. The Loobagh_020 (Ballyroe_Lower) (IE_SH_24L010400) watercourse is located approximately 330m south of the proposed works location. The Loobagh_24 (IE_SH_24L010200) is located approximately 685m north-east of the proposed works. The Ballyroe_Lower flows northwards to join the Lobagh River.

Table 4-1: Surface Water Status within by Study Area

Waterbody	WFD River Waterbody Risk Status	EPA Latest River Q Values	River Waterbody WFD Status 2013-2018
Loobagh_24 (IE_SH_24L010200)	Not at Risk	Station name: Ballinanima Br (M45). Q4 Good	Good
Loobagh_020 (Ballyroe_Lower) (IE_SH_24L010400)	At Risk		Moderate

4.3 Flooding

A search of the Office of Public Works (OPW) National Flood Hazard Mapping website (www.floodmaps.ie) was performed to obtain information on the flood history in the vicinity of the study area. No past flood events were recorded within close proximity of the proposed works.

The National Indicative Fluvial Mapping illustrating the medium flood probability (1:100) was assessed, the site location is not located within this mapping area. Flood event probabilities are referred to in terms of a percentage Annual Exceedance Probability, or 'AEP'. This represents the probability of an event of this, or greater, severity occurring in any given year. The Flood Info database (www.floodinfo.ie) was also consulted to identify Predictive Flood Risk Areas (PFRA) mapped as part of the Catchment Flood Risk Assessment and Management (CFRAM) programme for the study area. The site location is not located within the CFRAM study area.

4.4 Geology, Hydrology and Hydrogeology

The Geological Survey of Ireland (GSI) online³ database was consulted for available edaphic, geological and hydrological information of the site and its environs.

- The underlying bedrock surrounding the study area is a mosaic of numerous bedrock types, however the proposed works are located within the Poulgrania Sandstone Formation which is comprised of red sandstone and some conglomerate.
- The groundwater vulnerability of the site is located in a mosaic of extreme, high and moderate vulnerability. The site location itself is situated in an area of extreme groundwater vulnerability.
- No karst features are located in the vicinity of the proposed works.
- The EPA online database was searched for available information of the groundwater bodies and vulnerability.⁴ The study site is located within the Charleville Groundwater Body (IE_SH_G_055).
- The Water Framework Directive (WFD) ground waterbody risk classifies this groundwater body as at risk.
- The WFD ground waterbody status 2016-2021 states the water body has a "Good" status.
- The site overlays a *Locally Important Aquifer - Bedrock which is Moderately Productive only in Local Zones (LI)*.

Groundwater and surface water interactions⁵ of Charleville Groundwater Body (IE_SH_G_055) is described as follows; *"Where subsoil is not thick, due to the shallow nature of the groundwater flow in this GWB the groundwater and surface waters are closely linked. The streams and rivers crossing the aquifers in the uplands of the GWB are gaining. Rivers crossing the northern parts of the GWB may be in hydraulic connection with the groundwater along only parts of their lengths."*

³ <https://dcenr.maps.arcgis.com/apps/MapSeries/index.html?appid=a30af518e87a4c0ab2fbde2aaac3c228>

⁴ <https://gis.epa.ie/EPAMaps/> Accessed: November 2023

⁵ [Charleville Groundwater Body](#)

5 Screening for Appropriate Assessment

5.1 Assessment of Likely Significant Impacts

Table 5-1 presents Screening Assessment Criteria considering the proposed development.

Table 5-1: Screening Assessment Criteria

Screening Assessment Criteria Screening Questions	Impacts
Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Sites.	<p>There is one European site within the proposed works Zol; Ballyhoura Mountains SAC, however there is no connectivity identified to the SAC via the Source-Pathway-Receptor model.</p> <p>The Ballyroe_Lower (IE_SH_24L010400) watercourse is located approximately 330m south of the proposed works location. The Loobagh_24 (IE_SH_24L010200) is located approximately 685m north-east of the proposed works. Neither support connectivity to the European site.</p> <p>In addition, due to the existing barriers on site in the form of vegetation, scale of the works and the proposed works description it is not anticipated for the proposed works will give rise to impacts to European sites during the construction phase.</p> <p>Surface water run-off from the building’s hard surfaces will be directed into the public foul/drainage system. The site will be connected to the local public wastewater treatment plant (Kilfinane WwTP) facilities and the wastewater generated during the project operational phase will be treated appropriately.</p>
Likely direct, indirect or secondary impacts of the project on the European Sites:	
Size and Scale	The size and scale of the proposed works are small when compared with the surrounding environment.
Land Take	The proposed development will not result in land take of Annex I habitats within a SAC and or SPA. It will not result in land take from a European Site.
Distance from European Sites or Key Features of the Site	There is one European sites within the proposed works Zol; Ballyhoura Mountains SAC, located 5.7km southwest of the proposed woks. However due to the existing barriers on site in the form of vegetation and the project description (see Section 3.1) it is not anticipated for the proposed works to give rise to impacts to European sites during the construction or operational phase.
Resource Requirements	The proposed works will require use of standard construction methods and materials. The use of these materials will not contribute to significant negative effects to European sites, due to the nature of the proposed works and project description and methodology.
Emissions	<p>Construction phase:</p> <p>The proposed works will require use of standard construction methods and materials. Waste material will be appropriately disposed of via skips to a licenced waste facility. Stock piling of</p>

Screening Assessment Criteria Screening Questions	Impacts
	<p>excavated material will be limited. Construction works will follow the project description.</p> <p>Operational Phase: The building will be connected to the local public wastewater treatment plant (Kilfinane WwTP) and all surface water run-off associated with the site will be directed to public foul drainage system.</p>
Excavation Requirements	<p>It is envisioned minimal localised excavations within the proposed footprint will be required during the project’s construction phase.</p> <p>Excavations will be readily confined to the project footprint; where removal is required from site, materials will be exported to a suitably licensed waste facility. There will be limited stockpiling of materials on-site. Excavations will be undertaken in line with the project description as per Section 3.1. There will be no significant effects to European Sites as a result of excavations.</p>
Transport Requirements	<p>Transport requirements as part of the proposed development construction will utilise the existing road network. Transport of construction materials will be ad-hoc, intermittent and restricted to working hours during the project’s construction phase. Such requirements will be small scale and localised and will not impact European Sites within the project Zol.</p>
Duration of construction, operation and decommissioning	<p>Duration of construction will be approximately 12-18months. The project’s operational phase will be medium to long term; i.e. > 50 years.</p>
Cumulative impact with other plans and projects in the area	<p>As part of the Appropriate Assessment, in addition to the proposed development, other relevant projects and plans in the area must also be considered at this stage. These plans and projects are considered further in this respect in Table 5-2 below.</p>

Table 5-2: In-combination Effects associated with the Proposed Development

Programmes, Plans and Projects	Potential for In-combination Effects
<p>Limerick Development Plan 2022 - 2028</p>	<p>A number of strategies, policies and objectives are set out in the Limerick Development Plan 2022-2028 with the aim of protection of the counties natural heritage and biodiversity.</p> <p>A number of policies and objectives provide for the protection of the integrity of sites designated under European and National legislation and ecological works. Such policies highlight the council’s policy to support the protection, conservation and enhancement of natural heritage and biodiversity, including the protection of the integrity of European sites. The below outlines a selection of such policies:</p> <p>Policy EH P1: Protection of Natural Heritage and Biodiversity It is a policy of the Council to:</p> <p>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-</p>

Programmes, Plans and Projects	Potential for In-combination Effects
	<p>Natural Heritage Areas and proposed Natural Heritage Areas (pNHAs) for the benefit of existing and future generations.</p> <p>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.</p> <p>Objective EH O3: Ecological Impact Assessment It is an objective of the Council to require all developments where there are species of conservation concern, to submit an ecological assessment of the effects of the development on the site and nearby designated sites, suggesting appropriate mitigation measures and establishing, in particular, the presence or absence of the following species: Otter, badger, bats, lamprey and protected plant species such as the Triangular Club Rush, Opposite Leaved Pond Weed and Flora Protection Order Species generally.</p> <p>The adherence and implementation of this plan within the Development Plan area will ensure that European sites are protected, and that Appropriate Assessment is undertaken for all plans, projects or programmes that have the potential for significant effects to European sites.</p>
<p>River Basin Management Plan for Ireland 2022-2027</p>	<p>The implementation of the RBMP seeks compliance with the environmental objectives set under the plan, which will be documented for each water body. This includes compliance with the European Communities (Surface Waters) Regulations S.I. No. 272 of 2009 (as amended). The implementation of the RBMP and achievement or maintenance of environmental objectives which will be set for the receiving water bodies will have a positive impact on water dependent habitats and species within European sites.</p>
<p>Inland Fisheries Ireland Corporate Plan 2021 - 2025 The Inland Fisheries Act 2010</p>	<p>The implementation and compliance with key environmental issues and objectives of this corporate plan will result in positive in-combination effects to European sites. The implementation of this corporate plan will have a positive impact for biodiversity of inland fisheries and ecosystems. It will not contribute to in-combination or cumulative impacts with the proposed development.</p>
<p>Local Planning Applications</p>	<p>Adherence to the policies and objectives of Limerick Development Plan 2022-2028 ensure that local planning applications and subsequent grant of planning comply with the core strategy of proper planning and sustainability and with the requirements of relevant EU Directives and environmental considerations, there is no potential for adverse in-combination effects on European Sites. A search of the Limerick City and County Council Planning Applications was conducted.</p> <p>Planning Reference (201146): Conditional planning permission granted to Amy Moynihan for of a single storey dwelling with a wastewater treatment system and associated site works at Main Street, Ballyorgan, Kilfinnane, Co. Limerick (11.03.21).</p> <p>Planning Reference (21443): Conditional planning permission granted to On Tower Ireland Limited existing chimney mounted telecommunications equipment together with ground-based telecommunications equipment and ancillary works. The development is upon and within the curtilage of a protected structure, located at Dohertys House, Main Street, Kilfinnane, Co. Limerick (01.06.21).</p> <p>Planning Reference (201146): Conditional planning permission granted to SOPHIA Housing Association for change of use, refurbishment and alterations to existing convent building and school, in part a Protected Structure. The development will deliver 9 no. self-contained residential apartments within the existing fabric. Works will include demolition of 2 no. ancillary buildings, internal alterations, layout changes to provide 8 no. 1-bed units and 1 no. 2-bed unit, construction of new access lift and lobby along with all associated site</p>

Programmes, Plans and Projects	Potential for In-combination Effects
	<p>works including provision of 9 no. carparking spaces, at St. Paul's Convent, Castle Lane, Kilfinane, Co. Limerick. (02.09.21).</p> <p>Planning Reference (21960): Conditional planning permission granted to The Board of Management of Scoil Pol for the construction of a single storey extension over 1179sqm comprising 8no. standard classrooms, an art room, a music room, a science laboratory with a laboratory store, an office, an assisted toilet, a store and a standard toilet. The provision of a staff car park containing 11 standard car parking spaces with the establishment of a new entrance from Low Bridge Road to the east of the site, an attenuation tank with infiltration system and all associated site works, at Scoil Pol, Kilfinane, Co. Limerick (12.12.21).</p> <p>Planning Reference (228009): Part 8 planning for the refurbishment of the existing properties, to include the demolition of existing rear single storey extensions to 2A & 2B High Street(15.8m2), the construction of new two storey extension to the rear of 2A & 2B High Street(23.5m2) and to combine the two units as one single property, at 2A and 2B,, High Street, Kilfinane, Co. Limerick (07.08.22).</p> <p>Planning Reference (2360159): Conditional planning permission granted to Aidan Ryan & Mary Moore for the construction of a new dwelling house, entrance, driveway, installation of a wastewater treatment system with percolation area and all ancillary site works, at Barrack St., Kilfinane, Co. Limerick (20.08.23).</p>

5.2 Conclusion of Cumulative Impact Assessment

Provided adherence to the overarching policies and objectives of the plans and programmes and best practice and mitigation measures* are implemented for individual projects, there is no potential for the mentioned plans and projects to have a cumulative impact to European sites, in combination with the proposed development (*this refers to projects which were permitted via full Stage 2 Appropriate Assessment). Screening Assessment Criteria is further assessed in **Table 5-3** below.

Table 5-3: Screening Assessment Criteria

Screening Assessment Criteria Screening Questions	
Describe any likely changes to the site arising as a result of the following;	
Reduction of Habitat	The existing building is located in an urban streetscape consisting of built and artificial surfaces (BL3) and ivy scrub (WS1). There will be no reduction of Annex I habitats as a result of the proposed works.
Disturbance to Key Species	Due to the nature, location and project’s description, it is not anticipated that proposed development will result in the disturbance of key species associated with European Sites within the project Zone of Influence.
Habitat or Species Fragmentation	<p>Due to the nature, location and project’s description, the proposed works will not result in habitat or species fragmentation to European Sites within the project Zone of Influence.</p> <p>The works will not result in habitat or species fragmentation with European Sites within the project Zone of Influence.</p>

Screening Assessment Criteria Screening Questions	
Reduction in Species Diversity	The proposed works will not result in the reduction in species diversity to European Sites within the project Zone of Influence.
Changes in Key Indicators of Conservation Value	<p>The proposed development works will not contribute to changes in Key Indicators of Conservation Value to European sites within the project Zone of Influence as it has been concluded that substantive pathways for transmission of hydrological impacts into do not exist.</p> <p>Therefore, there will no impact to European sites that could influence the key indicators of conservation value of the site.</p>
Climate Change	The proposed works will not result in significant negative effects contributing to climate change that could in turn affect the conservation objectives of those European Sites within the project Zol.
Describe any likely impacts on the European sites as a while in terms of Interference with key relationships that define the structure and function of the site;	There will no impact to European sites that could influence the structure and function of the site. Pollution events would need to be large scale and sustained to contribute towards negative effects to downstream European sites during the project's construction phase.
Provide Indicators of Significance as a result of the identification effects set out above in terms of;	
Loss	There will be no direct or indirect loss of habitats or species of European Sites within the project footprint of its Zol.
Fragmentation	The proposed works do not support qualifying habitats or species of European Sites within the potential project Zone of Influence. Therefore, the proposed development site will not result in fragmentation to European Sites or their associated species and habitats of Qualifying Interest. Habitats on site are primarily immature scrub (WS1) development of dense ivy overgrowth and built surfaces (BL3).
Disruption	<p>There will be no direct or indirect disruption of habitats or species of European Sites within the project Zol. The site primarily does not support habitats or species of European Sites within the potential project Zone of Influence.</p> <p>Therefore, the proposed works will not result in disturbance of disruption to European Sites or their associated species and habitats of Qualifying Interest.</p>
Disturbance	<p>There will be no direct or indirect disturbance of habitats or species of European Sites within the project Zol. The site does not support habitats or species of European Sites within the potential project Zone of Influence.</p> <p>Therefore, the proposed works will not result in disturbance of disruption to European Sites or their associated species and habitats of Qualifying Interest.</p>
Changes to Key elements of the site	It has been concluded that substantive pathways for transmission of impacts European sites do not exist. Therefore, the proposed development works will not contribute to Changes to Key Elements of European sites within the project's Zone of Influence.

Screening Assessment Criteria Screening Questions	
Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts are not known.	It has been concluded that substantive pathways for transmission to European sites do not exist. Therefore, there will be no changes to key elements of European Sites and no potential for in-combination effects to arise.

5.3 Screening for AA Conclusion

This screening for AA identifies and assesses potential significant effects which are likely to occur as a result of the proposed re-development of Kilfinane Market House, Kilfinane, Co. Limerick. The screening identified one European site located within the zone of influence of the proposed works. However, there are no ecological or environmental vectors linking the proposed development works to European Sites.

Through an assessment of the Source-Pathway-Receptor model, which considered the Zol of effects from the proposed works and the potential in-combination effects with other plans or projects, the following findings have been reached:

- The application site is not directly connected with, or necessary to, the management of any European site;
- The proposed development works do not support direct connectivity with any European site via ecological or environmental vectors;
- Substantive pathways for transmission of impacts into European sites do not exist; and
- The proposed project will not give rise to likely significant effects on the qualifying interests of any European Site, in view of best scientific knowledge and in view of the conservation objectives of the European sites concerned.

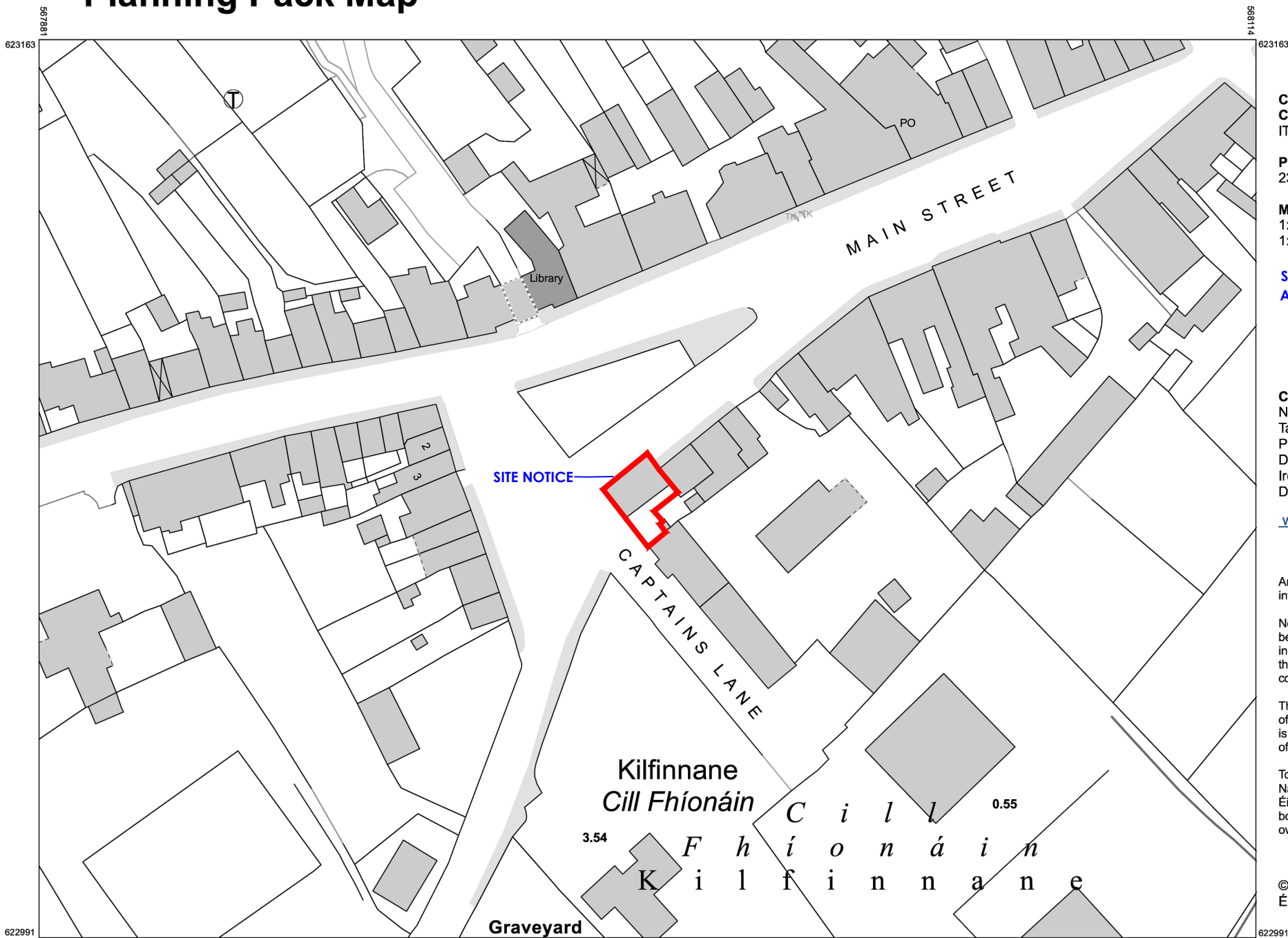
On the basis of objective scientific information, this Screening for Appropriate Assessment finds that the proposed development works, either individually or in combination with other projects and plans, is not likely to have a significant effect on any European site.

Findings of No Significant Effects Matrix			
Name of Plan or Project		The proposed re-development of Kilfinane Market House, Kilfinane, Co. Limerick.	
Names and locations of relevant Natura 2000 sites		There is one European site located within the project's immediate ZoI, Ballyhoura Mountains SAC. However due to the location, distance, the nature of and proposed works methodology it is not anticipated for the works to support indirect or direct connectivity via hydrological or hydrogeological pathways to the European site.	
Description of Plan or Project		The proposed consists of the re-development of Kilfinane Market House, Kilfinane, Co. Limerick.	
Is the project or plan directly connected with or necessary to the management of the site (provide details)?		No	
Are there other projects or plans that together with the project or plan being assessed could affect the site (provide details)		No	
The Assessment of Significance of Effects:			
Describe how the project or plan (alone or in combination) is likely to affect the Natura 2000 site.		There is one European site located within the project's immediate ZoI, Ballyhoura Mountains SAC. However, due to the location, distance, the nature of and proposed works methodology it is not anticipated for the works to support indirect or direct connectivity via hydrological or hydrogeological pathways to the European site. Therefore, it is not anticipated that impacts will occur to European sites as a result of the proposed works.	
Explain why these effects are not considered significant		<p>There is one European site located within the project's immediate ZoI, Ballyhoura Mountains SAC. However, due to the location, distance, the nature of and proposed works methodology it is not anticipated for the works to support indirect or direct connectivity via hydrological or hydrogeological pathways to the European site.</p> <p>The operational phase of the works include the connection to the Kilfinane WwTP network for the processing of wastewater and surface water will be directed to the public foul/drainage system.</p>	
List of agencies consulted: provide contact name and telephone or e-mail address		N/A	
Response to consultation.		N/A	
Data Collected to Carry Out the Assessment:			
Who carried out the assessment?	Sources of Data	Level of Assessment	Where can the full results of the completed assessment be accessed and viewed?

Findings of No Significant Effects Matrix			
<p>Sheila Murphy B.Sc. M.Sc. MCIEEM</p>	<ol style="list-style-type: none"> 1. Site visit conducted on the 9th November 2023. 2. NPWS Site Synopses, Conservation Objectives and backing documents and NATURA 2000 Forms for the relevant Natura 2000 sites 3. Remote sensing images and aerial photographs. 4. Drawings and information of the proposed works as supplied by the client. 	<p>Stage 1 Screening for Appropriate Assessment</p>	<p>The full results of the completed assessment should be available to be viewed through Limerick City & County Council.</p>

Appendix A – Proposed Works Site & Layout

Planning Pack Map



CENTRE COORDINATES:
ITM 567998,623077

PUBLISHED: 23/10/2023
ORDER NO.: 50364137_1

MAP SERIES: 1:2,500
MAP SHEETS: 5416-B, 5417-A

SITE OUTLINED IN RED
AREA OF SITE 0.014Hc

COMPILED AND PUBLISHED BY:
National Mapping Division of Tailte Éireann,
Phoenix Park,
Dublin 8,
Ireland.
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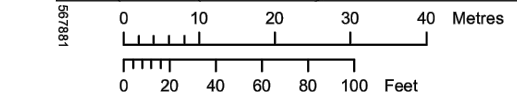
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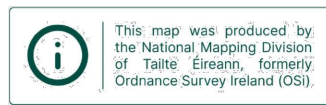
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OUTPUT SCALE: 1:1,000

CAPTURE RESOLUTION:
The map objects are only accurate to the resolution at which they were captured. Output scale is not indicative of data capture scale. Further information is available at: www.osi.ie; search 'Capture Resolution'

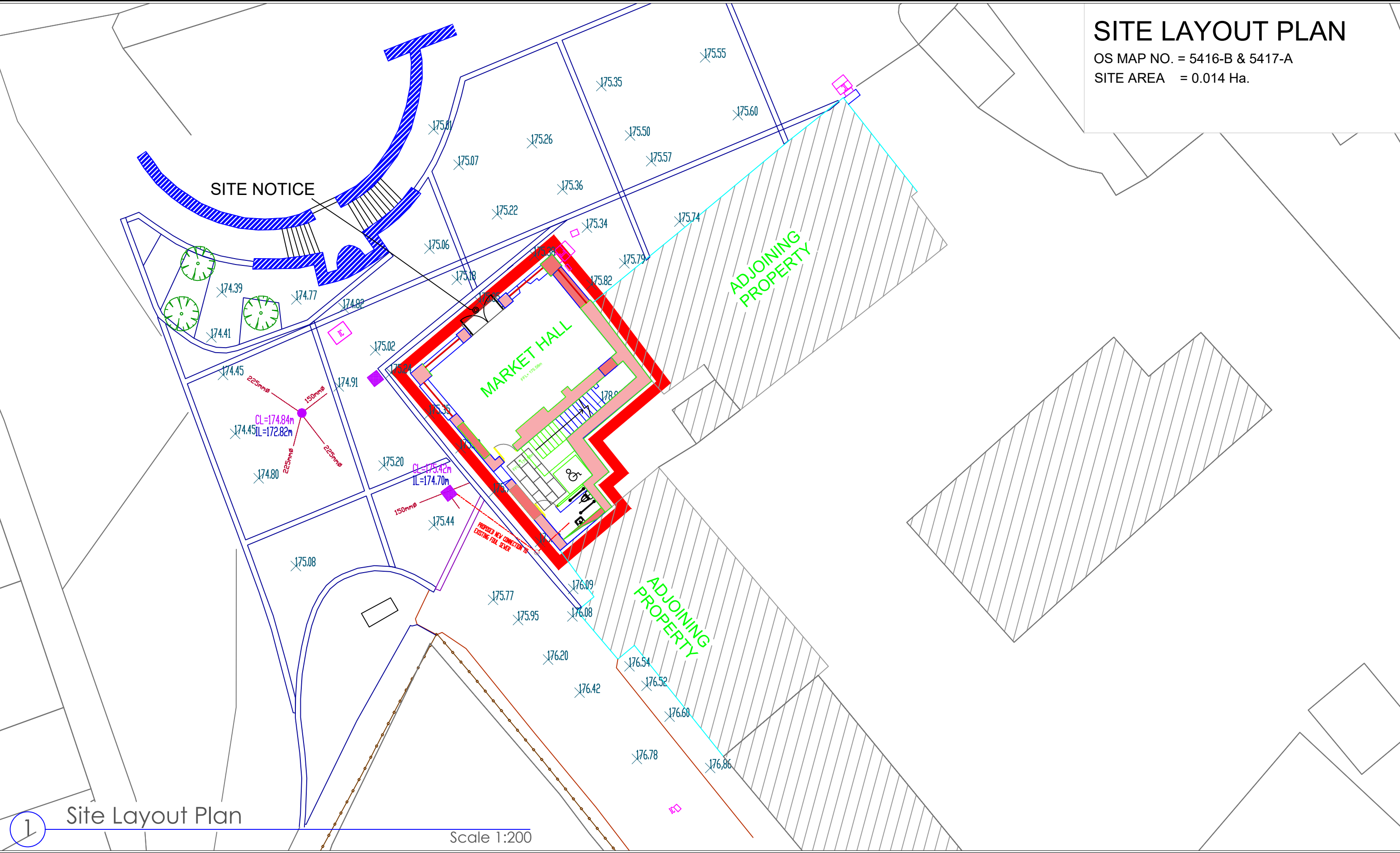
LEGEND:
To view the legend visit www.osi.ie and search for 'Large Scale Legend'



SITE LAYOUT PLAN

OS MAP NO. = 5416-B & 5417-A

SITE AREA = 0.014 Ha.



1

Site Layout Plan

Scale 1:200

LIMERICK CITY & COUNTY COUNCIL
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COUNTY HALL
Dooradoyle
CO. Limerick

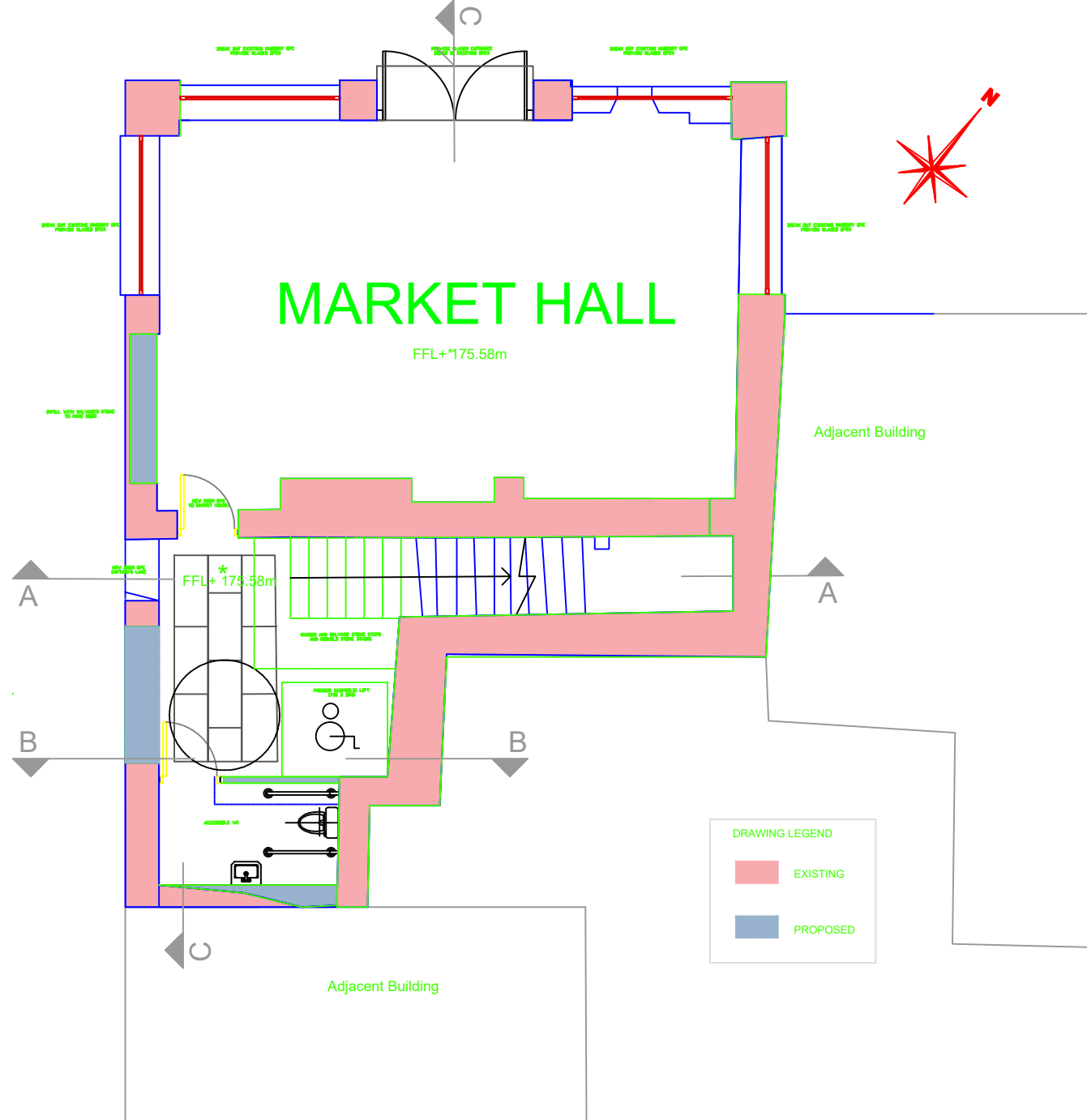
CITY HALL
MERCHANTS QUAY
Limerick

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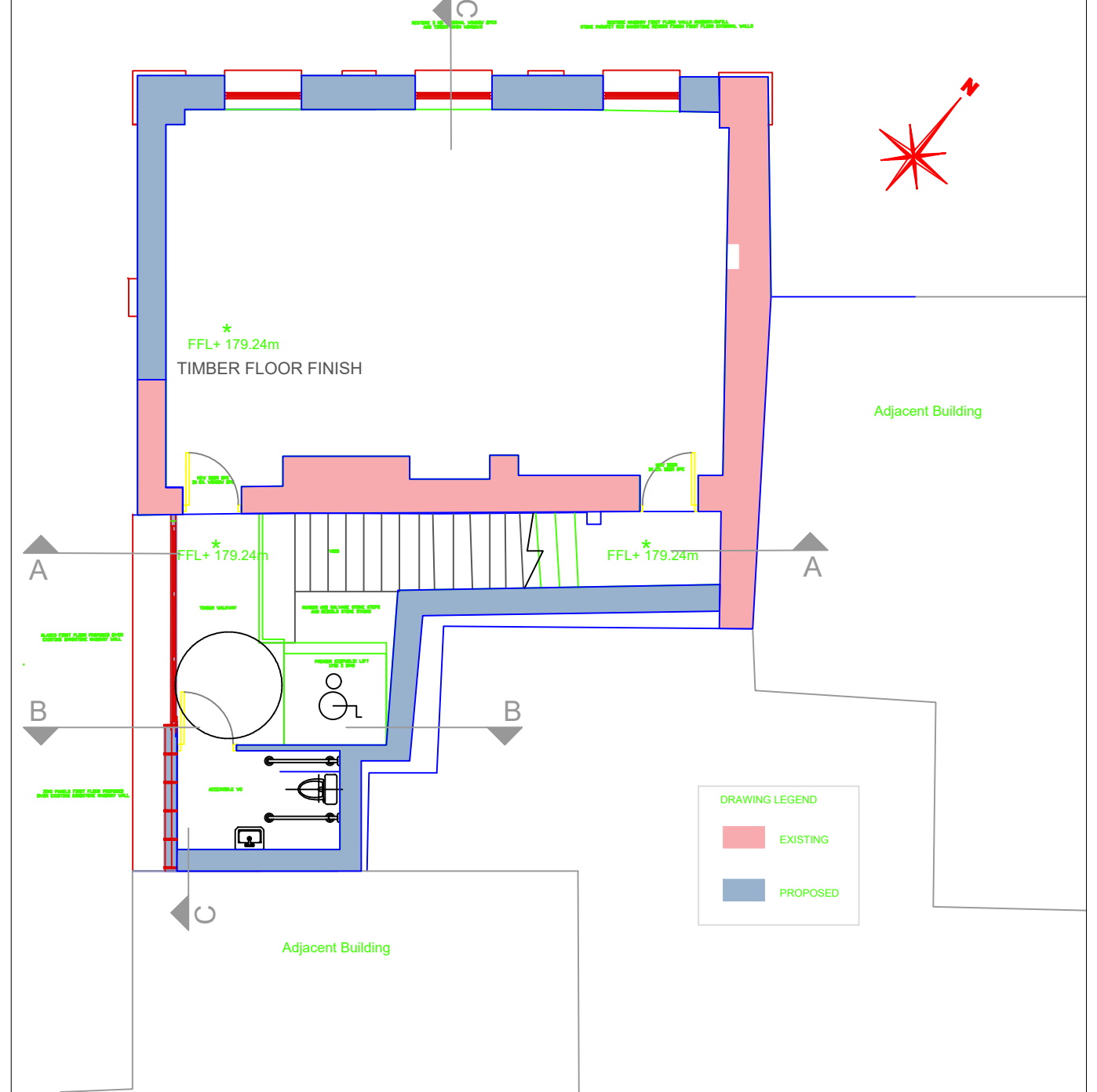
Rev.	Description	By	Chk.	App.	Date
0	ISSUED FOR INFORMATION				

Project: Kilfinane Market House, The Square, Kilfinane, Co. Limerick				
Title: Site Layout of RPS 1324 Kilfinane Market House, Kilfinane, Co. Limerick.				
Designed: GOD	Stage: DESIGN	NRA Project Ref. No.:	Drawing No.:	Revision:
Drawn: GOD	Scale: 1:200 @A3		23-KMH-109	-
Checked: GM	Date: NOV 2023			

PROPOSED GROUND FLOOR



PROPOSED FIRST FLOOR



OUTLINE SPEC MARKET HOUSE:
 Roof: Ridge tile to match authentic ridge tile found onsite. Roof finish natural slate to match sample from site.
 External walls: First floor lime render finish on block work cavity wall. Ground floor existing Red Sandstone and lime mortar pointing.
 First Floor: Painted timber sash slimline double glazed to match historical authentic details, per conservation report.
 Windows: Ground floor Timber double glazed panels.
 Doors: Central arched head, hardwood double doors to match historical authentic details, per conservation report.

OUTLINE SPEC CIRCULATION AREA:
 Roof: Lead roof finish and fascia.
 External walls First Floor: Slimline aluminium glazing and powder coated aluminium panels, colour dark grey. Ground floor existing Red Sandstone and lime mortar pointing
 Door: New glazed entrance door in existing ope

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Rev.	Description	By	Chk.	App.	Date
0	ISSUED FOR INFORMATION				

Project: Kilfinane Market House, The Square, Kilfinane, Co. Limerick				
Title: Proposed Ground & First Floor Plan of RPS 1324 Kilfinane Market House, Kilfinane, Co. Limerick.				
Designed: GOD	Stage: DESIGN	NRA Project Ref. No.:	Drawing No.:	Revision:
Drawn: GOD	Scale: 1:100 @A3		23-KMH-106	-
Checked: GM	Date: NOV 2023			