

Adare LAP – Material Alterations

AA Screening

December 2023

JBA Project Manager

Ross Bryant
 Unit 24 Grove Island
 Corbally,
 Limerick

Revision History

Revision Ref / Date Issued	Amendments	Issued to
S1_P01 30/11/2023	Draft Report	Carmel Brislane
A£_C01 01/12/23	Final Report(amendments to text)	Carmel Brislane

Contract

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

Prepared by Anne Mullen BSc MSc MCIEEM
 Senior Ecologist

Reviewed by Hannah Mulcahy BSc MSc
 Senior Ecologist

Purpose

This document has been prepared as a Draft Report for Limerick City and Co. Council ('the Client'). JBA Consulting accepts no responsibility or liability for any use that is made of this document other than by the Client for the purposes for which it was originally commissioned and prepared.

JBA Consulting has no liability regarding the use of this report except to Limerick City and Co. Council.

Copyright

© JBA Consulting Engineers and Scientists Limited 2023

Carbon Footprint

JBA is aiming to reduce its per capita carbon emissions.

Contents

Contents.....	iii
1. Introduction	5
1.1 Form of the Report.....	5
1.2 Legislative Context and Methodology.....	5
1.3 Limitations and constraints	6
2. Screening of Policy/Objective Text Changes	7
3. Zoning changes	14
4. Existing Mitigation within the Adare LAP	16
5. Conclusion	19
References:.....	21



List of Figures

Figure 2-1: Map of zoning changes, with labels, to refer to the Table of Assessment (Table 2-1). 14

List of Tables

Table 2-1: Table of Zoning changes, with screening commentary and result. 14

Abbreviations

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

1. Introduction

In August 2023 the Draft Adare Local Area Plan 2024-2030 Written Statement the Draft Public Ream Plan, alongside the environmental assessments associated with the Plan – the Strategic Environmental Assessment and the Appropriate Assessment (Natura Impact Report) were published. The Draft Plan 2024-2030 was placed on public display for a six - week period from the 19th August 2023 to 2nd October 2023 inclusive. Commentary from both members of the public and from consulting bodies were received.

The draft Plan and accompanying documents were displayed on the County Council's dedicated online public consultation portal at: <https://www.limerick.ie/council/services/planning-and-property/local-area-plans/adare-local-area-plan>

During this consultation period submissions and observations were invited. Following the consultation period written submissions or observations in respect of the Draft LAP, the SEA Environmental Report, AA Natura Impact Report and Strategic Flood Risk Assessment (SFRA) for Adare were collated. Following the consultation period and review of submssions, Chief Executive's report with recommendations was generated. The submissions are available for viewing, along with the Chief Executive Report to Elected Members at: <https://www.limerick.ie/sites/default/files/media/documents/2023-11/CE-Report-to-Elected-Members-on-submissions-received-on%20Draft-Adare-LAP-Public-Consultation.pdf>

Following a review of submissions and the Chief Executives Report by the local council members a number of Material Alterations are proposed to be made to original Draft Adare Local Area Plan.

This Appropriate Assessment Screening Document will assess the changes proposed by Material Alterations with respect to the Habitats Directive and the potential for likely significant effects on Natura 2000 Sites identified during of the Natura Impact Report.

1.1 Form of the Report

The original Natura Impact Report for the Local Area Plan report remains in the same format and layout as originally and the Material Alterations are fully encompassed within this report, which will now be included as Appendix to the original NIS, and can be read as a standalone revision of the original Draft Plan. The main focus of the report will be changes to land use zonings, but alterations to policies/objectives or text arising from submissions within the written statement is also recorded, as relevant.

How Alterations are Indicated

A table template is used to identify the alteration, which includes the submission reference number (based on the submission or chapter number/the relevant section/heading of the Draft Local Area Plan, followed by the details of the alterations.

Unchanged text:

Existing, unchanged text will remain in normal font.

Additions:

Additions to the text in the Adare Local Area Plan are shown in green font for example: **green font.**

Deletions:

Deletions to the text in the Adare Local Area Plan are shown in red font with strikethrough for example ~~strikethrough, red text.~~

1.2 Legislative Context and Methodology

No significant changes in legislative context occurred between the original Draft Natura Impact Report and the present assessment. Similarly, there has been no changes in methodology or in the guidance.

1.2.1 Likely Significant Effect Test

The test for AA screening is whether the project could have a 'Likely Significant Effect' (LSE) on any Natura 2000 site. A likely significant effect is defined as any effect that could undermine the conservation objectives of a Natura 2000 site, either alone or in combination with other plans or projects.

There must be a causal connection between the project and the qualifying interest of the site which could result in possible significant effects on the site. The LSE test is a lower threshold for the screening assessment than 'adverse effect on site integrity' considered at Appropriate Assessment stage (Stage 2) as screening is intended to be a preliminary examination for potential effects.

The Zone of Influence was used to identify Natura 2000 sites that could be impacted by the project. For each of these sites, the Qualifying Interest features and their associated conservation objectives were identified, and the possibility of LSE was determined by a combination of location, ecological and hydrological connectivity, sensitivity of receptor and magnitude of the source of impact.

This report also considers whether additional measures are required to mitigate any of the material alterations i.e. whether the mitigation measures presented in the original NIR and LAP are sufficient to protect the Natura 2000 network.

1.2.2 In-combination Screening

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

1.3 Limitations and constraints

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

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

2. Screening of Policy/Objective Text Changes

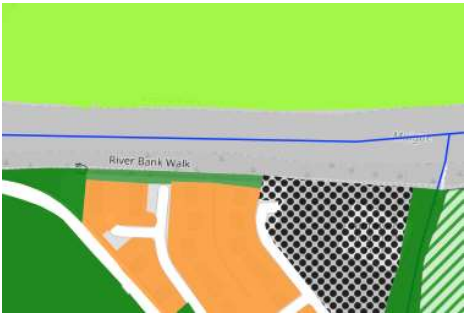
Note new text in green font, deleted text in strikethrough, red text.

These are changes that have not previously been assessed within the CE report to Elected members.

Table 2-1: Screening of material alterations to the plan

No	Name/Group:	CE Recommendations	Further AA assessment required?
1	OFFICE OF THE PLANNING REGULATOR (OPR) Ref: LCC — C244- ADAR2 – 112	2(d)- Amend Objective SM5(b) as follows: Support the delivery of the Foynes to Limerick (including Adare Bypass) Road, subject to all appropriate environmental and planning assessments <u>and ensure future development proposals do not compromise the development of this scheme.</u> Include a map identifying the location of the proposed Adare Bypass in Section 7.4 Roads of the Volume 1 Written Statement of the Draft Local Area Plan. 4- Amend Objective IU05(b) as follows: Ensure development proposals within <u>the townlands of Adare, Ardshanbally, Blackabbey, Bouladally, Curraghbeg and Mountwilliam or other</u> areas outlined as being at risk of flooding <u>both within and outside the core (where the Justification Test is not applied)</u> are subject to Site Specific Flood Risk Assessment as outlined in “The Planning System and Flood Risk Management Guidelines”, DECLG and OPW (2009) and measures outlined in Section 7.2 of the SFRA Volume 3.	NO.
AA response: Minor text change. No further assessment required as a result of this amendment.			
6	DEPARTMENT OF TRANSPORT Ref: LCC – C244– ADAR2 - 106	Replace National Active Travel policy in the first paragraph on Page 54 with <u>‘National Sustainable Mobility Policy’</u> Amend Section 7.2 Achieving modal shift to include the following text <u>The Council promotes the use of shared mobility options such as rented bikes, scooters and car sharing in line with the National Sustainable Mobility Policy and the Climate Action Plan 2023(CAP23).</u>	NO
AA response: Minor text change. No further assessment required as a result of this amendment.			
7	TRANSPORT INFRASTRUCTURE IRELAND (TII) Ref: LCC – C244 – ADAR2 - 18	3 - Amend SM 5(b) to include the following text <u>“and ensure future development proposal do not compromise the development of this scheme”.</u> 4.(i)-(ii) No change (iii) Amend Objective SM5(a) Road as follows: Safeguard the capacity of the national road network, and ensure any future development requiring access onto the N21 shall be in accordance with objective TR039 and objectionable TR048 of the Limerick Development Plan 2022-2028 and ensure development does not compromise the performance of the network or future improvements to the network. (i) Road Safety audits and Traffic Impact Assessments <u>in accordance with TII guidance and publications</u> will be required to demonstrate implications of development proposals on the national and regional road network which are in line with the appropriate and necessary environmental and ecological assessments as require. (ii) <u>A Design Report will be required in accordance with TII Publications DN-GEO-03030 for works to the strategic national road network.</u> (iv) Objective H1(a) Residential Development shall be amended as follows: Early engagement with all utilities providers <u>statutory stakeholders</u> including Uisce Eireann is strongly advised.	NO

		<p>5.No change</p> <p>6. Amendment to Objective SM5(a) Road as follows: Safeguard the capacity of the national road network, and ensure any future development requiring access onto the N21 shall be in accordance with objective TR039 and objectionable TR048 of the Limerick Development Plan 2022-2028 and ensure development does not compromise the performance of the network or future improvements to the network.</p> <p>(i) Road Safety audits and Traffic Impact Assessments <u>in accordance with TII guidance and publications</u> will be required to demonstrate implications of development proposals on the national and regional road network which are in line with the appropriate and necessary environmental and ecological assessments as require.</p> <p>(ii) <u>A Design Report will be required in accordance with TII Publications DN-GEO-03030 for works to the strategic national road network.</u></p>	
AA response: Minor text change. No further assessment required as a result of this amendment.			
8	<p>UISCE EIREANN Ref: LCC – C244– ADAR2 - 107</p>	<p>4(a) – Update the Settlement Capacity Audit to include the following text <u>Sites 1a, 2, 3, 4 - likely servicing of these sites to be facilitated by provision of new developer led sewer through sites 1 to 4, connecting to the 300mm diameter sewer on N21 at Adare Boys N.S. Third party permissions may be required. 100mm diameter sewer to the rear of existing properties and parallel to the N21 to be protected.</u> <u>Sites 8, 9, 10, 11- closest available sewer is on N21 outside Adare Boys N.S. Long extension of 300-600m required to connect to public network, depending on site. Upon development of site 4, potential may also exist to connect via this site.</u> <u>Site 12- available GIS indicates the nearest network is approximately 140m away (Adare Old WWPS).</u> <u>Opportunity sites 1, 2, 3, 4, 5- sewers passing through site to be protected.</u></p> <p>4(b) – Update the Settlement Capacity Audit to include the following text <u>Sites 5, 6, 7, 12- GIS indicates area is served by a 75mm diameter main. Localised water network upgrades/ extension likely to be required.</u> <u>Sites 9, 11- short extensions may be required.</u> <u>Opportunity sites 2, 4 - watermain running through site to be protected.</u></p> <p>5(a-d) – No change</p> <p>6.(a) Update text in Section 9.1 as follows: Limerick City and County Council delivered water services in accordance with a Service Level Agreement <u>until Uisce Éireann assumed full responsibility for the delivery of all public water services in Limerick in 2023, in line with the Water Services Bill 2022.</u> designed for a biological capacity of 2,500 population equivalent (PE) and the current load is estimated at 1,4772 population equivalent as per the 2022 Settlements with Waste Water Discharge Authorisations Wastewater Treatment Capacity <u>Register.</u></p> <p>Update text in Section 9.1 as follows: Adare's public water supply is currently provided from the existing Water Treatment Plant in Castloroberts located to the southeast of the village and there is capacity in the system to cater for the population growth anticipated over the lifetime of the Plan. <u>Adare is served by the Adare Water Resource Zone(WRZ). A project to facilitate interconnection with Limerick City WRZ, via</u></p>	NO

		<p><u>Croom is underway and is expected to be delivered by 2026, subject to the necessary approvals. It is envisaged that, with these works there will be adequate capacity available to cater for the proposed population growth over the Plan period.</u></p> <p>6 (b) No change</p> <p>6(c) Amend the Land Use Zoning Map and the Flood Map to zone an area of .111 for Open Space and Recreation purposes</p> <p>Amend Table 10.3 Total Land Zoned to reflect this change</p> <p>6(d-f) – No change</p>	
<p>AA Response: Clarification on detail of the policy/objective. No further assessment required as a result of this amendment. Note that mitigation outlined in the NIR is includes implementation of best practice guidelines and high standards of during environmental assessment process as part of the planning system. These will protect the Natura Sites at the project level. Embedded mitigation is in place via protective policies and objectives within the Plan itself.</p> <p>- 6 (c) Minor change from area without zoning along the river to open space and recreation. No likely significant effect on the Natura Network from this open non-intensive type zoning.</p>			
			
9	<p>OFFICE OF PUBLIC WORKS (OPW) Ref: LCC – C244– ADAR2 – 112</p>	<p>3. Amend Objective CH01(b) Climate Change to include the following text <u>Finished floor levels should be assessed in relation to the specific development, but the minimum levels set out in Table 7-2 Volume 3c of the Strategic Flood Risk Assessment shall apply.</u></p> <p>4(i) Insert the following text in SFRA Section 8.5 Conclusion: <u>That new highly vulnerable development is only appropriate in Flood Zone C and that new less vulnerable development is only appropriate in Flood Zone B or C. Existing development will need to be dealt with in accordance with Section 5.28 of the Planning Guidelines.</u></p> <p>(ii) –(ii) Amend Objective IU05(b) as follows: Ensure development proposals within <u>the townlands of Adare, Ardshanbally, Blackabbey, Bouladally, Curraghbeg and Mountwilliam or other</u> areas outlined as being at risk of flooding <u>both within and outside the core (where the Justification Test is not applied)</u> are subject to Site Specific Flood Risk Assessment as outlined in “The Planning System and Flood Risk Management Guidelines”, DECLG and OPW (2009) and measures outlined in Section 7.2 of the SFRA Volume 3.</p> <p>5. Update Section 5.5 of the SFRA as follows: “Flood risk relating to groundwater has been screened under Section 5.44 and confirmed that Adare is not at risk from predicted or historic groundwater flooding”.</p> <p>6. Update Section 7.6.1 of the SFRA to include the following text <u>Arterial Drainage embankments should be regarded as informal defences, the purpose of which is to improve land for agriculture.</u></p>	NO
<p>AA Response: Minor text change providing clarification on detail of the policy/objective. No further assessment required as a result of this amendment.</p>			
11	<p>NATIONAL TRANSPORT AUTHORITY Ref: LCC – C244 – ADAR2-</p>	<p>2 Amend Objective SM1(b) as follows: Deliver a Traffic Management <u>Transport</u> Plan for the village within the lifetime of the Plan; which will consider traffic flow and parking around the village and improved pedestrian and cyclist provision <u>The plan will assess the existing traffic, transport and movement conditions in the village and surrounding context.</u></p>	NO

105		<p><u>will identify key transport interventions for the village including parking, and will identify key measures for sustainable and active travel infrastructure.</u></p> <p>3-4. No change</p> <p>5. Amend Draft Adare Public Realm Plan Chapter 3: Key Public Realm Opportunities under section 1: A Sustainable Green Infrastructure, on page 50 titled Walking & Cycling Strategy, text as follows:</p> <p>The following cycling proposal are being put forward subject to further analysis under the Traffic Management Plan.</p> <p><u>The following indicative cycling proposals are being put forward subject to further analysis under the Traffic Management Plan, and will be informed by the National Transport Authority's Cycle Design Manual in collaboration with the NTA.</u></p> <p>Amend Draft Adare Public Realm Plan Chapter 3: Key Public Realm Opportunities, under section 3: Main Street Area on page 69 titled "Walking & Cycling Strategy", text as follows:</p> <p>The proposed cycle routes in this plan <u>are indicative,</u> and will be subject to further review under the future traffic management transport plan for Adare. Future designs must adhere to national standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual. <u>Final design will be informed by the National Transport Authority's Cycle Design Manual, and in collaboration with the NTA.</u></p> <p>6(a) No change</p> <p>6(b) Amend the land use zoning map and the Flood Map to zone an area of .494 hectares along the railway for Agricultural purposes</p> <p>Amend Table 10.3 Total Lands Zoned to reflect this change</p> <p>6(c)-(d) No change</p>	
<p>AA Response: Clarification on detail of the policy/objective. No further assessment required as a result of this amendment. Project will have a positive effect, although environmental assessments may still be required for at the project level. Existing LAP mitigation is sufficient to protect Natura 2000 network.</p> <p>- Point 6b. Open zoning and agriculture in proximity to the rail line is unlikely to have a significant effect on the Natura Network.</p>			
14	<p>CLLR BRIDIE COLLINS Ref: LCC-C244 – ADAR2-2</p>	<p><u>PR S03:</u> <u>Create a Liveable Village where individuals, families and person of all ages can live in the village for their entire life.</u></p>	NO
<p>AA response: Minor text change. No further assessment required as a result of this amendment.</p>			
21	<p>DR YVONNE WILLIAMS – SHANNON MEDICAL CENTRE Ref: LCC – C244 – ADAR2-9</p>	<p>Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to include an area of land zoned for Open Space and Recreation (.217 hectares) in site number 8 as identified in the Settlement Capacity Audit and decrease the area of land zoned for New Residential at this location by .217 hectares.</p> <p>Update the Settlement Capacity Audit to change the site area of Site number 8 from 4.4 to <u>.883</u> and associated changes and amend the site boundary of site number 8 in the Settlement Capacity Audit map.</p> <p>Amend Table 10 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes</p>	NO
<p>AA response: Minor text change. No further assessment required as a result of this amendment.</p>			
<p>Note Zoning changes relating to this submission are assessed in Section 3.</p>			
23	<p>CLLR BRIDIE COLLINS Ref: LCC –</p>	<p>a) Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to include an area of land zoned for Open Space and Recreation (.217 hectares) in site</p>	NO

	C244-ADAR2-11	<p>number 8 as identified in the Settlement Capacity Audit and decrease the area of land zoned for New Residential at this location by .217 hectares.</p> <p>Update the Settlement Capacity Audit to change the site area of Site number 8 from 4.4 to <u>.883</u> and associated changes and amend the site boundary of site number 8 in the Settlement Capacity Audit map.</p> <p>Amend Table 10.3 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes.</p> <p>b) Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to increase the area of land zoned for new residential in site number 7 as identified in the Settlement Capacity Audit to increase by .24 hectares</p> <p>Update the Settlement Capacity Audit to change the site area of Site number 7 from 0.13 to <u>0.338</u> and associated changes</p> <p>Amend Table 10 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes.</p>	
AA response: Minor text change. No further assessment required as a result of this amendment.			
	<p>SUBMISSIONS NUMBERS 24, 29, 30 TO 39</p> <p>41 TO 55</p> <p>57 -65, 67, 68,76,77, 78</p> <p>81 TO 84</p> <p>86,88 TO 90</p> <p>92,93, 95, 101,108, 113, 115, 116, 123</p> <p>AS ABOVE</p>		
40	<p>DUNRAVEN ESTATES COMPANY Ref: LCC – C244- ADAR2- 30</p>	<p>3.Amend the text in Opportunity Site 1 as follows:</p> <p>This shall include for the provision of age friendly parking spaces and potential for a drop off point for coaches and long stay out of centre coach parking set down facilities. and/or the provision of an overflow coach parking area on undeveloped lands at the rear of the existing car park should be considered.</p> <p><u>The Transport Plan being prepared for the village should investigate the potential for the provision of an overflow car parking area on undeveloped lands at the rear of the existing car park.</u></p> <p>Amend the text in Objective SM2: Overflow Car Parking as follows:</p> <p><u>As part of the Transport plan for Adare a)Investigate the potential to provide alternative locations for car parking off the Main St in Adare</u></p> <p><u>b) explore the possibility of the provision of an overflow car park on lands to the rear of the Heritage Centre car park indicated with a P on the Amenity and Sustainable Transport Map subject to compliance with the Flood Risk Management Guidelines, the Strategic Flood risk Assessment contained in Volume 3 of this Plan and a Flood Management Plan detailing procedures including closure of the car park in predicted times of tidal inundation. Any development of a car park at this location shall demonstrate appropriate Sustainable urban Drainage Systems (SuDS) which are in line with the appropriate and necessary environmental and ecological assessments as required.</u></p> <p>Include references across the Plan to the identification of alternative locations for car parking in Adare off the Main St.</p>	NO
AA response: Minor text change. No further assessment required as a result of this amendment.			
Existing LAP mitigation is sufficient to protect Natura 2000 network.			
80	<p>MKO ON BEHALF OF ADARE VILLAGE OWNERS MANAGEMENT COMPANY</p>	<p>1. Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to include an area of land zoned for Open Space and Recreation (.217 hectares) in site number 8 as identified in the Settlement Capacity Audit and decrease the area of land zoned for New Residential at this</p>	NO

	Ref: LCC – C244-ADAR2-72	location by .217 hectares. Update the Settlement Capacity Audit to change the site area of Site number 8 from 4.4 to .883 and associated changes and amend the site boundary of site number 8 in the Settlement Capacity Audit map.	
AA response: Minor text change. No further assessment required as a result of this amendment.			
96	SHARON FITZGERALD ON BEHALF OF THE RESIDENTS AT BLACKABBEY GATE REF: LCC – C244-ADAR2-89	Amend the Land use zoning map, the Flood Zone Map and the Amenity and Sustainable Transport Map to increase the area of Open Space and Recreation zoning and reduce the New Residential zoned lands to .136. Update the Settlement Capacity Audit to change the site area of Site number 6 to .136 and associated changes Amend Table 10 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes.	NO
AA response: Minor text change. No further assessment required as a result of this amendment. Zoning changes are assessed in Section 4. De-intensification of zoning moving from New Residential to Open Space and Recreational zoned lands. No likely significant effects on the Natura Network anticipated.			
98	CLLR BRIDIE COLLINS REF: LCC – C244-ADAR2-91	AMEND THE LAND USE ZONING AND FLOOD MAP TO ZONE AN AREA OF .069 HECTARES AS UTILITIES. AMEND TABLE 10 TOTAL LAND ZONED TO REFLECT THIS CHANGE	NO
AA response: This site is in proximity to the river. A project level NIS will likely to assess the level of impact to QIs of the Lower River Shannon SAC should be taken into account and mitigated against where relevant. No inherent adverse impacts to the Natura Network as a result of this zoning.			
10 2	MICHELLE BRENNAN GALLAGHER Ref: LCC – C244-ADAR2-95	Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to include an area of land zoned for Open Space and Recreation (.217 hectares) in site number 8 as identified in the Settlement Capacity Audit and decrease the area of land zoned for New Residential at this location by .217 hectares. Update the Settlement Capacity Audit to change the site area of Site number 8 from 1.1 to .883 and associated changes and amend the site boundary of site number 8 in the Settlement Capacity Audit map. Amend Table 10 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes. Amend text in Section 6.5.6 in the NIR as follows: Minor Ne changes in Open Space and Recreation have occurred as part of this plan 2 Include point (f) in SM1 Movement and Accessibility as follows (f) To support any future proposals for passenger rail services in Adare. (f) (g) Support the provisions set out in	NO
AA response: New policy/objective (f). No further assessment required as a result of this amendment.			
10 3	EWIN O'CONNOR Ref: LCC – C244- ADAR2-97	Amend the land use zoning, the flood map and the Amenity and Sustainable Transport Map to increase the area of land zoned for new residential in site number 7 as identified in the Settlement Capacity Audit to increase by .24 hectares Update the Settlement Capacity Audit to change the site area of Site number 7 from 0.43 to 0.338 and associated changes Amend Table 10 Total Zoned Lands and the figures included for New Residential and Open Space and Recreation to reflect these changes	NO
AA response: Minor text change. No further assessment required as a result of this amendment. Intensification of use moving from Open Space and Recreation to New Residential. Project level assessment required, but no likely significant effects on the Natura Network is anticipated			



10 5	BLACKABBEY PROPERTY ULC Ref: LCC – C244-ADAR2-99	<p>2. b) Protect existing space by not permitting development, which encroaches on such open space and land zoned open space and recreation from inappropriate development and facilitate/support the provision of allotment or community gardens at appropriate locations development in line with the uses set out in the zoning matrix and subject to appropriate environmental assessments.</p> <p>c) Protect semi-natural open space from inappropriate development and facilitate/support the provision of allotments or community gardens at appropriate locations subject to appropriate environmental assessments. Renumber Objective C3 Parks, Open Space and Recreation accordingly. Amend the Land use zoning map and the Flood Map to zone an area of 1.5 hectares for Existing Residentially. Amend Table 10 Total Land Zoned to reflect these changes.</p>	NO
---------	-----------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

AA response: Minor text change. No further assessment required as a result of this amendment.

11 0	TIZZARD HOLDINGS Ref: LCC – C244-ADAR2- 104	<p>2. Amend the Land Use Zoning Map and the Flood Map as follows:</p> <p>a) Amend lands at the western Adare Manor Estate from Open Space and Recreation to Tourism Related Development</p> <p>b) Amend lands at the western Adare Manor Estate from Education and Community to Tourism Related Development</p> <p>c) Amend zoning of lands at the western Adare Manor Estates from Education and Community to Tourism Related Development.</p>	NO
---------	---------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

AA response:

The areas in question are a distance from the SAC, and so no likely significant effects are anticipated from the zoning. However, it is re-iterated that impacts associated with tourism can include (but are not limited to) increased pressure on services (such as waste-water treatment) especially at peak event times, littering and other sources of pollution, increased pressure/disturbance at environmentally sensitive sites through recreational activities such as fishing and walking. The area zoned as "Tourism" encompasses a long stretch of the River Maigue and tributaries, with a direct hydrological link to the SAC. Water quality in the Maigue upstream of the Adare LAP is Moderate (3-4) so efforts such are required to ensure that degradation of quality through tourism related activities does not occur. Monitoring at this site would help to provide insight on potential impacts. This will help to protect the integrity of the Lower River Shannon SAC, and particularly it's QI otter.

3. Zoning changes

A map of zoning changes is presented in Figure 2-1, following on from Councillor Motions. Assessment of these changes is presented in Table 3-1.

Please note other zoning changes are assessed in Table 2-1 above as undertaken via the CE Report to Elected Members. Zoning changes associated with that report are assessed in Table 2-1, but not mapped here.

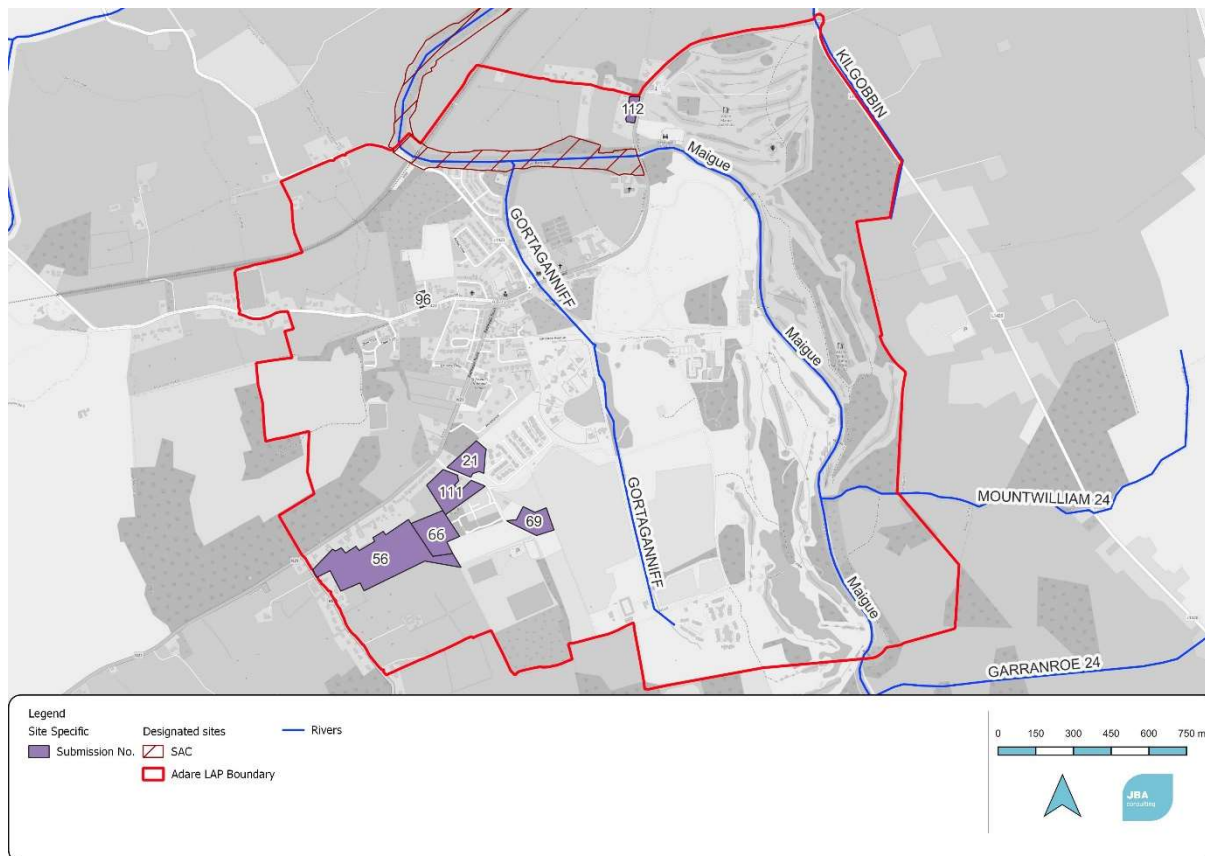


Figure 3-1: Map of zoning changes, with labels, to refer to the Table of Assessment (Table 3-1).

3.1 Table of Zoning Changes

The following changes in zoning have been compiled and mapped by JBA (using information from Limerick CCC) to assist with the appropriate assessment screening process. Where no change in zoning has occurred the submission and result has been recorded, but not mapped. These are changes that have not previously been assessed within the CE report to Elected members.

Table 3-1: Table of Zoning changes, with screening commentary and result.

Submission No.	Rezoned area and type of rezoning (based on councillors motions)	Screening commentary and result
96	<p>The zoning to be retained as open space and recreation as was previous in the local area plan 2015-2021(as extended)</p> <p>Reason: This is in the interest of retaining and protecting the existing residential amenity of the existing estate. Further alternative suitable sites are available to meet the core strategy requirements.</p>	<p>AA response: Deintensification of use – moving from <i>New Residential</i> zoning back to <i>Open Space and Recreation</i>. No likely significant effect on the Natura Network from the zoning change is anticipated.</p>
21	<p>The zoning to be retained as open space and recreation as was previous in the local area plan 2015-2021(as extended)</p>	<p>AA response: Deintensification in zoning moving from <i>New Residential</i> to <i>Open Space and Recreation</i>. No significant effect on the Natura</p>

Submission No.	Rezoned area and type of rezoning (based on councillors motions)	Screening commentary and result
	Reason: This is in the interest of retaining and protecting the existing residential amenity of existing estate. Further alternative suitable sites are available to meet the core strategy requirements.	Network from the zoning change is anticipated. Slight positive impact is anticipated overall.
69	Zoning to serviced sites. The lands adjacent to this site has been zoned as serviced sites in the Draft Adare LAP, however these lands are currently being developed and therefore should be zoned as existing housing allowing for the serviced sites zoning to be transferred to lands as indicated in submissions 69. Reason: The reason being to reflect the development that has happened on site.	AA response: Slight intensification in change in zoning moving from <i>Tourism</i> to <i>New Residential/Existing Residential</i> . No significant effect on the Natura Network from the zoning change is anticipated due to distance from the network. Site is already serviced so less potential impact from project is anticipated. Appropriate Assessment required at project level (dependent on the nature and scale of project).
112	Proposal for lands in Ardshanbally Adare be rezoned from Agriculture to exiting residential. Reason: To reflect the established boundary of the existing dwelling which includes this area.	AA response: Alignment of the zoning in line with existing dwellings. No significant effect on the Natura Network from the zoning change is anticipated, although any new development at this site would require assessment, given proximity to the SAC.
56	Ref: LCC-C244-ADAR2 – 47 Propose that lands in Graigue Adare should be rezoned from Agricultural use in the Draft Local Area Plan to Serviced Sites use. Reason: There are currently insufficient serviced sites located within the Tier 4 Settlement of Adare. These sites would be available to people who reside within the4 Tier 4 settlement and others and provide necessary housing units	AA response: Intensification of use from <i>Agriculture</i> to a serviced site. No significant effect on the Natura Network from the zoning change is anticipated due to distance from the network. Appropriate Assessment required at project level (dependent on the nature and scale of project).
111 and 66	Submission number 111 and 66 Propose that lands identified in submission 111 zoned as Open Space and Recreation in the Draft Adare LAP be zoned New Residential and in turn lands identified in submission 66 zoned as Agriculture in the Draft Adare Local Area Plan be zoned Open Space and Recreation. Reason: To ensure adequate supply of appropriately located residential lands that would lead to compact growth and to ensure no overall loss of open space and recreation.	AA response: Intensification of use from open space and recreation (existing use is pitch and putt course) to New Residential. No significant effect on the Natura Network from the zoning change is anticipated due to distance from the network. Appropriate Assessment Screening required at project level (dependent on the nature and scale of project).

3.2 Conclusion relation to zoning changes

The location of the zoning changes where an intensification of use many be anticipated at distance of 500km or more from the Natura Network, and so will avoid direct disturbance to QIs of the Lower River Shannon SAC. However, pathways identified may create source pathway receptor chains at the site level, and *therefore* appropriate assessment process must be followed at project level. The mitigation outlined in the original NIR continues to be sufficient to protect the Natura Network, and no additional measures are required as a result of the proposed changes.

At a plan level, the zoning changes are unlikely to have a significant effect on the Natura Network due to distance and the presence of project level assessments.

4. Existing Mitigation within the Adare LAP

The NIR for Adare LAP concluded that the LAP will not in itself, cause any adverse impacts to the overall integrity of the European sites within the Zol of the Plan due to policies within the plan itself providing for the safeguarding of the integrity of European sites.

Built into the plan is embedded mitigation to protect the European Sites via the following Objectives:

Objective CH 02: Compliance with Environmental Assessments: It is an objective of the council to

Require the preparation and assessment of all planning applications in the plan area to have regard to the information, data and requirements of the Appropriate Assessment Natura Impact Report, SEA Environmental Report and Strategic Flood Risk Assessment Report that accompany this LAP. There shall be a requirement of Ecological Impact Assessment and other environmental assessments as appropriate in the Plan area.

Objective CH 05 Designated Sites and Nature Conservation: It is an objective of the Council to

- a) Protect the integrity of the Lower River Shannon Special Area of Conservation site, through the establishment of buffer zones along the river informed by ecological assessment and consultation with relevant bodies including Inland Fisheries Ireland and National Parks and Wildlife Service as appropriate.
- b) Ensure that appropriate waste water infrastructure is available to support new developments to safeguard water quality and biodiversity. ..
- c) No projects which will be reasonably likely to give rise to significant adverse direct or indirect or secondary impacts on the integrity of any Natura 2000 sites, having regard to their conservation objectives arising from reduction in species diversity, shall be permitted on the basis of this plan (either individually or in combination with other plans or projects). In terms of general nature conservation the Council will protect undesignated habitats such as notable trees and hedgerows, riparian corridors, ponds/wetlands and other natural features of local importance.

The Adare LAP and Public Realm Plans are underpinned by the existing environmental protection measures in the Limerick Development Plan 2022-2028. Any proposals resulting from these Plans must adhere to:

Limerick Development Plan Objective EH 01 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.

Other policies in the LAP that protect biodiversity at a local level but will be beneficial to safeguarding the integrity of European sites and their QIs include:

Objective CH 03 Tree Protection and Nature Conservation: It is an objective of the Council to Seek to protect natural stone boundary walls, ponds/wetlands, other natural features of local importance and mature trees, where possible. Development that requires the felling or harming of such trees will not generally be permitted, unless supported by a tree survey establishing that the subject trees are of no ecological or amenity value. Such report shall be undertaken by a suitably qualified and competent person with an appropriate ecological qualification and experience.

Continue to actively support the aims and objectives of the All Ireland Pollinator Plan 2021 – 2025, by encouraging measures to protect and increase the population of bees and other pollinating insects in Adare.

Increase tree planting and pollinator friendly planting, in accordance with the recommendations of the All Ireland Pollinator Plan throughout Adare and in open spaces in new developments in order to enhance local biodiversity, visual amenity and surface water management in partnership with relevant stakeholders.

Support the aims of the National Biodiversity Action Plan and succeeding plans, in emphasising the importance of ecological issues in planning.

Objective CH 04 Proposed Natural Heritage Area: It is an objective of the Council to Maintain the conservation value of the proposed Natural Heritage Area within the LAP boundary.

Objective CH 06 Lesser Horseshoe Bat Require all developments in areas where there may be Lesser Horseshoe Bats, to submit an ecological assessment of the effects of the development on the species. The assessment shall also include measures to ensure that building and landscape features are retained and the development itself will not cause a barrier or deterrent effect on the species. In this regard the Lesser Horseshoe Bat Species Action Plan 2022-2023 shall be referenced.

Objective CH 07 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.

Objective CH 08 Creation of New Habitats It is an objective of the Council to

- a) Seek the creation of new habitats by encouraging wild green areas and new water features such as, pools and ponds in new developments.
- b) Encourage management plans for green areas to use the minimum of pesticides and herbicides.
- c) The creation of areas that are not subject to public access in order to promote wildlife use is strongly encouraged.

Objective CH 09 New Infrastructure Projects It is an objective of the Council to:

- a) As a first principle, design of new infrastructure, particularly linear infrastructure should follow avoidance of areas of greatest environmental and ecological importance and sensitivity. Where its has been demonstrated that no other reasonable option exists, detailed mitigation measures based on robust ecological surveys and best practice must be included throughout to avoid loss of significant habitats, wildlife corridors and stepping stones.
- b) Require new infrastructure and linear developments in particular, to demonstrate at design stage sufficient measures to assist in the conservation of and dispersal of species and to demonstrate a high degree of permeability for wildlife, to allow the movement of species and to prevent the creation of barriers to wildlife and aquatic life in the wider countryside.

Objective CH 10 Semi Natural Open Space: It is an objective of the Council to

- a) Limit development on lands zoned as Semi Natural Open Space. Necessary works designed under the Adare Flood Scheme and the Adare Public Realm Plan may be permitted subject to appropriate environmental assessment and approval of the National Monuments Service where relevant.
- b) Protect and maintain the integrity of the Semi Natural Open Space and protect the watercourses in Adare by providing a buffer zone, in accordance with the Semi Natural Open Space zoning designation on the Land Use Zoning Map.

Objective CH 12 Blue Green Infrastructure: It is an objective of the Council to

- b) Promote connecting corridors for the movement of species 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, wetlands and designated sites where possible. In this regard, new infrastructural projects and linear developments in particular, will have to demonstrate at design stage, sufficient measures to assist in the conservation of and dispersal of species.

Objective CH 18 Invasive Species: It is the objective of the Council to

- a) Ensure that where the presence of invasive species is identified at the site of any proposed development or where the proposed activity has an elevated risk of resulting in the presence of these species, details of how these species will be appropriately managed and controlled will be required.

b) 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.

c) 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.

d) 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.

e) 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.

Objective C3 Parks, Open Space and Recreation: It is an objective of the Council to

f) Consider the effect of lighting associated with open space provision and where deemed essential shall be designed and installed to minimise adverse effects on wildlife including Lesser Horseshoe Bats and Otters. There shall be a presumption against lighting in Natura 2000 Designated Sites.

Chapter 8 of the NIR covers the mitigation associated with the Plan in more detail, and the above is a summary of the policies that provide inherent protection to the Natura Network as part of the LAP. Other measures are also considered in Chapter 8 of the NIR, and along with the policies and objectives above provide for safeguarding of the Natura 2000 sites at a plan level.

5. Conclusion

Following the consultation and a review of the observations and submissions received during the consultation process, no additional mitigation within the Adare LAP as considered necessary.

The Material Alterations to the LAP were examined by:

- Screening of text changes relating to policies and objectives
- Screening of the zoning changes.

No changes at policy level were identified that could have a likely significant effect on the Natura 2000 sites. Most changes were minor text changes to provide clarity and elaborate on existing policy.

At a plan level, the zoning changes are unlikely to have a significant effect on the Natura Network due to distance and the inclusion of mitigation in the NIR and inclusion of project level assessments. A determination statement is provided overleaf.

It is concluded that the Material Alterations of Adare LAP are not likely to have significant effects on the Natura 2000 Network, either alone or in-combination with other plans or projects.

Appropriate Assessment Determination

under Section 177V of the Planning and Development Act 2000, as amended,
for the

Adare Local Area Plan 2024-2030 – Material Alterations

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

In carrying out this Appropriate Assessment (AA) Determination, the Council is taking into account the matters specified under Part XAB of the Planning and Development Act 2000 (as amended), including the following:

- The AA Screening Report for the Proposed Material Alterations;
- The Natura Impact Report prepared for the LAP;
- Written submissions made during the Plan preparation process; and
- Ongoing advice on AA from the Council's agents.

As part of the AA Screening for the Local Area Plan, it was identified that the LAP may, if unmitigated, have significant effects on 2 (no.) European sites:

- Lower River Shannon SAC
- River Shannon and Fergus Estuaries SPA

The most likely effects of the potential site allocations within the plan on European sites are related to pressures from new development and infrastructure; impacts from ongoing tourism and events, including recreational impacts from tourism in and around the River Maigue; atmospheric pollution; water abstraction/discharge; increased water pollution and flood risk management pressures.

The sensitivity of Qualifying Features was identified across a number of potential hazards including (but not limited to) habitat loss and fragmentation, disturbance effects, changes to water quality and pollution.

Mitigation was integrated into the Draft Plan that allowed the Natura Impact Report to conclude that the Local Area Draft Plan is not foreseen to give rise to any adverse impacts on the integrity of designated European sites, alone or in combination with other plans or projects.

Following consultation of the LAP, a number of submissions/observations were received from parties, including state bodies and the public. Changes (i.e. Material Alterations) that were accepted into the LAP have been assessed as part of the Appropriate Assessment Screening for the Material Alterations. The Material Alterations also considers changes in land-use zonings as a result of motions made by Councillors. Following this screening, the mitigation inherent with the LAP was considered sufficient to protect the Natura Sites, and no additional mitigation was required at the Material Alteration Stage.

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

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

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

Signed: _____



Name: _____

VINCENT MURRAY

Date: _____

30th NOVEMBER 2023

References:

DHLGH. (2022). *Draft River Basin Management Plan for Ireland | 2022—2027*.

<https://www.gov.ie/pdf/?file=https://assets.gov.ie/199144/7f9320da-ff2e-4a7d-b238-2e179e3bd98a.pdf#page=null>